

2025 Regular Session

HOUSE BILL NO. 611

BY REPRESENTATIVE HILFERTY

SEWERAGE/N O WATER BD: Provides relative to the Sewerage and Water Board of New Orleans

1 AN ACT

2 To amend and reenact R.S. 33:4071, 4073, 4077, 4077.1, 4078, 4091(D), and 4136 and to
3 repeal R.S. 33:4087, 4088, and 4146, relative to the city of New Orleans; to provide
4 relative to the Sewerage and Water Board of New Orleans; to provide relative to the
5 membership of the board; to provide relative to the powers and duties of the board;
6 and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4071, 4073, 4077, 4077.1, 4078, 4091(D), and 4136 are hereby
12 amended and reenacted 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.~~

18 ~~(b) The chair of the Public Works, Sanitation and Environment Committee~~
19 ~~of the New Orleans city council or an appointee selected by the council president~~
20 ~~with a background in engineering, law, or consumer advocacy selected with the~~

1 ~~advice and consent of the city council. Any member appointed by the council~~
2 ~~president shall serve at the pleasure of the council president.~~

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

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

13 (a) The mayor shall appoint one member.

14 (b) Each at-large member of the New Orleans city council shall appoint one
15 member.

16 (c) The chair of the Public Works, Sanitation and Environment Committee
17 of the New Orleans city council shall appoint one member.

18 (d) The secretary of the Department of Transportation and Development
19 shall appoint one member.

20 (e) The State Bond Commission shall appoint one member.

21 (f) The Board of Liquidation, City Debt shall appoint one member.

22 (g) The chief resilience officer of the state of Louisiana shall appoint one
23 member.

24 (h) The chief administrative officer for the city of New Orleans shall appoint
25 one member.

26 (i) The legislative delegations from Orleans Parish shall appoint two
27 members.

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

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

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

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

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

8 (v) ~~The chancellor of Delgado Community College or the chancellor's
9 designee.~~

10 (vi) ~~The chancellor of University of New Orleans or the chancellor's
11 designee.~~

12 (vii) ~~The chancellor of Southern University at New Orleans or the
13 chancellor's designee.~~

14 (viii) ~~The chair of the board of directors of the New Orleans Chamber of
15 Commerce or the chair's designee.~~

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

18 (x) ~~The chair of the board of directors of the Urban League of Greater New
19 Orleans or the chair's designee.~~

20 (b) ~~Notice of a vacancy on the sewerage and water board shall be published
21 in the official journal for Orleans Parish by the sewerage and water board and shall
22 be communicated through any other publication, website, or electronic medium
23 maintained by the New Orleans Sewerage and Water Board or the city of New
24 Orleans for the purpose of achieving public awareness of the vacancy. Such notice
25 shall advise potential candidates of the residency requirements, professional
26 qualifications, and application deadlines. Such notices shall be published no less
27 than two times within a thirty day period after a vacancy has been declared by the
28 sewerage and water board. Any interested person who meets the qualifications
29 provided for in this Section shall submit an application to the sewerage and water~~

1 board confirming their eligibility, professional qualifications, and experience. The
2 sewerage and water board shall transmit all applications received to the selection
3 committee within seven days after the deadline for submission of applications.

4 (c) The selection committee shall meet no less than fifteen days and no more
5 than thirty days after close of the application deadline to consider each name
6 submitted for nomination. Selection committee members may also submit names of
7 persons who also meet the qualification requirements provided in this Section. The
8 selection committee shall verify that each nominee meets such qualification
9 requirements. After a thorough review of each application, the selection committee
10 shall by majority vote submit to the mayor three names for each vacancy on the
11 sewerage and water board.

12 (d) Within sixty days of receipt of the list of nominees, the mayor shall select
13 one of the three nominees for submission to the city council for approval.

14 (e) The city council shall have thirty days from receipt of submission of the
15 nomination by the mayor to disapprove the nominee. If the city council does not
16 disapprove the nominee within such time, it shall be deemed that the city council
17 consents to the appointment.

