

LOUISIANA REVISED STATUTES

PART XV-A. BAYOU LAFOURCHE FRESH WATER DISTRICT

§3086.21. Creation; purposes

There is hereby created a body politic and corporate to be known as Bayou Lafourche Fresh Water District, for the purpose of furnishing fresh water from any available fresh water source, including any ground water and surface water sources to the water purification facilities serving the incorporated villages, towns, and cities along Bayou Lafourche and within or adjacent to the boundaries of the district, as provided in this Part.

Acts 2003, No. 187, §1.

§3086.22. Location; composition

A. The Bayou Lafourche Fresh Water District shall be composed of all of Lafourche Parish, except that portion of the parish having a front of two hundred feet on Bayou Des Allemands and running back westerly a distance of thirty-eight thousand six hundred ninety-five feet, being one hundred feet on each side of the center line of the main line track of the Texas and New Orleans Railroad; that portion of Ascension Parish lying along both banks of Bayou Lafourche between the Mississippi River and the boundary line between the parishes of Assumption and Ascension, and within lines drawn on each side of the bayou for a distance of four thousand two hundred feet from the center of the bayou, as established by government survey; and all of Assumption Parish and Terrebonne Parish.

B. The northern boundary line of the district shall be the toe of the main Mississippi River levee divorcing the waters of Bayou Lafourche from the Mississippi River, on the river side of the levee as now located, and the southern boundary of the district shall be the southern boundary of Lafourche Parish.

C. All property subject to taxation within the district as hereby constituted shall be subject to the levy of the special taxes heretofore authorized for the maintenance and operating expenses of the district and for the payment of the outstanding bonds of the district.

Acts 2003, No. 187, §1; Acts 2005, No. 2, §1.

NOTE: See Acts 2005, No. 2, §2, relative to implementation.

§3086.23. Board of commissioners; membership; officers; vacancies

NOTE: §3086.23 effective until approval of the amendment proposed by Acts 2005, No. 2, §1, by the governing authority and voters of Terrebonne Parish.

A.(1) The affairs of the district shall be governed by a board of commissioners composed of six members. Until the beginning of the term for members of the board of commissioners that begins in 2004, the members of the board of commissioners shall be selected as follows: one from the parish of Ascension, two from the parish of Assumption, and three from the parish of Lafourche.

(2) The commissioners from the parishes of Assumption and Ascension shall be selected and appointed by the president of the respective parish governing authority in the first year of the term of the governing authority president beginning in 1992 and every four years thereafter.

(3) The state legislators representing Lafourche Parish shall submit a single list of nominees from Lafourche Parish to the governor. The governor shall then appoint three commissioners to serve on the Bayou Lafourche Fresh Water District subject to confirmation by the Louisiana Senate.

B.(1) The membership of the board shall be composed of eight members selected as follows: two members appointed to represent the parish of Ascension, two members appointed to represent the parish of Assumption, and four members appointed to represent the parish of Lafourche.

(2)(a) The president of the governing authority of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension, who resides within the district, and who shall serve a term of four years.

(b) The legislative delegation of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension who resides within the district and who shall serve a term of four years.

(3) The president of the governing authority of the parish of Assumption shall appoint two commissioners who are residents of the parish of Assumption, who reside within the district, and who shall serve terms of four years.

(4)(a) Four commissioners shall be residents of the parish of Lafourche appointed by the governor from a list of nominees submitted to the governor as provided in this Subparagraph. Each appointment by the governor shall be subject to Senate confirmation and shall serve a term of four years.

(b) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature representing that portion of the parish of Lafourche which is north of the railroad tracks traversing the parish east to west and which cross Bayou Lafourche in the area known as Lafourche Crossing. This commissioner shall reside in that portion of the parish north of such railroad tracks.

(c) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature representing that portion of the parish of Lafourche which is south of the railroad tracks traversing the parish east to west which cross Bayou Lafourche in the area known as Lafourche Crossing and north of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish between such railroad tracks and the Intracoastal Waterway.

(d) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature representing that portion of the parish of Lafourche which is south of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish south of the Intracoastal Waterway.

(e) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature whose legislative district includes all or a portion of the parish of Lafourche.

