

§38:2861. Creation; location

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

Added by Acts 1966, No. 299, §1.

§2862. District as political subdivision and budgetary unit; purpose

The Claiborne Parish Watershed District shall be a political subdivision of the state of Louisiana and a budgetary unit of the state of Louisiana, which shall have as its purpose the conservation of soil and water, including surface and groundwater, 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, safety, convenience, or welfare or of public utility or benefit. The creation and maintenance of Lake Claiborne within the district shall be for the purpose of conserving the soil and water, including surface and groundwater, 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.

Added by Acts 1966, No. 299, §2; Acts 2004, No. 390, §1.

§2863. Body corporate; powers

The Claiborne Parish Watershed District shall constitute a body corporate in law, with all the powers of a corporation, and with all the powers and rights of a political subdivision of the state as provided by the laws of the state relating to the incurring of debt and the issuing of bonds therefor. Said district, through its board of commissioners, may incur debt and issue negotiable bonds in accordance with the power and authority and in the form and manner, and with the effect and security now or hereafter provided by the constitution and laws of the State of Louisiana. This district, through its board of commissioners, may incur debt and contract obligations in accordance with law, sue and be sued, have a corporate seal, and do and perform any and 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, in accordance with the constitution and laws of the State of Louisiana. 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 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.

Added by Acts 1966, No. 299, §3.

§2864. Transfer of property

The State Bond and Building Commission is hereby authorized and directed to transfer, convey and assign to the Claiborne Parish Watershed District all of the rights, titles and interest of the State Bond and Building Commission for the State of Louisiana in all fee titles, servitudes and flowage rights acquired as a part of the Lake Claiborne project.

Added by Acts 1966, No. 299, §4.

§2865. Board of commissioners created

The Board of Commissioners of the Claiborne Parish Watershed District, with its powers and duties as defined herein, is hereby created and established as the governing authority of the Claiborne Parish Watershed District.

Added by Acts 1966, No. 299, §5.

§2866. Board to govern; membership; tenure; vacancies; compensation

A. The district shall be governed and controlled by the board of commissioners of the Claiborne Parish Watershed District. The board shall be composed of seven commissioners, each of whom shall be a qualified elector of the state of Louisiana and reside within the boundaries of Claiborne Parish. The membership of the board shall be representative of the various geographical areas of the district, and members shall possess additional qualifications as follows:

- (1) Be dedicated to district purposes of conserving the district's soil and water, including surface and groundwater, and developing its natural resources and wealth for present and future citizens of Claiborne Parish.
- (2) Be very knowledgeable of and have extensive experience in the production of water and system management or in another field of work pertinent to the purposes of the district.
- (3) Be dedicated to the team approach of goal setting and problem solving.
- (4) Be willing to volunteer time and effort as needed to accomplish district objectives.

B.(1) The commissioners shall be appointed by the Claiborne 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.

(2) Notwithstanding any other provision of law to the contrary, no person shall serve more than two consecutive terms.

However, if a person has been appointed to fill less than one-half of an unexpired term, such person may serve two consecutive terms in addition to such partial term. If a person has been appointed to fill more than one-half of an unexpired term, such person shall be eligible to serve consecutively no more than one full term in addition to such partial term. At the conclusion of such service, a board member who becomes subject to these limitations shall not serve on the board for four years. Upon the expiration of four years, such member shall be eligible to serve again, subject to the same limitations.

C. Any vacancy in the office of commissioner, due to death, resignation, or any other cause, shall be filled by an appointment of the Claiborne Parish Police Jury.

D. 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.

E. Any member of the board may be removed for cause. Grounds for removal shall include but not be limited to conduct having a material adverse affect upon the work of the district or conviction of a felony. A written recommendation of removal, approved by a majority of the membership of the board, shall be submitted to the police jury of Claiborne Parish. The police jury shall send notice of recommendation of removal to such board member, which notice shall set forth the charges against him. Unless within ten days from receipt of such notice such board member files a written request for a hearing before the police jury, the board member shall be deemed removed from office. If a request for hearing is so filed, the police jury shall hold a hearing not sooner than ten days subsequent to the date a hearing is requested, at which the board members shall determine whether the removal shall be upheld. Removal of such member shall be by majority vote of the membership of the police jury. If removal is not upheld, the board member shall continue to hold his office.

Added by Acts 1966, No. 299, §6; Acts 2004, No. 390, §1.

§2867. 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 thereby. The oaths of the commissioner shall be recorded in the oath book of Claiborne Parish.