18 (f) If the city council disapproves the nominee from the mayor, the selection
19 committee shall convene in no less than thirty days and no more than sixty days after
20 disapproval to resubmit three nominees to the mayor.

21 (g) If for any reason the mayor fails to submit a nomination to the city
22 council within sixty days of receipt of the list of nominees by the selection
23 committee, the selection committee shall submit such list of nominees directly to the
24 city council for selection and approval.

25 ~~(3)~~(2) Each nominee member shall have experience in either architecture,
26 environmental quality, finance, accounting, business administration, engineering,
27 law, public health, urban planning, facilities management, public administration,
28 science, construction, business management, community or consumer advocacy, or
29 other pertinent disciplines.

1 ~~(4)(3)(a)~~ For members appointed pursuant to Subparagraphs ~~(1)(c)~~ and ~~(d)~~
2 of this Subsection, the terms of office shall be Members shall serve four years after
3 initial terms as provided in Subparagraph (b) of this Paragraph. A member shall
4 serve no more than two consecutive terms of office.

5 (b) Three members shall serve an initial term of one year; three members
6 shall serve an initial term of two years; three members shall serve an initial term of
7 three years; and two members shall serve an initial term of four years, as determined
8 by lot at the first meeting of the board.

9 ~~(5) If the mayor is unable to attend a meeting of the sewerage and water~~
10 ~~board, the mayor may be represented at the board meeting by a person designated by~~
11 ~~the mayor who shall be an unclassified member of the mayor's administration. The~~
12 ~~person shall have all rights and powers granted to the mayor with regard to any such~~
13 ~~board meeting including the right to vote and shall be counted for purposes of a~~
14 ~~quorum.~~

15 ~~(6) The appointments to the board shall reflect the racial and gender diversity~~
16 ~~of the population of the city of New Orleans to the extent practicable.~~

17 ~~B.(1) Each of the citizen members shall be a registered voter in Orleans~~
18 ~~Parish and shall have been a domiciliary of Orleans Parish for two years previous to~~
19 ~~his appointment.~~

20 ~~(2) In the event any appointed member is elected to any office or removes~~
21 ~~his domicile from Orleans Parish, his membership on the board shall be ipso facto~~
22 ~~vacated, and his successor shall be immediately appointed.~~

23 ~~C. All vacancies occurring in the membership of the board under~~
24 ~~appointment by the mayor shall be filled in the manner prescribed by this Section for~~
25 ~~the original appointment.~~

26 ~~Ⓓ. B.~~ No person who is a stockholder or bondholder in any sewerage or
27 waterworks company or who holds any public office yielding emoluments to the
28 holder other than those specified in this Part shall be eligible for appointment to the
29 board.

1 amount of his salary, and the acceptance of his bond shall be determined by a
 2 majority vote of the entire board at one of its regular monthly meetings. The duties
 3 of the executive director shall be fixed by the board. No member of the board shall
 4 receive any salary or compensation for his services, except actual expenses incurred
 5 in travelling by authority of, or for the benefit of the board. The board shall have
 6 power to elect one of its members president pro tempore who shall act in the absence
 7 or disability of the president.

8 * * *

9 §4077. ~~Legal advisor of board; special counsel~~ Authority of the board to employ
 10 legal counsel

11 ~~The city attorney shall be the legal advisor of the board. The city attorney~~
 12 ~~shall appoint, with the advice and consent of the board, a special counsel who shall~~
 13 ~~have charge of and conduct the legal business of the board, and who shall receive as~~
 14 ~~compensation for his services, a sum of not less than three thousand, five hundred~~
 15 ~~dollars, per annum, payable monthly out of the funds of the board. The city attorney~~
 16 ~~may remove the special counsel only with the advice and consent of the board~~
 17 ~~previously had, and shall remove him when requested so to do by resolution of the~~
 18 ~~board adopted at its regular meeting by a vote of two-thirds of the members of the~~
 19 ~~board.~~ The board may employ the services of an attorney and fix his fees or salary.

20 §4077.1. Agent for service of process

21 The agent for service of process of any legal papers served on the board shall
 22 be the executive director of the board or ~~the special counsel appointed pursuant to~~
 23 ~~R.S. 33:4077~~ legal counsel.

