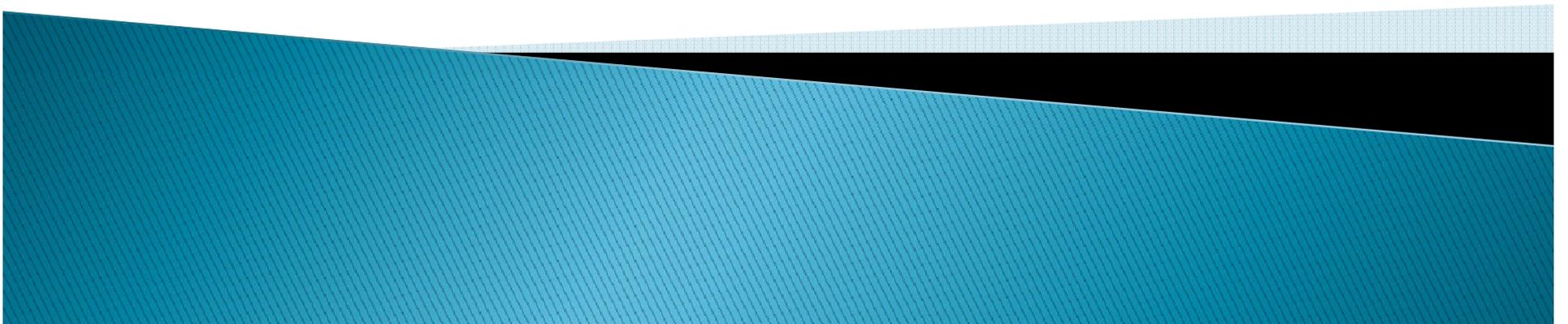


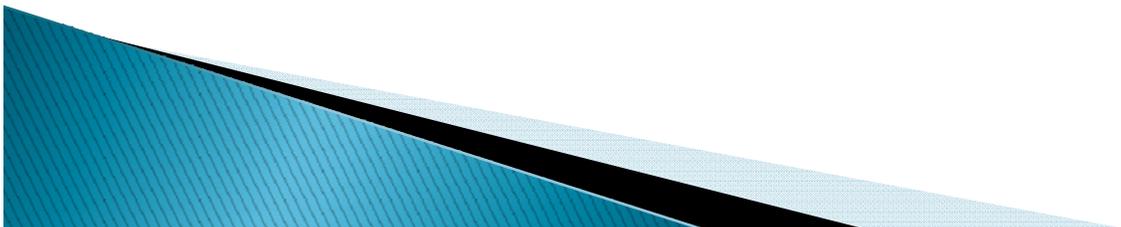
Conservation District Law

W.S. 11-16-101 et seq.



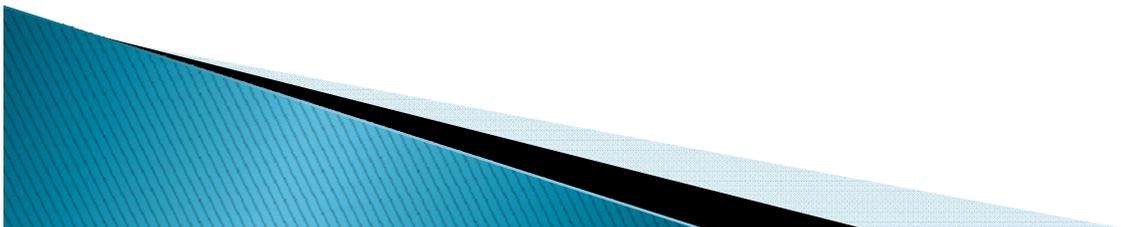
11-16-103 Legislative declarations and policy

(a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and the silting and sedimentation of stream channels, reservoirs, dams, and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.



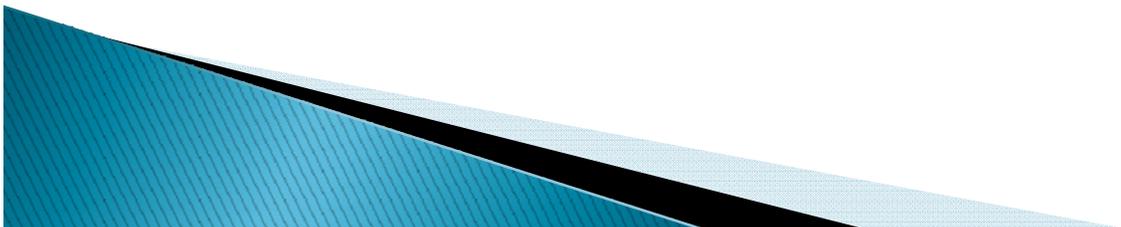
11-16-103 Legislative declarations and policy

(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote health, safety and general welfare of the people of this state.



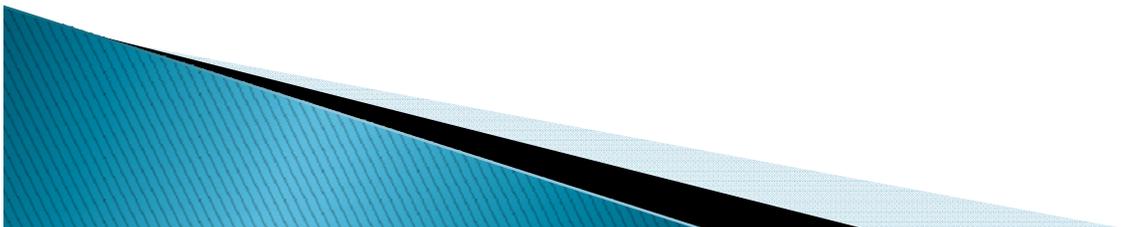
Wyoming Board of Agriculture

- ▶ Referenced as the “commission” or “state conservation commission” in statute
- ▶ Assist & guide districts in the preparation and carrying out of programs
- ▶ Recommend appropriation of state funds



