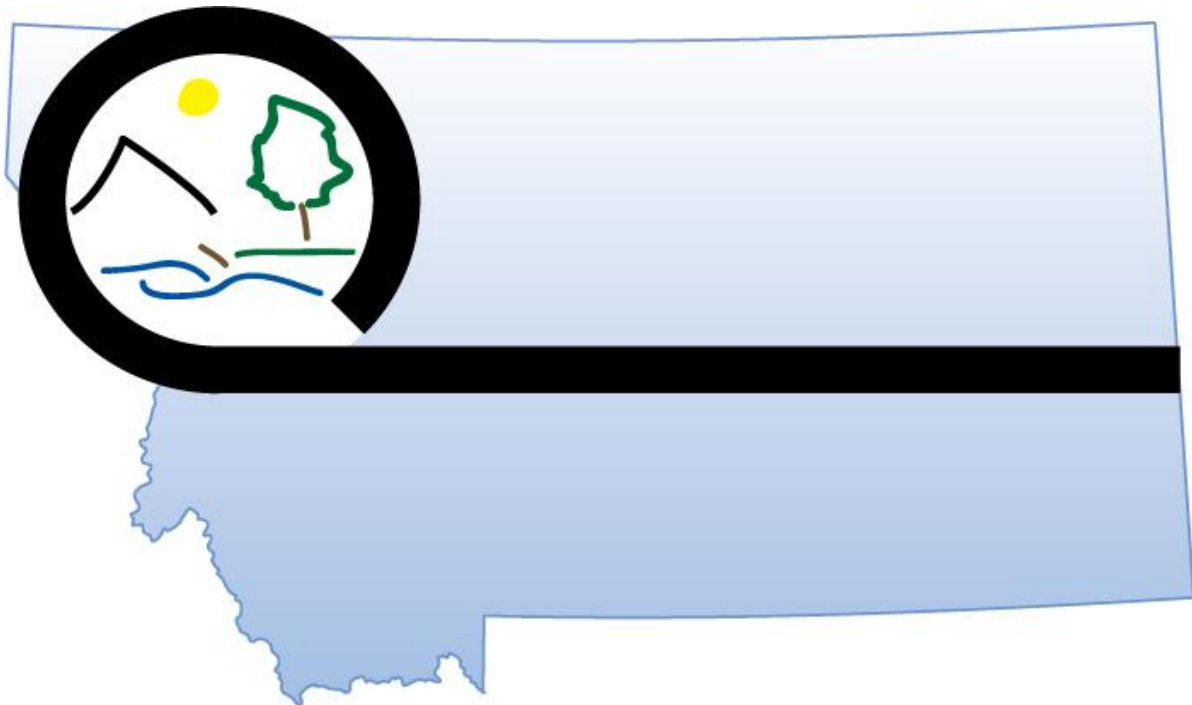


# MONTANA CONSERVATION DISTRICTS SUPERVISORS' MANUAL



Montana Department of Natural Resources and Conservation  
Conservation and Resource Development Division  
Conservation Districts Bureau

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# **INTRODUCTION**

## **History of Conservation Districts**

Conservation districts grew from public concern for the condition of our natural resources in the early 1930s. Poor farming practices, in combination with the unusually harsh weather, caused massive soil erosion. In 1935 the U.S. Congress declared soil and water conservation to be national policy, with the passage of Public Law 46. At the state level, the Montana Conservation District Law (Section 76-15-101 et seq., MCA) was enacted in 1939 to allow land users to form soil and water conservation districts. Today, Montana's 58 conservation districts provide local citizens with an opportunity to shape resource planning in their areas.

## **District Organization**

Conservation districts (CD's) are subdivisions of state government, public bodies with certificates of organization issued by the Secretary of State. Each district is governed by a board of supervisors. Five are elected in the general public election, and two urban supervisors are appointed by incorporated municipalities within the district. Urban supervisors represent all municipalities in the district. Both urban and elected supervisors have the same powers. Districts without incorporated municipalities have a maximum of five supervisors, but may request a change to a seven-member elected board.

In addition to the appointed and elected supervisors serving the district, the CD may appoint an unlimited number of local individuals to serve as associate supervisors. Although associate supervisors may not vote on motions before the board, they can assist district supervisors with important decisions by providing their expertise or advice. Associate supervisor appointments also serve as an "entry point" and training ground for people who may eventually become district supervisors. Best of all, associate supervisors can help with the work load of the district.

