



Welcome to DNRC Webinar on:

Oaths of Office for Conservation District Supervisors

Dec 20, 2016

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Please join my meeting

<https://global.gotomeeting.com/join/589639069>

Join the audio at:

(312) 757-3119

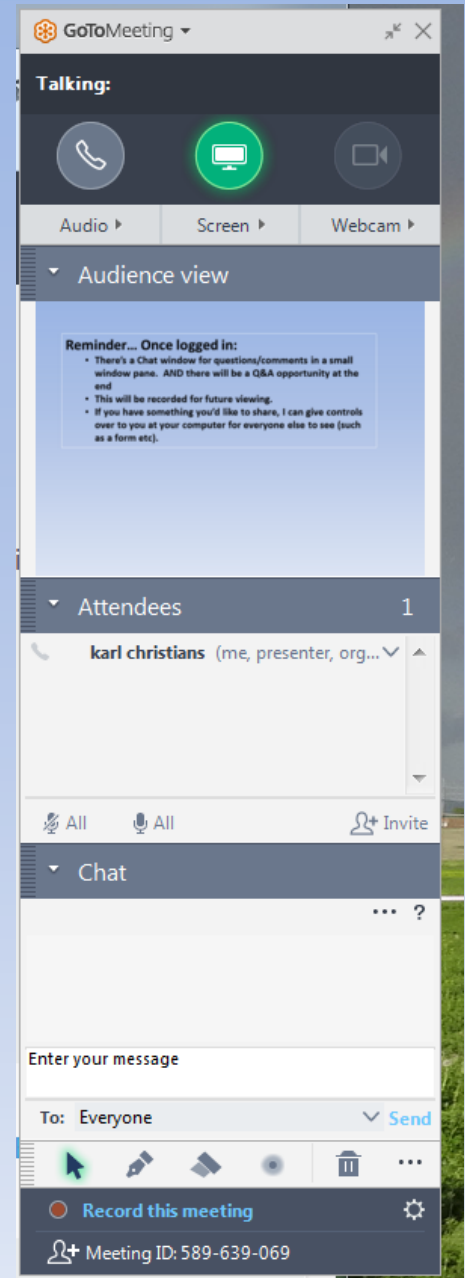
(877) 309-2070

Access Code: 589-639-069

Pin: 5#

Reminder... Once logged in:

- There's a Chat window for questions/comments in a small window pane. AND there will be a Q&A opportunity at the end
- This will be recorded for future viewing.
- If you have something you'd like to share, I can give controls over to you at your computer for everyone else to see (such as a form etc).



Agenda

Oaths of Office

- A brief look at the Calendar
- Who takes it
- What is it
- Forms to use
- Time Frame
- Who administers it
- Filing of Oaths

Other things to consider

- Terms of Office
- Keeping track of terms

Reminders

Q&A's

A brief look at the calendar leading up to this point

Jan-Mar 2016 Supervisor(s) filed Declaration for Nomination and Oath of Candidacy form (the old “Oaths of Candidacy”) to run for election. (nonpartisan)

Nov 2016 elections

- **Elected in General Election (supervisors are elected in General Elections on even years)**
- **Elected by Acclimation (If not on ballot)**
- **Appointed (by city/town)**

Dec 31, 2016 Supervisor term expires

Jan 2017 Supervisors take the Oath

Who is Required to take the Oath?

Supervisors that are:

- **Newly elected**
- **Re-elected**
- **Appointed (urban)** – (take any time within 30 days of being appointed)
- **Appointed by board to fill vacancy** – (take any time within 30 days of being appointed)

What is the Oath of Office?

A person assuming a position in a public office either through election or [appointment](#) is expected to take a formal oath which reminds them of their obligations to the public and to perform their duties to the best of their abilities.

“I, _____, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office of conservation district supervisor with fidelity.”

Time Frame

- ***Oaths should be taken within 30 days after the supervisor has been given notice of election or appointment.***
 - *Slight nuance going to be fixed during legis. session.*
- ***Typically, the CD board meeting in January (MCA 2-16-212) or prior to taking any formal action.***
- ***Can take the oath at other places as well.***
- ***Appointed supervisors take the oath within 30 days of appointment***

Forms to use

OATH OF OFFICE CONSERVATION DISTRICT SUPERVISOR

I, _____, do solemnly swear (or affirm)
that I will support, protect, and defend the Constitution of the United States and the
Constitution of the State of Montana, and that I will discharge the duties of my office of
conservation district supervisor with fidelity.

Conservation District Supervisor

Subscribed and sworn to before me this ____ day of _____, 20____.

Title:

Instruction sheet
Oath of Office
Mont. Cod Ann. 7-16-211

[Instruction: a person may choose to "swear" or "affirm." In making the choice, the person should strikethrough the one not desired, e.g. "I do solemnly ~~swear~~ (or affirm) that . . ."]

I, _____, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office of conservation district supervisor with fidelity.

[Instruction: signature of supervisor]

Conservation District Supervisor

[Instruction: a person may choose to "swear" or "affirm". In making the choice, the person should strikethrough the one not desired. Also, put in the appropriate date, which should be within 30 days after the supervisor has been given notice of election or appointment. See, Mont. Code Ann. 2-16-212.]

Subscribed and sworn/affirmed to before me this ____ day of _____, 20____.

[Instruction: the person administering the oath must sign the certification and state the office held by the person certifying the oath. For administering an oath of office to a conservation district supervisor the following county officers may be used: county attorney, clerk of the district court, county clerk, sheriff, county treasurer, county auditor, county assessor, county coroner, public administrator, justice of the peace. See, Mont. Code Ann. 7-4-2203 – 2209. In addition, every court, judge and notary public has the power to administer the oaths or affirmations. See, Mont. Code Ann. 1-6-101.]