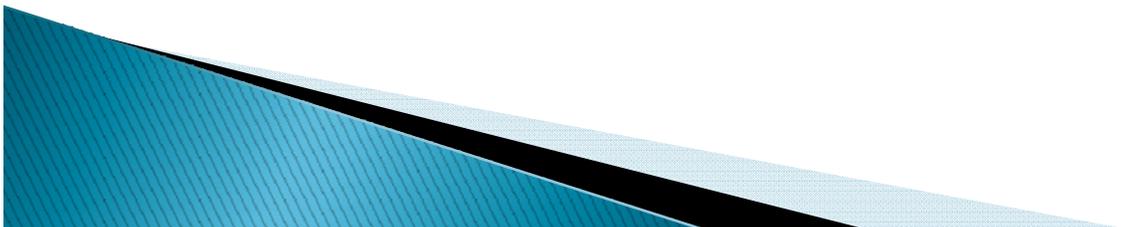
Wyoming Board of Agriculture

- ▶ Issue regulations establishing guidelines to govern use of state funds
- ▶ Review budgets, administrative procedures and operations of districts
- ▶ Disseminate information regarding the activities & programs of the districts throughout the state



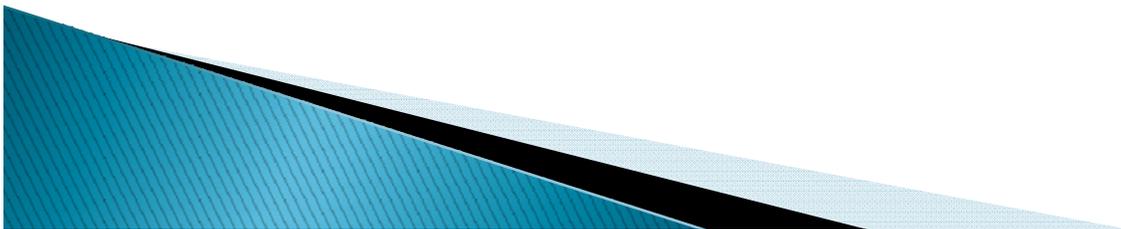
Boundary Changes

- ▶ District may provide a written request to the Board of Agriculture to:
 - Transfer land from one district to another
 - Divide one district into two or more districts
 - Consolidate two or more districts into one
- ▶ Written request must include the approval of the majority of board members involved
- ▶ A corrected certificate of organization is issued by the Secretary of State
- ▶ Boundary changes must be reported to the Dept. of Revenue within 10 days



Name change

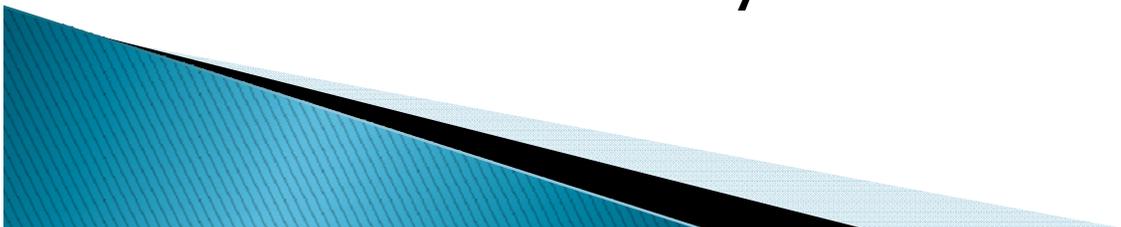
- ▶ A district may petition the Board of Agriculture for a change in district name
- ▶ If approved, the Board of Agriculture will notify the Secretary of State and Board of Supervisors of the change and issue a notice of the new district name.
- ▶ A corrected certificate of organization will be issued by the Secretary of State



Dissolution of district

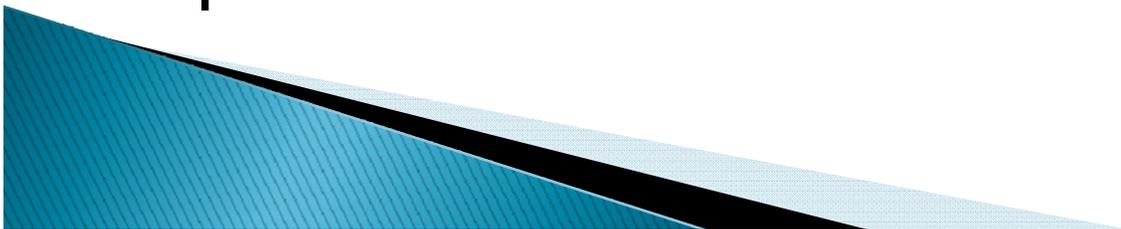
W.S. 11-16-117(a)

- ▶ After 5 years after the formation of a district, any 10 landowners within the district may petition the Board of Agriculture to dissolve the district
- ▶ The Board of Agriculture will supervise a referendum of the qualified electors of the district and publish the results
- ▶ If the majority of voters oppose the dissolution, the Board of Agriculture will determine if the operation of the district is administratively feasible.



