

Establishment of the Jackson Parish Watershed District
Louisiana Revised Statute 38:2900 – 2915

PART X. JACKSON PARISH WATERSHED DISTRICT

§2900. Creation; location

The Jackson Parish Watershed District is hereby created out of the watershed of all streams located in Jackson Parish, and more particularly defined as all of Jackson Parish, Louisiana.

Added by Acts 1968, No. 589, §1.

§2901. District as agency of the state and budgetary unit; purpose

The Jackson Parish Watershed District so created shall be a political subdivision of the State of Louisiana, shall constitute a waterworks district under the provisions of Article XIV, Section 14 of the Constitution of the State of Louisiana for the year 1921, as amended, and shall have all the rights, powers, privileges and immunities hereinafter set forth. Additionally, the district shall be an agency of the State of Louisiana and a budgetary unit thereof which shall have for its purpose the conservation of soil and water, developing the natural resources and wealth of the district for sanitary, agricultural, industrial and recreational purposes, as the same may be conducive to the public health, safety, convenience or welfare or of public utility or benefit of the citizens of the State of Louisiana. The creation and maintenance of a lake within the said district shall be for the purpose of conserving the soil and water and developing the natural resources and wealth of the district for sanitary, agricultural, industrial and recreational purposes, as the same may be conducive to the public health and public utility and benefit of the citizens of the State of Louisiana.

Added by Acts 1968, No. 589, §1. Amended by Acts 1972, No. 316, §1.

§2902. Powers

The Jackson Parish Watershed District shall constitute a body corporate in law with all the powers, rights, privileges and immunities of a public corporation, with power to sue and be sued, to incur debt and contract obligations in accordance with law, have a corporate seal and do and perform all acts in its corporate capacity and in its corporate name which are necessary and proper for carrying out the purposes and objects for which it is created. It shall have the power of eminent domain and may expropriate property for all its purposes and objectives. Through its governing authority, the district may conserve the fresh water supply within its boundaries for the benefit of the inhabitants and property owners within said district and state, to provide water for commercial, municipal and any other uses, both within and without the district. It may, acting through its own governing authority or through the department of public works, construct, lease, maintain, acquire, enlarge and operate any machinery or do any other thing necessary for the use and purpose of the district. It may own in full ownership all servitudes, rights of way, flowage rights and may acquire same by donation, prescription, purchase, expropriation, or otherwise. It shall have the authority to cooperate and contract with the

government of the United States or any department or agency thereof and to accept gifts, grants and donations of property and money therefrom. It shall have the authority to cooperate with the State of Louisiana or any political subdivision, department, agency or corporation of said state, for the construction, operation and maintenance of such facilities designed to accomplish the purposes for which the district is created on any basis, including the matching of funds and by participating in projects authorized by the federal or state law as it shall see fit.

Added by Acts 1968, No. 589, §1. Amended by Acts 1972, No. 316, §2

§2903. Board of commissioners created

The Board of Commissioners of the Jackson Parish Watershed District, within its powers and duties as defined herein, is hereby created and established as the governing board of the Jackson Parish Watershed District.

Added by Acts 1968, No. 589, §1.

§2904. Board to govern; membership; tenure; vacancies; compensation

The said district shall be governed and controlled by the Board of Commissioners of the Jackson Parish Watershed District, to be composed of seven commissioners, each of whom shall be a qualified elector of the state of Louisiana who resides within the limits of Jackson Parish. The commissioners shall be appointed by the Jackson Parish Police Jury and shall serve terms of four years and until their successors have been appointed and have qualified; except that one of the initial appointments shall be for a term of one year, two shall be for a term of two years, two shall be for a term of three years, and two shall be for a term of four years. Any vacancy in the office of commissioner, due to death, resignation or any other cause shall be filled by an appointment of the Jackson Parish Police Jury.

The members of the board shall receive no compensation for their services, but may be reimbursed for expenses actually incurred in the performance of official duties.

Added by Acts 1968, No. 589, §1.

§2905. Oaths

Before entering upon his official duties, each commissioner of the district created hereby shall take and subscribe to an oath before an officer authorized by law to administer oaths, that he will honestly, faithfully and impartially perform the duties devolving upon him as a commissioner of said district and that he will not neglect any of the duties imposed upon him hereby. The oaths of the commissioner shall be recorded in the oath book of Jackson Parish.