## **Requirements for Supervisors**

### **Code of Ethics**

Supervisors must carry out their duties for the benefit of the public, and as public officials may not use their positions to personally benefit. Supervisors as public officials may not use their positions to personally benefit (Section 2-2-101 through 132, MCA).

### **Governmental Code of Fair Practices**

All services, including distribution of funds, implementation of projects, letting of public contracts, and employment opportunities, must be offered without discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin (Section 49-3-101 through 312, MCA).

## **Residency Requirements**

Supervisors must reside within the boundaries of the conservation district they serve. Some districts have passed an ordinance that divides the district into five supervisor areas and then requires a supervisor to live in the supervisor area he or she represents. Associate Supervisors are not required to live within the boundaries of the conservation district.

## **Term of Office**

Elected supervisors serve a term of four years. Urban supervisors serve a term of three years. There is no limit to the number of terms a supervisor may serve.

## **Officers**

Annually (usually in January) conservation districts are required to elect a chair. Districts may also elect a vice chair, secretary, treasurer, committee chairs, or other officers necessary for the smooth operation of the district.

## **Compensation**

By unanimous vote of the board, supervisors may be paid for mileage, expenses, or other compensation for attending special meetings, project work, 310 activities, etc. However, except mileage, supervisors may not be compensated for attending regular monthly meetings. Per diem and mileage reimbursement rates are set by state law. Picture identification cards are available from the Conservation Districts Bureau, DNRC, and are helpful when requesting state rates from motels. (State rates are referenced in Section 2-18-501, MCA.)

## **Liability**

Montana's liability laws are intended to balance the individual's right to sue with the protection of public officers acting in their official capacity. The law states that, if a supervisor is sued for an act while working in the scope of his employment (duties), the conservation district will defend that supervisor in court, which includes paying for monetary judgments, legal fees, etc. This protection does not apply if the supervisor commits an act of oppression, fraud, or malice; is not acting within the scope of his conservation district duties; or commits a criminal act (Section 2-9-101 through 318, MCA).

The best way to avoid legal liability is to perform your job as a supervisor conscientiously--understand your role and responsibilities, keep accurate minutes, attend board meetings, keep well informed about what your district is doing, and **stay free of any potential conflicts of interest**. Board members shouldn't have any business transactions with the district, although supervisors are entitled to district services and programs without discrimination or preference. It is recommended that all supervisors read and understand the liability law.

# **SUPERVISOR ROLES AND RESPONSIBILITIES**

Supervisors should plan to attend and actively participate in all district meetings and carry out assigned committee responsibilities. A supervisor's commitment of time, creativity, and energy is a valuable asset to an effective board. Continual absence or sporadic attendance places an undue hardship on those who regularly attend the meetings and activities. After three unexcused absences from regular monthly meetings, the board may formally request, in writing, the resignation of a supervisor. In addition, supervisors should plan to attend at least one meeting outside the district (e.g., area/state MACD annual meeting) and at least one local jurisdiction meeting (e.g., county board) as the conservation district representative.

## **Planning**

A well-formulated plan will provide direction for conservation district programs for the coming year(s). The planning process, in addition to the plan, is useful to district supervisors and their staff as it provides a mechanism for supervisors to identify key resource concerns in the district, determine the necessary actions to address those concerns, and establish district goals. More importantly, it provides a way to involve the public in district activities. See section V.

## **Personnel**

Conservation districts employ personnel to carry out day-to-day activities. These employees are responsible to their district supervisors and serve at their discretion. Though most conservation district employees work in NRCS offices and work closely with NRCS staff, district supervisors are responsible for their employees. District employee supervision should not be delegated to other agencies.

It is the supervisors responsibility to establish and maintain a written personnel policy addressing working hours, rate of pay and schedule of increases, leave, grievance procedures, and employee benefits. CD's follow state law regarding sick, annual, and holiday leave benefits for their employees. There are other legally required employee benefits, including Social Security (in some cases), unemployment insurance, and workers' compensation. These laws apply to all conservation district employees, no matter what funding source. It is important to make sure your district is adhering to all applicable laws for all employees.

In addition, districts should provide adequate training opportunities for each of their employees. A personnel committee should be established to handle personnel matters. See section IV.

## **Information\Education**

Information and education should be a part of every CD activity. Responsibility for delivering the message of natural resource conservation to local citizens lies with the district and its supervisors. Districts take a wide variety of approaches to get the

message across to landowners, operators, and the general public. Some of the most common district informational and educational activities are outlined below.

