



DATE: 6/13/2024

TIME: 1:00 p.m.

LOCATION: Executive Boardroom

COMMITTEE MEMBERS: Tamika Duplessis, Ph.D., Chair | Alejandra Guzman | Lynes R. Sloss | Robin Barnes | Janet Howard |

# Governance Committee Meeting Agenda

## I. Roll Call

## II. Presentation Item

- A. Rules, Regulations and Procedures for Compliance with Act 393 of the Louisiana Legislature for Americans with Disabilities Act – Renee Lapeyrolerie, Chief of Staff, Sewerage and Water Board of New Orleans

## III. Action Item

- A. Resolution (R-041-2024) Authorizing Rules, Regulations and Procedures for Compliance with Act 393 of the Louisiana Legislature for Americans with Disabilities Act – Renee Lapeyrolerie, Chief of Staff, Sewerage and Water Board of New Orleans

## IV. Information Items

- A. Act 393 of 2023 ADA Compliance by electronic participation
- B. ADA Web Form Snippet

## V. Public Comment

## VI. Adjournment

**AUTHORIZING RULES, REGULATIONS AND PROCEDURES FOR COMPLIANCE WITH ACT 393 OF THE LOUISIANA LEGISLATURE FOR AMERICANS WITH DISABILITIES ACT**

**WHEREAS**, Act 393 of the 2023 Regular Session of the Louisiana Legislature (“Act 393”) requires public bodies to adopt rules, regulations, and procedures to regulate and facilitate participation in their meetings via teleconference or video conference by any member of the public with a disability recognized by the Americans with Disabilities Act (“ADA”) or a designated caregiver of such person; and

**WHEREAS**, Act 393 also requires that a member of a public body who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means as defined by law, notwithstanding any provision of the Louisiana Open Meetings Law that requires a member of a public body to be physically present in order to be counted for a quorum and to participate and vote in a meeting; and

**WHEREAS**, Act 393 specifically requires that each public body having the capability to allow such participation by teleconference or video conference, to adopt rules, regulations and procedures to regulate and facilitate such participation by any such person who prior to the meeting requests that accommodation; and

**WHEREAS**, it is the policy of the Board to conduct its meetings in compliance with all applicable legal requirements, including the ADA and the Louisiana Open Meetings Law, and to make reasonable accommodation for members of the public with a disability recognized under the ADA or their designated caregivers, to participate in its meetings as required and provided by law, and for any Board member who has a disability recognized under the ADA to be allowed to participate and vote in a meeting via electronic means as defined by law;

**WHEREAS**, the Board has or can establish the capability to allow participation in its open meetings by teleconference or videoconference by any member of the public having an ADA-recognized disability or a designated caretaker of such person; and

**WHEREAS**, the Board has or can establish the capability to allow participation in its open meetings by teleconference or videoconference by a member of the Board who has a disability recognized by the ADA to participate and vote in Board meetings via electronic means; and

**NOW THEREFORE, BE IT RESOLVED**, that it is the express policy of the Board of Directors of the Sewerage and Water Board to make reasonable accommodation for any member of the public with a disability recognized under the ADA or their designated caregivers, to participate in its meetings via electronic means, and for any Board member who has a disability recognized under the ADA to be allowed to participate and vote in a meeting via electronic means in compliance with the Louisiana Open Meetings Law; and

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Sewerage and Water Board hereby adopts the Rules, Regulations, and Procedures for Participation in Sewerage and Water Board Open Meetings Via Teleconference or Videoconference by Persons Having ADA Disabilities and/or Their Caregivers (attached as Exhibit A), to provide for participation in its open and public meetings by teleconference or videoconference in accordance with the Louisiana Open Meetings Law.

**BE IT FURTHER RESOLVED** that the technical staff of the Board is hereby directed and mandated to develop the technical procedures and mechanisms necessary to implement the foregoing rules, regulations, and procedures no later than July 1, 2024.

