

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)(2) and (3), relative to Orleans Parish; to provide relative to the Sewerage  
4 and 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 **Senate**, as follows: **from a list of nominees submitted**  
5 **by the Sewerage and Water Board Selection Committee. The mayor's**  
6 **appointments shall include one citizen from each of the five councilmanic**  
7 **districts within the city of New Orleans.**

8           **(d) One member appointed by the members of the Louisiana House of**  
9 **Representatives whose election districts include any part of Orleans Parish and**  
10 **who shall be appointed with the advice and consent of the Senate.**

11           **(e) One member appointed by the members of the Louisiana Senate**  
12 **whose election districts include any part of Orleans Parish and who shall be**  
13 **appointed with the advice and consent of the Senate.**

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

17           **(aa) The president of Dillard University or his designee.**

18           **(bb) The president of Loyola University or his designee.**

19           **(cc) The president of Tulane University or his designee.**

20           **(dd) The president of Xavier University or his designee.**

21           **(ee) The chancellor of Delgado Community College or his designee.**

22           **(ff) The chancellor of University of New Orleans or his designee.**

23           **(gg) The chancellor of Southern University at New Orleans or his**  
24 **designee.**

25           **(hh) The chair of the board of directors of the New Orleans Chamber of**  
26 **Commerce or his designee.**

27           **(ii) The president of the board of directors of the New Orleans Regional**  
28 **Black Chamber of Commerce or his designee.**

29           **(jj) The chair of the board of directors of the Urban League of Greater**

1        New Orleans or his designee.

2                (b) Notice of a vacancy on the Sewerage and Water Board shall be  
3 published in the official journal for Orleans Parish by the Sewerage and Water  
4 Board and shall be communicated through any other publication, website, or  
5 electronic medium maintained by the New Orleans Sewerage and Water Board  
6 or the city of New Orleans for the purpose of achieving public awareness of the  
7 vacancy. Such notice shall advise potential candidates of the residency  
8 requirements, professional qualifications, and application deadlines. Such  
9 notices shall be published no less than two times within a thirty day period after  
10 a vacancy has been declared by the Sewerage and Water Board. Any interested  
11 person who meets the qualifications provided for in this Section shall submit an  
12 application to the Sewerage and Water Board confirming their eligibility,  
13 professional qualifications, and experience. The Sewerage and Water Board  
14 shall transmit all applications received to the selection committee within seven  
15 days after the deadline for submission of applications.

16                (c) The selection committee shall meet no less than fifteen days and no  
17 more than thirty days after close of the application deadline to consider each  
18 name submitted for nomination. Selection committee members may also submit  
19 names of persons who also meet the qualification requirements provided in this  
20 Section. The selection committee shall verify that each nominee meets such  
21 qualification requirements. After a thorough review of each application, the  
22 selection committee shall by majority vote submit to the mayor, or the council  
23 at-large members as appropriate, three names for each vacancy on the  
24 Sewerage and Water Board.

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

27                (e) The city council shall have thirty days from receipt of submission of  
28 the nomination by the mayor to disapprove the nominee. If the city council does  
29 not disapprove the nominee within such time, it shall be deemed that the city

1 **council consents to the appointment.**

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

5 **(g) If for any reason the mayor fails to submit a nomination to the city**  
6 **council within sixty days of receipt of the list of nominees by the selection**  
7 **committee, the selection committee shall submit such list of nominees directly**  
8 **to the city council for selection and approval.**

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

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

11 **(3) Each nominee shall have experience in either architecture,**  
12 **environmental quality, finance, accounting, business administration,**  
13 **engineering, law, public health, urban planning, facilities management, public**  
14 **administration, science, construction, business management, community or**  
15 **consumer advocacy, or other pertinent disciplines.**

16 ~~(2)~~**(4)(a) The For members appointed pursuant to Subparagraph**  
17 **(A)(1)(c) of this Section, the terms of office of board members shall be ~~nine~~ four**  
18 **years after initial terms as provided in Subparagraph (b) of this Paragraph. A**  
19 **member shall serve no more than two consecutive terms of office.**

