

DNRC Conservation Districts Accountability Assessment

Description

The Conservation Districts Accountability Assessment is a checklist to assist your district in understanding, implementing, and developing practices and systems for compliance with state regulations; thus, supporting your ability to meet your conservation districts mission. An electronic version can be found here:

https://dnrc.mt.gov/_docs/conservation/CDBureau/cd-resource-documents/CD-Accountability-Assessment.pdf

Authority

[76-15-105](#) and [76-15-106](#), MCA, sets forth duties of the Department of Natural Resources and Conservation (DNRC) as they relate to providing technical and financial support to the state's 58 conservation districts. Montana Conservation District Law [76-15-101](#) through [76-15-810](#), MCA, as well as laws pertaining to political subdivisions, set standards for conservation district operations in financial management, personnel management, and administration of the 310 Law and CD water reservations.

The purpose of this new requirement is to ensure that each conservation district is complying with state, federal, and local law and can successfully complete legislative performance and financial audits. Further, this assessment provides a mechanism for districts to gain efficiencies and identify improvements to programs and services.

Districts are required to complete an assessment as a condition of funding. If issues of non-compliance are found, the CD Bureau will work with districts on a plan and schedule to correct non-compliant items.

This accountability assessment tool outlines six performance standards and accompanying statutes for review and evaluation over each biennium. These include:

1. Financial Operations;
2. District Operations;
3. Supervisors, Elections & Governance;
4. Personnel Management;
5. 310 Administration; and
6. Water Reservations Administration.

While there are a host of best practices that are recommended for conservation districts to adopt, this assessment focuses on statutorily required functions and activities of CDs.

Completing the CD Assessment Tool

Supervisors and employees are strongly encouraged to complete the assessment together. This will provide a whole, body-of-knowledge, view of the district and an opportunity for mutual learning. If a district does not meet all of the legal requirements, the district will be required to develop and implement a compliance plan and timeline in order to receive CD grant funds. Your CD Specialist is available to assist in completing the assessment and/or working on developing a compliance plan.

Resources and Tools to Assist with the Accountability Assessment

Governance Calendar

The Conservation District Governance Calendar is an accompaniment to the Accountability Assessment. It is a "to do" list, organized by month, of annually recurring activities for your board to review together and/or ensure accomplishment by staff. It provides a simple and easy way to create

consistency, support transition and succession of the board and staff, and provides accountability and oversight.

What is a Governance Calendar?

- Structure for ensuring compliance & accountability with legal requirements and regulations.
- Syncs with key compliance items on the CDB Accountability Assessment.
- Provides key dates and deadlines.

How is it helpful to a Conservation District?

- It is a structure for consistency in transition and succession.
- It documents the board's duty in providing regular oversight.
- It is an easy system for staff accountability.
- It enables the board and staff to coordinate and communicate district activities.

It assists in complying with the laws and regulations that govern conservation districts.

<https://dnrc.mt.gov/Conservation/Conservation-Programs/Conservation-Districts/How-to-use-the-Gov-Calendar.pdf>

CD Operational Policies and Procedures—TO COME FALL 2025

To assist with compliance with this Accountability Assessment and with implementing the CD Governance Calendar, the CD Bureau is developing model operational policies and procedures specific to the laws and regulations conservation districts are required to follow.

These policies and procedures are templates that are based on best practices and are available for conservation districts to customize. Modify the template as needed to fit your district's operations but note that they include information that is required by law. Be sure to refer to Montana Code or your county attorney before making substantive changes.

Additional Resources:

Montana DNRC, [Conservation Districts Bureau](#)

Montana [CD Employee Organization](#)

State of Montana, [Local Government Services Bureau](#)

Montana State University, [Local Government Center](#)

Disclaimer: Please note that this list may not be all-inclusive as other laws may apply.

Contact your County Attorney or DNRC if you have questions or need legal counsel.

Refer to [Montana Code Annotated 2023](#) for the most up-to-date information.

Conservation District: _____ Date: _____

Individual(s) completing the assessment: _____

For each section, review your district's current performance and policies and check the box that corresponds with your compliance. Provide a plan and timeline for any items checked no on the corrective plan of action at the end of the assessment.