Dissolution of a district

- ▶ If the Board of Agriculture decides that the operation of the district is feasible, it shall deny the petition.
- ▶ If the majority of voters approve the dissolution, the Board of Agriculture will notify the supervisors of the results and the supervisors will terminate all district activities
- ▶ All district property will be disposed of at public auction and the net proceeds will be paid to the State Treasurer



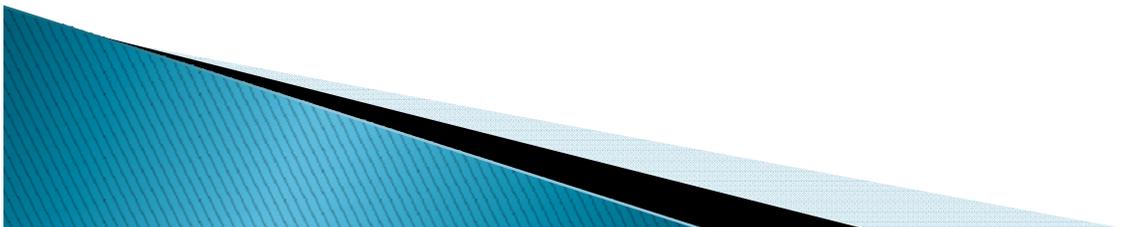
Dissolution of a district

- ▶ The supervisors will then provide a verified application with the Secretary of State for dissolution
- ▶ The application shall include the certification of the referendum favoring the dissolution of the district as well as a full accounting of the properties and proceeds of disposal sale
- ▶ The Secretary of State shall issue a certificate of dissolution



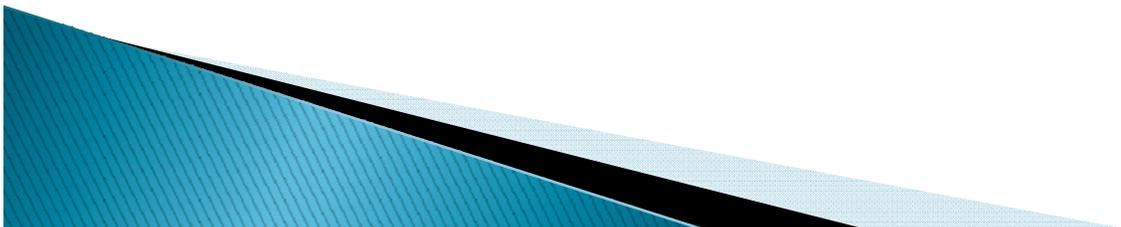
District Supervisors

- ▶ Elected on a general ballot on a nonpartisan basis.
- ▶ Serve a term of 4 years
- ▶ Board of Supervisors made up of 3 rural, 1 urban and 1 at-large members
 - Rural: any registered voter not living within the boundaries of an incorporated city
 - Urban: any registered voter of a Wyoming municipality
 - At-large: any registered voter living within the boundaries of the district (rural or urban)



District Supervisors

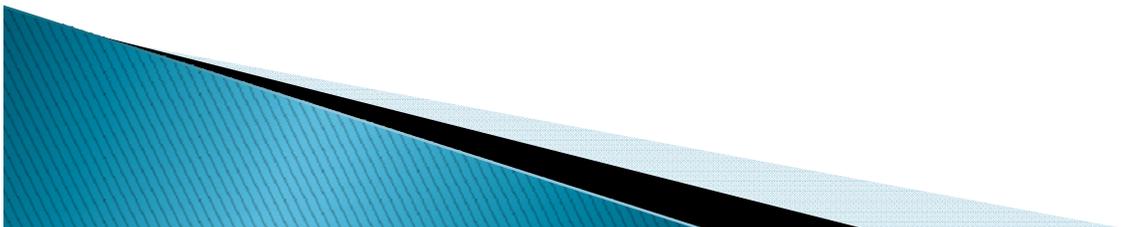
- ▶ Supervisors do not receive compensation for duties, except for expenses incurred
- ▶ The district secretary or treasurer are authorized to administer the oath of office for newly elected or appointed supervisors
- ▶ The oath of office must be administered within 10 days of notification of election or appointment



District Supervisors

▶ Vacancies

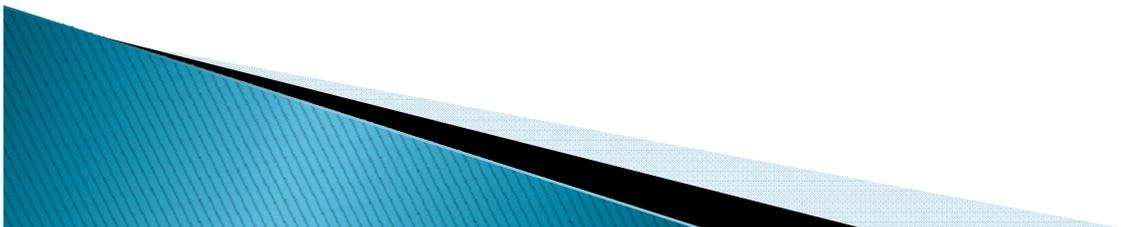
- Filled by appointment by the Board of Agriculture based on the recommendation of the district supervisors
- Appointees will serve until the next general election at that time they will run for the unexpired term



District Supervisors

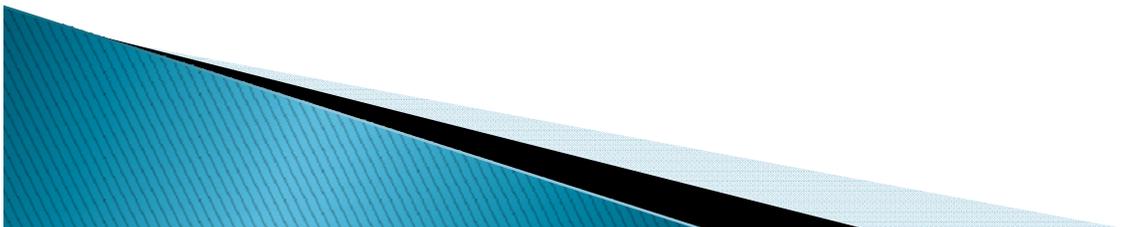
▶ Removal

- Any supervisor can be removed from office for neglect of duty or malfeasance in office by Board of Agriculture upon notice and hearing
- The District must petition the Board of Agriculture to remove the supervisor. The Board of Ag would then hold a hearing and make a decision whether to remove the supervisor.