Added by Acts 1968, No. 589, §1.

§2906. Election of officers; record book, public inspection

Immediately after the commissioners have been appointed by the Jackson Parish Police Jury, or as soon thereafter as practicable, the commissioners shall meet and immediately organize by electing officers as follows: They shall elect from among their

number a president, who shall preside over the meetings of the board and perform such other duties as are usually required of presidents of corporate bodies, and also a vice president, who shall perform the duties of the president in case of his absence or disability.

The board shall cause to be kept a well-bound book entitled "Record Book of Jackson Parish Watershed District," in which shall be recorded the minutes of all meetings, all proceedings, certificates, oaths of commissioners, bonds of employees and contractors, and any and all corporate acts. The records shall be in the possession of the secretary of the board and shall be open to public inspection at all times by any person interested.

Added by Acts 1968, No. 589, §1.

§2907. Powers of board

In order to accomplish the purposes for which the district is created, the board of commissioners may:

(1) Purchase, hold, sell and convey land and personal property and execute such contracts as it may deem necessary or convenient to enable it properly to carry out the purposes for which it is created.

(2) Acquire servitudes, rights of way and flowage rights, by purchase, by expropriation, and by assignment.

(3) Assist in conserving soil and water and in developing the water resources of the district; provided, however, nothing shall be done to interfere with districts previously organized under Louisiana law.

(4) Cooperate with the State Department of Public Works and other state agencies in the maintenance or improvement, and the construction of any works or improvements for the control, retention, diversion or utilization of water; retard runoff of water and soil erosion, construct any ditch, channel improvement, dike, dam, or levee, and repair, improve and maintain any of said improvements or structure.

(5) Acquire personal property by gift or purchase; and employ and hire a secretary and such other personnel as may be necessary in the operation of the business of the district, and fix their compensation; and the commission is further authorized to employ engineers, attorneys and other professional personnel as the need becomes necessary and fix their compensation.

(6) Levy taxes, issue bonds and incur indebtedness within the limitations prescribed by the constitution of the State of Louisiana, and in the manner prescribed thereby.

(7) Cooperate and contract with persons, firms, associations, partnerships and private corporations, and cities of this state, or other public corporations and with any other local, state and governmental agencies for the sale or use of any waters impounded hereby; provided, however, that this district shall not engage in the production of goods or resources or the performance of services which are or may be provided or performed by private enterprise in this state.

(8) Select a domicile and home office for the district.

(9) Do and perform any and all things necessary or incident to the fulfillment of the purposes for which this district is created, including all acts necessary to construct, lease, acquire in any manner, maintain, and operate dikes, dams, reservoirs, storage basins, locks, levees, flumes, conduits, spillways or other structures necessary, suitable or convenient to the purposes of the district.

(10) The Board of Commissioners of the Jackson Parish Watershed District in cooperation with the State Department of Public Works and the Wildlife and Fisheries Commission, shall have the care, management and control of the construction and maintenance of a lake within the district, the name of the lake to be selected by the board of commissioners. They shall have the power to:

(a) Appropriate money and provide for the current expenses of the said district.

(b) Make all police regulations necessary for the preservation of good order and the peace of the district; and to prevent injury to, destruction of, or interference with public or private property.

(c) Secure the general health of the district, to prevent, remove and abate nuisances; to prohibit the construction of privy vaults and cesspools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with the sewers and drains; to establish and regulate health and sanitary regulations with the concurrent approval of the state board of health or to regulate them and to prescribe and enforce regulations for cleanliness and sanitary regulations with regard to construction within the said district; to compel and regulate the removal of garbage and filth within the said limits of the district.

(d) Grant franchises to telephone, telegraph and electric power companies for the purpose of supplying such service to construction within one mile of the high water line of the said reservoir.

(e) Grant franchises for the purpose of laying gas, water, sewer, electric light or other utilities supplying the inhabitants or any person or corporation with gas, water, sewerage, light, when such construction is located within one mile of the high water line of the said reservoir. This applies only to construction begun after August 1, 1968.

(f) REPEALED BY ACTS 1993, NO. 830, §2.

(g) Appoint, hire, designate and empower wardens, rangers, patrols, and such other personnel as may be deemed necessary by the commission for the enforcement of such regulations as may be promulgated and adopted by the said commission.

