

## **CHAPTER 4 – SWCD BOARD GOVERNANCE AND OPERATIONS**

This chapter is a comprehensive guide to the roles and responsibilities you have as an elected board of an independent political subdivision of the state of Ohio. It will assist you in conducting business within the scope of the laws and rules that govern soil and water conservation in Ohio and with professionalism, efficiency and effectiveness. Several fact sheets and other helpful ancillary documents are referenced here and archived within this chapter.

### ***SUPERVISOR RESPONSIBILITIES***

Supervisors are the keys to the success of a district. Each supervisor has the task of coordinating the efforts of all agencies, organizations, and individuals with responsibilities in natural resource conservation and development in your district. How well you conduct these affairs will be reflected in the accomplishments of the district. You represent those who elected you to this responsibility. Soil and water conservation district business is essential. It demands your attention and leadership abilities. Your reward is the satisfaction in making a valuable contribution to the future welfare of your district. The very credibility and success of districts has been based upon local leadership. It works when you do.

As a supervisor, you are an elected public official responsible to the people of your district and state. Like all public officials the rights and responsibilities of your office are laid out in the applicable sections of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC).

#### **The job of a supervisor is to:**

1. Meet at least monthly as a board to carry out the official duties of your office and participate in other district related activities.
2. Request appropriate local leaders to meet with your board to discuss particular conservation problems and to inform them of the district's programs. These leaders may include:
  - State and federal agency representatives concerned with resource management;
  - Agricultural and civic organization leaders;
  - Local development groups;
  - Representatives of federal, state, and local organizations; and
  - Legislators
3. Know thoroughly the powers, authorities, and responsibilities placed upon you by Ohio soil and water conservation districts law (Section 940 of the Ohio Revised Code and other statutes). Keep in mind the responsibility to the people of the district to administer its program. Interpret these responsibilities as opportunities for the district.
4. Stay informed and up to date with the administrative and technical policies and actions of the Ohio Soil and Water Conservation Commission by keeping in close contact with your assigned Program Specialist from the Ohio Department of Agriculture (ODA) Division of Soil and Water Conservation.
5. Be familiar with and understand the land and water conditions within the entire district and the best management practices required to conserve and develop its natural resources.

6. Keep the strategic plan for conservation and development of natural resources of the district current and comprehensive. The planning process is discussed in more detail later.
7. Develop and carry out the annual plan of work for reaching the SWCD's objectives and goals as outlined in the strategic plan.
8. Arrange for help and cooperation needed to meet SWCD goals and objectives. Enlist assistance from all local, state, federal and other sources.
9. Enter into memoranda of understanding or working agreements with as many agencies as appropriate to coordinate the SWCD conservation and resource development program.
10. Establish sound policies and priorities concerning the work to be accomplished in conservation education and technical assistance on the land.
11. Hire capable district employees to carry out the daily work of the district. Provide each employee with an accurate job description and a copy of the district employment policy. Provide proper oversight for all employees. Ensure employees are evaluated at least annually and provide them with adequate training opportunities to allow them to remain current with the skills they need to be successful in their position.
12. Assign specific responsibilities, committee duties, or other responsibilities to individual members of the board, if doing so will contribute to the progress of the district. When needed, appoint additional associate supervisors and delegate responsibility.
13. With your strategic goals and objectives in mind, collaborate with other agencies and coordinate the District's activities with similar activities sponsored by those agencies.
14. Correlate the district programs with those of other agencies engaged in resource planning and development, such as planning commissions and the various divisions within the Ohio Department of Agriculture and Ohio Department of Natural Resources.
15. Responsibly manage all funds, facilities and equipment belonging to the district. Establish business procedures as necessary to facilitate planning, record keeping, and sound financial accounting and procedures.
16. Cooperate with other districts in multi-district resource activities, such as comprehensive regional planning, watershed development, river basin programs and resource conservation and development projects and joint boards.
17. Exchange ideas on administrative procedures with other district governing bodies, and adopt any ideas that offer promise of improvement.
18. Report to the public by mass media concerning resource conservation needs and the progress and work of the district.
19. Prepare a Cash Basis Financial Report as required by the Auditor of State and a District Annual Report of accomplishments as required by the Ohio Soil and Water Conservation Commission.

20. Demonstrate leadership and promote collaborative conservation projects and programming.
21. Keep current on regional, state and national conservation issues by supporting and participating in the programs and conferences sponsored by the Ohio Federation of Soil and Water Conservation Districts (OFSWCD) and the National Association of Conservation Districts (NACD).
22. Arrange for an annual meeting or other event to elect new supervisors and inform the public of the activities of the district.

## **ASSOCIATE SUPERVISORS**

Each district should consider appointing associate supervisors to assist in carrying out the district program. With an increased number of people working on the district program, it is possible to establish committees to carry out various operational functions. These additional people will also expand the scope of district activities and programs. People with special talents can be chosen to do specific jobs.

### **Associate supervisors may serve on various committees to:**

- Assist with operational activities of the district;
- Organize neighborhood demonstrations;
- Explain the district program to prospective cooperators and other interested individuals;
- Distribute soil stewardship material;
- Enlist affiliate members;
- Conduct watershed meetings and
- Assist with district annual meetings.

An excellent time to assign associate supervisors to specific activities is during preparation of the annual plan of work. Also, decisions on when associate supervisors should meet with the board should be made well in advance and become part of the annual plan of work.

Associate supervisors may be selected on the basis of one per township from those townships not represented by elected supervisors as well as an associate supervisor from the county seat or other metropolitan areas. Often, districts may have specific jobs that require particular training and may need individuals to fill this need. Also, districts may ask retired supervisors or professional people to be associate supervisors if they are active and interested in serving. There is no limit on the number of associate supervisors a district may have.

Associate supervisors may be given as much responsibility as regular supervisors; however, they cannot participate in a board meeting as a voting member.

Being an associate supervisor provides excellent training for potential supervisors. Generally, it requires a supervisor several months to become acquainted with all the district activities. Being an associate supervisor provides individuals the opportunity to test their talent and determine for themselves the kind of contributions they can make to the district program.

