

Regular Session, 2013

SENATE BILL NO. 47

BY SENATOR MORRELL AND REPRESENTATIVE LEGER

LOCAL AGENCIES. Provides relative to 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), (B), (C)(1), and (E) and 4074 and to repeal R.S.
3 33:4071(C)(3), relative to Orleans Parish; to provide relative to the Sewerage and
4 Water Board of New Orleans; to change the membership of the board; to provide
5 relative to the terms and removal of board members; and to provide for related
6 matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:4071(A), (B), (C)(1), and (E) and 4074 are hereby amended and
10 reenacted to read as follows:

11 §4071. Creation and organization of sewerage and water board

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

15 (a) The mayor.

16 (b) ~~Three members of the New Orleans city council selected by the council.~~

17 ~~At least one of such members shall be an at-large member of the council.~~

1 ~~(c)~~ Two **syndicate** members of the board of liquidation, city debt, to be
2 appointed by the mayor on the recommendation of the board of liquidation, city debt.

3 ~~(d)Seven~~ **(c) Six** citizens, to be appointed by the mayor, with the advice and
4 consent of the city council, as follows: **from a list of nominees submitted by the**
5 **Sewerage and Water Board Selection Committee. The mayor's appointments**
6 **shall include one citizen from each of the five councilmanic districts within the**
7 **city of New Orleans.**

8 **(d) One citizen, to be appointed by each council at-large member, from**
9 **a list of nominees submitted by the Sewerage and Water Board Selection**
10 **Committee.**

11 **(2)(a) For purposes of this Section, the Sewerage and Water Board**
12 **Selection Committee, hereinafter referred to as the "selection committee", is**
13 **hereby created to be composed of the presidents or their designees of Dillard**
14 **University, Loyola University, Tulane University, and Xavier University and the**
15 **chancellors or their designees of Delgado Community College, University of**
16 **New Orleans, and Southern University at New Orleans.**

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

1 days after the deadline for submission of applications.

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

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

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

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

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

24 ~~(i) Two from the city at large.~~

25 ~~(ii) One from each of the five councilmanic districts of the city.~~

26 (3) Each nominee shall have experience in either architecture,
27 environmental quality, finance, accounting, business administration,
28 engineering, law, public health, urban planning, facilities management, public
29 administration, science, construction, business management, community or

1 **consumer advocacy, or other pertinent disciplines.**

2 ~~(2)(4)(a)~~ The terms of office of board members shall be ~~nine~~ **four** years
3 **after initial terms as provided in Subparagraph (b) of this Paragraph. A**
4 **member shall serve no more than two consecutive terms of office.**

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

9 ~~(3)(5)~~ If the mayor is unable to attend a meeting of the sewerage and water
10 board, he may be represented at any such meeting by a person designated by the
11 mayor who shall be an unclassified member of the mayor's administration. Any such
12 person shall have all rights and powers granted to the mayor with regard to any such
13 meeting and shall have the right to vote for or in the stead of the absent mayor. In
14 addition, any such person shall be counted for purposes of a quorum.

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

17 B.(1) Each of the citizen members ~~must~~ **shall** be a registered voter in ~~the area~~
18 ~~from which he is appointed;~~ **Orleans Parish** and ~~he must~~ **shall** have been a resident
19 of ~~the area~~ **Orleans Parish** for two years previous to his appointment.

20 ~~(2) Any person designated by the mayor to attend a meeting of the sewerage~~
21 ~~and water board in his absence shall be a resident and qualified voter of the city of~~
22 ~~New Orleans~~ **In the event any appointed member is elected to any office or**
23 **removes his residence from Orleans Parish, his membership on the board shall**
24 **be ipso facto vacated, and his successor shall be immediately appointed.**

25 C.(1) All vacancies occurring in the membership of the board under
26 appointment by the mayor shall be filled in the manner prescribed by this ~~Part~~
27 **Section** for the original appointment.

