

**DISTRICT SUPERVISOR'S
READY REFERENCE
GUIDE**



A project of the
**Missouri Association of
Soil and Water Conservation Districts**

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WELCOME ABOARD

Your **soil and water conservation district (SWCD)** is a unique unit of government relying upon voluntary cooperation. Board members are public officials. SWCDs are formed and administered locally by the people they serve. Most soil districts receive and administer locally generated funds as well as funds from the state and sometimes federal governments. Technical assistance is provided by the federal, state, and local governments in order to advance the wise use and protection of our most valuable and vital resources - soil and water.

But you may have some questions about your new office. Are you wondering

. what is a district supervisor?

. what am I expected to do?

. what am I responsible for?

. what authority do I have?

The **Missouri Association of Soil and Water Conservation Districts (MASWCD)** prepared this reference book with input from our partners in conservation work in Missouri. This reference is not intended to provide all the answers but it will help head you in the right direction. This is written to help you understand your role in your soil and water conservation district. Whether you are new to the district or more seasoned, we urge you to read this handbook carefully and keep it handy as a ready reference.

BASIC SWCD CONCEPTS

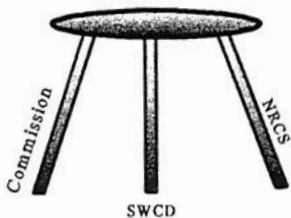
- ✓ Soil and water conservation districts are locally operated sub-units of state government organized according to state law.
- ✓ The soil and water conservation district board has ultimate responsibility for all district actions, decisions, and employees.
- ✓ Districts were voted into existence by a majority of landowner representatives voting in a referendum election.
- ✓ The Soil and Water Districts Commission is appointed by the Governor and administers the laws applicable to soil and water conservation districts.
- ✓ The soil and water conservation district board is the governing body of the district and as such sets the priorities of the district.
- ✓ The district has no regulatory or taxing authority but rather relies upon the voluntary participation of people to achieve its goals.
- ✓ District programs utilize technical, financial, and informational services available from local, state, and federal agencies.

THE CONSERVATION PARTNERSHIP

For over fifty years, Missouri's soil and water conservation districts have operated as examples of local people working with state and federal agencies to save and protect the soil and water resources of Missouri. The traditional partnership is between the local **soil and water conservation district board**, the **Soil and Water Districts Commission**, and the **Natural Resources Conservation Service (NRCS)**. This is formalized by an agreement in each district office, signed by the appropriate officials, called the **Cooperative Working Agreement**.

This relationship was often described as a three-legged stool.

In order for the partnership to be functional, all three "legs" must be firmly in place. There is much more on the soil and water conservation district later in this reference, but we'll explain more about the other two partners here.

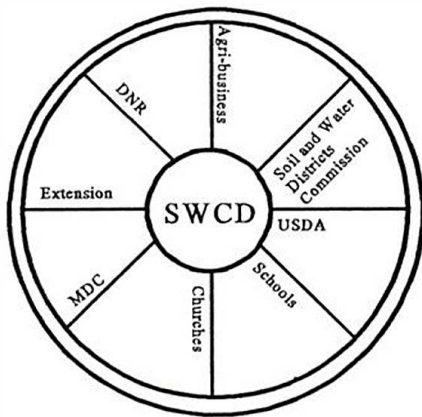


At the state level, the Soil and Water Districts Commission furnishes administrative and financial assistance to districts through the **Missouri Department of Natural Resources (DNR)**. Within DNR, staff assists districts in non-technical matters. They include finances, planning, info-ed programs, and training for boards and their employees. Funding for these programs comes from the 1/10th of 1¢ Parks and Soils Sales Tax. The proceeds from this retail sales tax are equally divided between Missouri's state park system and soil and water

conservation programs. This method of funding these programs is quite unique. Missouri is the only state to have a retail sales tax specifically dedicated to soil conservation. [Please note that the Parks and Soils Sales Tax is a different sales tax than the Department of Conservation's 1/8 of 1¢ sales tax. Although there is great cooperation with the state wildlife agency, the Conservation Commission does not provide the significant funding that supports the soil districts and almost all their programs.]

