
DIGEST

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Peterson

HB No. 1102

Abstract: Relative to the New Orleans sewerage and water board, provides for board membership. Establishes a nomination process for citizen members of such board.

Present law (R.S. 33:4071) establishes the sewage and water board of the City of New Orleans. Provides for the composition of the board as follows:

- (1) The mayor.
- (2) Two at-large members of the city council.
- (3) One district councilman selected by the council.
- (4) Two members of the board of liquidation, city debt.
- (5) Seven citizens, appointed by the mayor, two at large and five from council districts.

Proposed law retains present law but relative to citizen members, provides that such members will be nominated by a nominating committee.

Present law provides that each citizen member must be a registered voter in the area from which he is appointed and shall have been a resident for at least two years.

Present law provides for the filling of vacancies occurring on the board.

Present law prohibits a board member from holding any stocks or bonds in any sewerage or waterworks company or holding an public office.

Present law provides that the board shall make rules of procedure.

Proposed law removes present law.

Proposed law provides for the qualifications of the citizen board members as follows:

- (1) Civil engineering, science, or construction / architecture. Three members who each qualify as any one of the following:

- (a) A licensed civil engineer who has worked as a civil engineer for ten years; or
 - (b) A professional in the field of hydrological or environmental science, chemistry, or a closely related discipline, who has worked in such discipline for ten years; or
 - (c) An architect or commercial general contractor, who is licensed and has worked in such field for ten years.
- (2) Accounting. One member who is an accounting, finance, or audit professional, who has worked in such field for ten years.
 - (3) Law. One member who is a licensed Louisiana attorney, who has practiced law for ten years.
 - (4) General. Two members who have college degrees, and at least ten years of professional experience in their respective fields.

Proposed law includes transitional provisions for replacing existing board members upon their resignation or completion of their terms, whichever occurs first.

Proposed law provides that the nominating committee for nominating citizen board members shall be composed of the following or their designees: the chancellor of the University of New Orleans; the president of Dillard University; the president of Tulane University; the president of Loyola University; the president of Xavier University of Louisiana; the president of Our Lady of Holy Cross College; the chancellor of Southern University at New Orleans; the director of the Tulane/Xavier Center for Bioenvironmental Research; two industry group presidents in the field of engineering or science designated by the city attorney; and an industry group president in the field of construction designated by the city attorney.

Proposed law provides that in the event of a vacancy on the nominating committee, the committee may either proceed, or fill the vacancy. Provides for nominating committee to exist for 12 months. Provides for reconstructing the committee. Provides relative to procedure for the nominating committee. Provides for nominations of two persons for each vacancy after advertisement for candidates.

Provides that the mayor shall appoint the citizen board members nominated by the committee within 60 days of receipt. Provides that if the mayor fails to do so, the person at the top of the nomination list for each vacancy will be appointed by operation of law.

Present law provides for nine-year terms for board members.

Proposed law instead provides that board members shall have four-year terms. Provides for staggering of board terms by the board and appointment to unexpired terms. Provides that no members shall serve more than two consecutive terms.

Proposed law provides that the board shall have fiduciary responsibility to act in the best interests of the citizenry, and that the board shall serve the citizenry as a whole, and refrain from territorial representation.

Proposed law prohibits certain conflicts of interest of the board members, their spouses, and relatives to the third degree and entities they own in whole or in part. Requires the board members to disclose potential and actual conflicts of interest. Provides for resignation in case of a conflict of interest, or with board approval, recusal. Provides for the following:

- (1) Board members shall not be a party to, bid on, or enter into any contract to which the sewerage and water board is a party.
- (2) Board members shall not have any direct or indirect financial interest or part in any business, company, or entity conducting business of any kind with the sewerage and water board.
- (3) Board members shall not have any benefit or any expectation of receiving any benefit, compensation or remuneration, whether monetary or in kind, from any business, company, or entity conducting business of any kind with the sewerage and water board.
- (4) Citizen board members shall not, at the same time as board service, serve in any elected capacity or on any other city or state board or commission, unless such service on that board or commission is unpaid public service.

Proposed law provides that the board shall meet once a month. Requires board members to attend and provides for removal by a vote of the board of any board member if such member fails to attend three consecutive board meetings.

Proposed law is to be interpreted to conform and to effectuate the city charter of New Orleans. Provides additional members if the city charter is amended to increase board membership.

Proposed law provides that in the event of redistricting, the existing board members shall serve the remainder of their terms.

(Amends R.S. 33:4071)