### **Newsletters**

Most districts publish a newsletter at least quarterly and distribute them to cooperators. Topics covered vary widely, but most center on conservation. The newsletter serves as an excellent means of improving local awareness of districts and their involvement with conservation activities. Supervisors are encouraged to contribute articles on a regular basis.

### **Annual Meetings, Banquets**

Annual meetings are a special type of conservation district meeting. They are frequently large, banquet-style affairs with an educational or inspirational presentation. Annual meetings provide an opportunity to interact informally with cooperators, assisting agencies and others, as well as to update them on current district activities and direction. They are also an occasion to recognize supervisors, agencies, and individuals who have helped in district programs.

### **Legislator Meetings**

Special meetings set up specifically to update and inform legislators on conservation district activities and needs. May be a dinner session, regular, or special meeting.

### **Local Media**

Districts need to work with their local news media resources to increase public awareness of conservation issues and events. An increased effort by districts to contact their local media can have a beneficial effect on the promotion of the districts and their activities.

### **Workshops, Tours**

Districts often sponsor workshops and tours addressing local conservation issues. Most events last a few hours and present an opportunity for questions and an open exchange of information with experts on a given topic. District workshops cover such topics as water quality, riparian and rangeland management, nonpoint source pollution, and various conservation practices.

### **Awards Programs**

Nearly all districts get involved in awards programs. Promotion of these programs offers districts an opportunity to spotlight themselves or selected individuals. Some of the most widely promoted awards programs are as follows:

### **Other Informational/Educational Activities**

Many miscellaneous educational activities are not covered above. Examples include district-sponsored scholarships and active participation in the Montana Envirothon, Montana Youth Range Camp, Range Days, and the Natural Resource Youth Camp, which are conservation camps open to all Montana youth. CD's also sponsor or support

teacher training programs and provide conservation-related classroom materials. There is no limit to the impact a district can have on youth education.

## **ADMINISTRATION**

Supervisors carry out their duties by delegating tasks through a structure of board officers and members, committees, and others. They also raise and budget district funds and document their activities for the public.

### **Chair**

Law requires that the board elect a chair each year, the chair is the presiding officer of your board. The chair has full rights as a member of the board and can vote, make motions, and express opinions just like any other member. While the chair presides over meetings and assumes other responsibilities all members of the board are considered leaders. Everyone has a say, and everyone participates equally. It is recommended that a limit on the time a chair can hold office be set at not more than two years.

### **Other Officers**

Most districts elect a vice-chair to act when the chair is not available and to assume other duties as requested by the board. In addition, offices of secretary, treasurer (or combination secretary-treasurer), and committee chairs are helpful to the smooth administration of a conservation district.

### **Associate Supervisors**

Many districts have associate supervisors working in an advisory capacity, providing their expertise, helping the board to make informed decisions. While associate supervisors do not have a vote on the district board of supervisors, they do play an important part by providing their time and energy to carry out district activities. Drawn from the community at large associate supervisors can be a valuable asset, and should be actively recruited.

### **Committees**

Use of committees is helpful in distributing the district work load. The chair and board members appoint themselves, associate board members, district advisors, representatives of cooperating agencies and associations, or interested citizens as committee members. Look for people with an active personal or professional interest in the committee's purpose. Committees also serve as an "entry point" and training ground for people who may eventually become district supervisors. We recommend that at least one board member serve on each district committee and chair it.

Examples of types of committees that districts typically use are:

(1) resource-related committees (e.g., conservation tillage, range, education, irrigation, and weeds) that reflect activities in annual and long-range plans, (2) personnel



committees that are in charge of all personnel matters, (3) public relations committees to enhance public awareness, (4) legislative committees and (5) financial committees to oversee district finances and look for funding sources.

All committees should report to the full board for final approval of all committee business.

## **Meetings**

Meetings are fundamental to conducting CD business. Most districts meet monthly and conduct special meetings as need arises. Monthly board meetings have two basic purposes: (1) deciding on conservation district policies, and (2) monitoring their implementation. Board meetings also serve social, educational, inspirational, and communication purposes. Supervisors also participate in meetings of committees, conservation district associations, and groups where they represent the district.

District board meetings should be run efficiently, following specific meeting procedures and staying on track will help you achieve the ends of your meeting. Use your and others' valuable volunteer time wisely. Setting a yearly calendar for all board meetings will help people know when future meetings will take place. Meeting times can be staggered, in case there is a specific time of the day, week, or month that certain participants aren't able to attend.

