




The Function of A Conservation District



11-16-103. Legislative declarations and policy

(a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and the silting and sedimentation of stream channels, reservoirs, dams, and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.





(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote health, safety and general welfare of the people of this state.



To meet the intent...

- Districts take available technical, financial and educational resources and focus or coordinate them so that they meet the needs of the local land user
- Districts stay abreast of and become involved in local, state and federal issues and activities affecting the priorities described in legislative declaration and serve as the voice of their District constituents






Legal Responsibilities and Authorities






- A conservation district is a political subdivision of state government
- A conservation district has the authority to request voters to approve up to 1 mill for the purposes outlined in District Law.
 - Every 4 year renewal
 - Petition Recall - passed in 1993




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- Counties may make appropriations, from the county general fund, to conservation districts for the purpose of providing soil and water conservation programs.
 - Districts **DO NOT** have the right of eminent domain.




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- Districts can own property (except agriculture lands), accept gifts, sue and be sued, and raise funds from products or services performed. Districts may hold easements
 - Conservation districts are required to participate in the state of Wyoming Local Government Liability Pool program which provides liability insurance for district supervisors and employees.
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- Districts are responsible for educating the public to the benefits of conservation.
 - Districts work to encourage resource users to protect the resource, maintain productivity, and protect or improve profitability.
 - Districts can execute contracts, develop guidelines and policies, and make rules and regulations although no enforcement language is included in statutes
 - Districts can accept funds and manage state and federal grant programs.



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- Districts can solicit legal assistance from the attorney general's office to carry out activities of the district. Districts should contact WDA/WACD prior to requesting opinions to determine if an attorney general opinion on the subject already exists. A list of opinions is included on the WACD website.
 - Districts may call upon and receive assistance from the Wyoming Association of Conservation Districts and Wyoming Department of Agriculture, and resource users to carry out the duties of the district.



Structure of WACD

- WACD is a statewide “not for profit” (501 c4)
- WACD Board serves as collective voice for the state’s 34 districts
- WACD has 5 areas consisting of 6-7 districts each
- Each area has two WACD Directors which serve on the state association board.
- Directors are elected by the district supervisors in September during area meetings
- Director terms are staggered therefore one Director is elected every year (September).
- WACD Board meets three times/year winter, spring and fall (during convention).



- WACD has 4 full-time staff including the Executive Director, Program Specialist, and 2 Watershed Coordinators
- WACD provides a means for coordination and communication between districts as well as a voice to various agencies and organizations
- The WACD Board of Directors also reviews, ranks and makes recommendations to the Board of Agriculture on funding for local districts



Wyoming Natural Resource Foundation


- In 1991, districts directed WACD to form a 501c3 to allow for additional fund raising opportunities for both local districts and WACD.
- The WACD Board of Directors serve as the board for the foundation.
- Voting members of the Foundation are the 34 conservation districts.
- The Foundation allows donors/grantors to take charitable tax deductions.
- Districts can apply for donations, grants, etc. through the Foundation.




Wyoming Department of Agriculture and Board of Agriculture

- Former duties of the Conservation Commission were transferred to the Board of Ag in 1987.
- Board of Ag, through Department, “assists and guides districts in carrying out programs.”
- Recommend appropriation of state funds necessary for districts and distribute such funds.
- WDA notifies Districts of supervisors who are up for election
- Reviews and ensures accuracy of district budgets
- Coordinates and provides District supervisor training
- Assist districts in obtaining Attorney General Opinions



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- Districts are (or should be) the central entity for leadership in conservation efforts, acting as a clearing house for projects and activities
 - Districts are responsible for carrying out natural resource programs based on local issues and priorities. This will vary from one District to another.
 - Districts are required to prepare annual budgets, annual reports and annual and long range plans




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- Districts are required to be covered by insurance or surety bonds (except district treasurers, who are required to be bonded).
 - Districts are required to keep records. District meetings must follow Open Meetings Act - even if their funds are self generated.



Laws affecting conservation districts

- Conservation District Law
Wyoming § 11-16-101 through 134
- Governmental Claims - Liability
Wyoming § 1-39-101 through 120
- Mining Reclamation Law - Permits
Wyoming § 35-11-406



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- **Nursery & Greenhouse Law - Permits**
Wyoming § 11-9-101 through 108
 - **Subdivision Permits**
Wyoming § 18-5-306
 - **Watershed Improvement District Law**
Wyoming § 41-8-101 through 126
 - **Special District Elections Act**
Wyoming § 22-29-101 through 601
 - **Uniform Municipal Fiscal Procedures**
Wyoming § 16-4-101 through 601






Responsibilities of the Conservation District Supervisor




Conflict of Interest

- Conflict of interest statutes would prohibit any of the governing body members from voting on any issue that would, in any way, benefit them personally. (W.S. 6-5-101 through 118)