NRCS acts as the technical partner to the SWCD. This agency provides the technical specifications for the soil and water conservation practices actually applied to the land. The NRCS presence within the county is with the invitation and consent of the SWCD. The purpose of NRCS in a district is to offer advice and give technical assistance to the district. NRCS is not there to manage SWCD business or SWCD employees, but rather to be a strong partner in technical matters.

TODAY'S PARTNERSHIP Today, the partnership is actually



more like a wagon wheel than a three-legged stool. In addition to the main three partners, each district decides for itself what other partnerships will enhance the district's efforts to achieve its goals. The spokes on the wheel represent the many partnerships a district could have that might

include other government entities (like the county commission or a school district), organizations (like Ducks Unlimited) or private companies interested in soil and water conservation.

The local soil district is the hub of the wagon wheel. As the source of local leadership, the SWCD board establishes district policy and sets district priorities while coordinating the activities of the other team members at the local level. An effective district is the product of a team effort including local, state, federal, and private agencies plus individuals. District committees, volunteers, and youth boards also may make contributions at the local level.

WHO ELSE? There are more state agencies that support the SWCD's efforts including the Missouri Department of Agriculture, the Missouri Department of Conservation, and the University of Missouri Extension Service. State law requires a University Extension representative to serve as the board secretary. As secretary, the Extension representative has all rights and privileges of an elected board member.

Various state and federal agencies, though separate and distinct from the SWCD, may furnish assistance to landowners through the district. The most prominent federal agencies are NRCS and the **Farm Service Agency (FSA)**. Both are agencies of the **U.S. Department of Agriculture (USDA)**, and offer technical service, advice, and access to financial assistance programs. Agencies not mandated by law, both federal and state, usually operate under a memorandum of understanding with the SWCDs.

MASWCD Your state association is another important partner. The membership of the Missouri Association of Soil and Water

Conservation Districts is made up of the soil districts in the state. The state is divided into eight areas, each with an Area Director. When elected, an Area Director must be an elected board member of a district.

In addition, MASWCD is included as an advisory member of the Soil and Water Districts Commission and attends each Commission meeting. District board members are encouraged to attend Commission meetings when there is an issue affecting your district. However, if you are unable to address the issue personally, you can always call on MASWCD to speak at the Commission meeting on your behalf.

Besides belonging to MASWCD, most of Missouri's districts also belong to the **National Association of Conservation Districts (NACD)**. Both associations help keep you informed of changes or proposed changes in conservation legislation. They also convey the views of districts directly to our lawmakers in Jefferson City and Washington, DC. MASWCD and NACD are both supported by dues paid by their members.

MSWCDEA Many district employees belong to the **Missouri Soil and Water Conservation District Employees Association (MSWCDEA)** which helps in supporting each other in their responsibilities in their local districts. This association is not a union nor is it involved in setting salaries or job responsibilities, but the District Employees Association does help to enhance communication among SWCD employees. Like MASWCD, MSWCDEA is governed by a board of directors and supported by dues.

THE BOARD OF SUPERVISORS

BOARD ORGANIZATION The SWCD board of supervisors is the formal term for the board of directors for the soil district. Each SWCD board has five members. Four are elected by landowners in the county and must be landowners themselves. The fifth is a University Extension representative appointed to serve as the Secretary. The Extension representative has all the same rights as the elected board members. Elected members serve a four-year term.

The board is responsible for holding supervisor elections at required times and to conduct them according to state rules. If a supervisor resigns during the term, the board must recommend a qualified person to fill the unexpired portion of the four-year term. The board sends its recommendation to the Soil and Water Districts Commission for appointment to the board.



Both MASWCD
and MSWCDEA
use the same
boundaries for
their boards.

The board is reorganized after each supervisor election or appointment. A majority vote elects officers of the board including at least a Chairman, a Vice-Chairman, and a Treasurer. A description of the duties of each officer is found in the District Operations Manual.

DIRECTING SWCD ACTIVITIES SWCD boards are encouraged to use committees when practical. This involves more people in SWCD activities increasing grassroots involvement. These people also make a great group of potential board members for the future. Committees might be used for annual activities or special events. The most commonly used committees are (1) Information and Education; (2) Awards, Contests and Publicity; (3) Budget and Finance; and (4) Legislation.

SWCD committees, either temporary or standing, are formed by the board. Standing committees are chaired by a current board member. The board determines how long committee members serve, how often the committee reports to the board, and other matters as appropriate.