A quorum, or majority of the full board, is needed to conduct all conservation district business. **Motions carried by proxy, or over the telephone, violate open meeting laws and are void.**

## **Open Meeting Laws**

All meetings must be open to the public, except as stated in Section 2-2-203 (4), MCA. A CD should ensure that the people of Montana be allowed reasonable opportunity to participate in decisions that are of interest to the public. Members of the press may not be excluded from an open meeting (Section 2-2-201 through 221, MCA).

## **Rules of Order**

In 1987, supervisors voted to use the Sturgis Standard Code of Parliamentary Procedure as a guide for conducting business. Most districts operate their monthly meetings in a less formal manner by using rules of order only to handle specific action items, policy issues, or 310 activities.

Basically, a motion is proposed, seconded, restated by the presiding officer, discussed, and then voted on. Amendments may be offered during discussion of a motion. Discussion of only the amendment may take place until the amendment is voted on. The presiding officer has a vote. If a vote ends in a tie, the motion fails, because it takes a majority to pass a motion.

It is recommended that all supervisors become familiar with the *Sturgis Standard Code of Parliamentary Procedure*. Copies are available at most district offices or from the Conservation Districts Bureau.

## **Minutes**

Minutes are kept and made available for public inspection at reasonable times. Minutes should include: (1) the date, time, and place of the meeting; (2) a list of individual members of the public body, agency, or organization in attendance (first and last names); (3) the substance of all matters proposed, discussed, or decided; and (4) at the request of any member, a record by individual members of any vote taken (Section 2-2-313, MCA).

Minutes provide a permanent written record of conservation district business meetings and become very important if you are involved with legal matters. Minutes are approved by the board only if they are accurate and complete.

Normally the board secretary takes minutes. They are read and approved at the next meeting. Minutes should be sent out as soon as possible after the meeting so everyone has a written reference to commitments made and can note corrections or additions while the meeting is still fresh in memory.

## **FINANCES**

Conservation district supervisors have been given authority to raise funds and to manage district finances to carry out their duties. Districts can borrow money; issue bonds; invest surplus funds; collect fees, rent, or charge for services; levy taxes; establish loan programs; and receive federal and state grants. Below is a general discussion of conservation district finances. Details about financial management are outlined in MCA, 75-15-501 through 547.

### **County Mill Levy**

CD's in Montana are financed by a legislated 1.5 mill levy on real property, which was frozen at 1986 levels by Initiative 105. The amount and method of disbursement of county funds varies between districts. In later legislation, the funding base level was limited to the 1996 level. In 1998, authority was given to exceed 1.5 mills if tax revenue dropped below 1996 levels.

Every year, district supervisors submit a budget to the county requesting the amount of funds to be levied (within the statutorily set limit). The district may receive on demand, all or a portion of tax funds collected by the county and deposit those funds in a bank or financial institution as the board considers appropriate.

Since 1993, upon a vote of the residents of a district, a special levy can be assessed to increase county tax collections for administrative purposes up to a \$20,000 total.

Supervisors must account for how district funds and other assets are used. CD funds should be handled only by supervisors or CD employees that have been delegated this responsibility and bonded with a surety bond. The treasurer should prepare a written financial report at every meeting. Financial transactions must be documented and approved in the conservation district minutes.

Some districts have a finance committee to oversee all financial aspects and help the board make informed decisions. The finance committee: (1) reviews and actively seek other sources of funding, (2) develops budgets and budget reports, (3) arranges required audit procedures, and (4) checks the reliability of financial information. Ultimately, decisions on the budgets or other financial matters are made by the full board of supervisors.

### **Special Project Areas**

Under Section 76-15-601 through 623, MCA, conservation districts may establish a project area to work on specific resource issues that can be isolated by definite boundaries (they may cross district boundaries). If 51 percent of the effected landowners vote in favor of creating a project area, a special levy (not to exceed 3 mills on real property) can be assessed to cover the project costs.

### **Other County Funds**

In addition to benefits provided to individual landowners in the county, conservation districts can help counties with soils surveys and interpretations for planning, county assessments, structures, highways, and drainages. Some conservation district receive Payment In Lieu of Taxes (PILT funds) to cover some of the districts costs. Counties may support their district financially because:

- ❑ Conservation improves local environmental quality and economic growth.
- ❑ Salaries paid to conservation district employees contribute to the local economy.
- ❑ Cooperative agreements with assisting agencies bring state and federal tax dollars and services back to the county.