## ***RULES OF PARLIAMENTARY PROCEDURE***

Supervisors of local soil and water conservation districts are busy people - most of them with full time occupations. Since the district may hold several meetings each month, supervisors are naturally interested in participating in well-organized and business-like meetings. A typical two-hour session should be sufficient to conduct the affairs of the district only if proper rules of order are observed.

When you serve as chairperson, it becomes your responsibility to conduct the business meeting. The chairperson should become familiar with the proper rules of parliamentary procedure and she/he should insist that those rules be observed to assure an organized and highly productive meeting.

Each District should adopt a policy or rule on how they will conduct official meetings. A [“Sample - Policy on the Rules of Order”](#) is included in the appendix of this chapter. Most boards should find that utilizing [Robert’s Rules of Order, Newly Revised](#), and the procedural flexibility that Robert’s allows for small boards, or some similar “rules of order” will suffice for maintaining order.

**To aid the chairperson in conducting board meetings, we offer the following condensed examples of parliamentary procedure rules:**

**To Make a Motion:** The member addresses the chair, “Mr. or Madam Chairperson,” and waits to be recognized. When recognized, the member states the motion, “Mr. or Madam Chairperson, I move to ....” The chair then states the motion and requests a second to the motion. When moved and seconded, the chair restates the motion and opens discussion. The assembly may not discuss any other business until the motion is disposed of; when every board member has been allowed to discuss the motion and the chair feels there has been adequate discussion, the chair asks if the board is ready to vote? If any board member feels there has been adequate deliberation on the motion they may informally ask for “the Question” the chair should then determine if the board is indeed prepared to vote on the motion at hand. The chair should restate the motion (or have the secretary or minute taker) read the motion, then takes the affirmative vote, then the negative vote and then announces the result. If the vote is not unanimous or the result is unclear, a roll call vote is taken and recorded.

**To Table:** This motion postpones the subject under discussion to a later time, when a motion “to take from the table” would be appropriate. Not debatable or amendable; majority vote is taken.

**The Previous Question:** This motion closes debate on the pending question when the debate becomes drawn out. “Mr. or Madam Chairperson, I move the previous question,” this requires a second. The chairperson then asks, “Shall debate be closed and the question now be put?” If the motion is adopted by a two-thirds vote, the question is immediately voted upon. Not debatable.

**To Adjourn:** This motion is always in order except when a speaker has the floor, when a vote is being taken, after it has just been voted down, or when the assembly is in the midst of some business which cannot be abruptly stopped. If all the items on the approved agenda have been disposed of and there is no further business, the chair may close the meeting by declaring; “seeing no further business before the board, the meeting is adjourned at (insert time).”

To further assist the chairperson and the board a [“Chairperson’s Board Meeting Checklist”](#) and a [“Simplified Parliamentary Procedures Table”](#) are included in the appendix.

## **DUTIES OF SWCD OFFICERS**

The district governing body should elect its chairperson, vice-chairperson, secretary, treasurer, and appoint a fiscal agent as soon as possible following each district annual meeting. Frequently the latter two offices are combined. Any elected supervisor can be an officer. Districts have found it advantageous to their program for officers to be rotated annually by promoting diversity in leadership and deepening board member understanding of SWCD finances and operations.

### **Duties of the Chairperson**

Plan the order of business or agenda with the administrative assistant, district administrator and district conservationist prior to the monthly board meeting. Ensure that the finalized agenda and supporting documents are distributed to board members and others who requested it, at least one week prior to the meeting date. Additionally the chair should:

- Preside at all meetings or arrange for the vice chairperson to preside.
- Open and close all meetings on time and insist on regular attendance.
- Call meeting to order. To announce the order of business, distribute a printed agenda. Recognize visitors and others present at the meetings.
- Handle the discussions in an orderly way:
  - Give every supervisor a chance to speak - one at a time.
  - Allow guests and staff an opportunity to contribute discussion where applicable.
  - Tactfully keep all speakers to rules of order and to the question at hand.
  - Allow for supervisors with opposing views equal opportunities to speak.
  - Encourage all supervisors to participate in the discussion.
  - Enter into discussion to give additional facts or information.
- State each motion before it is discussed and before it is voted upon. Put all motions that are properly moved and seconded to a vote and announce the outcome.
- Ask for motions.
- Appoint committees, assign their responsibilities, and ask for their reports when due.
- At the close of your term of office, turn over to your successor the chairperson's material and explain his or her responsibilities.
- Make sure that all new supervisors and associate supervisors are properly informed and understand their duties.
- Set a good example by observing proper parliamentary procedure:
  - By calling the meeting to order properly and at the designated time.
  - By putting each question to a vote and announcing the outcome.
  - By giving decisions on any point of order.
  - By recognizing speakers and introducing visitors.

### **Duties of the Vice Chairperson**

- Acts in place of the chair when needed and assumes other duties at the chairperson's request.

- In case of resignation or death of the chairperson the vice-chairperson serves as chairperson until the board is reorganized.
- Serve as chairperson of at least one standing committee.
- Consults with and advises chairperson on matters of program and policy.
- Act as program chairperson for arranging a special program for regular board meetings.

### **Duties of the Secretary**

- Notify members of each meeting.
- Provide the chairperson with a list of business items that should be placed on the agenda.
- Keep minutes of each meeting. (Make a complete record of all proceedings and supply the DSWC program specialist with a copy within 10 days of the meeting.)
- Keep a record of all committees, both standing and special. (Notify committee members of their appointment, if they were not present when appointment was made.)
- Sign all minutes and official records. The minutes should include:
  - Kind of meeting (regular, annual or special).
  - Name of presiding officer, date, hour, and place.
  - Attendance (supervisors, agency representatives, guests). If a large group appears, name the organization and list the spokesman. Those supervisors not in attendance should also be listed as “absent”.
  - Official business cannot be transacted without a quorum - at least three supervisors.
  - Reports made at the meetings. (May be summarized, ask agency representatives and committees to make written reports when necessary.)
  - All motions, showing the person making the motion, seconds, and action taken.
  - All pertinent statements even though action was not taken.
- Initiate correspondence in behalf of the board as need arises.