C. A vacancy in an unexpired term shall be filled in the same manner as the original appointment for the balance of the unexpired term. The members so selected and appointed shall meet within thirty days after the appointment last made. They shall elect a chairman, a vice chairman, and a secretary-treasurer.

D. Notwithstanding the provisions of Act No. 615 of the 1999 Regular Session of the Legislature to the contrary, the board may, at its own discretion, employ an attorney or may use the services of the district attorney's office in the affected parishes of the district. The board may employ such other employees as may be necessary and fix their respective salaries. The board may also fix the per diem and mileage allowed to its members. The per diem may not exceed seventy-five dollars per meeting and shall not exceed one hundred fifty dollars per month.

E. The board shall fix its own meeting dates and adopt such rules and regulations as may be necessary for its own government.

F. Any commissioner appointed pursuant to the provisions herein may be removed for cause by the appointing authority.

NOTE: §3086.23 as amended by Acts 2005, No. 2, §1, effective upon approval by the governing authority and voters of Terrebonne Parish:

A.(1) The board shall be composed of twelve members selected as follows: two members appointed to represent the parish of Ascension, two members appointed to represent the parish of Assumption, four members appointed to represent the parish of Lafourche, and four members appointed to represent the parish of Terrebonne, all as otherwise provided by this Subsection.

(2)(a) The president of the governing authority of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension, who resides within the district, and who shall serve a term of four years.

(b) The legislative delegation of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension who resides within the district and who shall serve a term of four years.

(3) The president of the governing authority of the parish of Assumption shall appoint two commissioners who are residents of the parish of Assumption, who reside within the district, and who shall serve terms of four years.

(4)(a) Four commissioners shall be residents of the parish of Lafourche appointed by the governor from a list of nominees submitted to the governor as provided in this Paragraph. Each appointment by the governor shall be subject to Senate confirmation and each such commissioner shall serve a term of four years.

(b) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature

representing that portion of the parish of Lafourche which is north of the railroad tracks traversing the parish east to west and which cross Bayou Lafourche in the area known as Lafourche Crossing. This commissioner shall reside in that portion of the parish north of such railroad tracks.

(c) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature representing that portion of the parish of Lafourche which is south of the railroad tracks traversing the parish east to west which cross Bayou Lafourche in the area known as Lafourche Crossing and north of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish between such railroad tracks and the Intracoastal Waterway.

(d) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature representing that portion of the parish of Lafourche which is south of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish south of the Intracoastal Waterway.

(e) One commissioner shall be a resident of the parish of Lafourche who shall be appointed by the governor from a list of names submitted by a majority of the members of the legislature whose legislative districts include all or a portion of the parish of Lafourche.

(5)(a) Four commissioners shall be residents of the parish of Terrebonne appointed by the governor, subject to Senate confirmation, from nominations and subject to further residency requirements as follows:

(i) The governor shall appoint two residents of that portion of the parish north of the Intracoastal Waterway from a single list of nominations submitted by a majority of members of the state legislature representing that portion of the parish.

(ii) The governor shall appoint two residents of that portion of the parish south of the Intracoastal Waterway from a single list of nominations submitted by a majority of members of the state legislature representing that portion of the parish.

(b) Members appointed pursuant to this Paragraph shall serve four-year terms.

B. A vacancy in an unexpired term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

C. The members so selected and appointed shall meet within thirty days after the appointment last made. They shall elect a chairman, a vice chairman, and a secretary-treasurer.

D. Notwithstanding the provisions of Act No. 615 of the 1999 Regular Session of the Legislature to the contrary, the board may, at its own discretion, employ an attorney or may use the services of the district attorney's office in the affected parishes of the district. The board may employ such other employees as may be necessary and fix their respective salaries. The board may also fix the per diem and mileage allowed to its members. The per diem may not exceed seventy-five dollars per meeting and shall not exceed one hundred fifty dollars per month.

E. The board shall fix its own meeting dates and adopt such rules and regulations as may be necessary for its own government.