FINANCIAL MANAGEMENT

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
1. Annual Financial Reports: sent to MT Department of Administration, Local Government Services. DOA-LGS financial form	76-15-315(4)(b)(c) and 2-7-503 (1)(a)			
Date Submitted to DOA-LGS:				
2. <i>Audit Thresholds and Requirements:</i> <ul style="list-style-type: none">State: If district received revenue or financial assistance in the period covered by the financial report that is in excess of \$750,000, must complete audit every 2 years.Federal. If district expends \$750,000 or more during the district's fiscal year in Federal awards.	2-7-503(3)(a) 31 U.S.C. 7502			
3. Travel reimbursement: Upon the unanimous approval of the board of supervisors, a supervisor may receive compensation for the supervisor's services, including travel expenses as provided for in 2-18-501 through 2-18-503 , incurred in the discharge of the supervisor's duties. However, a supervisor may	76-15-313(3) and 2-18-501 through 2-18-512			

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
not receive compensation for attendance at a regularly scheduled meeting of the board of supervisors. <i>State rates are used for travel reimbursement for supervisors and staff.</i>				
4. Use of Funds and Financial Management: Funds are used only for lawful purposes related to CD law and in a manner appropriate for governmental spending.	76-15-501 and 76-15-547			
5. Vendors: CD gives preference to Montana vendors and state contracts to lowest bidder.	18-1-102			
5. District complies with CD Procurement Law	76-15-1001 through 76-15-1014			
6. District has levied the maximum mill levy.	2-9-212 15-10-420 and 15-10-425			
6. The supervisors of the district shall on or before the first Monday of July send annual amount of money to be raised by assessment estimate to county for the following fiscal year.	76-15-511 through 76-15-513			
7. CD Treasurer reports cash on hand, receipts, and disbursements at each regular meeting. Report is verified.	76-15-526			

DISTRICT OPERATIONS AND REPORTING

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
<p>8. Administrative functions of supervisors:</p> <ul style="list-style-type: none"> 8.1 Copies of ordinances, rules, orders, contracts, forms, and other documents the district adopts or employs including monthly meeting minutes sent to DNRC; 8.1 Keep full and accurate records of all proceedings and of all resolutions, regulations, and orders issued or adopted; 8.2 Provide for the execution of surety bonds for employees and officers entrusted with funds or property; 8.3 Delegate authority 	76-15-315			
<p>8.4 Minutes: Meeting minutes contain the date, time, place, and list of attendees along with detail on each item discussed. Monthly meeting minutes are provided to DNRC and the county clerk and recorder. If meetings are recorded electronically, each meeting must be handled in the same way.</p>	2-3-212, 76-15-315(3) and 76-15-324			
<p>9. Compliance with public participation in governmental operations: Notice and Opportunity to be heard. Public noticing requirements and Public Records Act are followed.</p>	2-3-101 through 2-3-114			
<p>9. Open Meetings: Meeting dates are publicly noticed and are open to the public. Public notice is done consistently in the same manner and form for every meeting. Notice must include the specific agenda items related actions to be discussed.</p>	2-3-201 through 2-3-221			
<p>10. (8.1) Management of public records and public information. CD retains, records, and disposes of public records and public information and provides access to the public.</p> <p>District manages records in accordance with Secretary of State retention schedules.</p> <p>Schedule 1: General</p> <p>Schedule 5: Accounting and Financial</p>	2-6-1001 through 2-6-1033 and 2-6-1205 Local Record Forms and Retention Schedules ARM 24.11.2704			

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
Schedule 9: CD Records Retention Schedule Schedule 24: Human Resources				
11. No official business is conducted without a quorum.	76-15-313			
12. Standards of conduct: <ul style="list-style-type: none"> Supervisors disclose possible conflicts of interest. CD employees or supervisors do not accept personal gifts exceeding \$100 in value. 	2-2-101 through 2-2-145			
13. Liability Insurance. Note: failure to obtain liability insurance puts the CD and local taxpayers at risk. A CD can be liable up to \$750,000 for each claim and \$1.5 million for each occurrence.	2-9-102 and 2-9-108 ; recommended			
14. Planning: CD board is actively involved and participates in developing annual and long-range plans. District reviews and updates plans regularly reviewed.	<i>Recommended</i>			
<i>Note: Planning documents are required to receive DNRC grant funding.</i>				