District Supervisors

- Neglect:
 - Neglect to perform some act which is his/her duty to perform
 - Wrongful conduct that affects, interrupts or interferes with the performance of official duty *State v. Kennedy, 108 P. 837, 841 (Kansas 1910)*

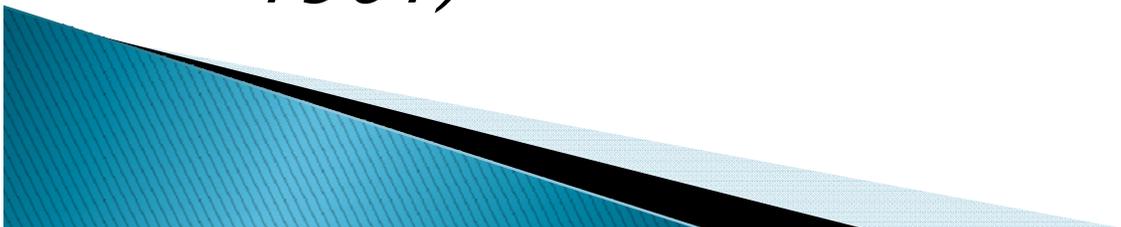


District Supervisors

▶ Malfeasance

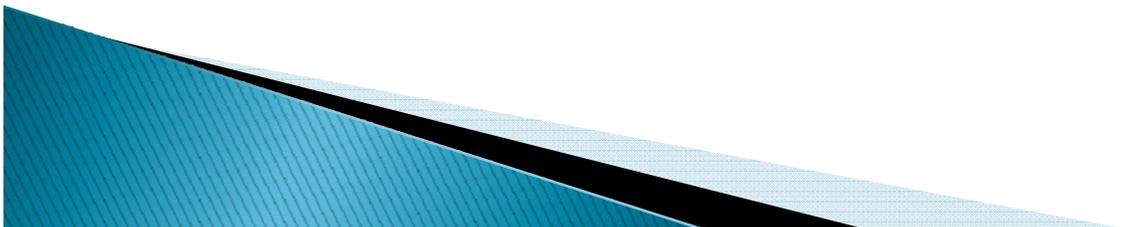
- Intentional act or omission related to the duties of public office, which amounts to a crime, or which involves a substantial breach of the trust imposed upon the official by the nature of his office, and which conduct is of such a character as to offend against the commonly accepted standards of honesty and morality.

State v. Geurts, 359 P2d 12, 14 (Utah 1961)

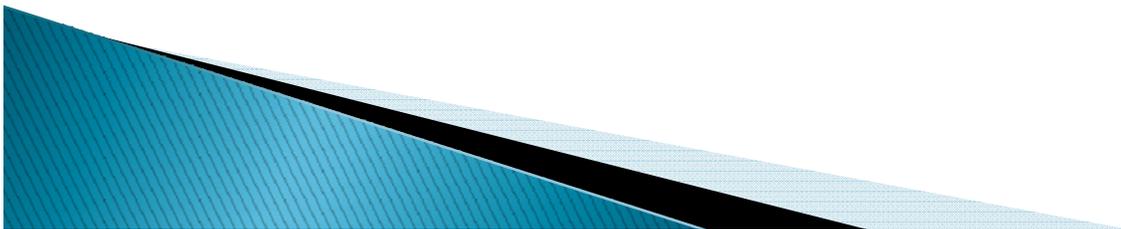


District Supervisors

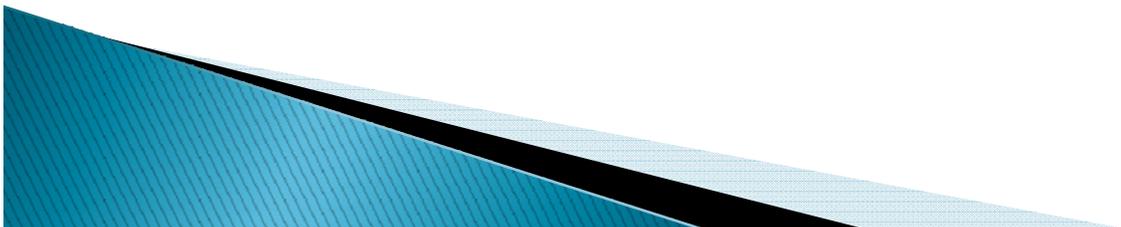
- ▶ Quorum = 3 supervisors (majority)
- ▶ Shall require a bond to be issued for all employees and supervisors entrusted with funds or property.
- ▶ Keep full and accurate record of all proceedings, resolutions, regulations and orders issued or adopted
- ▶ Accounts, receipts and disbursements will be subject to the audit & reporting requirements in W.S. 9-1-507



- ▶ Hire and supervise staff to manage District operations and programs
- ▶ Carry out comprehensive public information programs and promote awareness of District programs
- ▶ Supervisors are ultimately responsible for the operation and financial management of the district and should therefore maintain adequate oversight
- ▶ Districts are required to prepare annual budgets, annual reports and long range plans