F. Any commissioner appointed pursuant to the provisions herein may be removed for cause by the appointing authority.

Acts 2003, No. 187, §1; Acts 2005, No. 2, §1, eff. upon approval, and §3, eff. May 27, 2005; Acts 2006, No. 827, §1.

§3086.24. Powers

A. The domicile of said board shall be in the city of Thibodaux, Lafourche Parish, Louisiana. The district shall have the power to sue and be sued, through its board of commissioners, and service of process in any such suit against the district shall be made upon the chairman of the board of commissioners, the vice chairman, or upon its secretary-treasurer.

B. The district shall have authority to incur debt, issue bonds, and levy taxes for the retirement of same, under the provisions of R.S. 33:3811 et seq., and to levy special taxes under the provisions of Article VI, Sections 31 and 32 of the constitution in accordance with the provisions of law carrying these Articles into effect and particularly the applicable provisions of Title 39 of the Louisiana Revised Statutes of 1950.

C. The district shall also have authority to fix and collect, on a gallonage basis, charges for water so furnished.

D. Ad valorem taxes so levied by the district shall be assessed and collected in the same manner as state and parish taxes, and the board of commissioners shall prescribe the method for collecting any fixed charges levied on a gallonage basis. The treasurer shall be bonded in such sum as the board may require, the premium on said bond to be paid by the district.

E. The board of commissioners shall have power to take the necessary steps to effectuate a program of beautification of the area within the jurisdiction of the commission, particularly but not limited to the banks of Bayou Lafourche, including the necessary police power and authority to adopt penalties in connection with such program. For the purposes of this Part "beautification" shall have the following meaning: any method, procedure, or program which has the effect of creating more pleasant surroundings.

F. In addition, the board may adopt an anti-littering ordinance with penalties for the violation thereof not to exceed a fine of two hundred fifty dollars.

G.(1) The board of commissioners shall have full power to adopt and enforce, by penal ordinance, such sanitary regulations as it may deem necessary to protect from pollution the water so furnished, after it leaves its source and to that end may regulate the location, construction, or use of any buildings or structures within the district, where same threaten to pollute or pollute said water.

(2) For the purposes of this Part the following definitions of pollution shall apply:

(a) "Ashes" includes the solid residue resulting from the combustion of all fuels used for heating, cooking, and the production of power in any public or private establishment, institution, or residence.

(b) "Garbage" includes all putrescible waste matter except sewage and recognizable industrial byproducts and includes putrescible vegetable matter, animal offal, and animal carcasses.

(c) "Refuse" includes garbage, rubbish, ashes, animal and vegetable waste from animal quarters, and all other waste matter, except sewage, from any public or private establishment, institution, or residence.

(d) "Rubbish" includes all nonputrescible waste matter, except ashes, from any public or private establishment, institution, or residence.

(e) "Untreated sewage" includes animal feces and urine as well as any material contaminated by animal body discharges and waste feed stuff which has not been subjected to proper primary treatment. Any such action by the board shall be subject to review by the courts.

H.(1) The board shall have full power and authority to cooperate and contract with the United States government, or any of its agencies, the state of Louisiana, or any of its departments, agencies, commissions, districts, or other political subdivisions, or with any person, firm, partnership, or corporation, with the view of accomplishing the construction, maintenance, and operation of pumping facilities and appurtenant pipeline facilities, the purpose of which would be to provide fresh water for said Bayou Lafourche. In the event that such pumping facilities and appurtenant pipeline facilities are constructed, erected, or installed by the state of Louisiana, the office of engineering of the Department of Transportation and Development, state of Louisiana, the Coastal Protection and Restoration Authority Board, the board of commissioners for the Lafourche Basin Levee District, the board of commissioners for the Atchafalaya Basin Levee District, the board of commissioners for the Lafourche Parish Water District No. 1 or other local interests, and the board of commissioners for the Bayou Lafourche Freshwater District, or any of them, it shall be the obligation of the board of commissioners for the Bayou Lafourche Fresh Water District, and the board is hereby authorized and directed to operate and maintain such pumping and pipeline facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

(2) The board of commissioners for the Bayou Lafourche Fresh Water District shall also have power and authority to contribute to the cost of construction and installation of such pumping and pipelining facilities from any funds available for such purpose. It shall also be the obligation of said board to operate and maintain such drainage facilities, floodgates, channel improvements, and drainage structures and appurtenances constructed with the view of providing fresh water in Bayou Lafourche and facilitating the flow thereof. The board shall have power and authority to contribute to the cost of construction of any of the facilities mentioned in this Section.