SUPERVISORS, ELECTIONS, AND GOVERNANCE

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
15. Fiduciary Responsibilities: CD supervisors are aware of their liability, protections, and exposures.	2-9-101 through 2-9-318			
16. Governing Body of District: The district consists of 5 or 7 supervisors dependent upon the types of municipalities within its district boundaries.	76-15-311			
16. Governing Body of District and Residency: If a CD requires a supervisor to live in the area they represent, a residency ordinance was adopted.	76-15-301 and 76-15-311			
17. Elections: Supervisors are nominated and elected at large and in accordance with election provisions.	13-1-501 through 13-1-506 76-15-303 and 76-15-304			
18. Oath of Office and Filing: Each supervisor has taken an oath of office for each term. Oaths are taken, subscribed, and filed properly.	2-16-211 through 2-16-212			
19. Terms of Office: Supervisors are reappointed in accordance with their appointment.	76-15-312			
20. Meeting Attendance: Supervisors attend meetings regularly or are excused from attending if meetings must be missed.	76-15-312			
21. Removal for neglect of duty or malfeasance, unexcused absences, and vacancies.	76-15-314 and 76-15-312			
22. Chairperson: A chairperson is elected each year.	76-15-313			
23. Legal assistance is acquired in listed order provided in statute.	76-15-319			

PERSONNEL MANAGEMENT

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes	No
<p>The Fair Labor Standards Act of 1938 29 U.S.C. § 203 (FLSA) is a United States labor law that creates the right to a minimum wage, and "time-and-a-half" overtime pay when people work over forty hours a week. If an employee opts to be compensated in time and one-half compensatory time in lieu of time and one-half overtime pay, the supervisor and the employee sign an agreement each time extra hours are worked.</p> <p><i>According to federal regulations, a form must be signed each time that overtime comp time credits are given instead of overtime pay.</i></p> <p><i>Overtime comp time accrues at 1.5 times the hours worked over 40 and overtime pay is paid at 1.5 times the salary per hour worked over 40.</i></p>	Wages and the Fair Labor Standards Act			
District employees, no matter the funding source, are treated equally and under the same policies.	Wages and the Fair Labor Standards Act			
Employees are provided annual leave and sick leave at state rates.	2-18-601 and 2-18-611 and 2-18-618			
CD employee takes holidays in accordance with state holidays including a floating holiday.	2-18-601 and 2-18-603 See 1-1-216 for a list of holidays.			
Holiday pay is prorated for part-time employees and does not exceed 8 hours for any employee.	2-18-603			
<i>Example: Regardless of a FT employees schedule, the maximum pay for a holiday is 8 hours. If an employee works half-time, the maximum time holiday pay would be 4 hours.</i>				
District keeps employment and payroll records for each employee for 5 years. Schedule 9: CD Records Retention schedule 9 and Schedule 24: Human Resources	ARM 24.11.2704			

310 ADMINISTRATION

Compliance with Laws and Requirements	MT Code Annotated	Comments	Yes/NA	No
CD Adopted Rules are current. The CD has filed a copy of their rules with DNRC. If the CD has revised forms, copies are filed with the DNRC Conservation Districts Bureau.	76-15-315			
District administers the 310 Law.	75-7-101 through 75-7-125			
Procedure for Considering Projects—Teams: <ul style="list-style-type: none"> CD uses team inspection reports to document and assess the potential impacts of projects. CD notifies Department of Fish, Wildlife and Parks of each 310-application received within 10 working days. CD fully discusses criteria for review of 310 application at scheduled board meeting and includes discussion in meeting minutes. CD notifies the applicant of the board decision within 60 days of receipt of the application, or it formally extends the time period. 	75-7-112			
Decisions are not made by individuals, but rather by motions at meetings attended by a quorum of the supervisors.	75-7-112 and 76-15-313			

WATER RESERVATIONS ADMINISTRATION

Compliance with Laws and Requirements	MT Code Annotated	Comment	Yes/NA	No
District administers State Water Reservations for Agricultural Development.	85-2-316			
District works with DNRC on applications for permit or change in appropriation right for applications that include projects not included in original application or change in point of diversion or place of use.	85-2-302			

These completed assessments are based on the best available information at the time it was conducted. I certify that I have knowledge of and understand the content of this document with attachments and that each law and statute has been reviewed and approved by the Board of Supervisors.

Board of Supervisors, Chairman Signature: _____ Date: _____

DNRC Conservation Districts Accountability Assessment Corrective Plan of Action

Conservation District: _____

Description: This Corrective Plan of Action is intended to address deficiencies identified by completing the Conservation District Accountability Assessment. Completion of the accountability assessment and completion and/or progress on corrective actions are required by DNRC as a condition of funding.

Correction Required	Comments	Deadline	Date of Completion

I certify that I have knowledge of and understand the content of this document with attachments and that each law and statute has been reviewed and approved by the Board of Supervisors at a publicly noticed meeting on Date: _____.

Board of Supervisors, Chairman Signature: _____