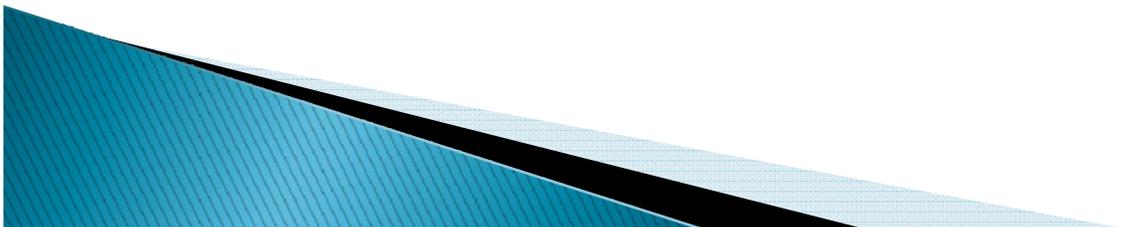


- ▶ Districts can
 - Own property (except for agricultural lands)
 - Accept gifts
 - Sue & be sued
 - Raise funds from products or services performed
 - Promulgate rules, regulations and ordinances not inconsistent with the principle act
- ▶ Districts can call upon the state attorney general for legal services or can employ their own counsel



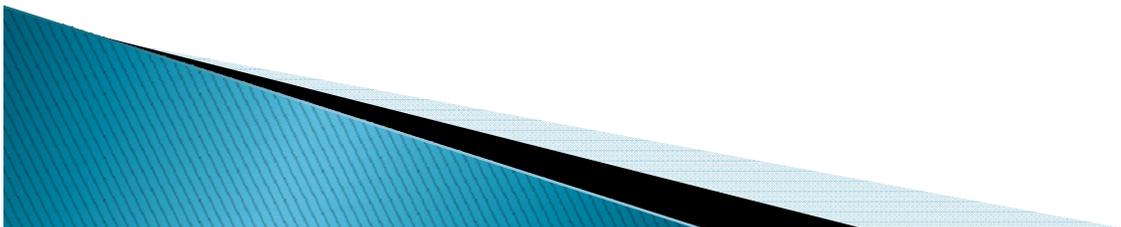
11-16-122 Powers & duties

- ▶ Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners.
- ▶ Employ personnel and determine their duties and conditions of employment;
- ▶ Call upon the attorney general of the state for legal services or employ their own counsel and legal staff;



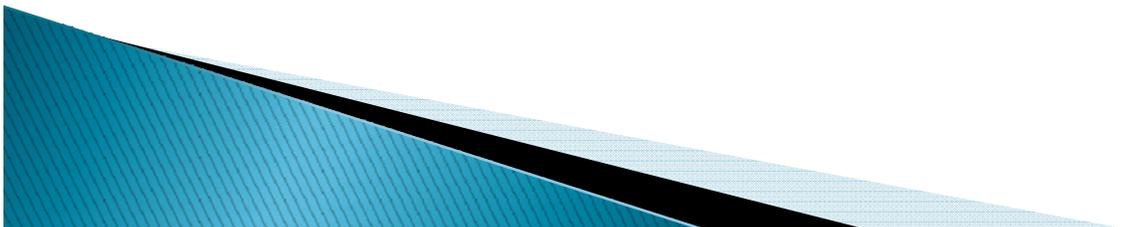
Duties – continued

- ▶ Conduct surveys, investigations and research and disseminate information relating to range management, the character of soil erosion, flood prevention or the conservation, development, utilization and disposal of water, and the preventive and control measures and works of improvement needed, but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or its agencies, or with the United States or its agencies;



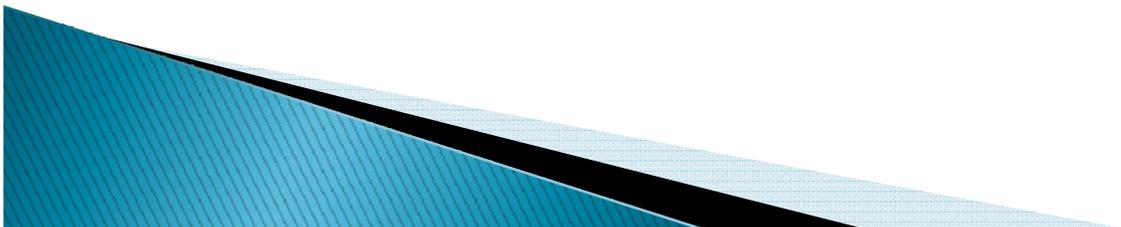
New provisions from 2013 legislation – 11–16–122 (b)(viii)

- ▶ Cooperate, including but not limited to representing the conservation district as a cooperating agency with special expertise as provided by the National Environmental Policy Act and in federal land planning implementation as provided in W.S. 11–16–135(a), enter into agreements with and furnish financial or other aid to, any agency, governmental or otherwise, or any owner or occupier of lands within the district, in carrying on range management or erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors deem necessary;



11-16-122(b)(xiv) Government Competition

- ▶ Districts can
 - Make available agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, male breeding animals, livestock supplies, and such other material or equipment ...The assistance shall be on a limited scale for demonstration purposes and the district shall not be deemed authorized to compete with private industry.

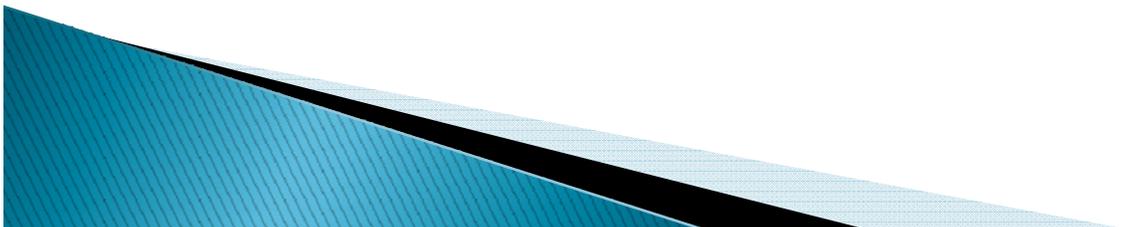


Language revised from 2013 legislation

- ▶ Develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall include range management provisions and shall specify in detail the acts, procedures, performances and avoidances necessary or desirable to carry out the plans, including the specification of engineering operation, fence and stockwater developments, methods of cultivation, the growing of grass and other vegetation, cropping and range programs, tillage and grazing practices, and changes in use of lands. In developing plans under this paragraph, the supervisors of the district shall consider the customs and culture of residents of the district as those customs and culture relate to the land and resource, current and historical information and data related to the uses of the land and resource;