20 **(b) Two members shall serve an initial term of one year; two members**  
21 **shall serve an initial term of two years; two members shall serve an initial term**  
22 **of three years; and two members shall serve an initial term of four years, as**  
23 **determined by lot at the first meeting of the board.**

24 ~~(3)~~**(5)** If the mayor is unable to attend a meeting of the sewerage and water  
25 board, he may be represented at any such meeting by a person designated by the  
26 mayor who shall be an unclassified member of the mayor's administration. Any such  
27 person shall have all rights and powers granted to the mayor with regard to any such  
28 meeting and shall have the right to vote for or in the stead of the absent mayor. In  
29 addition, any such person shall be counted for purposes of a quorum.

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

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

6                   (2) Any person designated by the mayor to attend a meeting of the sewerage  
7                   and water board in his absence shall be a resident and qualified voter of the city of  
8                   New Orleans **In the event any appointed member is elected to any office or**  
9                   **removes his domicile from Orleans Parish, his membership on the board shall**  
10                  **be ipso facto vacated, and his successor shall be immediately appointed.**

11                  C.(†) All vacancies occurring in the membership of the board under  
12                  appointment by the mayor shall be filled in the manner prescribed by this ~~Part~~  
13                  **Section** for the original appointment.

14   \*       \*       \*

15                  E. ~~The board shall make rules fixing its own meetings and procedure, and~~  
16                  ~~these rules may be changed only by a vote of nine members at a regular meeting.~~ **A**  
17                  **quorum of the board shall adopt rules fixing its own meetings and procedures.**  
18                  **Any amendments or changes to such rules shall be adopted only after approved**  
19                  **by a quorum of the board.**

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. ~~Seven~~ **Six** members thereof shall constitute a quorum.

26                  Section 2. R.S. 33:4071(C)(2) and (3) are hereby repealed.

27                  Section 3. This Act shall take effect and become operative on the first day of January  
28                  following an election at which a majority of the voters of the city of New Orleans approve  
29                  an amendment of Article V, Chapter 3, Section 5-301 of the home rule charter of the city to

1 change the composition of the Sewerage and Water Board of New Orleans to provide the  
2 identical composition of the board as contained in this Act.

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

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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 Michelle Broussard Johnson.

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#### 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 changes certain board members and 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. Removes two members of the city council.

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 councilmen's districts within the city of New Orleans.

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

Proposed law provides for one member appointed by the members of the Louisiana House of Representatives whose election districts include any part of Orleans Parish and who shall be appointed with the advice and consent of the Senate. Also provides one member appointed by the members of the Louisiana Senate whose election districts include any part of Orleans Parish and who shall be appointed with advice and consent of the Senate.

Proposed law creates the Sewerage and Water Board Selection Committee and provides a process for selecting a nomination pool of applicants. Also provides that the members will be comprised of the president, chancellor, chair, board of directors or respective designee of Dillard University, Loyola University, Tulane University, Xavier, Delgado Community College, University of New Orleans, Southern University at New Orleans, New Orleans Chamber of Commerce, New Orleans Regional Black Chamber of Commerce, and the Urban League of Greater New Orleans.

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 the six citizens appointed by the mayor 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 board members to change rules adopted by the board.

Proposed law changes the quorum of the board to six members and requires a quorum vote to adopt or change rules.

Present law provides for councilmens board membership when redistricting or election to office or change in residency occurs.

Proposed law repeals such provisions.

Proposed law provides that the terms of the members of the Sewerage and Water Board for the city of New Orleans in office on the effective date of this Act shall terminate on the effective date of this Act.

Effective on the first day of Jan. following an election at which 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)(2) and (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 councilmens 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.

Senate Floor Amendments to engrossed bill

1. Changes citizen confirmation by the mayor with the advise and consent from the city council to the Senate.
2. Changes appointment authority for two members from each at-large council member to House and Senate delegation.
3. Adds three members to the selection committee.
4. Changes requirement from each board members being a resident of Orleans parish to domiciliary of Orleans parish.
5. Changes quorum number from 5 to 6.
6. Changes current member termination from successor being appointed to effective date of this Act.
7. Makes technical changes.