24 §4078. Expropriation of necessary property; servitudes; restriction on use and
 25 disposition of property

26 Whenever it becomes necessary to expropriate any property convenient or
 27 necessary for the sewerage, water or drainage systems, ~~the city attorney, or the~~
 28 ~~special~~ legal counsel of the board, on the request of the board, shall institute
 29 expropriation proceedings in the name of the city of New Orleans, and acquire the

1 title to the property in the name of the city. The title to all the public works
2 constructed by the board, and to all the property acquired by the board shall be
3 vested in the city of New Orleans. The board may expropriate any property in the
4 parishes of Plaquemines, St. Bernard, Jefferson and St. Charles that it may find
5 convenient and necessary for the proper execution of the powers granted to it, and
6 may extend its works in the said parishes for the benefit of the city of New Orleans,
7 and have jurisdiction and authority in such parishes over the works therein situated.
8 Should the board exercise the authority to acquire by negotiation or expropriation
9 property in any of the four parishes aforementioned for the purpose of installing or
10 constructing intake lines to the Mississippi river, water plants and appurtenances, or
11 water mains, the water boards or water districts having jurisdiction of the preparation
12 and distribution of the public water supply in the respective parishes in which said
13 installation or construction shall be located, shall have the right to purchase from the
14 board, and the board shall be obligated to sell to them, reasonable amounts of water
15 passing through the facilities thus created at cost of the water to the board. However,
16 such sales shall be confined exclusively to said water authorities. Further, should the
17 board acquire title to property or servitudes in order to install water mains through
18 any of the aforementioned parishes to the confines of the parish of Orleans, such area
19 will be available to the respective parish authorities to be used as a public roadway,
20 provided, said roadway shall not be so used as to cause damage to the installations
21 of the board. The board may acquire in the name of the city of New Orleans
22 servitudes necessary in the conduct of its business. The city of New Orleans shall
23 not sell, exchange, utilize or dispose of any streets wherein are located any of the
24 facilities and utilities of the board without prior written consent of the board.

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26 §4091. Reports of board

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Present law provides that the public water system, the public sewerage system, and the public drainage system of the city of New Orleans shall be constructed, controlled, maintained, and operated by a sewerage and water board to be composed as follows:

- (1) The mayor.
- (2) The chair of the Public Works, Sanitation and Environment Committee of the New Orleans city council or an appointee selected by the council president with a background in engineering, law, or consumer advocacy selected with the advice and consent of the city council. Any member appointed by the council president shall serve at the pleasure of the council president.
- (3) Two syndicate members of the board of liquidation, city debt, to be appointed by the mayor on the recommendation of the board of liquidation, city debt.
- (4) Seven citizens, to be appointed by the mayor, with the advice and consent of the city council from a list of nominees submitted by the sewerage and water board selection committee.

Proposed law changes the composition of the board as follows:

- (1) One member appointed by the mayor.
- (2) Two members, each appointed by an at-large member of the New Orleans city council.
- (3) One member appointed by the chair of the Public Works, Sanitation and Environment Committee of the New Orleans city council.
- (4) One member appointed by the secretary of the Dept. of Transportation and Development.
- (5) One member appointed by the State Bond Commission.
- (6) One member appointed by the Board of Liquidation, City debt.
- (7) One member appointed by the chief resilience officer of the state.
- (8) One member appointed by the chief administrative officer for the city of New Orleans.
- (9) Two members appointed by the legislative delegations from Orleans Parish.

Present law requires that each citizen member be a registered voter in Orleans Parish and have a domiciliary of Orleans Parish for two years previous to his appointment.

Proposed law removes present law.

Proposed law provides that the appointments to the board shall reflect the racial and gender diversity of the population of the city of New Orleans.

Proposed law removes present law.

Present law creates and provides for a selection committee for the purpose of submitting nominations to the mayor for board appointments. Provides that the committee is composed as follows:

- (1) The president of Dillard University or the president's designee.