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I, Ghassan Korban, Executive Director, Sewerage and Water Board of New Orleans, do hereby certify that the above and foregoing is a true and a correct copy of a Resolution adopted at the Regular Monthly Meeting of said Board, duly called and held, according to law, on June 26, 2024.

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**GHASSAN KORBAN**  
**EXECUTIVE DIRECTOR**  
**SEWERAGE AND WATER BOARD OF NEW ORLEANS**

**EXHIBIT A**  
**TO**  
**Resolution R-041-2024**

**RULES, REGULATIONS AND PROCEDURES FOR PARTICIPATION IN OPEN MEETINGS VIA TELECONFERENCE OR VIDEO CONFERENCE BY PERSONS HAVING A.D.A DISABILITIES AND/OR THEIR CAREGIVERS**

**Public Participation.** The Board shall provide reasonable accommodation to all persons with ADA disabilities or their caregivers, to participate in open meetings of the board of directors and its committees (except for Executive Session), by hyperlink posted on the meeting notice and the Board website.

There shall be a mechanism for submission and receipt of public comments on each item on the posted agenda within the submission deadline (but no less than two (2) hours prior to the start of the meeting).

All documents to be made available to persons in physical attendance at the meeting shall be made available electronically by posting on the Board website, at least 24 hours prior to the meeting.

Public comments shall be received up to two (2) hours in advance of the posted start time of the meeting, by use of a hyperlink to a form for submission of comments on any item.

Any person submitting a comment shall indicate whether s/he/they are doing so on their own behalf or on behalf of another.

Each person participating in the meeting, including by submission of comment(s), must be properly identified including name and whether acting on personal behalf or behalf of another (whether as ADA caregiver or otherwise) who shall be identified as being represented.

Comments may be limited to three (3) minutes per item commented upon.

Comments received by the submission deadline, shall be read aloud into the meeting.

**Board Member Participation.** The Board shall provide reasonable accommodation to Board members with ADA disabilities or their caregivers, to participate in open meetings of the board of directors and its committees, by teleconference or video conference means.

Such a member's participation via electronic means shall also count towards the making of a quorum.

Any Board member who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means, and shall be counted towards a quorum, provided that no less than twenty-four (24) hours prior to the meeting for which such accommodation is necessary, such Board member submits a written request therefor including the basis for the request under the ADA, on such form(s) as the Board may require including supporting affidavit attesting to the ADA eligibility of such member to for electronic participation.

All documents to be made available to persons in physical attendance at the meeting shall be made available electronically to persons participating by teleconference or videoconference, at least 24 hours prior to the meeting.

“Teleconference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.

“Video conference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

SENATE BILL NO. 201

BY SENATORS HEWITT, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD,  
CORTEZ, DUPLESSIS, HENSGENS, JACKSON, MILLIGAN, FRED  
MILLS, MIZELL, STINE, TALBOT AND WOMACK AND  
REPRESENTATIVE NEWELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 42:17.2, to enact R.S. 42:14(E) and 17.2.1, and to repeal R.S.  
3 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M), relative to open meetings; to  
4 authorize certain public bodies to conduct meetings via electronic means; to provide  
5 for public notice and participation requirements; to provide for definitions; to remove  
6 provisions authorizing specified public bodies to conduct meetings via electronic  
7 means; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:17.2 is hereby amended and reenacted and R.S. 42:14(E) and  
10 17.2.1 are hereby enacted to read as follows:

11 §14. Meetings of public bodies to be open to the public

12 \* \* \*

13 **E.(1) Each public body that has the capability to allow any member of**  
14 **the public with a disability recognized by the Americans with Disabilities Act**  
15 **or a designated caregiver of such a person to participate in its meetings via**  
16 **teleconference or video conference as defined in R.S. 42:17.2 shall adopt rules,**

1 member of the public with a disability recognized by the Americans with  
2 Disabilities Act or a designated caregiver of such a person to participate in its  
3 meetings via teleconference or video conference as defined in R.S. 42:17.2 shall  
4 adopt rules, regulations, and procedures to facilitate viable alternative methods  
5 for a member of the public with a disability recognized by the Americans with  
6 Disabilities Act or a designated caregiver of such a person who so requests to  
7 participate in its meetings.

