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CHEYENNE, WYOMING 82002

December 16, 1977

V. FRANK MENDICINO
ATTORNEY GENERAL

*Carla -
Please give
a file folder
for the
this at the next meeting
File, AG*

DEC 27 1977

Mr. Larry J. Bourret, Chairman
State Conservation Commission
2219 Carey Avenue
Cheyenne, WY 82002

Dear Larry:

As a preliminary matter in determining the answers to the questions posed in your letter of November 25, 1977, it should be noted that conservation districts are not established as agencies of the State, but rather are "governmental subdivisions of this state, and a public body corporate and politic." They most closely resemble a municipality when the characteristics of their legal existence are analyzed. Consequently, for general purposes, conservation districts need not concern themselves with the policies and regulations of the Department of Administration and Fiscal Control (DAFC).

Addressing your specific questions, my response is as follows:

1) and 2). Sec. 11-242 of the Conservation Districts Law states that a district supervisor shall receive no compensation for his services. However, supervisors may be reimbursed for expenses, including travel expenses, necessarily incurred in the discharge of his duties. To this extent the authority is clear. However, a flat rate would appear to go beyond the term "expenses necessarily incurred."

If your first question was meant to include per diem rates for other conservation district personnel, Sec. 11-245 of the statute does give the district supervisors the authority to employ such personnel and to determine their qualifications, duties and compensation. Although the statute does not specifically mention per diem expenses for these personnel it is fairly clear that reimbursement of per diem expenses is a necessary and thus authorized expenditure by a district.

3). There is no statutory language which would require a conservation district to spend its funds within the guidelines set by state agencies, including those of DAFC. The

Mr. Larry J. Bourret, Chairman
December 16, 1977
Page Two

expenditure of funds for purposes encompassed by the powers and duties sections of the Conservation Districts Law would be authorized as a necessary and implied power of the district.

4) and 5). As you have noted, Sec. 11-245(J) gives a conservation district the power to accept donations from any source which will impose no financial obligation upon the State and to use such donations in carrying on its operations. A district's authority to use privately donated funds or funds from a county's general fund is thus clear.

As a broad comment, I should remind you that the Conservation Districts Law itself does enumerate what a district's "operations" can be, and to this extent expenditures are certainly subject to State law.

6). Sec. 11-245, as mentioned, does give a conservation district the authority to employ certain personnel. DAFC regulations apply only to state agencies and their employees. As a subdivision of the State, a conservation district does not come under the definition of "agency" contained in DAFC rules and regulations.

This letter of advice is strictly for your use; it is not, nor should it be construed to be, a formal Attorney General's opinion and accordingly, it is not to be disseminated, cited, published or reprinted as an Attorney General's opinion. If you desire a formal opinion for publication or circulation, please advise us accordingly.

I hope these comments have answered your questions. Feel free to contact me or my staff for any further assistance you may need.

Sincerely,



V. Frank Mendicino
Attorney General

EMW:VFM:gmv