- (2) The president of Loyola University or the president's designee.
- (3) The president of Tulane University or the president's designee.
- (4) The president of Xavier University or the president's designee.
- (5) The chancellor of Delgado Community College or the chancellor's designee.
- (6) The chancellor of University of New Orleans or the chancellor's designee.
- (7) The chancellor of Southern University at New Orleans or the chancellor's designee.
- (8) The chair of the board of directors of the New Orleans Chamber of Commerce or the chair's designee.
- (9) The president of the board of directors of the New Orleans Regional Black Chamber of Commerce or the president's designee.
- (10) The chair of the board of directors of the Urban League of Greater New Orleans or the chair's designee.

Proposed law removes present law.

Present law provides that if an appointed member is elected to any office or removes his domicile from Orleans Parish, his membership on the board is vacated and his successor shall be immediately appointed. Provides that all vacancies occurring in the board membership under the appointment by the mayor shall be filled in the manner of the original appointment.

Proposed law removes present law.

Present law requires that a notice of vacancy on the board be published in the official journal for Orleans Parish and be communicated through any other publication, website, or electronic medium maintained by the board.

Proposed law removes present law.

Present law requires interested persons who meet the qualifications for board membership to submit an application to the board confirming their eligibility, professional qualifications, and experience.

Proposed law removes present law.

Present law requires the nominees from the selection committee to have experience in certain fields including architecture, environmental quality, finance, accounting, business administration, engineering, or law.

Proposed law instead requires board members to have experience in either of those fields.

Present law provides that if the mayor is unable to attend a meeting of the board, he may be represented by a person designated by the mayor who shall be an unclassified member of the mayor's administration. Provides that the person has all rights and powers granted to the mayor during the board meeting.

Proposed law removes present law.

Present law provides that the mayor is ex officio president of the board. Proposed law instead requires the board to elect a president for a term of one year.

Present law provides that the city attorney shall be the legal advisor of the board. Requires the city attorney to appoint, with the advice and consent of the board, a special counsel who shall have charge of and conduct the legal business of the board.

Proposed law removes present law and instead authorizes the board to employ the services of an attorney and to fix his fees or salary.

Present law provide that the agent for service of process of any legal papers served on the board shall be the executive director of the board or the special counsel appointed by the city attorney.

Proposed law removes the special counsel and provides that the board's legal counsel may also serve as the agent for service of process.

Present law provides that when expropriation is necessary, the city attorney or the special counsel, on the request of the board, shall institute the expropriation proceedings in the name of the city of New Orleans.

Proposed law provides instead that the legal counsel shall institute expropriation procedures.

Present law provides that the mayor or the chief administrative officer and the executive director shall present each quarterly report to the city council at a designated meeting.

Proposed law removes the mayor and the chief administrative officer and instead requires the executive director to present the report.

Present law provides that the city of New Orleans is relieved of its obligation to make annual appropriations for the purpose of maintaining and operating its drainage system of the city of New Orleans and is not required to provide funds for maintaining and operating the drainage system.

Proposed law repeals present law.

Present law requires that all contracts executed by the board for the construction or repair of the public systems of sewerage, water and drainage contain a clause stipulating that the contractor shall give preference in employment to bona fide residents of the city of New Orleans, both skilled and unskilled. Prohibits the employment of any non-resident laborers, skilled or unskilled (except confidential clerks, chief superintendents and chief engineers).

Proposed law repeals present law.

Present law authorizes the board to apportion its funds among the water, sewerage, and drainage systems by a vote of not less than ten members of the board, exclusive of the mayor. Requires that such apportionment be approved by the mayor in writing. Provides that in case the members and the mayor cannot agree on any apportionment, the matter must referred to the city council, which may make the apportionment. Provides that present law is not applicable in cases of emergency.

Proposed law repeals present law.

Proposed law provides that terms of the members of the board in office on January 12, 2026, shall terminate on that date; however, the members shall remain in office until the members take office pursuant to proposed law.

Effective January 12, 2026.

(Amends R.S. 33:4071, 4073, 4077, 4077.1, 4078, 4091(D), and 4136; Repeals R.S. 33:4087, 4088, and 4146)