8 (3) The requirements of this Subsection shall not be applicable during  
9 an executive session held in accordance with law, during any meeting that is  
10 sequestered in accordance with law, or to any public body included in R.S.  
11 42:17.2(I).

12 (4) State agencies as defined by R.S. 49:951 shall promulgate rules  
13 pursuant to the Administrative Procedure Act to implement this Subsection.

14 \* \* \*

15 §17.2 Exception for certain meetings of the ~~pharmacy benefit manager monitoring~~  
16 ~~advisory council~~ certain public bodies

17 A. Notwithstanding any other provision of this Chapter to the contrary, ~~the~~  
18 ~~pharmacy benefit manager monitoring advisory council, as provided for in R.S.~~  
19 ~~40:2869,~~ a public body identified in Subsection H of this Section may conduct and  
20 its members may attend and participate in a meeting via electronic means provided  
21 that ~~the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory~~  
22 ~~council and its presiding officer comply with~~ all of the requirements of this Section  
23 are met.

24 B. No later than twenty-four hours prior to a meeting conducted pursuant to  
25 the provisions of this Section, the ~~Louisiana Board of Pharmacy, the Department of~~

1 of meetings of the public body, and ~~widely~~ **posted and** distributed to every known  
2 ~~news media outlet that broadcasts or publishes news within the geographic area~~  
3 ~~within the jurisdiction of the public body~~ **as otherwise required by this Chapter**  
4 **and by law.**

5 (2) Detailed information regarding how members of the public may  
6 participate in the meeting and submit comments regarding matters on the agenda,  
7 which information shall be posted on the website of the ~~Louisiana Board of~~  
8 ~~Pharmacy and the Department of Insurance,~~ **public body and** emailed to any  
9 member of the public or the news media who requests notice of meetings of ~~the~~  
10 ~~public body, and widely distributed to every known news media outlet that~~  
11 ~~broadcasts or publishes news within the geographic area within the jurisdiction of the~~  
12 ~~public body.~~

13 C. For each meeting conducted pursuant to this Section, the following  
14 requirements shall apply:

15 (1) **The presiding officer shall be present and shall preside over the**  
16 **meeting at the anchor location. The anchor location shall be open to the public.**  
17 **Any member of the public body or the public shall be allowed to participate in-**  
18 **person at the anchor location.**

19 (2) The ~~advisory council~~ **public body** shall provide a mechanism to receive  
20 public comment electronically **in the manner it prescribes** both prior to and, **to the**  
21 **extent practical,** during the meeting.

22 (2) (3) The ~~advisory council~~ **public body** shall ~~properly~~ identify and  
23 acknowledge all public comments **inclusive of those received in person** during the  
24 meeting **and those received in writing or electronically prior to any submission**  
25 **deadline for the meeting** and shall maintain those comments in its record of the



session, are clear and audible to all participants in the meeting including the public.

**(c) That the voting decision of each participating member of the public body on each matter is clearly identified during each vote during the meeting and recorded and included in the archive of the meeting.**

**(5) If the public body is aware of a technical problem that causes the meeting to no longer be audible, or if applicable, visible and audible to the public, the meeting shall be recessed until the problem is resolved. If the problem is not resolved within one hour, the meeting shall be adjourned and the presiding officer shall make an effort to alert all participants to that fact.**

**(6) The meeting shall be recorded and made available to the public in an online archive located on the public body's website for at least two years.**

**(7) All documents made available to members of the public in attendance at the anchor location shall be made available electronically to members of the public participating electronically to the extent practical.**

D. For the purposes of this Section, the following definitions apply:

**(1) "Anchor location" means the public location at which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means.**

**(2) "Meeting via electronic means" shall mean a meeting occurring at which one or more members of a public body or members of the public participate via teleconference or video conference.**

**(3)(3) "Teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.**

**(3)(4) "Video conference" shall mean a method of communication which**

1                   (2) Each public body conducting meetings pursuant to this Section shall  
2                   adopt rules, regulations, and procedures to allow the public to participate in the  
3                   meeting via electronic means. State agencies as defined by R.S. 49:951 shall  
4                   promulgate such rules pursuant to the Administrative Procedure Act.