(11) Raise funds by taxes or otherwise to be expended by and under the direction of the commission.

(12) The Jackson Parish Watershed District shall have, with respect to the improvement and maintaining of the said watershed district, the advice of the department of public works, and it shall be the duty of the department to make such surveys, inspections, and investigations, render such report, estimate and recommendations and furnish such plans and specifications as the board of commissioners of the said district may request from time to time.

(13) Whenever any work is to be let under the provisions of this Chapter, the contract for which will exceed the value of two thousand dollars, the board of commissioners of the district shall proceed to provide through the department of public works, proper specifications for the performing of said work, which specifications shall receive the approval of the board of commissioners of the district. After the adoption of the specifications thus approved the board of commissioners of the district shall advertise for bids to do the work according to the plans and specifications prepared by the department of public works, which advertisement shall appear once a week for the full term of thirty days in a newspaper of Jackson Parish, as well as any other paper or papers in the discretion of the board of commissioners. Such advertisement shall state the place where the bids will be received, the time and place where the bids will be opened, and a general outline of the work expected to be performed. Every bid shall be accompanied by a certified check of the bidder in an amount equal to five percent of the amount of the bid, which check shall be forfeited to the board of commissioners of the district, should the bidder to whom such contract is awarded fail to enter into the contract required within ten days after notice to do so from the board of commissioners awarding the work. The checks of all unsuccessful bidders shall be returned after the contract is awarded. All bids submitted shall be addressed to the Board of Commissioners of the Jackson Parish Watershed District and shall be publicly opened and read at the time stated in the advertisement.

The governing authority of the district may reject any and all bids, if, in its opinion, it is to the best interest of the district to do so, but whenever a contract is awarded, unless for cause which in its discretion is deemed sufficient, it shall be awarded to the lowest responsible bidder. The bidder to whom such contract is awarded shall be required to furnish bond of a surety company authorized to do business in Louisiana, or other good and solvent surety, in the sum equal to one-half of the amount of the contract awarded, conditioned that such work shall be performed in accordance with the plans and specifications of the Department of Public Works and the terms of the contract, and containing such other stipulations and provisions as may be required by the authority granting the contract. The awarding of the contract to a successful bidder will be binding upon both, even though for some cause there should be no signing of the actual contract.

(14) The district is hereby authorized to incur debt for any one or more of its lawful purposes, to issue in its name negotiable bonds or certificates of indebtedness evidencing such debt, and to provide for the security and payment thereof as follows:

(a) To issue certificates of indebtedness maturing within one year from date of issuance to evidence money borrowed in anticipation of current revenues for the administration, operation, construction and maintenance costs and expenses of the district, which certificates shall be payable in principal and interest from any available income, revenues, fees and/or taxes pledged to their payment by the district.

(b) To issue bonds substantially in the manner set forth in Article XIV, Section 14 of the Constitution, and other authority supplemental thereto, particularly Part III, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950. Such bonds shall be payable from an ad valorem tax on all taxable property in the district sufficient to pay

such bonds in principal and interest, when approved by a vote of a majority in number of the qualified electors voting on the proposition at an election held for that purpose in accordance with Part II of said Chapter 4, Title 39, as amended by Act 277 of 1970. Such bonds shall be issued in the manner provided by the law pursuant to which they are being issued and the maximum interest rate for the bonds shall be that prescribed by such law. The bonds shall be issued in such amount or amounts as the board of commissioners shall determine, provided, however, the principal amount of all such bonds outstanding as of the date of the issuance of any new bonds shall never exceed ten per cent of the assessed valuation of the taxable property within the district, to be ascertained by the last assessment roll of record in the Parish of Jackson.

(15) The district shall have additional authority to levy taxes under the provisions of Article X, Section 10 of the Constitution of the State of Louisiana for the year 1921, as amended, for the purpose of improving, operating and maintaining its facilities, provided any such tax shall first be approved at an election held for said purposes in accordance with Part II of Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950, as amended by Act 277 of 1970.