### **Grants**

Grant funds are available to districts from a variety of sources for carrying out programs, demonstrations, and educational projects. Most grants are awarded on a competitive basis for a fixed period of time, usually for very specific purposes. Federal and state government and private and industrial foundations are all sources of grants.

Grants currently available include: HB 223 Grant Program; CD Administrative Grants; 310 Administrative Grants; Engineering Assistance; Legal Assistance; Riparian Management and Water Quality Workshop Grants; Conservation Education Mini-Grants; and the Watershed Planning Assistance Grant. The Conservation Districts Bureau will help you write your grant proposals. Other organizations that offer assistance in grant writing or maintain a grants library are Headwaters Resource Conservation and Development Area (RC&D) in Butte, Montana State Library in Helena, and Eastern Montana College in Billings.

Many other grant sources are available, and are listed in the Financial Assistance Programs guide available from the Conservation Districts Bureau.

## **Budgets**

An important part of district finances is developing budgets to allocate conservation district funds and other resources. Your district budget should be prepared annually, in conjunction with the district annual plan. A budget should include: (1) narrative summary; (2) projected expenses and revenue; (3) a five-year review of revenue and expenses; and (4) proposed budget, with the prior year's actual expenditures and income, and the recommended allocation for the coming year, for each line item. It is also a good idea to budget staff time to accomplish your objectives. You may also include dollar value estimates of volunteer contributions. To keep track of your budget status, the board treasurer should report on income, expenses, and other budget status information at monthly board meetings.

## **Fiscal Records Management**

It is necessary to set up and maintain a good records management system. Increasing demands for government accountability require a complete and accurate record of financial accounts. For many years there was little need to maintain more than a simple financial accounting system in addition to maintaining the routine records and correspondence.

Districts should adopt and maintain a financial accounting system that enables them to adequately manage their local, state, and federal funds. Money targeted for specific uses should be tracked accordingly. All district financial information is open to the public.

In addition to financial matters, the district should maintain a current office filing system. Pertinent district correspondence, guidelines for district programs, inventories of property and equipment, reports, and memorandums of understanding should be maintained in a well-ordered filing system. Material should be filed regularly, and district equipment should be inventoried annually.

## **Financial Reports/Audits**

Funds obtained by districts are classified as public funds, regardless of how they were obtained. As public officials, you are accountable for these funds, property, and equipment. You should also report to the public on how you are using their resources.

Districts are required to provide for an annual audit of accounts, receipts, and disbursements. A copy of the audit is to be sent to the Conservation Districts Bureau, DNRC. The district treasurer leads this effort, but all supervisors must be aware of what is involved. The district may also be required to have an audit done under the **Single Audit Act**, if the district had revenues of \$300,000 or more pass through the district. Annual financial reports help you maintain contact with your community and show them what you are doing with public funds.

# **CONSERVATION DISTRICT ACTIVITIES, PROGRAMS**

The role of Conservation Districts is to identify the natural resource issues in their district and decide how best to address them. Each district customizes their program to prioritize the needs of the landowners and residents of their district.

## **The Natural Streambed and Land Preservation Act (SB 310)**

Enacted by the state legislature in 1975 in an effort to minimize soil erosion and sedimentation and maintain the quality of Montana's surface waters. The law is administered by conservation districts. The act requires a person to obtain a permit before engaging in any activity that will modify the bed or banks of a stream. Activities such as irrigation diversions, streambank stabilization, equipment crossings, culverts, ridges, and dams require a 310 permit. The permit process provides an applicant with helpful technical advice through an on-site consultation with representatives of the conservation district and the Department of Fish, Wildlife and Parks. (See Section VII.)

## **Water Reservations**

In 1978, in an effort to ensure an adequate supply of water for future agricultural and other uses, the Montana Board of Natural Resources and Conservation granted water reservations in the Yellowstone River basin to conservation districts and other government entities. Montana's water reservation law provides an opportunity to legally allocate water for future consumptive uses as well as to maintain in stream flows to protect water rights, aquatic life, and water quality. A basinwide system of water reservations is felt to be a strong basis for protecting Montana's interests relative to those of downstream states. The reservation process is now underway in both the Clark Fork and Missouri river basins.

Districts should encourage land users and resource managers to apply to them for reserved water for new or supplemental irrigation projects. (See Section VI.)