**Note:** Administrative Assistants and or SWCD Secretaries can provide valuable assistance with many of the item listed above. Upon election to the office of Secretary, take the time to review these responsibilities with the board chair and decide which duties can be delegated to the staff.

### **Duties of the Treasurer**

The district treasurer is responsible for the financial matters of the district, including the financial records. Only the treasurer or the fiscal agent and the appropriate district personnel should be authorized to purchase equipment or supplies with district funds.

#### **Specific responsibilities include:**

- Maintain complete and accurate records of receipts and expenditures;
- Give periodic financial reports;
- Pay bills approved by the board and issue receipts for incoming funds;
- Maintain separate accountings of any funds the district may receive for a specified purpose;

- Assure that all bills authorized for payment by the district board are recorded in the minutes of the meeting;
- Arrange for the bonding of the Board and all district employees through the blanket bond arrangement of the Ohio Federation of Soil and Water Conservation Districts or through another insurance provider; and
- Support proper internal fiscal checks and balances by providing regular fiscal oversight of all SWCD transactions to insure policies and procedures are being implemented as directed.

**Note:** Office Administrative Assistants and or SWCD Secretaries can provide valuable assistance with many of the item listed above. Upon election to the office of Treasurer, take the time to review these responsibilities with the board chair and decide which duties can be delegated to the staff.

### **Duties of the Fiscal Agent**

Each SWCD board must appoint a fiscal agent for the district. The fiscal agent is responsible for reviewing revenues and expenditures in tandem or in place of the treasurer. Also upon recommendation and properly approved motion sign all checks and vouchers after the board of supervisors has authorized the expenditure.

**Note:** The fiscal agent does not have to be the treasurer for the district, however, the district may wish to appoint a supervisor who is more available to the office between board meetings either because she/he lives closer to the office or works near the office location.

## **EVOLUTION OF DISTRICT BOARDS**

### **A Natural Transition from Hands-on to Managing**

The first district supervisors would scarcely recognize the Soil and Water Conservation Districts of today. Those first inspired individuals had no budgets and no staff. None had gone before to show them the way. They were building a program that began a 70-plus year journey that is still growing today.

A milestone that allowed tremendous growth in districts was the passage in 1959 of legislation by the Ohio General Assembly that began the state matching of local funds. The matching formula started a ratcheting effect that generated approximately \$12 million dollars for district programs in 2015. Today districts employ approximately 600 full and part-time employees. The hiring and administration of those employees is the responsibility of district supervisors. How supervisors effectively manage budgets and staff has a direct bearing on the success of the overall district program.

So how have district supervisors managed the evolution from no budgets and no employees to very large budgets with large staff carrying out a variety of very complicated programs? Some have handled the transition very well and others have struggled.

All dynamic organizations go through a natural evolutionary process as they grow and districts are no different. The success of a district program, as it grows in complexity, will, to a great extent, be directly related to an evolutionary transition from direct involvement (hands-on) to management (policy setting). Some supervisors have found it hard to turn over responsibilities to staff fearing a loss of control. However, as a board sets rules and policy for the office, they are more in charge than ever before. (See "Sample Policies at the end of this chapter)

How will your District meet the challenges of the future? Begin managing for change and you'll find the transition from "hands-on" to "policy setting" a necessary and a positive experience.

#### **SWCD HISTORICAL EVOLUTIONARY PROGRESSION**

1942	1960	1980	2000 and beyond
No Budgets	Budgets Grow	Budgets Surge	Continued Increases
No Employees	1-2 Employees	3-7 Employees	8 > Employees
All Hands-On W/Supervisors	Management Begins Turn Over Hands-On To Employees Begin Hiring District Administrators (DA)	Initiate New Programs	Diversity Of Programs
		Board Time Requirements Increase Set Policy And Direction DA's Given Greater Responsibility	Work Force Divided By Specialties  District Staff Answers To DA DA's Answers To Board  Board Answers To Public Admin. Policy & Format Moves District Ahead To The Future

## **BOARD GOVERNANCE: STAFF, BOARD AND CHAIRPERSON EXPECTATIONS**

### **A Board Should Expect Its District Administrator Will:**

1. Serve as chief operations executive of the organization.
2. Serve as professional advisor to the board.
3. Recommend appropriate policies for consideration.
4. Implement effectively all policies.
5. Inform the board fully and accurately regarding the program.
6. Interpret the needs of the program and present professional recommendations on all problems and issues considered by the board.
7. Develop a budget (in conjunction with the finance committee) and keep the board up-to-date on budget problems.
8. Recruit the best personnel, develop a competent staff and supervise it.
9. Devote time to improve the staff.
10. Assist the board in developing and conducting community information programs.

### **A District Administrator Should Expect A Board Will:**

1. Counsel and advice--giving the benefit of its judgment, expertise and familiarity with the local setting.
2. Consult with the executive on all matters that the board is considering.
3. Delegate responsibility for all executive functions.
4. Make all staff responsible to the District Administrator.
5. Share all communications with the District Administrator.
6. Provide support to the District Administrator and staff in carrying out their professional duties.
7. Support the District Administrator in all decisions and actions.

### **A Board and Administrator Should Expect Its Chairperson Will:**

1. Provide leadership to the board in expediting the goals of the organization.
2. Guide the board in fulfilling its stated roles.
3. Chair board meetings effectively, assuring adequate discussion of all issues, but keeps the meeting moving.
4. Utilize the board's time effectively.
5. Represent the board in supervising the District Administrator.
6. Supervise standing committee chairpersons.
7. Represent the organization in important matters that affect it.
8. Develop selected board members to assume future leadership roles in the organization.
9. Enhance the organization's image in the community.
10. Be a role model for other volunteers as demonstrated by the way she/he represents the organization.

