625 St. Joseph Street
New Orleans, LA 70165
504.529.2837 or 52.WATER

April 20, 2026

The Governance Committee met on Monday, April 20, 2026, in the Executive Board Room. The meeting convened at approximately 1:07 p.m.

Members Present:
Director Courtney Scrubbs – Chair
Director H. Davis Cole – Vice Chair
Director Chadrick Kennedy
Atty. Adam Swensek, Designee for Mayor Moreno (ex-officio President)[1]

Members Absent:
Director Kimberly Thomas

Non-members Present:
Director Joseph Peychaud
Director Ariane Greenidge
Councilmember Jason Hughes

II. DISCUSSION ITEMS

- **Director Scrubbs presented a motion to add a discussion item - House Bill No. 573, as amended, and Substitute House Bill No. 1243 - to the agenda. Director Kennedy moved. Director Cole seconded. The discussion item was added to the agenda by unanimous vote.**

- **Director Scrubbs presented a motion to amend the language of an Executive Session Item to add clarifying language to reflect that the committee seeks legal advice from Special Counsel regarding potential litigation exposure, regulatory risks, and legal implications regarding House Bill No. 573, as amended, and Substitute House Bill No. 1243. Director Cole moved. Director Kennedy seconded. The motion failed.**

Designee Swensek questioned whether the executive session description provided sufficient specificity under the Open Meetings Law. Director Scrubbs noted that the proposed clarification was

[1] Per correspondence dated February 20, 2026, from Mayor Moreno to Randy Hayman, SWBNO Executive Director, Stephen Nelson, Deputy CAO of Infrastructure and Director of Public Works for the City of New Orleans, was designated to serve in the Mayor's stead as President of the Board. Questions regarding mayoral designee participation and voting authority were discussed during the meeting.

Board of Directors: Hon. Helena Moreno, President, Chadrick Kennedy, President Pro Tempore, Hon. Jason Hughes, H. Davis Cole, PE, Jonathan Stewart, Kimberly A. Thomas, JD., Tyler Antrup, Ariane Greenidge, Joseph Peychaud, Courtney B. Scrubbs, Esq,

625 St. Joseph Street
New Orleans, LA 70165
504.529.2837 or 52.WATER

intended to reflect the Committee's desire to obtain legal guidance from Special Counsel regarding potential litigation exposure, regulatory risks, and legal implications associated with House Bill No. 573, as amended, and Substitute House Bill No. 1243. Councilmember Jason Hughes similarly raised concerns regarding the description of the executive session item and public understanding of the purpose of the proposed executive session.

A. Evaluation Process for Executive Leadership

Director Scrubbs provided an overview of next steps for the evaluation process of executive leadership, including a discussion of performance goals and metrics at the April Board of Directors meeting. Given other pressing issues currently being managed by executive leadership, Directors Scrubbs suggested giving staff additional time to prepare for this discussion.

- **Director Scrubbs presented a motion to defer the discussion of executive leadership goals and metrics. Director Cole moved. Director Kennedy seconded. The motion carried.**

B. House Bill No. 573, as amended, and Substitute House Bill No. 1243

Theron Levi-Baquet, Assistant Special Counsel, provided an overview of House Bill 1243 and its potential impact on the utility. Revised Statutes that were noted included: La. R.S. 33:4071(A), 33:4072(A), 33:4072(B)(1), 33:4072(B(2), 33:4074, 33:4159.2(A)(1), 33:4159.2(A)(2), and 33:4159.2(B)(1).

Committee members raised various questions regarding HB 1243, including the intent of the legislation, drainage system responsibilities, governing aspects of the utility, bond implications, financing obligations, potential impacts to pensioners and active employees, and whether chain of command will change under emergency circumstances. Councilmember Hughes stated that the legislation is not intended to impact the utility's borrowing capacity or draining responsibilities but will give the City Council authority to make changes that could affect the utility in the future. Designee Swensek noted that the overall desire of the legislation is to place SWBNO matters in the hands of local government (City Council) instead of the State Legislature.

A summary of the Committee's discussion regarding Substitute House Bill 1243, the substitute legislation associated with House Bill No. 573, as amended, including questions raised and responses regarding the proposed legislation and its potential impacts to the utility, is attached to these minutes for reference purposes.

Board of Directors: Hon. Helena Moreno, President, Chadrick Kennedy, President Pro Tempore, Hon. Jason Hughes, H. Davis Cole, PE, Jonathan Stewart, Kimberly A. Thomas, JD., Tyler Antrup, Ariane Greenidge, Joseph Peychaud, Courtney B. Scrubbs, Esq,

625 St. Joseph Street
New Orleans, LA 70165
504.529.2837 or 52.WATER

III. EXECUTIVE SESSION

A. Pursuant to R.S. 42:19, 42:17 (A)(2), 42:17(A)(11) and La. C.E. Art. 506, the Governance Committee of the Sewerage and Water Board of New Orleans will discuss the 2026 Regular Session of the Louisiana Legislature, including House Bill No. 573, as amended, and Substitute House Bill No. 1243.

Director Scrubbs advised of a need to enter executive session to obtain guidance from Special Counsel, given the expediency of the Legislative Session. Designee Swensek raised concerns again regarding entering executive session but advised that committee members could be briefed individually by Special Counsel. SWBNO's Special Counsel advised that the executive session item, as noticed on the agenda, could be discussed by the Committee and fell within the scope of attorney-client privilege and the cited Open Meetings Law exceptions.

- **Director Scrubbs presented a motion to enter executive session. Director Kennedy moved. Seconded by Director Cole. The motion failed.**

INFORMATION ITEM

- The information item Louisiana House of Representatives Substitute Bill 1243 was received.

PUBLIC COMMENT

- None

ADJOURNMENT

There being no further business to come before the Governance Committee, Director Scrubbs made a motion to adjourn. Director Kennedy moved. Director Cole seconded. The motion carried. The meeting was adjourned at approximately 2:14 p.m.

Board of Directors: Hon. Helena Moreno, President, Chadrick Kennedy, President Pro Tempore, Hon. Jason Hughes, H. Davis Cole, PE, Jonathan Stewart, Kimberly A. Thomas, JD., Tyler Antrup, Ariane Greenidge, Joseph Peychaud, Courtney B. Scrubbs, Esq,