## **Nonpoint Source Pollution (NPS)--Surface Water and Groundwater Quality**

The Clean Water Act of 1987 shifted the emphasis of federal involvement in water quality from pollution planning and problem identification to developing standards and enforcement. The act also authorizes federal loan and grant funds to help states and units of government, conservation districts, individuals, farmers, foresters, and businesses manage nonpoint sources of pollution.

Districts play a role in NPS pollution management by sponsoring workshops and tours in Riparian Management, Pesticide and Fertilizer Management, Erosion and Sediment Control, and Animal Waste Management. Districts are also involved in urban and rural

water testing projects and watershed assessments to identify potential water pollution sources. (See Section VI.)

## **Technical Assistance**

District can rely on a variety of agencies for technical assistance (see appendix B). Generally, districts rely on NRCS for technical assistance developing conservation plans, and design management practices.

Conservation districts also provide follow-up assistance for applied agricultural BMPs, develop and present programs about nonpoint source pollution, review erosion and sediment control plans, and carry out other programs related to soil and water conservation.

## **Equipment Programs**

An activity of great importance to many districts is their equipment program. Districts active in the program are leasing, purchasing, or have ownership of equipment used for installing agricultural conservation practices. The degree to which districts are involved varies considerably. Some districts maintain and manage one or two pieces of farm equipment such as a no-till drill or tree planter. Management of the program and equipment maintenance can require a lot of district time and energy.

There are two benefits of the equipment rental program. First, the program enables districts to promote, and have an impact on, the installation of conservation practices in their areas. Second, the equipment generates funds.

**Considerable forethought and planning should take place prior to the purchase of equipment.** When managed poorly, equipment can be a financial burden requiring excessive amounts of time and money from the district. When managed properly, the program can be an excellent means of achieving local conservation goals.

# **DNRC**

## **Department Mission**

The Department of Natural Resources and Conservation is responsible for ensuring the wise management, development, conservation, and use of some of Montana's natural resources in a manner consistent with environmental quality. It works to sustain and improve the benefits derived from our water, soil, and rangeland; to encourage energy conservation and the use of renewable energy resources; and to make certain that projects under its jurisdiction are developed with minimum adverse environmental effects.

## **Boards**

### **Board of Oil and Gas Conservation**

The board consists of seven members appointed by the governor for four-year terms. It oversees the overall supervision and program direction of the Oil and Gas Conservation Division. Board responsibilities include promoting conservation of oil and gas and preventing waste, contamination, and damage to land and underground strata from oil and gas activities.

### **Board of Water Well Contractors**

The board consists of five members, three of whom are appointed by directors of their respective agencies for indefinite terms, and two of whom are appointed by the governor. The board adopts administrative rules regulating licenses and establishing minimum construction standards for water wells.

### **Montana Reserved Water Rights Compact Commission**

The commission consists of nine members who are to serve until the commission's work is completed, appointed as follows: four by the governor, two by the president of the Montana senate, two by the speaker of the house, and one by the attorney general. The commission is part of the statewide stream adjudication and negotiates compacts to quantify the federal reserved water rights of the Indian tribes and federal agencies located in the state.

## **Advisory Councils**

### **Rangeland Resource Executive Committee**

The six members of the executive committee are appointed by the governor to advise and assist DNRC on all programs and activities relating to rangeland management. Responsibilities include recommending and reviewing annual and long-range work programs, prioritizing work, and providing advice and counsel to the rangeland coordinator for carrying out the rangeland program. The council also assists the department in reviewing applications for rangeland improvement loans.

### **Resource Conservation Advisory Council (RCAC)**

The five members are appointed by the governor to assist DNRC on all programs and activities relating to conservation districts, including soil and water conservation, floodwater management, and erosion and sediment control. The council also advises and assists the department in reviewing grant applications from qualifying conservation districts under the Earmarked Revenue Program. The council also serves as Soil Survey Advisory Committee.

### **State Water Plan Advisory Council**

The State Water Plan Advisory Council is comprised of ten governor-appointed members who represent a broad range of Montana water resource interests. Members include directors of the departments of Natural Resources and Conservation, Health and Environmental Sciences, and Fish, Wildlife and Parks; four legislators; two representatives of the general public; and a representative from the Governor's Office. The council advises department staff on the development of the state water plan.

**Water Development Advisory Council**

The thirteen members consist of two state senators, two state representatives, and nine members selected from interested associations, agencies, and individuals. The council makes recommendations to the department and assists in the Water Development and Renewable Resource Development Loan and Grant Programs.