

SENATE BILL NO. 47

BY SENATOR MORRELL AND REPRESENTATIVES BROSSETT AND LEGER

1 AN ACT

2 To amend and reenact R.S. 33:4071(A), (B), (C)(1), and (E) , 4074, and 4091 and to repeal
3 R.S. 33:4071(C)(2) and (3), relative to Orleans Parish; to provide relative to the
4 Sewerage and Water Board of New Orleans; to change the membership of the board;
5 to provide relative to the terms and removal of board members; to require the board
6 to report on contracts for the construction and repair of its public systems of water,
7 sewerage, and drainage and on the operations of such systems; and to provide for
8 related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4071(A), (B), (C)(1), and (E), 4074, and 4091 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) ~~Three members of the New Orleans city council selected by the council.~~

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

20 (c) Two syndicate members of the board of liquidation, city debt, to be
21 appointed by the mayor on the recommendation of the board of liquidation, city debt.

22 (d) ~~Seven~~ (c) Eight citizens, to be appointed by the mayor, with the advice
23 and consent of the city council ~~as follows:~~ from a list of nominees submitted by

1 the Sewerage and Water Board Selection Committee.

2 (d) The members appointed pursuant to Subparagraphs (b) and (c) of
3 this Paragraph shall include one citizen from each of the five councilmanic
4 districts within the city of New Orleans. In addition, two of the appointments
5 shall be consumer advocates with community advocacy or consumer protection
6 experience or experience in a related field.

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

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

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

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

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

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

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

16 (gg) The chancellor of Southern University at New Orleans or his
17 designee.

18 (hh) The chair of the board of directors of the New Orleans Chamber of
19 Commerce or his designee.

20 (ii) The president of the board of directors of the New Orleans Regional
21 Black Chamber of Commerce or his designee.

22 (jj) The chair of the board of directors of the Urban League of Greater
23 New Orleans or his designee.

24 (b) Notice of a vacancy on the Sewerage and Water Board shall be
25 published in the official journal for Orleans Parish by the Sewerage and Water
26 Board and shall be communicated through any other publication, website, or
27 electronic medium maintained by the New Orleans Sewerage and Water Board
28 or the city of New Orleans for the purpose of achieving public awareness of the
29 vacancy. Such notice shall advise potential candidates of the residency
30 requirements, professional qualifications, and application deadlines. Such

1 notices shall be published no less than two times within a thirty day period after
2 a vacancy has been declared by the Sewerage and Water Board. Any interested
3 person who meets the qualifications provided for in this Section shall submit an
4 application to the Sewerage and Water Board confirming their eligibility,
5 professional qualifications, and experience. The Sewerage and Water Board
6 shall transmit all applications received to the selection committee within seven
7 days after the deadline for submission of applications.

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

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

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

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

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

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

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

1 (3) Each nominee shall have experience in either architecture,
 2 environmental quality, finance, accounting, business administration,
 3 engineering, law, public health, urban planning, facilities management, public
 4 administration, science, construction, business management, community or
 5 consumer advocacy, or other pertinent disciplines.

6 ~~(2)(4)(a)~~ The For members appointed pursuant to Subparagraphs
 7 (A)(1)(b) and (c) of this Section, the terms of office of board members shall be nine
 8 four years after initial terms as provided in Subparagraph (b) of this Paragraph.
 9 A member shall serve no more than two consecutive terms of office.

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

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

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

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

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

30 C.~~(1)~~ All vacancies occurring in the membership of the board under

1 appointment by the mayor shall be filled in the manner prescribed by this Part
2 Section for the original appointment.

3 * * *

4 E. ~~The board shall make rules fixing its own meetings and procedure, and~~
5 ~~these rules may be changed only by a vote of nine members at a regular meeting.~~ A
6 quorum of the board shall adopt rules fixing its own meetings and procedures.
7 Any amendments or changes to such rules shall be adopted only after approved
8 by a quorum of the board.

9 * * *

10 §4074. Meetings of the board

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

15 * * *

16 §4091. Reports of board

17 A. On or prior to the first day of May of each year, the board shall make to
18 the city council, in writing, a full and detailed report of its acts, doings, receipts, and
19 expenditures, the same to be put in printed form for public distribution, and a
20 synopsis of same, including a statement of receipts and disbursements, published in
21 the official journal of the city.

22 B. In addition to the requirements of Subsection A of this Section, the
23 board shall report quarterly, in September, December, March, and June, to the
24 city council relative to the contracts let in the construction and repair of its
25 public systems of water, sewerage, and drainage. Such report shall include the
26 following for new contracts let during the reporting period:

- 27 (1) The total number of contracts let to all contractors.
- 28 (2) The total value of contracts let to all contractors.
- 29 (3)(a) The total number of contracts let to local disadvantaged business
30 enterprises expressed as a percentage of the total number of contracts let.

1 **(b) The total number of contracts let to local businesses expressed as a**
2 **percentage of the total number of contracts let.**

3 **(4)(a) The total value of contracts let to local disadvantaged business**
4 **enterprises expressed as a percentage of the total value of contracts let.**

5 **(b) The total value of contracts let to local businesses expressed as a**
6 **percentage of the total value of contracts let.**

7 **(5) The total number of contracts let to a fifty-fifty joint venture**
8 **enterprise expressed as a percentage of the total number of contracts let.**

9 **C. In addition to the requirements of Subsections A and B of this**
10 **Section, the board shall report quarterly, in September, December, March, and**
11 **June, to the city council relative to its operations. Such report shall include the**
12 **following in a manner as prescribed by the city council:**

13 **(1) Standard industry metrics for best practice, including but not limited**
14 **to:**

15 **(a) Percentage of water loss.**

16 **(b) Percentage of water paid.**

17 **(c) Percentage of receivables outstanding, including delinquency**
18 **schedule.**

19 **(d) Customer service improvements.**

20 **(2) Processes and indicators for prevention of waste or fraud.**

21 **(3) Performance metrics for employees and contractors.**

22 **(4) Benchmarks of success regarding improved coordination between**
23 **the board and the Department of Public Works to ensure priority and resource**
24 **alignment.**

25 **(5) Report on the efficiency and effectiveness of information systems.**

26 **(6) Detailed reports on assessment and status of technologies and**
27 **operation programs and strategies for system redundancy and service**
28 **improvements.**

29 **(7) Detailed reports on assessment and status of operational reforms,**
30 **capital improvement programs, and service assurance programs.**

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

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

7 Section 4. The terms of the members of the Sewerage and Water Board for the city
8 of New Orleans in office on the effective date of this Act shall terminate on the effective
9 date of this Act; however, such members shall remain in office until the board members are
10 appointed as provided in this Act and take office. The members of the Sewerage and Water
11 Board for the city of New Orleans shall be appointed and shall take office as provided in this
12 Act and shall serve terms of office as provided in this Act. This Section shall not be
13 construed to prevent the reappointment to the board of a member in office on the effective
14 date of this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____