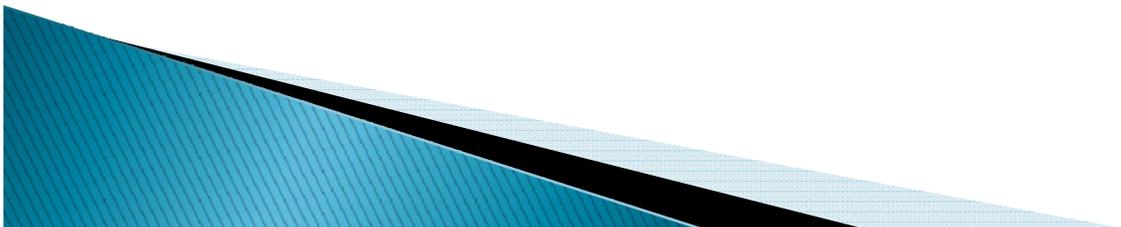
Additional new language

- ▶ (xxviii) The supervisors of a conservation district which has officially adopted a comprehensive plan pursuant to W.S. 11-16-122(b)(xvi) may coordinate with federal agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the national Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to those acts.



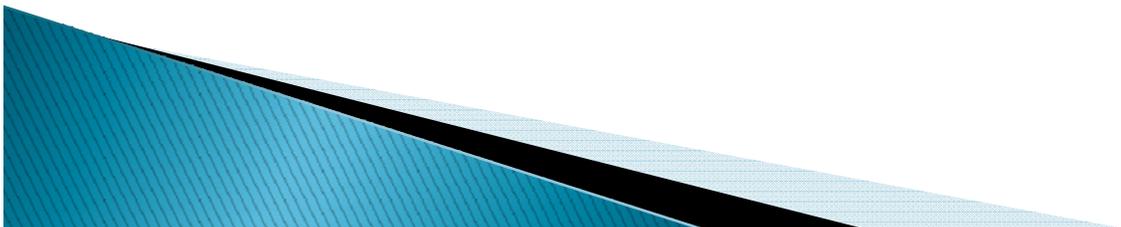
Special expertise of supervisors of conservation districts (11-16-135)

- ▶ When representing a conservation district as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, supervisors of a conservation district shall be deemed to have special expertise on all subject matters for which they have statutory responsibility as provided in W.S. 11-16-122, including but not limited to all subject matters directly or indirectly related to stabilization of the agriculture industry, protection of natural resources including but not limited to data and information, conservation of soil and water resources, control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water within the district.



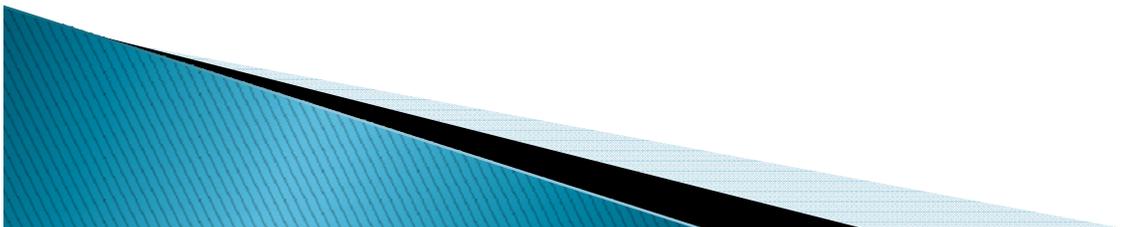
Cooperation & agreements

- ▶ 2 or more districts may engage in joint activities for the conservation of renewable natural resources
- ▶ District may enter into agreements with districts in adjoining states if the law in the other state permits such agreements



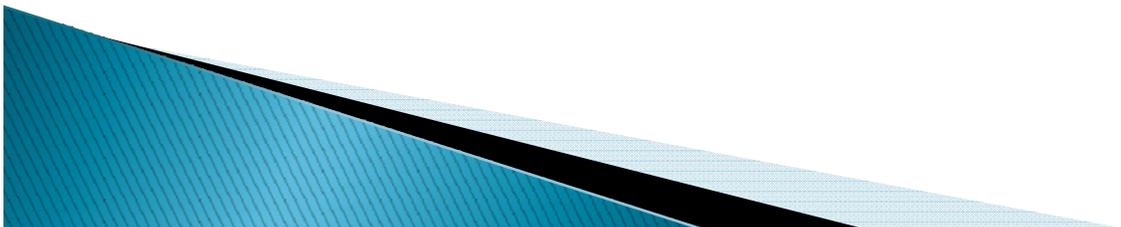
Public Law 566

- ▶ Watershed Protection and Flood Prevention Act
 - Governs NRCS projects
 - Districts have the authority to sponsor and enter into agreements with NRCS and other sponsoring agencies for PL566