DISTRICT EMPLOYEES Based on the SWCD's goals, input from DNR and available NRCS personnel, the board decides what employees the district needs. The board hires the personnel needed, such as a program specialist, manager, clerks, and technicians. Simply put, the SWCD board is the employer of the district employees. Each district must have a written policy in place which specifically states the policies on salaries, leave, probationary periods, performance reviews, discipline, awards, and other personnel matters. Employee responsibilities may not be delegated to other agencies. For more specific information, refer to the Personnel Handbook available on the SWCD web page.

Please keep in mind that state and federal employees assigned to assist the district are not under board authority; however, the board does have the responsibility to direct what programs and projects are to be serviced and to set work priorities for those assisting the district. Communication among the partners is essential for all work to be done properly and with cooperation.

REGULAR BUSINESS MEETINGS SWCD board meetings are held at least monthly and are open to the public. All meetings must be posted in advance to comply with Section 610.011, RSMo, commonly known as



the Sunshine Law. Like with the district's finances, board business is open to the general public. However, there are limited topics that might come before your board that would allow for a closed meeting such as personnel issues, potential litigation, or real estate transactions. Your

district office has a reference book published by the Missouri Attorney General called **The Missouri Sunshine Law** that will answer most questions relating to public access.

The chairman and district clerk/manager work together to plan the meeting agenda. The agenda should be distributed enough in advance to allow supervisors to come to the meeting well prepared. Detailed minutes are kept by the board secretary. Most boards conduct their meetings following parliamentary procedure according to **Robert's Rules of Order**.

Supervisors should arrive at meetings early, start at the announced time, conduct the business quickly and efficiently following parliamentary procedures, then adjourn. It is the

chairman's responsibility to introduce each agenda item. To keep the meeting moving, the chairman should call for a motion after allowing for discussion relevant to that agenda item.

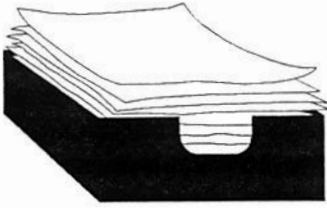
At each business meeting, the board should refer to the Calendar of Events in the Annual Plan of Action. Actions to be completed one, two, or three months from now call for immediate attention.

SPECIAL MEETINGS In addition to regular monthly business meetings, special planning meetings may be called from time to time by the chairman. Development of the Annual Plan of Action or the Strategic Long Range Plan will require more time than is usually available at a regular meeting. Planning the annual meeting, a conservation tour, or a county fair booth are examples of other events that may require a special session of the board or a special report from a committee assigned to that project.

At all district board meetings, you should come prepared to offer input and to actively participate in directing the programs of the district.

REPORTING TO THE COMMISSION As a sub-unit of state government, SWCDs are required periodically to provide certain information to the Soil and Water Districts Commission. Your district employees will submit these reports for the board but the board must review them before sending them on to the Soil and Water Conservation Program Office.

The Commission has made every effort to keep paperwork to a minimum. Most reports are needed to document the appropriate use of public funds. Be assured that the documents



requested are necessary. As a sub-unit of government, all SWCD funds (whatever the source) are public funds. We have a responsibility to the public to use its money properly.

CONFLICT OF INTEREST Your responsibility as a district supervisor is to work for the betterment of soil and water conservation in your county. It is not to provide you with an avenue to promote your own business or as a means to better yourself financially. Besides being unethical, personal gain is simply against the law (§105.454, RSMo), and subject to a fine and/or imprisonment.

If you think an action is questionable, don't do it. The perception of conflict of interest could be as damaging to the district and your personal reputation as if it actually occurred.

NEPOTISM Nepotism is when a public officer appoints a relative to public office or employment. As a member of the soil district board, you are a public official. Article VII, Section 6 of the Missouri Constitution specifically prohibits the employment or appointment of family members.

Further, the Missouri Constitution says that if you are involved in hiring a relative to work for the district, you must resign your position on the board. Like the previous section on personal financial gain, the perception of wrongdoing can be as damaging as the action. Simply put, don't hire your family members as district employees.