I. The board of commissioners may implement measures for the abatement of water hyacinths within the water bodies of the parishes of Ascension, Assumption, and Lafourche.

J. The board of commissioners may develop and implement measures to prevent the intrusion of salt water into the flow of fresh water.

K. The board of commissioners may execute such contracts for the sale or purchase of water pursuant to the authority granted the district in R.S. 33:4164.

L.(1) With the approval of the Coastal Protection and Restoration Authority Board, the board of commissioners, in addition to any other powers and duties provided by law, may establish on its own behalf or for the areas under its authority, particularly but not limited to the banks of Bayou Lafourche, water resources development and integrated coastal protection, including but not limited to the studying, engineering, designing, planning, maintenance, operation, and construction of erosion control measures, marsh management, coastal restoration, reservoirs, diversion canals, gravity and pump drainage systems, and other works as such activities, facilities, and improvements relate to integrated coastal protection, conservation, water resources development, and saltwater intrusion. To that end and only upon approval of the Coastal Protection and Restoration Authority Board, the board of commissioners may regulate the location, construction, or use of any building or structure within the district, where such building or structure threatens to interfere with water resources development and integrated coastal protection.

(2) The board of commissioners may enter into contracts or other agreements, including cooperative endeavor agreements, with any public or private person or persons, corporation, association, or other entity, including the Coastal Protection and Restoration Authority Board, the state, and other agencies thereof, public corporations, port authorities, levee districts, parishes, other political subdivisions, or the United States government or agencies thereof, or any combination thereof, or with the instrumentalities of any kind to provide water resources development and integrated coastal protection, and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or in part, that may be necessary.

Acts 2003, No. 187, §1; Acts 2012, No. 495, §1; Acts 2012, No. 753, §5.

§3086.25. Bayou Lafourche; fresh water maintenance

The purpose of this Part is to make it possible for the fresh water district which is hereby created to provide and maintain in Bayou Lafourche a source of fresh water supply from Donaldsonville to the Gulf of Mexico and that nothing in this Part is to be construed as impairing the right and authority of the municipalities as defined by the constitution, including police juries of the several parishes involved, to create and maintain and operate waterworks districts and sub-waterworks districts as is presently provided for in R.S. 33:3811 through 3832, or as may be hereafter provided by law. Any waterworks district or sub-waterworks district so created shall not be permitted to take its supply of water from the Bayou Lafourche Fresh Water District herein created except after adequate compensation paid therefor to the Bayou Lafourche Fresh Water District in accordance with the rates prescribed by the governing authority of the district under the powers herein conferred, which rates shall be equal and uniform for all municipalities and industries purchasing such water within the district.

Acts 2003, No. 187, §1.

§3086.26. Engineering services by Coastal Protection and Restoration Authority

The Coastal Protection and Restoration Authority Board is authorized and directed to provide such engineering assistance, advice, and supervision and shall provide such requests, investigations, surveys, plans, and specifications as the board of commissioners may require. It shall be the duty of the Coastal Protection and Restoration Authority Board to provide an appropriate representative to attend meetings of the board of commissioners when such attendance is requested by the board. The board of commissioners may hire employees and fix their compensation and terms of employment as the board may determine to be necessary in order to carry out the purposes of this Part.

Acts 2003, No. 187, §1; Acts 2012, No. 495, §1.

§3086.27. Board of commissioners; fresh water district

A. Notwithstanding any other provision of law to the contrary, each member of the board of commissioners of a multi-parish fresh water district from any parish with a population of not greater than twenty-three thousand seven hundred persons and not fewer than twenty-three thousand one hundred persons according to the most recent federal decennial census shall be appointed by the governor.

B. Appointments made pursuant to the provisions of this Section shall be from a list of names submitted to the governor by the governing authority of each parish. Each list shall contain twice the number of names as the number of appointments to the board from that parish.

Acts 2011, No. 241, §1.