SLS 13RS-321 **ORIGINAL**

Regular Session, 2013

SENATE BILL NO. 47

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BY SENATOR MORRELL AND REPRESENTATIVE LEGER

LOCAL AGENCIES. Provides relative to the Sewerage and Water Board of the city of New Orleans. (See Act)

AN ACT

2	To amend and reenact R.S. 33:4071(A)(1) and (2), (B), (C)(1), and (E) and 4074 and to
3	repeal R.S. 33:4071(C)(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; and to provide for
6	related 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)(1) and (2), (B), (C)(1), and (E) and 4074 are hereby
10	amended and 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.

(c) Two members of the board of liquidation, city debt, to be appointed by

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2	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:
5	(i) Two from the city at large The presidents of Tulane University,
6	University of New Orleans, Loyola University, Southern University at New
7	Orleans, Dillard University, and Xavier University shall each submit three
8	names to the mayor. The mayor shall appoint one member from the three
9	nominees submitted by each president.
10	(ii) One from each of the five councilmanic districts of the city Each
11	nominee shall have experience in either architecture, environmental quality,
12	finance, accounting, business administration, engineering, law, public health,
13	urban planning, facilities management, public administration, or community
14	or consumer advocacy.
15	(2) The terms of office of board members shall be $\frac{\text{four}}{\text{four}}$ years. $\underline{\mathbf{A}}$
16	member shall serve no more than two consecutive terms of office.
17	* * *
18	B.(1) Each of the citizen members must shall be a registered voter in the area
19	from which he is appointed, Orleans Parish and he must shall have been a resident
20	of the area Orleans Parish for two years previous to his appointment.
21	(2) Any person designated by the mayor to attend a meeting of the sewerage
22	and water board in his absence shall be a resident and qualified voter of the city of
23	New Orleans In the event any appointed member is elected to any office or
24	removes his residence from Orleans Parish, his membership on the board shall
25	be ipso facto vacated, and his successor shall be immediately appointed.
26	C.(1) All vacancies occurring in the membership of the board under
27	appointment by the mayor shall be filled in the manner prescribed by this Part
28	Section for the original appointment.

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E. The board shall make rules fixing its own meetings and procedure, and 2 these rules may be changed only by a vote of nine members at a regular meeting. A 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 5 by a quorum of the board. 6 §4074. Meetings of the board 7 8 All meetings of the board shall be held in accordance with rules adopted by 9 the board and shall be open and public. All its transactions shall be recorded in the 10 minutes to be kept in writing by the executive director, and its records shall be 11 public. Seven Five members thereof shall constitute a quorum. 12 Section 2. R.S. 33:4071(C)(3) is repealed. 13 Section 3. This Act shall take effect and become operative on the first day of January 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 terminate on the effective date of this Act. The members of the Sewerage and Water Board for the city of New Orleans shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act. This Section shall not be construed to prevent the reappointment to the board of a member in office on the effective date of this Act.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

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.

<u>Proposed law</u> provides that the board is composed of the mayor, two members of the board of liquidation, city debt, and six citizens, appointed by the mayor from three names submitted by the president of each of the following: Tulane University, University of New Orleans, Loyola University, Southern University at New Orleans, Dillard University, and Xavier University. 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, or community or consumer advocacy.

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

<u>Proposed law</u> reduces terms of board members to four years and prohibits a member from serving more than two consecutive terms of office. 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.

<u>Present law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that the terms of the members of the board for the city of New Orleans in office on the effective date of <u>proposed law</u> terminate on its effective date. The members of the board for the city of New Orleans shall be appointed and shall take office as provided in <u>proposed law</u> and shall serve terms of office as provided in <u>proposed law</u>. Provides that <u>proposed law</u> shall not be construed to prevent the reappointment to the board of a member in office on the effective date of <u>proposed law</u>.

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)(1) and (2), (B), (C)(1), and (E) and 4074; repeals R.S. 33:4071(C)(3))