HISTORICAL BACKGROUND

The soil conservation movement came into existence in the United States because of a nationwide emergency in the 1930s. Improper use of farmland and overuse of rangeland teamed up with recurring drought to produce the Dust Bowl era. Dust storms originating in the Great Plains swept across the nation, leaving ruined land, dead livestock, untold human suffering, and forced abandonment of farms by many families. Storms sometimes carried precious topsoil thousands of miles, dumping it in the ocean.

To address this problem, the federal government established the Soil Erosion Service within the U. S. Department of the Interior on August 25, 1933. This was the first program of its kind anywhere. The Service began gathering data on the condition of the nation's soil resources and set up demonstration projects. On March 25, 1935, the Soil Erosion Service was transferred to the U. S. Department of Agriculture (USDA), and became the Soil Conservation Service (SCS). (The name of the Soil Conservation Service (SCS) was changed in 1996 to Natural Resource Conservation Service (NRCS).)

Public Law 46, the Soil Conservation Act of 1935, passed the House and the Senate, unanimously, and upon being signed by President Roosevelt, recognized that "soil erosion is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion . . ."

SCS set up a number of large-scale demonstration projects around the country. Although the individual projects were

successful, it soon became clear that this method was not working. A piecemeal approach was too expensive and slow to remedy the nation's soil erosion problems on a wide-spread basis. The most obvious lack in these demonstrations was local, grassroots support and participation.

In February 1937, individual state legislatures considered language to establish an innovative idea -- the formation of soil conservation districts. These soil conservation districts would stand independently and be administered locally. Twenty-two states passed enabling legislation within the same year. Missouri passed legislation authorizing soil and water conservation districts in this state in 1944. Eventually all fifty states, Puerto Rico, the Virgin Islands, and the Pacific Territories adopted enabling laws.

In Missouri, the agricultural landowners of each county have voted to establish an SWCD within their county. Harrison County formed Missouri's first SWCD and with the formation of an SWCD in Washington County in 1996, all of Missouri's 114 counties are organized into SWCDs.



LEGAL AUTHORITY AND RESPONSIBILITY

Throughout this reference book, we have noted different laws that affect what soil and water conservation districts do and sometimes how it is done. The state law conveys the authority and restrictions on each board and its employees for the administration of its activities. The **Soil and Water Conservation Districts Law** (Chapter 278, RSMo) will

provide some interesting reading for you. Key parts of the law directly impacting local boards are included here. The complete Soil and Water Conservation



Districts Law is contained in the District Operations Manual.

278.070. Definition “(1) *Board of soil and water district supervisors or soil and water supervisor, the local governing body of a soil and water district, elected or appointed in accordance with the provisions of this law;*”

278.110(3) *A majority of the board of soil and water supervisors shall constitute a quorum, but the concurrence of a majority of the whole board shall be required for the determination of any matter within their duties.*

278.110(4) *A soil and water supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this board.*

The board of soil and water supervisors may employ within the limits of available funds such as they may require in the performance of their duties and shall determine the qualifications, compensation and duties of such employees.

278.110(5) *The board of soil and water supervisors shall submit to the state soil and water districts commission for its approval copies of such rules, regulations, forms, and other documents as this board shall contemplate using in pursuance of their duties...*

...and such other information concerning their activities as the soil and water commission may require in the performance of its own duties under this law.

278.110(6) *The board of soil and water supervisors shall provide for the execution of surety bonds for all officers and employees who shall be entrusted with funds or property...*

...shall keep a full and accurate record of all their proceedings and of all their resolutions and regulations issued or adopted...

...and shall present the soil and water commission, for approval, a statement of annual audit of all the accounts of receipts and disbursements by the board.

278.110(7) *The board of soil and water supervisors may invite the legislative body of any municipality or county located near*

the soil and water district to designate a representative to advise and consult with the soil and water supervisors of the district on all questions of program and policy, which may affect the property, water supply, or other interest of such municipality or county.

278.110(8) The board of soil and water supervisors will assist the soil and water districts commission in the administration of a state soil and water conservation cost-share program.

278.120(1) Any soil and water district organized under the provisions of this law shall be a body corporate and shall possess only such powers as herein provided...