5                   F.(1) Except as otherwise provided in Paragraph (2) of this Subsection,  
6                   each public body that conducts meetings via electronic means pursuant to this  
7                   Section shall limit the number of its regularly scheduled meetings via electronic  
8                   means to no more than one-third in a calendar year, shall limit the number of  
9                   successive meetings via electronic means to a reasonable number, and shall, to  
10                  the extent practicable, publish a schedule of its meetings indicating which  
11                  upcoming meetings will be conducted via electronic means and which will be  
12                  conducted only in person.

13                  (2) Any public body that is strictly advisory or that primarily focuses on  
14                  issues dealing with disabilities or assisting military families may conduct  
15                  successive meetings via electronic means without limitation and shall, to the  
16                  extent practicable, publish a schedule of its meetings indicating which upcoming  
17                  meetings will be conducted via electronic means and which will be conducted  
18                  only in person.

19                  G. No member of a public body who participates in a meeting via  
20                  electronic means shall be eligible to or receive per diem for attendance at the  
21                  meeting.

22                  H.(1) Except as provided in Subsection I of this Section, the provisions  
23                  of this Section shall apply to any public body which has powers, duties, or  
24                  functions that are not limited to a particular political subdivision or region and  
25                  that conducts at least six regularly scheduled meetings in a calendar year.

1 the legislature or either house of the legislature.

2 (2) The State Board of Elementary and Secondary Education.

3 (3) The Board of Regents.

4 (4) The Board of Ethics or Ethics Adjudicatory Board.

5 (5) The State Civil Service Commission.

6 (6) The board of directors of the Louisiana Citizens Property Insurance  
7 Corporation.

8 (7) The State Board of Commerce and Industry.

9 (8) The board of supervisors for the Louisiana State University System,  
10 the University of Louisiana System, the Louisiana Community and Technical  
11 Colleges System, or the Southern University System.

12 (9) Any parish board of election supervisors.

13 §17.2.1. Public body; member with a disability

14 A. Notwithstanding any provision of this Chapter that requires a  
15 member of a public body to be physically present in order to be counted for a  
16 quorum and to participate and vote in a meeting, a member of a public body  
17 who has a disability recognized by the Americans with Disabilities Act shall be  
18 allowed to participate and vote in a meeting via electronic means as defined in  
19 R.S. 42:17.2.

20 B. Each public body shall adopt rules, regulations, and procedures to  
21 facilitate the requirements of Subsection A of this Section. State agencies as  
22 defined by R.S. 49:951 shall promulgate such rules pursuant to the  
23 Administrative Procedure Act.

24 C. The provisions of Subsections A and B of this Section shall not apply  
25 to members of the legislature or any parish board of election supervisors.

**SB NO. 201**

**ENROLLED**

- 1 and Governmental Affairs and the House Committee on House and Governmental Affairs
- 2 in intervals he deems appropriate.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



Home / Board Meeting Agenda Item Comment Form

## Board Meeting Agenda Item Comment Form



Comments must be posted two hours prior to the posted start time of the meeting.

This Form is for Board of Directors Meeting Agenda Comments.

### Board of Directors

Monday, June 10, 2024 - 3:00 PM

Name \* (First and Last)

Email \*

Phone (Main)

Phone (Alternate)

I am commenting on behalf of: \* ☐ Myself ☐ Another Person or Organization

Meeting Agenda Item \*