Adapted from: The Institute for Conservation Leadership "Role of the Board" Workshop,  
September 1999

## **STRATEGIC PLANNING**

Conservation districts have untapped abilities organizationally. While districts are satisfying some traditional roles, they are often not connected to a greater network where conservation is pursued as a means of improving the quality of life. For example, nonpoint source water pollution is extensive, the public has become aware of the causes, and there is popular desire to address the problems.

Although well situated within local communities, many districts have not fully mobilized to address the myriad of conservation and environmental concerns affecting soil and water quality. Numerous local organizations devoted to environmental concerns have been created in recent years while the existence of a local conservation district may have gone unrecognized. Despite extreme variations among districts, as a whole, they have not capitalized on the growing public interest in environmental quality. To preserve their role, SWCDs should regularly and aggressively redefine and promote themselves as vital units of government.

The need to effectively mobilize the district becomes more apparent when trends of cooperating agency funding and personnel are examined. In recent years both the Cooperative Extension Service and Natural Resources Conservation Service have faced reductions in funding, and support staff for these groups are on the decline. By contrast district employees have increased in numbers. The need to effectively train and direct this added district staff is apparent, and many districts would benefit by developing strategic plans and initiatives to meet new responsibilities.

The above serve as indicators that districts need to engage in a strategic planning process that will address the above concerns, as well as others that may be raised by stakeholders during the process. Outcomes that could be realized through a strategic planning process include:

- A Mission and Vision for districts that is shared by board members and stakeholders
- Goals and strategies that will enable districts to realize their mission and vision, thus improving the environmental quality of the community. These goals and strategies need to be future oriented, measurable, and address issues and concerns identified by local stakeholders.
- Development and implementation of programs and activities that will enable districts to accomplish their goals and strategies.
- An organizational assessment that will enable districts to build on their strengths and deal with issues of funding, personnel, training, marketing, and relationships with other entities.
- Development of an accountability plan that will provide a means for evaluating programs and activities so program impact can be demonstrated.
- Productive relationships with cooperating agencies, other conservation and environmental organization and agencies that will result in improved community environmental quality.

### **Strategic Planning vs. Long Range Planning**

Strategic Planning is planning for the fulfillment of the organization's fundamental purposes, It includes:

- Establishing and clarifying purpose
- Deciding on goals, strategies whose attainment will help fulfill purpose
- Determining the major means and pathways to pursuing goals and strategies

It is based on a vision of what the world will look like in 3 to 5 years from now and the district role in it. The process involves inviting external stakeholders to join district supervisors and staff as partners in the development of the plan. Together they engage in a process that will:

- Identify and resolve issues
- Assess the external environment for opportunities and threats
- Assist the organizational environment for strengths and weaknesses
- Focus on goals that are action oriented, keeping many options open

Long-range planning is based on the assumption the world of tomorrow will look very much like the world of today, therefore:

- The existing mission and vision is still appropriate
- The programs, services, and products that are being offered are still appropriate
- Funding and resource levels will remain the same

Long-range Planning is usually done internally with traditional partners, without the involvement of external stakeholders or non-traditional partners. It focuses on:

- Goals and objectives, translating them into budgets
- An assumption that current trends both external and internal will continue
- An assumption of a most-likely future

### **How do we do Strategic Planning?**

There are many models for strategic planning. Each involves a commitment of time and energy to be accomplished properly. Contact your Division of Soil and Water Conservation Program Specialist to provide additional resource information or help developing and/or facilitate strategic planning.

## ***ANNUAL PLAN OF WORK***

The SWCDs Annual Plan of Work (APW) is a tool created and used by districts to identify goals and keep track of its accomplishments on a yearly basis. Work and action items contained in the annual plan of work will include the results of work load and staffing analysis, goals and objectives from the SWCD strategic plan, and performance items within employees' standards of. There is no standard format for an "Annual Plan of Work," however the Ohio Soil and Water Conservation Commission has set minimum standards for APWs and DSWC staff have created a template that meets the minimum standards when completed. [Click here to view the Annual Plan of Work Template.](#)

Many SWCDs use "Annual Planning" meetings to help define the natural resource concerns within in the community. These can be combined with federal "Local Work Group" meetings required to be held annually within each SWCD by USDA/NRCS staff. This is your greatest outreach moment to discuss natural resource issues and concerns within the district. The district's strength is in the people it represents, so involve the general public in both the planning and implementation process. An annual planning meeting may be broad in scope or may focus on just one program area. The format of these meetings can vary, but should be well-organized and a good use of participant time and effort. Ensure that results and other products of the meeting are shared with those who attended. Contact your ODA Program Specialist for program format ideas and also consider them to act as planning meeting facilitators.

Employee Standards of Performance (explained in Chapter 6) can also inform the SWCD annual plan of work as to action items that need to be included. Some employee performance items that carry the responsibility for major events, programs and grants can often dictate a good portion of what goes in to the Annual Plan of Work.

Strategic Planning and Long Range Planning as described in the previous section helps to identify action items and time frames based on customer needs and critical issues. These documents should relate directly to the Annual Plan of Work and vice versa.

Not to be left out, of course is the expertise of both the supervisors and staff in setting accomplishments for the coming year. One way to build on these resources is to form committees. Committees or Teams are a good way to structure part of the annual plan of work. Some committees might function once and are done. Others might take longer. Here are some possible committees:

Budget	Project	Drainage
Personnel	Education	Forestry
Annual Meeting	Easements	Wildlife
Nominating	Agronomy	Technology
Training	Urban	GIS etc.
Grant	Watershed	
Equipment	Employment Policy	

The Annual Plan of Work should be distributed to each Board member, staff member, and committee or team member and Program Specialist. One staff member should be delegated the responsibility for physically updating the Annual Plan of Work to note progress and revisions. Also, Ohio Soil and Water Conservation Commission policy dictates the SWCD board should review the document at least quarterly including use of SWIMs queries to verify progress.

## ***DISTRICT CORRESPONDENCE***

### **Traditional Non-digital Correspondence**

As elected officials and public employees in the State of Ohio it is important to remember that all communications you send and receive that pertain to the management and work of your office are considered public records. As such they may be viewed by persons other than those for whom the records were created.