278.120(2) A soil and water district through the board of soil and water district supervisors thereof shall have the following authority and duty in addition to other authority and duty granted in other sections of this law:

(1) To promote all reasonable measures for the saving of the soil and water within that soil and water district; and all such measures shall be in general agreement with those currently advocated by the college of agriculture of the University of Missouri for saving the productive power of Missouri farm land;

(2) To cooperate or enter into agreements with, and to aid...any agency, government or otherwise, or any land representative within that soil and water district, in the saving of the soil and water within that district;

...and any land representative of farm land within that soil and water district shall be eligible to enter into such cooperations

or agreements with the soil and water supervisors; and no program or procedure of soil and water conservation shall be ordered or executed by the soil and water supervisors on any farm without the full consent and agreement of the land representative of that farm;...

(3) To make available to any land representative within that soil and water district, through existing agencies if agreements with them seem feasible, or by such other feasible means as the supervisors shall prescribe. Such services, materials, and equipment as will assist such land representatives to carry on operations for the saving of the soil and water;

(4) To accept grants, gifts, and contributions in money, services, or materials from the United States or any of its agencies, and to use or expend such grants, gifts, or contributions in carrying on the soil and water district operations;

(5) To make and execute contracts and other legal instruments, necessary for the saving of the soil and water in that district, subject to approval by the state soil and water districts commission;

(6) To accept for the purpose of saving soil and water in that district, contributions in money, services or materials from any source not otherwise provided for herein, and to enter into such agreements with land representatives as will tend to prevent future wastage of the soil and water presently benefited by these contributions.

278.130(1) The soil and water supervisors of any soil and water district shall not:

- (1) Have or exercise the right of eminent domain;*
- (2) Incur indebtedness beyond available funds;*
- (3) Issue bonds;*
- (4) Levy taxes;*
- (5) Make or levy benefit assessments or any other kind of assessments;*
- (6) Take contributions from that soil and water district by extractions or persuasions;*
- (7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work;*
- (8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.*

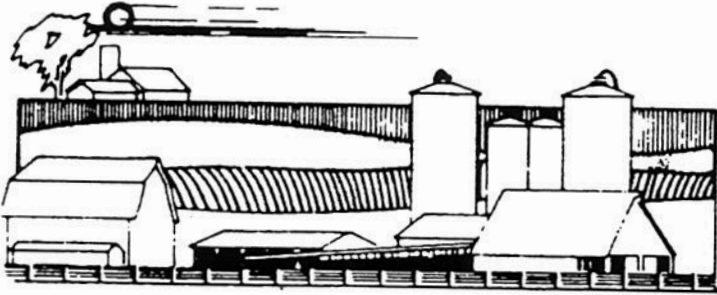
278.140 The county court of any county or the governing body of any city, town, or village in which a soil and water conservation district lies in whole or in part may cooperate with the supervisors of the district in carrying out the purposes of the district program, and in the event the county court or governing body finds that the benefits accruing to the county or municipal area by reason of the program of the soil and water conservation district justify such action, the county court or governing body may contribute money, services, or the use of equipment to the district.

WATERSHED SUBDISTRICTS

Additional legal responsibilities are given to boards of supervisors of districts in which watershed subdistricts exist. Consult the District Operations Manual for a more extensive treatment of the subject. The following excerpt from the Missouri Statutes may give you a basic understanding of your role in the subdistrict:

278.240(1) The board of soil and water conservation district supervisors of the soil and water conservation district in which the subdistrict is formed shall be the governing body of the subdistrict. When a subdistrict lies in more than one soil and water conservation district, the combined boards of soil and water conservation district supervisors shall be the governing body.

The law allows the governing body to decide what the role of the subdistrict trustees will be. The trustees may be given the authority to conduct most subdistrict business, in which case the governing body retains power to ratify or disapprove decisions made by the trustees.



GETTING THE JOB DONE

PLANNING Organizations that move smoothly into the future will do so as a result of a solid foundation that comes from planning. A district without a plan is much like a house without a foundation. The elements of any plan come from the needs and concerns of the local people that the district serves, along with the natural resource conditions in your county.

Your SWCD should have two important documents that lay that foundation for now and the future. The **Strategic Long Range Plan** is a document that guides the district's efforts for 5 to 10 years into the future. It provides a vision with goals and action items for others to see and understand where the district is going and what the desired future condition of the resources should look like.

The **Annual Plan of Action** is a more specific document that deals with the day-to-day operation of the district and is based on the goals identified in the strategic plan. The Annual Plan should be reviewed monthly at district board meetings to implement the goals and strategies planned.