Added by Acts 1966, No. 299, §7.

§2868. Election of officers; record book, public inspection

A. Immediately after the commissioners have been appointed by the Claiborne Parish Police Jury, or as soon thereafter as practicable, the commissioners shall meet and immediately organize by electing officers. They shall elect from their membership a president who shall preside over the meetings of the board, perform such duties as are usually required of presidents of corporate bodies, and such other duties as are fixed by the bylaws adopted by the board. The commissioners shall also elect from their membership a vice president who shall perform the duties of the president in case of his absence or disability.

B. The board shall cause to be kept a well-bound book entitled "Record Book of Claiborne 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 1966, No. 299, §8; Acts 2004, No. 390, §1.

§2869. Powers of board

A. 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, in accordance with the constitution and laws of the state of Louisiana.
- (3) Assist in conserving soil and water and in developing the water resources of the district. The board may cooperate with conservation districts, including soil and water conservation districts, lake districts, or other watershed districts in order to accomplish these objectives. However, nothing shall be done to interfere with districts previously organized under Louisiana law.
- (4) Construct, maintain, and improve any works or improvements for the control, retention, diversion, or utilization of water and cooperate with the state Department of Transportation and Development and other state agencies in accomplishing such objectives.
- (5) Acquire personal property by gift or purchase.
- (6) 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 board is further authorized to employ engineers, attorneys, and other professional personnel as necessary and fix their compensation.
- (7) Levy taxes, issue bonds, and incur indebtedness within the limitations prescribed by the constitution and laws of the state of Louisiana and in the manner prescribed thereby.
- (8) Cooperate and contract with persons, firms, associations, partnerships, private corporations, political subdivisions 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 by the district.

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

(10) 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.

(11) Appropriate money and provide for the expenses of the district.

(12) 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.

(13) Secure the general health of the district. In order to secure the general health of the district, the board of commissioners may:

(a) Prevent, remove, and abate nuisances.

(b) Prohibit the construction of privy vaults and cesspools and regulate or suppress those already constructed.

(c) Compel and regulate the connection of all property with the sewers and drains.

(d) Establish health and sanitary regulations, not in conflict with the state's Sanitary Code, and enforce such regulations with regard to construction within the district.

(e) Compel and regulate the removal of garbage and filth within the limits of the district.

(14) Grant franchises to telephone, telegraph, cable, and electric power companies and grant franchises for the purposes of constructing gas, sewer, electricity, or other utility lines and facilities to supply the inhabitants or any person or corporation with gas, water, sewerage, and electricity, when such construction is within the district. The provisions of this Paragraph shall not impair the rights granted to public utilities pursuant to the provisions of R.S. 45:781.

(15) Appoint, hire, fix the compensation of, designate, and empower wardens, rangers, patrols, and such other personnel as may be deemed necessary by the board for the enforcement of such regulations as it may promulgate and adopt.

B. The Claiborne Parish Watershed District shall not be deemed to be an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

C. The board of commissioners of the district shall have the care, management, and control of the lake or reservoir formed by the damming of Bayou D'Arbonne and its property and finances.

D. The district may raise funds by taxes or otherwise to be expended by and under the direction of the board of commissioners.

E. The district, through the board of commissioners, is authorized to incur debt and issue negotiable bonds for the construction of works of public improvement and for such other public purposes as may be necessary and proper to effect the purpose of the district; and to that effect, the district, through the board, is authorized to call any special elections that are necessary to levy taxes, incur debt, or to issue and sell negotiable bonds, all in conformity with the constitution and laws of the state of Louisiana.

F. The board of commissioners shall have, with respect to the improvements and maintenance of the district, the advice of the Department of Transportation and Development. It may request from time to time the assistance of the department to make such surveys, inspections, and investigations; render such reports, estimates, and recommendations; and furnish such plans and specifications or other engineering services as it may request, and the department shall provide such assistance. The board may further cooperate with the department in the construction of any work or facility the board considers necessary to achieve the purposes of the district.

G. For the purpose of providing funds to carry out the objects and purposes of the district, the board may levy and collect an ad valorem tax on all taxable property in the district subject to applicable provisions of law. Such tax shall be levied by resolution of the board only after the question of its levy has been approved by a majority of the registered voters of the district voting at an election held for that purpose in accordance with the Louisiana Election Code. The proposition submitted to the voters shall state the amount and duration of the tax.