The correspondence sent by your office, as an employee or on behalf of your board, may be the first encounter a cooperator, partner agency or elected official has with your office. A well composed letter will convey to the reader the professional nature of your office and should instill a trust that the issue at hand will be handled in an efficient and professional manner.

All correspondence should be sent under SWCD letterhead and signed by the appropriate person. It is best for a supervisor to sign the SWCD letters. However, if a supervisor is not available, the board can give the District Program Administrator or Administrative Assistant the authority to sign on their behalf.

There are many excellent reference guides and textbooks on for the development of written communications, your district may wish to retain copies of some of these for staff and board use as well as maintaining stock templates and examples of common types of communication the district may use frequently.

For additional information [“Guidelines for Traditional Non-Digital District Correspondence”](#) is included in the appendix

### **Digital Communications**

A modern Soil and Water Conservation District could not function without the use of the latest technologies. Whether in the field or office, technology has changed how districts operate. Smart Phones, email, webpages, social media, blogs and other software applications have made communicating with cooperators and others easier and timelier. However, when using digital communications you still need to maintain professional standards.

While email is often considered less formal than a paper letter sent regular mail, items such as grammar, spelling, and format standards should be maintained. A poorly written email, filled with misspellings and grammatical errors will reflect badly on both the sender and the district as a whole.

Also it is important to remember, that all official communications sent to and from your office, including email and other forms of digital communications, are considered public records and should be maintained according to your retention schedule.

For additional information [“Guidelines for Digital District Communications”](#) is included in the appendix.

### **SWCD RECORDKEEPING AND FILING**

SWCD Supervisors must ensure the proper maintenance of records of district activities because:

- There are laws that requires records such as minutes, financial and annual reports and other work products be kept for public viewing as well as laws dictating records retention by government organizations;
- Records may have historical value (newspaper clippings, etc.);
- Records may serve as evidence in case of legal action (concerning disputes over cooperative agreements, easements, employment policy changes, etc.);
- Records serve as a basis for making future decisions (district programs, cooperator plans, board minutes and policies, equipment rental, etc.).

A uniform filing system has been developed for SWCDs. We strongly recommend the use of this system since the material mailed to you by the Division of Soil and Water Conservation and the Ohio Soil and Water Conservation Commission is often coded according to the uniform filing system.

A [“Sample SWCD File Index”](#) is located in the Appendix

## **RECORDS RETENTION**

The Ohio Revised Code gives the State Archivist at the Ohio Historical Society (OHS) authority to administer the Public Records Program and develop guidelines for all public agencies of Ohio to follow for the Retention and/or disposal of Public Records. As determined by Ohio Attorney General Opinion Number 2013-006, Soil and Water Conservation District is not a County Office and is Subject to the Jurisdiction of a Special Taxing District Records Commission. For a copy of this opinion, please follow the link below:

<http://www.ohioattorneygeneral.gov/OhioAttorneyGeneral/files/25/25468d81-79fb-4f38-81f2-9323205b0e4e.pdf>

From the Ohio Revised Code:

“149.412 Special taxing district records commission

There is hereby created in each special taxing district that is a public office as defined in section 149.011 of the Revised Code and that is not specifically designated in section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised Code a special taxing district records commission composed of, at a minimum, the chairperson, a fiscal representative, and a legal representative of the governing board of the special taxing district. The commission shall meet at least once every twelve months and upon the call of the chairperson.

The functions of the commission shall be to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by any employee of the special taxing district. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section.”

The District should use the established procedures and correct forms provided by the OHS - Local Government Records Program (LGRP) to revise and maintain their Records Retention Schedule. The OHS-LGR program uses three forms for documenting the “public records” a District holds and those that they wish or have disposed of:

- RC-1 “Application for One-Time Disposal”
- RC-2 “Schedule of Records Retention and Disposition”
- RC-3 “Certificate of Records Disposal”

The RC-2 “Schedule of Records Retention and Disposition” is the primary document that catalogs and describes the type of records a District maintains and the schedule for when those records can legally be disposed of. The RC-2 should be completed or revised by the District in consultation with their Records Commission.

Districts that have RC-2s on file prior to September 29, 2011; will need to continue submitting RC-3s for disposal until they have submitted a revised RC-2. For Districts with RC-2 forms that were approved by your records commission and submitted to the OHS-LGRP on or after September 29, 2011 may no longer be required to submit an RC-3 for certain types of records. Your approved RC-2 will indicate if the RC-3 is required for any of the types of records you wish to dispose of.

Your Records Commission must meet annually and approve of the disposal of any records, changes to your RC-2 or the submittal of an RC-1 or RC-3.

Recent legislation also allows for SWCDs to become part of the county records commission. However, this does not eliminate the responsibility to develop a SWCD records retention schedule. Contact your county records commission for details and guide should the SWCD consider joining.

The State Archivist assists local government agencies with establishing records management and archival programs through the Local Government Records Program (LGRP). Working through the seven Network Centers, the LGRP provides records related advice and assistance to local governments in order to facilitate the identification and preservation of local government records with enduring historical value. Please contact them and send forms to:

Ohio History Connection  
[State Archives Local Government Records Program](#)  
800 E. 17th Ave.  
Columbus, OH 43211  
614.297.2553  
[localrecs@ohiohistory.org](mailto:localrecs@ohiohistory.org)

### ***OHIO'S PUBLIC RECORD ACT***

The Ohio public records act evolves from the principle that Ohio's citizens are entitled to access the records of their government. To advance that principle, the public records act is to be interpreted liberally in favor of disclosure. That means where the decision whether to disclose a record is unclear, a public office should disclose it. And if a statute expressly states that specific records of a public office are public, it does not mean that all other records of that office are protected from disclosure. Additionally, the exceptions to the public records act should be narrowly construed. If a record does not clearly fit within an exception, the public office must disclose the record.

Additional guidance in the form an "[Ohio's Public Records Act – Common Questions](#)" factsheet is included in the Appendix.