(16) The copy of any resolution levying a tax, certified by the secretary of the board of commissioners of said district, shall be transmitted to the tax assessor of the parish on or before May 1 of the year in which the tax is to be assessed and collected, and it shall be the duty of the assessor to assess the tax and extend the same upon the tax rolls of the parish. The tax shall be collected by the sheriff and ex officio tax collector of the parish in the same manner as taxes levied by the state. The tax collector shall make settlement for taxes so collected with the state comptroller and state treasurer for the account of the respective Jackson Parish Watershed District, and the funds so derived shall be withdrawn upon the warrant of the secretary of the board of commissioners of the Jackson Parish Watershed District; countersigned by the president of the said commission. Taxes assessed shall constitute the same liens upon the property assessed; shall bear the same penalties; and collection thereof shall be enforced in the same manner and at the same time as state and parish taxes.

(17) The parish shall not be entitled to reimbursement out of the property tax relief fund for any sums which may be lost to it occasioned by any homestead exemption which may be applicable to any property within the parish with respect to any tax levied under the authority of this part, as amended.

Added by Acts 1968, No. 589, §1. Amended by Acts 1970, No. 516, §§1, 2; Acts 1972, No. 316, §3; Acts 1993, No. 830, §2.

§2908. Rules and regulations

In order to accomplish the purposes of the district, to protect the works, improvements and property of the district, both real and personal; to secure the best results from the construction, operation and maintenance thereof, and to prevent damage to the district by misuse of any works, improvements or properties or by the pollution or misuse of the waters of the district or any water course therein, the board of

commissioners may make and enforce such rules and regulations as it shall deem necessary and advisable:

(1) To protect and preserve the works, improvements and properties owned or controlled by the district, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent thereto;

(2) To prescribe the manner of building bridges, roads, or fences, or other works in, along or across any channel, reservoir or other construction of the district;

(3) To prescribe the manner in which ditches, sewers, pipelines or other works shall be adjusted to or connected with the works of the district or any water course therein and the manner in which the water courses of the district may be used for sewer outlets or for disposal of waste;

(4) To prescribe the permissible uses of the water supply, provided by the impoundments constructed, and to prevent the pollution or unnecessary waste of such water supply;

(5) To prohibit or regulate the discharge into sewers of the district of any liquid or solid waste deemed detrimental to the works and improvements of the district;

(6), (7) REPEALED BY ACTS 1993, NO. 830, §2.

Added by Acts 1968, No. 589, §1; Acts 1993, No. 830, §2.

§2909. Constructions which would impede flow of water in watershed prohibited; pollution defined and prohibited; penalties fixed for violations

A. No person or public corporation shall erect within the drainage area of the district any dam or reservoir upon any stream or water course which will affect the proposed lake until a copy of the plans thereof has been filed with the board of commissioners for approval.

Whoever violates this subsection shall be fined not less than five hundred dollars or more than one thousand dollars or imprisoned for not less than thirty days, nor more than sixty days, or both.

B. No person shall knowingly and willfully empty or drain into, or permit to be drained from any pumps, reservoirs, wells or oil fields into any stream or drain constituting the watershed of the proposed lake or from any stream within said district into the said reservoir any oil, salt water or other noxious or poisonous gases or substances which would render the water unfit for irrigation purposes or would destroy aquatic and fish life in the streams.

Whoever violates this subsection shall be fined not less than one hundred dollars or more than two hundred dollars or imprisoned for not less than thirty days nor more than three months.

Each and every day that oil, salt water or other substances are permitted to flow into natural streams or drains which constitute the watershed of the proposed lake shall constitute a separate and distinct offense.

C. No person shall:

(1) Obstruct drainage channels which compose any drain or stream flowing into the proposed lake by bridging them except in accordance with plans, specifications and instructions prescribed by the board of commissioners of the district.

(2) Construct dams, locks, or gates in drainage channels of the said watershed of the proposed lake without permission of the commission.

(3) Extend fences of wire or any other material across drainage channels into and forming a part of the watershed of the proposed lake.

(4) Anchor rafts, crafts, fish traps, fish cars and other obstacles in the channel of any stream, drain or natural flow of the feeder streams of the watershed of the proposed lake.

(5) Drain into channels by natural or artificial inlets except under regulations prescribed by the board of commissioners.

(6) Float timber in the watershed of the proposed lake.

(7) Use the channels for transportation or navigation except under authority of and agreement with the board of commissioners.

(8) In any manner obstruct drainage channels, natural flow drains or natural flowage or violate any of the rules or regulations adopted and promulgated by the board of commissioners for preserving and maintaining the efficiency of the drainage channels in the district.