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- Supervisor elections for all districts (except 1) are held during the general election on the Tuesday following the first Monday in November
 - District supervisors serve 4 year terms
 - All registered voters residing within the district are eligible to vote for district supervisor positions





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- District Supervisors are elected on general ballot on a nonpartisan basis. Board must be made up of 3 rural, 1 urban and 1 at-large members.
 - Rural - any registered voter not living within the boundaries of an incorporated city
 - Urban - any registered voter of a Wyoming municipality
 - At-large - any registered voter living within the boundaries of the district (rural or urban)





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- Schedule and hold regular monthly meetings with a planned agenda
 - Represent local constituents
 - Develop, implement and monitor a long range program
 - Develop an annual work plan which provides for meeting the goals of the long range plan



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- Provide guidance to assisting agencies on District priorities
 - District Boards can set up committees to carry out projects and activities; assign areas of responsibility to each Board member and arrange for cosponsors of District activities as appropriate
 - Prepare annual financial statement, annual report, plan of work, and other progress reports to be submitted to WDA, WACD and other appropriate entities



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- Actively recruit new and associate Supervisors
 - Potential new supervisors should be constantly cultivated
 - A packet of information should be available for individuals interested in being a candidate for supervisor
 - Invite interested individuals to attend a board meeting
 - Associate board members is one tool to use in generating interest and knowledge of potential members
 - WACD/WDA recommend that board vacancies are advertised



Sample Advertisement


Legal Notice

**LARAMIE COUNTY
CONSERVATION
DISTRICT
1750 WESTLAND ROAD
CHEYENNE, WY 82001
307-772-2316**


The Laramie County Conservation District will have two positions opening on the Board of Supervisors. Individuals will be voted for during the general election this fall. Positions open are for two rural supervisors. Nominations petitions must be filed between August 8, 1990 to August 27, 1990. For more information please contact the Conservation District at 772-2316.

Pub.: July 26, 1990



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- Provide input and direction to the state and national associations
 - Hire and supervise staff to manage District operations and programs
 - Carry out comprehensive public information programs and promote awareness of District programs



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- Establish and maintain cooperative arrangements or otherwise communicate with neighboring Districts and other local entities of government
 - Supervisors are ultimately responsible for the operation and financial management of the District and should therefore maintain adequate oversight
 - Be familiar with the laws, policies and program concepts of importance to the District



Vacancies and Removal

Vacancies

- Shall be filled by appointment by Board of Agriculture upon the recommendation of district supervisors
- Appointee to serve until the next general election, at which time the vacancy shall be filled by the electors, for the unexpired term. The appointee can run for the vacant seat at that time also.
- Resignations should be submitted in writing





Removal

Any supervisor may be removed by the Board of Agriculture upon notice and hearing for neglect of duty or malfeasance in office.

- **Neglect of Duty**

- Neglect to perform some act which it is his/her duty to perform
- Wrongful conduct that affects, interrupts or interferes with the performance of official duty

State v. Kennedy, 108 P. 837, 841 (Kansas 1910)






- **Malfeasance**

- Intentional act or omission relating to the duties of a public office, which amounts to a crime, or which involves a substantial breach of the trust imposed upon the official by the nature of his office, and which conduct is of such a character as to offend against the commonly accepted standards of honesty and morality.

State v. Geurts, 359 P2d 12,14 (Utah 1961)



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- WACD and WDA have an Attorney General opinion more thoroughly outlining what may constitute neglect of duty or malfeasance in office.

(Opinion dated November 3, 2003)





Practical Recommendations for Personnel Administration

Taken from NACD District Official
Employee Management Handbook



Practical Recommendations

- Administrative functions such as hiring, dismissal, job descriptions, training approval, performance evaluation, leave approval and payroll are the responsibility of the board. These functions should never be delegated to an NRCS employee.



Practical Recommendations



- Coordination of work, workload assignments, technical guidance, etc...may be delegated to a district employee/manager/administrator or anyone designated by the conservation district board.
- Any coordination of work agreements should be included in job descriptions, cooperative working agreements, or operational agreements.



NRCS Role

- NRCS employees shall not be involved in the District administrative operations, including election or selection process of District employees
- The DC is responsible for furnishing technical guidance and assistance to the governing bodies of the district



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- The DC shall maintain a close working relationship with the governing body of the District and insure coordination of field office activities with the District programs, and with all agreements and work plans.
 - A district employee can receive technical guidance from NRCS for those activities of the District that require technical consultation and technical approval.



- NRCS will provide technical supervision only when a District employee is assigned by the District to NRCS to carry out federal functions (FSA, EWP). A separate agreement will be entered into between the State conservationist, the governing body of the district, and the State Conservation Agency, covering, but limited to, the appropriate approval authorities and working and training agreements.
- NRCS employees will not provide administrative supervision to district employees. In all cases at all times, a district employee is under the supervision of the district or designated district employee.





Questions?