For further information on the Ohio Opens Records Rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current Ohio Sunshine Laws - The Yellow Book: an Open Government Resource Manual at:  
<http://www.ohioattorneygeneral.gov/YellowBook>

### ***YEAR-END REMINDERS***

Each year the ODA-DSWR SWCD Program Staff will update a list of year-end reminders that will be posted to the Division Website. The annual "Reminders and Resources" can be found under the Miscellaneous Forms section at:  
<http://www.agri.ohio.gov/apps/odaforms/odaforms.aspx?div=Soil%20and%20Water%20Conservation>

## **ANNUAL REPORTS**

The Ohio Soil and Water Conservation Commission require districts to submit an annual report to the Ohio Soil and Water Conservation Commission. Since 2009, the OSWCC has utilized the Soil and Water Information Management System (SWIMS) program to meet the statutory “Annual Reporting” requirements in the Revised Code. The Division of Soil and Water Conservation will annually run the necessary “Queries” in SWIMS to provide the OSWCC with the information that will constitute each District’s Annual Report.

Each District is also required to prepare two original copies of their Cash Basis Annual Financial Report, retaining one copy for their records and submitting the other copy to the Auditor of State no later than 60 days after the close of the fiscal year. Additionally, digital copies of the report should be sent to the ODA Division of Soil & Water Resources, Financial Program Manager and your ODA/DSWC, Program Specialist. A copy of the current form can be found on the ODA Division of Soil and Water Conservation website. Contact information and mailing instructions are included on the form.

Since the district is legally responsible for carrying out a constructive program of resource use and conservation, they should also consider creating a locally produced annual report geared towards publicizing their achievements to local stakeholders, elected officials and the public at large. This “Annual Report” while using the data reported in SWIMS as a basis for documenting the work completed can also include more narrative, graphics and pictures that will provide a complete picture of the districts accomplishments to local partners, funders and the resident of the district.

Your District’s Cash Basis Annual Financial Report and a well prepared Annual Report will enable the Board of Supervisors to:

- Review their responsibilities in handling the district's affairs.
- Review their district’s financial situation and determine priorities based on expected budgets.
- Sum up the districts activities and accomplishments in relation to the:
  - District’s Strategic Plan and/or Long Range Plan
  - District's Annual Plan of Work
- Serve as a report to district cooperators, partners and elected officials.
- Inform the ODA Division of Soil and Water Conservation and others assisting the district.

The size and scope of desired distribution will govern the size and quality of your annual report; however, we encourage you to be transparent in what you are doing and deliver it in plain language. Remember marketing the district is a vital part of your programs. Public funds are used to operate the SWCD, use this publication to tell funders what you have done with those dollars and to solicit additional funds from other sources.

In addition to distributing the report directly to cooperators, county commissioners, state legislators, state offices, and other interested parties, many potential cooperators and possible supporters can learn of your activities by coming in contact with and reading your annual report when distributed at other public meetings and gathering places such as libraries and other government offices. Some SWCDs also opt to include their annual report in the newspaper or other periodicals.

## **OFFICIAL MINUTES OF THE DISTRICT**

The SWCD meeting minutes are among the most important of the SWCD's records. Many fail to realize that the minutes of SWCD board meetings are the only official record of actions and policies approved by the board of supervisors. Therefore, the minutes should be worded precisely and present an account and summary so those not in attendance can understand the extent to which matters were discussed as well as the subsequent actions.

As defined by law: A public body must keep full and accurate minutes, which must enable the public to understand and appreciate the rationale behind the public body's decisions. It must prepare the minutes promptly, file them, and maintain them for all public meetings. Minutes are merely the record of actions; they are not actions in and of themselves. For example, if a public body fails to approve minutes of a meeting, that failure does not necessarily render all action taken during that meeting void.

Minutes do not have to be a verbatim transcript, however, they need to provide enough detail so the lay reader will understand the thinking of the board as to the decisions they make. Minutes are not taken while a board is in "executive session," and no actions or formal decisions may be made while in an executive session.

Minutes of a public body's meetings are to be made available for public inspection. And public release of information contained in the minutes, that has a certain stigma attached to it or would negatively affect the subject of the information, is not an invasion of privacy.

The board meeting minutes should be distributed to the supervisors in the packet sent to them with the next meeting's agenda and financial reports at least a week prior to the next board meeting. The Ohio Soil and Water Conservation Commission policy requires that a copy of all SWCD minutes be sent to your ODA/DSWC, Program Specialist no later than 10 business days after the board meeting.

["SWCD Guidelines for Recording Official Minutes"](#), is included in the Appendix.

## **OHIO'S OPEN MEETING ACT**

Similar to the public records act, the Ohio open meetings act evolves from the principle that people must be able to observe the operations of their representative government. The Open Meetings Act is intended to require public bodies to take official action and to conduct deliberations upon official business in open meetings. The law is to be liberally construed with these goals in mind. There are limited situations, however, where a public body may adjourn into executive session to discuss matters privately.

Openness requires that the public be permitted to attend and observe all meetings of any public body. However, the Open Meetings Act does not provide attendees the specific right to be heard or speak at meetings, only to attend. Those wanting the address the SWCD board during a meeting should be directed to follow SWCD policy on requesting for time to speak at board meetings. Furthermore, a disruptive person waives his or her right to attend, and the body may remove that person from the meeting. A ["Sample – Policy on Public Comment at SWCD Board Meetings"](#) is

included in the Appendix. The appendix also contains "[Ohio's Open Meeting Act - Common Questions](#)".

For further information on the Ohio Open Meetings rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current Ohio Sunshine Laws - The Yellow Book: an Open Government Resource Manual at: <http://www.ohioattorneygeneral.gov/YellowBook>.

## **ANNUAL MEETINGS**

Annual meetings are an important part of the soil and water conservation district program. This is an opportunity to showcase the SWCD accomplishments; recognize staff and partners and demonstrate the SWCD's leadership role in supporting the community. If your meeting is conducted successfully, those attending should leave with a sense of being a valuable stakeholder and beneficiary of the District program.

A Sample "[SWCD Annual Meeting Check List](#)" is included in the Appendix.