Title:

[Instruction: the Oath for a conservation district supervisor is to be filed in the county clerk's office for the principal county in which the conservation district is located. See, Mont. Code Ann. 2-16-212.]

Who Administers the Oath

MCA's 7-4-2203 – 2209.

- *county attorney,*
- *clerk of the district court,*
- *county clerk,*
- *sheriff,*
- *county treasurer,*
- *county auditor,*
- *county superintendent of schools*
- *county surveyor*
- *county assessor,*
- *county coroner,*
- *public administrator,*
- *justice of the peace.*

MCA's 1-6-101

- *every court, judge, clerk of any court, justice, notary public has the power to administer the oaths or affirmations.*

Term of Office dates

- **Elected Supervisor – 4 year term - Jan 1 – Dec 31**
- **Appointed Supervisor (filling vacancy) - varies,** but falls into place of the supervisor they replaced
- **Appointed (Urban Supervisors) - 3 year term from time appointed**

		Supervisor Elections & Terms Calendar example sheet																						
Area	current	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028				
	Jim	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s					
	John		a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E			
	Larry	E		a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E		
	Jane			a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E		
	Janet	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E	s	a	oc	E		
	Urban	Urban Supervisors are appointed by the municipalities to a 3 year term. Same staggering should be considered																						
	Urban	Urban supervisors can be appointed to fill a vacancy at any time to fill the remainder of the term, and then be reappointed at the end of that term.																						
	E	Elected in the Nov election										Notes: It is important to keep supervisor terms staggered												
	4-year Term											Even Years:												
	a	appointed to fill vacant position										A. Dec. for Nom forms are submitted to the county election office in Jan-Feb												
	oc	Declaration for Nomination And Oaths of Candidacy filed										B. Elections are held for CD Supervisors												
	s	start of 4-year term										C. Terms expire at the end of December												
												Odd Years:												
												A. Terms begin Jan 1												
												B. Oath of Offices due												
Examples of Scenarios:																								
Supervisor Jim is elected in Nov 2010, his 4 year terms begins 1/1/11 & expires 12/31/14																								
In Jan of 14, submits Declaration for Nomination and Oath of Candidacy																								
Supervisor John is appointed on July 15, 2011, to <u>replace resigning supervisor</u> , to complete term ending 12/31/12.																								
In Jan of 12, submits Dec. for Nom. and Oath of Candidacy to County election office to be placed on Nov 12 Ballot.																								
Supervisor Larry is appointed on June 20, 2012, to <u>fill a vacancy</u> , to complete term ending 12/31/14.																								
In Jan of 14, submits Dec. for Nom. and Oath of Candidacy to County election office to be placed on Nov 14 Ballot.																								
Supervisor Jane is appointed on Nov 20, 2013, to <u>replace resigning supervisor</u> , to complete term ending 12/31/16.																								
Jan of 14, submits Dec. for Nom. and Oath of Candidacy to County election office to be placed on Nov 14 Ballot for a <u>2 year term only</u> (starting 1/1/15, ending 12/31/16) in order to keep the 4 year termed staggered correctly.																								
In Jan of 16, submits Dec. for Nom. And Oath of Candidacy to County election office to be placed on Nov 16 Ballot.																								
Supervisor Janet is elected in Nov 2010, her 4 year terms begins 1/1/11 & expires 12/31/14																								
In Jan of 14, submits Dec. for Nom. And Oath of Candidacy to County election office to be placed on Nov 14 Ballot.																								
No other Dec. for Nom. And Oaths of Candidacy submitted, therefore no ballot and was appointed by ACCLIMATION																								

Filing of Oaths

- *Keep them on file in your office.*
- *Oaths are to be filed in the county clerk & recorders office for the principal county in which the conservation district is located.* (MCA 2-16-212)
- Helpful note: Put the term dates on this form to help keep track of individual terms!

Other reminders!

Dec 30: Financial reports due to Dept. of Adm. local gov't services
(for those on a state fiscal year)

Jan: CD Boards appoint Chairperson
W2 taxes/1099's

FORMS LOCATED ON DNRC WEBSITE:

<http://dnrc.mt.gov/divisions/cadd/conservation-districts/training-and-information>

Questions & Answer!

Q: Do Associate supervisors take the oath?

A: No.

Q: Can County Commissioners administer the Oath?

A: No, they are not on the list mentioned on an earlier slide.

Questions regarding Urban (Appointed) supervisors:

Q: Do Appointed (Urban) supervisors take the oath?

A: Yes, for they have the same powers as elected supervisors.

Q: What if a CD has one or more municipality(s) (incorporated town/city) in the district?

A: * There shall be two urban supervisors appointed to the board.

*** If only one municipality, then two urban supervisors from that municipality.**

*** if two, then an urban supervisor appointed from each municipality.**

*** If three or more municipalities, then those three should discuss who they chose (again, only two urban supervisors can be appointed). Then consider rotating with future vacancies.**

*** Urban supervisors can live anywhere in the district (outside of municipalities), yet be appointed to a supervisor seat with that person knowing they represent the municipality(s). *(this was a legal change in the 2011 legislative session)***

Q: What do you recommend the CD do if the municipality won't respond to appointing an urban supervisor.

A: I recommend one or two supervisors get on the agenda of the town/city council next meeting, and personally talk to the council members. Show the council the statute on Appointed Supervisors (MCA 76-15-311 (2-4)). The supervisors can make recommendations of potential appointees to the town council if necessary.