28 * * *

29 E. ~~The board shall make rules fixing its own meetings and procedure, and~~

1 ~~these rules may be changed only by a vote of nine members at a regular meeting. **A**~~
 2 ~~**quorum of the board shall adopt rules fixing its own meetings and procedures.**~~
 3 ~~**Any amendments or changes to such rules shall be adopted only after approved**~~
 4 ~~**by a quorum of the board.**~~

* * *

6 §4074. Meetings of the board

7 All meetings of the board shall be held in accordance with rules adopted by
 8 the board and shall be open and public. All its transactions shall be recorded in the
 9 minutes to be kept in writing by the executive director, and its records shall be
 10 public. ~~Seven~~ **Five** members thereof shall constitute a quorum.

11 Section 2. R.S. 33:4071(C)(3) is repealed.

12 Section 3. This Act shall take effect and become operative on the first day of January
 13 following an election where a majority of the voters of the city of New Orleans approve an
 14 amendment of Article V, Chapter 3, Section 5-301 of the home rule charter of the city to
 15 change the composition of the Sewerage and Water Board of New Orleans to provide the
 16 identical composition of the board as contained in this Act.

17 Section 4. The terms of the members of the Sewerage and Water Board for the city
 18 of New Orleans in office on the effective date of this Act shall serve until their successors
 19 have been appointed. The members of the Sewerage and Water Board for the city of New
 20 Orleans shall be appointed and shall take office as provided in this Act and shall serve terms
 21 of office as provided in this Act. This Section shall not be construed to prevent the
 22 reappointment to the board of a member in office on the effective date of this Act.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michael Bell.

DIGEST

Morrell (SB 47)

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 that the board is composed of the mayor, three members of the city council, one of whom is required to be an at-large member of the council, two members of

the board of liquidation, city debt, and seven citizens, appointed by the mayor, two at large and one from each of the five council districts.

Proposed law provides that the board is composed of 11 members, who shall reflect the racial and gender diversity of the population of the city of New Orleans to the extent practicable.

Proposed law provides for the mayor to appoint six members from a list of nominees submitted by the Sewerage and Water Board Selection Committee. The mayor's appointments shall include one citizen from each of the five councilmanic districts within the city of New Orleans.

Proposed law provides for one citizen to be appointed by each council at-large member from a list of nominees submitted by the Sewerage and Water Board Selection Committee.

Proposed law creates the Sewerage and Water Board Selection Committee and provides a process for selecting a nomination pool of applicants.

Proposed law requires each nominee to have experience in either architecture, environmental quality, finance, accounting, business administration, engineering, law public health, urban planning, facilities management, public administration, science, construction, business management, community or consumer advocacy or other pertinent discipline.

Present law provides that terms of board members are nine years.

Proposed law reduces terms of board members to four years and prohibits a member from serving more than two consecutive terms of office. Also provides that in the event any appointed member is elected to any office or removes his residence from Orleans Parish, his membership on the board is ipso facto vacated, and his successor shall be immediately appointed.

Present law provides that a quorum of the board is seven members and requires a vote of nine board members to change rules adopted by the board.

Proposed law provides that a quorum of the board is five members and requires a quorum vote to adopt or change rules.

Present law provides for councilmanic board membership when redistricting occurs.

Proposed law repeals such provisions.

Proposed law provides that members of the board for the city of New Orleans in office on the effective date of proposed law shall serve until their successors are appointed. The members of the board for the city of New Orleans shall be appointed and shall take office as provided in proposed law and shall serve terms of office as provided in proposed law. Provides that proposed law shall not be construed to prevent the reappointment to the board of a member in office on the effective date of proposed law.

Effective on the first day of Jan. following an election where a majority of the voters of the city of New Orleans approve an amendment to the home rule charter of the city to change the composition of the board to provide the identical composition of the board as contained in proposed law.

(Amends R.S. 33:4071(A), (B), (C)(1), and (E) and 4074; repeals R.S. 33:4071(C)(3))

Summary of Amendments Adopted by Senate

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

1. Adds requirement that board members from the board of liquidation be syndicate members.
2. Adds provisions creating Sewerage and Water Board Selection Committee and provisions relative to nomination process.
3. Adds requirement that the mayor appoint at least one member from each councilmanic district.
4. Adds an appointment to the board by each council at-large member.
5. Adds experience in science, construction, business management or other pertinent discipline to proposed law list that meets the qualifications for board members.
6. Adds staggered initial terms.
7. Adds requirement that appointments to board reflect racial and gender diversity of city.