### **Here some suggestions for a successful annual banquet:**

- Start planning well in advance.
- Welcome people as they arrive.
- Be prompt; start and end on time.
- Get the best meal for the money
- Keep it short.
- Try a light program for a change. Long-winded, dry speakers are sudden death

## **ELECTION OF SUPERVISORS**

A summary of information related to SWCD Supervisor Elections is included in this chapter. The full provisions may be found in the Ohio Administrative Code: <http://codes.ohio.gov/oac/901%3A13-3>

The Ohio Soil and Water Conservation Commission, or whomever it may designate as its official representative, is responsible for officiating at supervisor elections. SWCDs are to organize the election annually. Historically the elections have been held during the SWCD annual meeting.

Supervisors are elected for three-year terms and take office January 1st. Ohio law stipulates that the election of supervisors may be held by establishing well publicized voting places, at the time and place of an annual meeting of the local soil and water conservation district, provided suitable notice of the election is made available to all landowners and occupiers of the district. An election must be held annually so that not more two supervisors' terms expire at one time. Ohio Soil and Water Conservation Commission policy dictates that at least two persons should be nominated for each vacancy to be filled. Current seated supervisors with expiring terms, wishing to continue service on the board, must be nominated and reelected along with other candidates.

The Board of Supervisors shall appoint a nominating and election committee. It is recommended this committee be reconstituted each January or at least 6 months prior to the district's annual meeting to allow for the proper vetting of candidates. By rule, the nominating committee shall be composed of three members. One member of the committee will be a continuing member of the board of supervisors. The remaining two members are to be appointed at the discretion of the chairperson, but they should be knowledgeable of SWCD operations. It is not recommended that district employees, NRCS employees, or

other agency personnel be part of the nominating committee. However, the office staff can assist the nominating committee by preparing a slate of possible candidates for the committee to review.

### **Nominating Committee Responsibilities**

- OSWCC policy requires nominating committees to offer a slate with number of candidates exceeding the number of seats to be elected. Therefore, nominate at least two candidates for one seat and a minimum of three candidates for two seats to be filled.
- Contact the candidates in person to determine their willingness to be nominated and their ability to serve if elected.
- Inform each candidate of the responsibilities that they will assume if elected. The committee member contacting the candidate should review the duties of a supervisor.
- Provide each Candidate with a copy of the “Statement of Candidacy Form” (SEL-4a) and instruct them to complete and sign the form, then return the signed form to the SWCD office. All candidates nominated by the SWCD nominating committee and those nominated or self-nominated by petition must complete, sign and date the “Statement of Candidacy Form” (SEL-4a). SWCDs staff should keep the completed and signed SEL-4a with the other election materials to turn over to the election official the day of in-person voting.
- Insure that the completed SEL-4, along with any legally completed [“Candidate Nomination Petitions Forms” \(SEL-5\)](#), are submitted to the OSWCC 35 days prior to the date of the election.

### **Candidate Eligibility and Qualifications**

A supervisor must be at least eighteen years of age and a legal resident of the district in which he/she is elected. When deciding upon nominee test your choices against these criteria:

- Widespread knowledge of natural resources within the district;
- Leadership ability;
- Knowledge of persons living within the district;
- Complement the existing make-up of the board so that all geographic, educational, gender, ethnic, and land use interests within the district are represented;
- Complement the existing make-up of the board so that both youth and experience are represented;
- Possess an interest in soil and water conservation district affairs;
- Ability to make time available to adequately perform if elected. The time demanded of a supervisor is considerable. All supervisors are expected and should feel an obligation to attend:
  - Every district board meeting, both regularly scheduled and special meetings;
  - As many SWCD events as their schedule allows;
  - OFSWCD Area meetings; and the
  - Statewide OFSWCD Annual Meeting and Summer Supervisors' School.

### **Nomination by Petition**

Any legal resident of the District who is at least eighteen years of age may seek nomination as a candidate for SWCD board of supervisors by submitting a completed [“Candidate Nomination Petition” \(SEL-5\)](#) form with ten valid signatures of individuals who are eighteen years of age or older, or who own or occupy land within the district where the election is to occur, not less than thirty-five days prior to the conduct of the election. All candidates nominated or self-nominated by petition must complete, sign, date and return to the SWCD office the [“Statement of Candidacy Form” \(SEL-4a\)](#).

## Conducting an Election

During the annual meeting or other in person voting location and time, the Ohio Soil and Water Conservation Commission or their official representative shall:

- Prior to the established starting time for voting to begin, receive from the SWCD staff a updated copy of the Districts [“Resident Election Registry” \(SEL-6\)](#) form and the [“Non-resident, firm, corporation Election Registry” \(SEL-7\)](#) form. An eligible voter is anyone of legal voting age who resides within the district or owns land within the district.
- Ensure that each eligible voter has registered on the appropriate registry. **Note:** Non-residents and corporation, firm, LLC or trust representatives must also have on file or bring a signed and notarized affidavit affirming their eligibility to vote. [“Sample Non-resident Affidavit” \(SEL-8\)](#) form or [“Sample Corporation, Firm, LLC or Trust Affidavit” \(SEL-9\)](#)
- Provide a prepared ballot to each eligible voter, and provide any necessary instructions.
- At the conclusion of the established election interval, the appointed person shall, along with the local election tellers, tabulate the results and complete the [“Election Results Form” \(SEL-10\)](#)
- Report the results to the chairperson and/or announce them at the time specified on the agenda.
- According to OSWCC rules, in the case of a tie, the winner shall be determined by the flip of a coin in the presence of candidates.

## Notice of Elections

The District shall cause notice to be given of the proposed election. Due notice is given and shall have been achieved when such notice has been published once not more than three weeks prior and not less than one week prior to the conduct of the official election by one or more newspapers of general circulation within the boundaries of the District in which the election is being conducted.

The legal notice must conform to Ohio Soil and Water Conservation Commission policy. The District shall use the [“Election Legal Notice” \(SEL-1\)](#) form and may also use the [“Sample Letter to Newspaper with Election Legal Notice” \(SEL-1a\)](#) form.