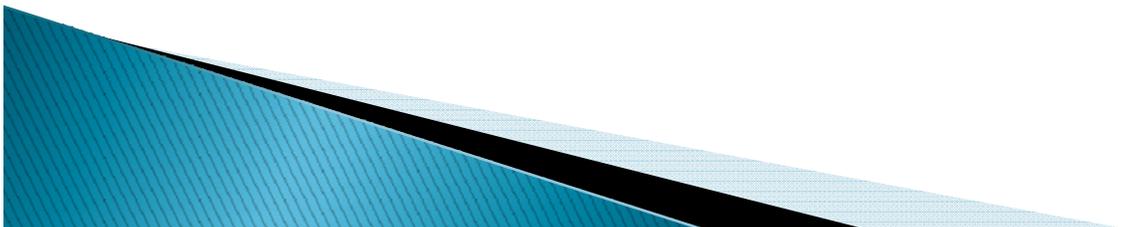
Mill Levy

- ▶ Districts have the authority to request voters to approve up to 1 mill for the purposes outlined in district law
 - District supervisors submit a petition signed by a majority of the supervisors to the County Commissioners requesting the election
 - The election shall be at the direction and supervision of the county commissioners



11-16-134 Mill Levy

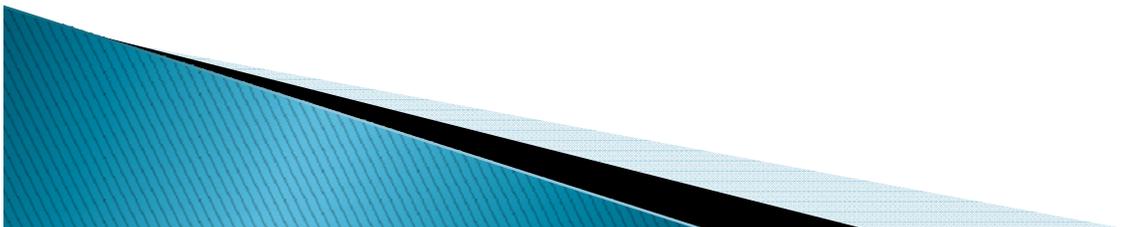
- ▶ Can be renewed by the voters every 4 years (Four-year renewal)
- ▶ Can remain in effect until a petition to discontinue the mill levy (Petition recall)
 - The recall petition must be signed by not less than 10% of the voters of the district
 - The proposal to discontinue the mill levy will be approved by the voters at the next general election or by mail ballot election



Election Dates

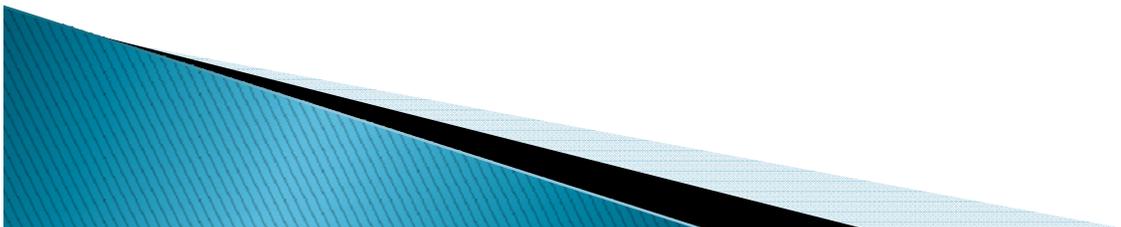
Mill Levy Elections can be held:

- ▶ In conjunction with the Primary Election or General Election, the Tuesday next following the first Monday in May or November, or on the Tuesday next following the third Monday in August, as per W.S. 22-21-103
- ▶ Via mail ballot as per W.S. 22-29-116



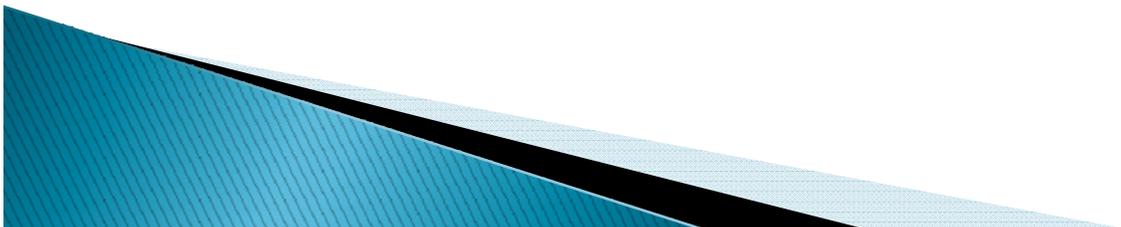
WY Conservation District Financial Rules Ch. 1

- ▶ Section 1. Board of Agriculture set requirements for allocating and receiving funds.
- ▶ Section 2. Authority
- ▶ Section 3. Definitions
- ▶ Section 4. Bonding
 - What is it? How much?



WY Conservation District Financial Rules Ch. 1

- ▶ Section 5. Reporting
- ▶ Section 6. Risk Management
- ▶ Section 7. Workers Compensation and unemployment insurance
- ▶ Section 8. Penalties



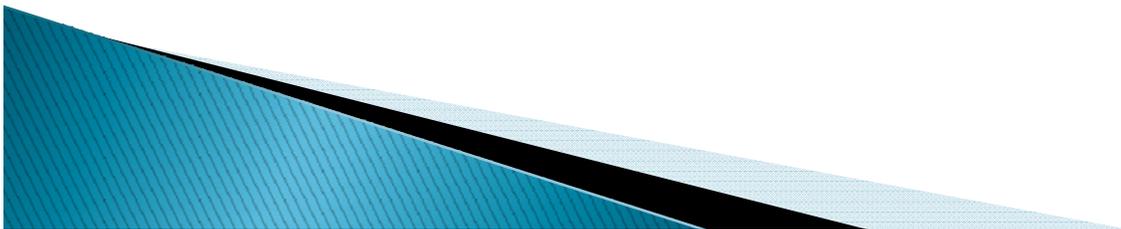
Section 5. Reporting

- ▶ Base Funding contingent upon receipt of the following to WDA and WACD by August 30 each year.
 - Proof of Bonding
 - Demonstration of Risk Management – WDA has provided a form that should be completed for all these requirements.
 - 2 original signatures on checks
 - Perjury statement on vouchers
 - Quarterly reconciliation by board members of bank statements
 - Authorization to incur debt
 - Prohibition of debit card use



