

## DIGEST

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Morrell

SB No. 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.

Proposed law retains present law.

Present law provides that the board is composed of 13 members as follows: the mayor, three members of the New Orleans city council selected by the council, one of whom is required to be an at-large member of the council, two members of the board of liquidation, city debt, appointed by the mayor on the recommendation of the board, and seven citizens, appointed by the mayor, two at large and one from each of the five council districts. Provides that the seven citizens appointed by the mayor are appointed with the advice and consent of the city council.

Proposed law reduces the membership of the board to nine by removing the appointments granted to the city council and providing that the mayor appoints six citizens rather than seven. Requires the mayor to appoint the six citizens from a list of nominees submitted by the Sewerage and Water Board Selection Committee and provides that he shall appoint the citizens with the advice and consent of the city council. Provides that the members appointed by the mayor, including those members appointed from the board of liquidation, city debt, must include one citizen from each of the five council districts within the city. Requires that the members appointed from the board of liquidation, city debt, be syndicate members. Requires that the board membership reflect the racial and gender diversity of the population of the city of New Orleans to the extent practicable.

Present law requires citizen members to be registered voters in the area from which they are appointed and requires them to have been residents of the area for two years previous to appointment.

Proposed law instead requires the citizen members to be registered voters of Orleans Parish and a domiciliaries of the parish for two years previous to appointment.

Present law provides that members serve nine-year terms.

Proposed law provides instead that appointed members serve four-year staggered terms. Provides that no member shall serve more than two consecutive terms of office.

Present law requires that all vacancies occurring in the membership of the board be filled in the same manner as the original appointment.

Proposed law retains present law.

Present law requires that any person designated by the mayor to attend a meeting of the board in his absence be a resident of qualified voter of the city.

Proposed law removes present law.

Present law provides that in the event any appointed member is elected to any office or removes his residence from the area from which he was appointed, his membership on the board shall be ipso facto vacated and his successor shall be immediately appointed.

Proposed law instead provides that the membership shall be ipso facto vacated if the appointed member is elected to any office or removes his domicile from Orleans Parish.

Retains present law provisions that provide that his successor shall be immediately appointed.

Present law provides that if redistricting occurs and results in more than one appointed member or no appointed member residing in a council district, the existing members, regardless of residence, shall retain their membership until the expiration of their terms unless prior to such time the members resign or a vacancy otherwise occurs.

Proposed law repeals present law.

Present law requires the board to make rules fixing its own meetings and procedures and provides that the rules may be changed only by a vote of nine members at a regular meeting. Provides that seven members shall constitute a quorum.

Proposed law instead requires a quorum of the board to adopt rules fixing its own meetings and procedures. Provides that amendments or changes to the rules can only be adopted after approval by a quorum of the board. Provides that five members constitute a quorum.

Proposed law creates the Sewerage and Water Board Selection Committee and provides that the committee shall be composed as follows: the presidents of Dillard University, Loyola University, Tulane University, and Xavier University, or their respective designees, the chancellors of Delgado Community College, University of New Orleans, and Southern University at New Orleans, or their respective designees, the chair of the board of directors of the New Orleans Chamber of Commerce, the president of the board of directors of the New Orleans Regional Black Chamber of Commerce, and the chair of the board of directors of the Urban League of Greater New Orleans, or their respective designees.

Proposed law requires the board to publish a notice of vacancy on the board in the official journal of Orleans Parish and requires that the notice be communicated through any other publication, website, or electronic medium maintained by the board. Provides with respect to notice requirements. Requires interested persons to submit an application to the board. Requires the board to submit all applications to the selection committee within seven days after deadline for submission of applications.

Proposed law requires the selection committee to meet not less than 15 days and not more than 30 days after close of the application deadline to consider each name submitted for nomination. Requires the committee to submit three names for each vacancy to the mayor, or council at-large, as appropriate. 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.

Proposed law requires the mayor, within 60 days, to select one of the three nominees for submission to the city council for approval. Requires the selection committee, if the mayor disapproves the three nominees, to convene not less than 30 days and not more than 60 days after disapproval to resubmit three different nominees to the mayor.

Proposed law provides that the council has 30 days from receipt of the nominations by the mayor to disapprove and if the council does not disapprove within such time, then it shall be deemed that the council consents to the appointment. Requires the selection committee, if the council disapproves the nominees from the mayor, to meet not less than 30 days and not more than 60 days after disapproval to resubmit three nominees to the mayor. Requires the selection committee to submit nominations directly to the council if the mayor fails to submit a nomination to the council within 60 days of receipt of the list of nominees from the committee.

Proposed law requires the board to report quarterly, in Sept., Dec., March, and June, to the New Orleans city council relative to the contracts let in the construction and repair of its public systems of water, sewerage, and drainage. Requires the reports to include the following:

- (1) The total number of contracts let to all contractors.
- (2) The total value of contracts let to all contractors.
- (3) The total number of contracts let to local disadvantaged business enterprises expressed as a percentage of the total number of contracts let and the total number of contracts let to local businesses expressed as a percentage of the total number of contracts let.
- (4) The total value of contracts let to local disadvantaged business enterprises expressed as a percentage of the total value of contracts let and the total value of contracts let to local businesses expressed as a percentage of the total value of contracts let.
- (5) The total number of contracts let to a 50-50 joint venture enterprise expressed as a percentage of the total number of contracts let.
- (6) The total value of contracts let to a 50-50 joint venture enterprise expressed as a percentage of the total value of contracts.
- (7) The total number of subcontracts awarded to disadvantaged business enterprises which were awarded by contractors that are not disadvantaged business enterprises expressed as a percentage of the total number of contracts let.
- (8) The total value of subcontracts awarded to disadvantaged business enterprises which were awarded by contractors that are not disadvantaged business enterprises expressed as a percentage of the total value of contracts let.
- (9) Total number of disadvantaged business enterprises to which a contract was let or that was subcontracted expressed as a percentage of the total number of companies to which a contract was let or that was subcontracted.

Proposed law provides that proposed law is 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.

Proposed law provides that the terms of the members of the board in office on the effective date of proposed law shall terminate on the effective date of proposed law; however, any such member shall remain in office until his successor is appointed and takes office.

(Amends R.S. 33:4071(A), (B), (C)(1), and (E) and 4074; Adds R.S. 33:4087.1; 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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the reengrossed bill.

1. Reduces the membership of the board from 11 to nine by removing appointments granted to the members of the La. House of Representatives and Senate.
2. Removes provisions of proposed law that require the mayor to make his citizen appointments with the advice and consent of the Senate. Restores present law provisions that require the mayor to receive the advice and consent of the New Orleans city council.
3. Clarifies that the mayor's appointments, including those from the board of liquidation, city debt, must include one citizen from each of the five council districts in the city. Additionally clarifies that these members shall serve four-year staggered terms.
4. Adds provisions that require the selection committee, if the mayor disapproves the nominees it submits, to convene to resubmit different nominees.
5. Adds provisions that require the board to report quarterly to the New Orleans city council relative to contracts let in the construction and repair of its public systems of water, sewerage, and drainage. Provides for the content requirements of each report.
6. Adds provisions that provide that board members in office on the effective date of proposed law shall remain in office until their successors are appointed and take office.