## Obtaining Ballots

Official Ballots provided by the Ohio Soil and Water Conservation Commission must be used in conducting district elections. The SWCD shall inform the Division of Soil and Water Conservation of the selected nominees at least 30 days prior to the annual meeting for the preparation of the ballots by completing and submitting the [“Candidate Submission and Ballot Printing Request” \(SEL-4\)](#) form. Such a prepared ballot will have the names of those nominated arranged in alphabetical order, a place to mark the ballot before each name, and directions to vote for the proper number of candidates stated.

## Absentee Voting Process

To ensure the integrity of the election process, each district should designate one staff person, preferably the District Program Administrator, Manager or Administrative Assistant, who will control access to all Absentee Ballot Requests, Official Ballots and Election Envelopes. In the event that the designated person is out of the office, another staff person may accept or oversee completion of an application for absentee ballot, and leave for further processing by the election designee.

Those eligible electors who cannot attend the annual meeting and/or election can obtain an official ballot and registration envelope by requesting it from the District:

- **In writing** in a document sent to the SWCD address by regular mail (or other mail couriers), no earlier than 21 days prior and no later than 5 days prior to the election date. The request must contain a statement that the elector(s) requesting absentee ballots in that household is (are) 18 years of age or older and that they either reside, own land, or operate/lease land within the district (county). Also the document must bear the original personal signatures of each elector within the household making the request. The document must be mailed to the SWCD office at the address indicated in the legal notice of the election in order to receive a ballot and registration envelope. No digital scans sent by email or facsimile copies of documents will be accepted as a valid request.

A person shall limit their request for their own personal ballot, except that written requests signed from all other qualified electors in the same household can be submitted in the same envelope. The ballot and registration envelopes are to be mailed back individually to each person making the request, regardless of whether they reside in the same household.

**OR**

- **In writing**, by submission the [“Resident Request of Absentee Ballot” \(SEL-2\)](#) form or [“Firm, Corporation, LLC and Non-Residents Request of Absentee Ballot” \(SEL-3\)](#) form no earlier than 21 days prior and no later than 5 days prior to the election date. \*These forms may be obtained from the SWCD office or other venue provided by the SWCD. The ballot and registration envelopes are to be mailed back individually to each person making the request, regardless of whether they reside in the same household. No digital scans sent by email or facsimile copies of the completed forms will be accepted as a valid request.

**OR**

- **In person** at the SWCD office during regular business hours no earlier than 21 days prior and no later than the hour of day of the day of the election as prescribed in the legal notice of the election. In person requests will require completion and return of either a SEL-2 or SEL-3 form or presentation of a document described above by each individual voter in person **before** the ballot and registration envelopes are to be released.

**\*Note:** Obtaining request forms, SEL-2 or SEL-3 may be made by various media as provided by the SWCD including but not limited to phone requests, picked up at the SWCD office, or downloaded from the SWCD website. However, valid requests on the actual completed request SEL-2 or SEL-3 forms for ballots should be either mailed individually or delivered in person by the individual elector.

The OSWCC representative makes the final determinations of the validity of all requests, registrations, and ballots for counting. Ballots should be marked as instructed on the ballot next to a preprinted name. For absentee ballots, the completed ballot should be folded and sealed inside the “official ballot” envelope. The sealed official ballot envelope must be inserted into the registration envelope. The information requested on the inside of the flap of the registration envelope must be completed and signed by the individual voter as well as a return address as indicated on the front. The registration envelope must then be sealed and returned individually by mail or individually in person by the actual voter within the time frame and at the SWCD location as prescribed by the legal notice of the election. Election tellers should take reasonable precaution to ensure that people voting absentee do not also vote in person at the annual meeting.

#### **Additional Election Requirements:**

- Forward the [“Election Results Form” \(SEL-10\)](#) to the Ohio Soil and Water Conservation Commission within forty-eight hours of the election.
- Retain all ballots and registration forms at least 60 days (unless the OSWCC official representative takes them) at which time they may be destroyed providing no protest has been registered within the 60 - day limitation.

- Boards of supervisors shall reorganize annually no later than the first meeting in January and the results of the reorganization shall be forwarded to the Ohio Soil and Water Conservation Commission prior to February 1st. Reorganizations may take place anytime after the election.

### **Forms Required In Scheduling, Conducting, and Reporting Elections**

All Ohio Soil & Water Conservation Commission election forms and an “Election Process & Procedures Guide” are available on the ODA Division of Soil and Water Conservation website at:

<http://www.agri.ohio.gov/apps/odaforms/odaforms.aspx?div=Soil%20and%20Water%20Conservation>

Election Process and Procedures Guide

SEL-1 Election Legal Notice

SEL-1a Sample Letter to Newspaper with Election Legal Notice

SEL-2 Resident Request for Absentee Ballot

SEL-3 Firm, Corporation, LLC, Trust and Non-resident Absentee Ballot Request

SEL-4 Candidate Submission and Ballot Printing Request

SEL-4a Statement of Candidacy

SEL-5 Candidate Nomination Petition

SEL-6 Resident Election Registry

SEL-7 Non-resident, Firm, corporation Election Registry

SEL-8 Sample Non-resident Affidavit

SEL-9 Sample Corporation, Firm, LLC or Trust Affidavit

SEL-10 Election Results Form

SEL-11 Oath of Office Form

### **FILLING SUPERVISOR VACANCIES**

In case of death or resignation of an elected supervisor before his term expires, the vacancy may be filled by OSWCC appointment upon the unanimous recommendation of the remaining supervisors. If a unanimous decision cannot be agreed upon, a successor to serve the remainder of the unexpired term shall be elected in the same manner in which his predecessor was elected.

The appointed supervisor cannot officially hold office until the Ohio Soil and Water Conservation Commission has officially acted upon the appointment and has been duly sworn into office.

Please use the “OSWCC Request for SWCD Board Member Appointment” form available from the Ohio Department of Agriculture Division of Soil and Water Conservation at:

<http://www.agri.ohio.gov/apps/odaforms/odaforms.aspx?div=Soil%20and%20Water%20Conservation>