Section 5. Reporting

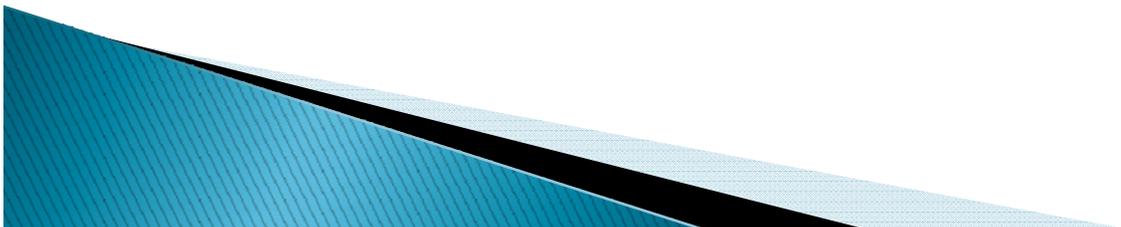
- ▶ Proof of workers compensation
- ▶ Proof of unemployment insurance
- ▶ Proof of local government liability insurance



State Funding Criteria

Financial Policies

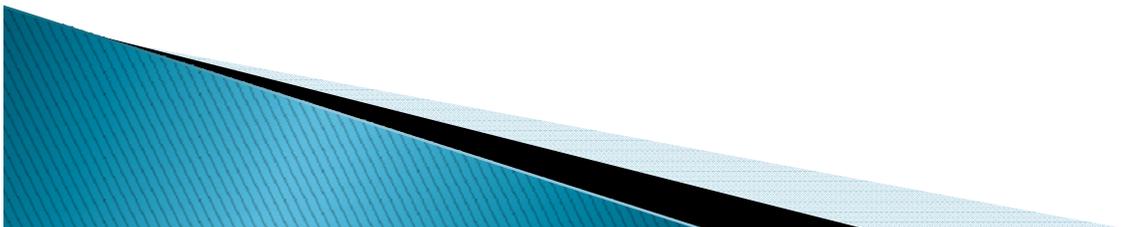
- ▶ Base Funding contingent upon receipt of the following to WDA and WACD by December 31 each year.
 - Annual Plan
 - Annual Report
 - Copy of Budget
 - Budget notice
 - Long Range Plan
 - Letter of compliance from Dept. of Audit – this goes directly to WDA



State Funding Criteria

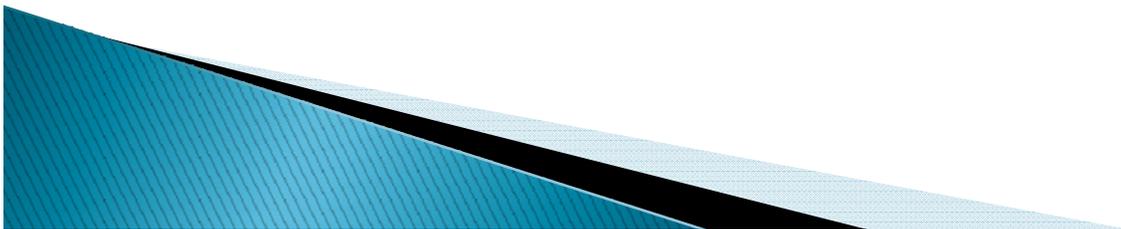
Financial Rules

- Letter of compliance from Dept. of Revenue
- Current oath of office of supervisors
- Education Function for elected officials
- Currently have or are pursuing local funding
- One page summary of activities for most recent fiscal year – Must submit electronically with photos



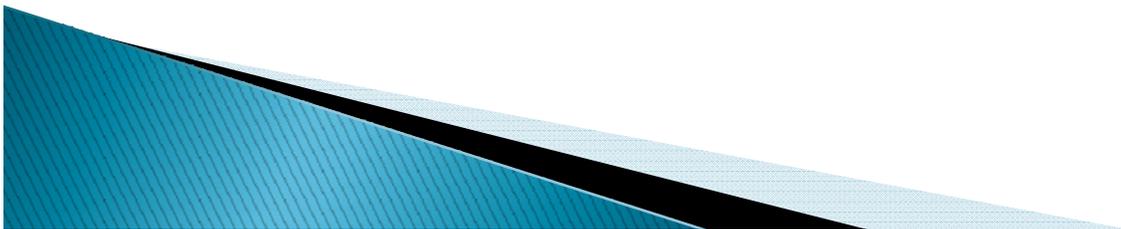
Water Quality and Lab Funding

- ▶ Handouts



Additional Resources

- ▶ Conservation District Procedures Manual
<http://www.conservewy.com/PROCEDURES.htm>



Structure of WACD

- ▶ WACD is a statewide non profit
- ▶ 5 areas consisting of 6–7 districts each
- ▶ Directors are elected (2 per area) by districts within their respective areas
- ▶ Serves as a collective voice for the 34 local districts
- ▶ Staffed with 3 full-time staff and one contract position.
- ▶ www.conservewy.com

Wyoming Natural Resource Foundation

- ▶ 1993 formed 501c 3 to provide fundraising opportunities and provide tax benefit to donors
- ▶ 2011 bylaws amended to create a separate Board of Trustees – 8 non district and 7 district.
- ▶ Assist districts with grants/donations.
- ▶ Future source of project funds for districts.
- ▶ www.wynaturalresourcefoundation.com