Whoever violates this subsection shall be fined not less than two hundred and fifty dollars or more than five hundred dollars or imprisoned for not less than thirty days nor more than sixty days, or both.

D. No proprietor, owner, lessee or possessor of land abutting upon the reservoir of the proposed lake or upon any public road paralleling the water line or contiguous to the reservoir of the proposed lake shall in any manner close or place any obstruction in the drains or ditches, whether on private property or on the public road or levee adjacent to the road which will in any manner interfere with the effective, through and continuous drainage into the reservoir.

Whoever violates this subsection shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than sixty days, or both.

The sheriff of the parish, in addition to his other duties, is charged with the responsibility of aiding and assisting the commission in the enforcement of all rules and regulations adopted in accordance herewith.

E. The district attorney of the judicial district within which the watershed district is situated is hereby designated as the proper official and charged with the responsibility of the prosecution of all violations of the rules and regulations adopted by the said commission in pursuance hereto.

Added by Acts 1968, No. 589, §1.

§2910. Contracts, let by board; bond

Any and all contracts of the district may be let by the board of commissioners, with advertisement, on the terms and subject to the conditions which it may fix in the

ordinance or advertisement calling for bids. The person or firm to whom any contract is awarded shall furnish, within the delay fixed by the board, a bond of a surety company authorized to do business in the State of Louisiana, in the amount required by the laws relating to contracts for public works, and conditioned that the work shall be performed in accordance with the plans and specifications of the engineers, and the terms of the contract, and the board shall demand any other bonds and obligations which the laws relating to public works contracts required the contractor to give.

Added by Acts 1968, No. 589, §1.

§2911. Playgrounds, parks and other facilities; limitation

The board of commissioners shall have the power to cause to be created and constructed playgrounds, picnic grounds, grounds for recreation parks, and any and all other facilities to accommodate the public and to provide adequate access to the proposed lake, as may within the opinion of the board become necessary, and the district shall have the right of eminent domain and expropriation in the exercise of such powers.

Added by Acts 1968, No. 589, §1.

§2912. Management of fish, game, and wildlife

A, B, C. REPEALED BY ACTS 1993, NO. 830, §2.

D. The board of commissioners shall have authority to establish and cause to be enforced rules and regulations pertaining to all commercial establishments which may be constructed for the purpose of commercializing and making commercial use of the facilities provided by the lake or its watershed; to license and permit such establishments and to levy and collect a fee, to be fixed by the commission, for the privilege of making commercial use of the facilities of the lake, or to refuse to license or permit any commercial establishment to use the facilities provided by the lake.

E. The rules and regulations established and promulgated by the board of commissioners shall provide penalties for any commercial establishment operating without a permit or license, and the rules and regulations shall be enforced by the sheriff and violations thereof prosecuted by the district attorney of the judicial district within which the watershed district is situated, as hereinabove provided.

Added by Acts 1968, No. 589, §1; Acts 1993, No. 830, §2.

§2913. Management of improvements

The board of commissioners shall have the right to regulate the construction and use of all piers, docks, bridges and other improvements built or erected on any part of the district to be inundated by the proposed lake and shall further have the right to regulate and control the erection of any improvements of any kind whatever within one mile from the 185.0 foot contour shoreline of the proposed lake. The board of commissioners shall have the authority and power to regulate the improvements by the issuance of permits for same and fix a fee for the issuance thereof.

The board of commissioners is authorized to charge an annual fee for the permit to maintain improvements on or within one mile of the shores of the proposed lake.

Added by Acts 1968, No. 589, §1.

§2914. Property exempt from taxation

The lands which lie within and form the proposed lake proper shall not be subject to any ad valorem taxation or any other tax of any nature whatsoever by either the state of Louisiana or any of its political subdivisions, for so long as the said lands shall form and lie within the lake proper. All property acquired, however, regardless of the manner in which it is acquired or the source from which it is acquired, shall thereafter become the property of the State of Louisiana for the use and benefit of the Jackson Parish Watershed District.

Added by Acts 1968, No. 589, §1.

§2915. Individual mineral leases unabridged

The provisions of this Chapter shall in no wise abridge the right of any individual from whom the flowage rights, rights of way and servitudes may have been acquired by any means however to lease the lands for the production of oil, gas and other minerals and the right of such lessee or his assignee to produce or cause to be produced oil, gas or other minerals therefrom.

Added by Acts 1968, No. 589, §1.