Both the Strategic Long Range Plan and the Annual Plan are critical to your district's success. Without them, your district has little direction and can easily end up program-driven instead of directing programs and resources.

Ask for copies of these two documents. Planning is extremely important. Remember, if you don't know where you're going, any road will get you there!

LEARNING MORE AND STAYING INFORMED

We never stop learning. Much of what you learn as a new supervisor will come through self-education, participation in SWCD business, and experience. Check out a copy of the District Operations Manual to read. Visit with others who know your district.

The Conservation Partnership sponsors several meetings and training opportunities throughout the year. You are strongly encouraged to take advantage of opportunities for you and your board to meet with others to share information, hear new ideas, and become more knowledgeable of soil and water issues. The purpose of this interaction is to help you do your job better as a district supervisor. In July/August, multi-district meetings (called Area Meetings) are held. The annual training conference is a statewide meeting held in November/December. All supervisors and staff are encouraged to attend and learn valuable information.

Besides attending training outside your district, an important resource to help you learn more and stay informed is your **District Coordinator**. This person is an employee of the Soil and Water Conservation Program and is assigned to a section of the state. You may call upon your coordinator with specific questions or for more general training. The coordinator is a great resource to share ideas from other SWCDs and to help you to identify and solve problems in your SWCD. Your coordinator may be contacted through the Soil and Water Conservation Program.

GLOSSARY AND ACRONYMS

AC NRCS Area Conservationist.

AgNPS Agricultural Nonpoint Source Pollution.

CRP USDA's Conservation Reserve Program.

Cooperative Working Agreement (CWA) The agreement between an SWCD, the Commission, and NRCS to explain responsibilities and authorities.

DC NRCS District Conservationist.

District Coordinator Member of the DNR Soil and Water Conservation Program staff that acts as a liaison between the SWCD and the Soil and Water Districts Commission.

District Operations Manual Reference available in each SWCD office which probably answers many of your questions.

DNR Missouri Department of Natural Resources.

EQIP USDA's Environmental Quality Incentive Program.

FOSA NRCS Field Office Service Area.

FSA Farm Service Agency, an agency of USDA.

HEL Highly erodible land.

MASWCD A statewide association, the Missouri Association of Soil and Water Conservation Districts works to provide positive communication and cooperation between the soil districts and assumes an active leadership role in promoting soil and water conservation.

MOPERM Missouri Public Entity Risk Management Fund administers liability insurance for political subdivisions.

MSWCDEA Missouri Soil and Water Conservation District Employees Association, a statewide association comprised of SWCD employees.

NACD National Association of Conservation Districts.

NRCS Natural Resources Conservation Service, an agency of USDA.

RC&D Resource Conservation and Development Project (through NRCS).

RUSLE Revised Universal Soil Loss Equation.

SALT Special Area Land Treatment Program, a Commission program designed on a watershed basis.

Soil and Water Conservation Program Housed within DNR, this program supports the Commission's actions and provides day-to-day administration of the Commission's programs.

Soil and Water Districts Commission The nine-member commission appointed by the Governor to work toward goals to protect Missouri's soil and water resources.

Sunshine Law Missouri's open meetings and records law that ensures that public business is being done in the open and not in a closed room without the general public's knowledge. Certain confidential issues are exceptions to open meetings.

SWCD Soil and water conservation district.

University Extension One of the Conservation Partners who is represented on each SWCD board and on the Commission.

USDA United States Department of Agriculture.

USLE Universal Soil Loss Equation.

WAE While Actually Employed (part-time NRCS employee).

Here's a place to make notes
about things you want learn more about.

SOIL AND WATER CONSERVATION PROGRAMS ARE FOR EVERYBODY

MASWCD feels **very** strongly that we serve the soil and water conservation needs of **all** people in our soil districts.

As elected officials, soil district boards are obligated to ensure there is no discrimination in the availability of any services or programs. All services, programs, and activities for any Missouri Soil and Water Conservation District are available to anyone using a consistent set of guidelines regardless of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or family status.

Discriminatory hiring practices for district employees are also unacceptable. This includes employment consideration for any potential district employee. All qualified candidates will be considered equally.

Any violations of either situation should be promptly reported to the Missouri Commission on Human Rights at (800)877-6247.