Added by Acts 1966, No. 299, §9; Acts 1993, No. 830, §2; Acts 2004, No. 390, §§1, 2; Acts 2005, No. 81, §1.

§2870. Rules and regulations

A. 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 as follows:

(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) To establish rules and regulations and cause them to be enforced with regard to activities engaged in upon any public water body in the district which are not regulated by the Louisiana Wildlife and Fisheries Commission or the United States Army Corp of Engineers.
- (7) To manage and control surface and groundwater levels in the district. Any rule or regulation pertaining to the management and control of groundwater levels in the district shall be subject to approval by the Groundwater Resources Commission.
- B. Any person who violates the rules and regulations established and promulgated by the board of commissioners pursuant to this Section shall be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for more than sixty days, or both. Each day of violation shall constitute a separate offense.
- Added by Acts 1966, No. 299, §10; Acts 1993, No. 830, §2; Acts 2004, No. 390, §1; Acts 2005, No. 81, §1.

§2871. 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 Lake Claiborne 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 nor 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 Lake Claiborne watershed 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 nor 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 Lake Claiborne shall constitute a separate and distinct offense.
- (C) No person shall:
- (1) Obstruct drainage channels which compose any drain or stream flowing into Lake Claiborne by bridging them except in accordance with plans, specifications and instructions prescribed by the Board of Commissioners of the said Claiborne Parish Watershed District.
- (2) Construct dams, locks, or gates in drainage channels of the said Lake Claiborne watershed 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 Lake Claiborne.
- (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 Lake Claiborne watershed.
- (5) Drain into channels by natural or artificial inlets except under regulations prescribed by the Board of Commissioners of the Claiborne Parish Watershed District.
- (6) Float timber in the watershed of Lake Claiborne.
- (7) Use the channels for transportation or navigation except under authority of and agreement with the Board of Commissioners of Claiborne Parish Watershed District.
- (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 of Claiborne Parish Watershed District for preserving and maintaining the efficiency of the drainage channels in said district.
- Whoever violates this Subsection shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars or be 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 Lake Claiborne reservoir or upon any public road paralleling the water line or contiguous to the said Lake Claiborne reservoir 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, thorough and continuous drainage into the said reservoir.
- Whoever violates this Subsection shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars or be 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 said 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 1966, No. 299, §11.

§2872. Contracts of the district

Contracts of the district shall be subject to the provisions of Chapter 10 of this Title, relative to public contracts (R.S. 38:2181 et seq.).

Added by Acts 1966, No. 299, §12; Acts 2005, No. 81, §1.

§2873. 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 said lake, as may within the opinion of the said board become necessary, and said district shall have the right of eminent domain and expropriation in the exercise of such powers.

Added by Acts 1966, No. 299, §13.

§2874. Management of fish; commercial establishments

A. The Wildlife and Fisheries Commission may regulate, restrict, or prohibit the recreational or commercial use of hoop nets, gill nets, trammel nets, strike nets, seines, wire nets, slat traps, and wire traps on Lake Claiborne.

B.(1) The board of commissioners of the Claiborne Parish Watershed District 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 said 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 said lake, or to refuse to license or permit any commercial establishment to use the facilities provided by said lake.

(2) The rules and regulations established and promulgated by the board of commissioners of the Claiborne Parish Watershed District shall provide penalties for any such commercial establishment operating without a permit or license, and such 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 1966, No. 299, §14; Acts 1993, No. 830, §2; Acts 2004, No. 541, §1.

§2875. 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 Lake Claiborne 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 Lake Claiborne. The board of commissioners shall have the authority and power to regulate said improvements by the issuance of permits for same and fix a fee for the issuance of same. 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 Lake Claiborne.

Added by Acts 1966, No. 299, §15.

§2876. Property exempt from taxation

The lands which lie within and form the Lake Claiborne 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 Claiborne Parish Watershed District.

Added by Acts 1966, No. 299, §16.

§2877. Grant of state lands to district; right of mineral leases unabridged

All lands purchased by the State Bond and Building Commission for the State of Louisiana, which are enclosed in the said area and which are necessary to the erection and maintenance of said Lake Claiborne are hereby granted to the Lake Claiborne Watershed District, as provided in R.S. 38:2864, for the purposes herein set out, but this grant shall in no wise abridge the right of the state to lease the said land for the production of oil, gas and other minerals under the general laws of the state as now provided.

Added by Acts 1966, No. 299, §17.

§2878. Individual mineral leases unabridged

The provisions of this Part 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 said 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 1966, No. 299, §18.