

CONSERVATION DISTRICT HANDBOOK



Revised 2002/2009

CONSERVATION DISTRICT HANDBOOK

TABLE OF CONTENTS

CHAPTER 1. Oklahoma Conservation Commission.....	1-1
History and Creation.	1-1
Commission Members.....	1-1
Commission Areas.....	1-2
Funding.	1-4
Operations of the Oklahoma Conservation Commission	1-4
Administration.	1-5
Divisions of the Commission.....	1-5
Administration Division.	1-5
Information.....	1-5
Financial Management and Human Resources Division.....	1-5
Financial Management.....	1-6
Human Resources.	1-6
Conservation Programs Division.....	1-6
Conservation Cost-share Program.....	1-6
Upstream Flood Control Program.....	1-6
Conservation Education Program.....	1-7
District Services Division.	1-7
Natural Resource Planning and Reporting.....	1-8
Conservation District Legal Affairs.....	1-8
Training.	1-8
Information and Technology Division.....	1-8
Geographic Information Systems.....	1-9
Data Processing.	1-9
Water Quality Division	1-9
Assessment.....	1-9
Planning.....	1-9
Education.....	1-9
Implementation/Demonstration - Grant Programs.....	1-9
Wetlands Program.....	1-9
Abandoned Mine Land Division.....	1-11
AML Emergency Program.....	1-11
 CHAPTER 2. District Administration.....	 2-1
Organization of Conservation Districts.....	2-1
History and Creation.	2-1
The Conservation District Act.....	2-2
Purpose of Conservation Districts.....	2-2
Authorities and Powers of Conservation Districts.....	2-3
Legal Counsel.	2-4

Attorney General Opinions.	2-4
Bonds and District Seal.	2-6
Notary Bond.	2-6
Surety Bond.	2-6
District Seal.	2-6
District Files.	2-6
Open Records Act.	2-7
Exemptions.	2-7
Copying and Search Fees.	2-7
District Responsibilities.	2-8
File Headings.	2-8
Records Disposition.	2-8
Records Disposition Schedule.	2-17
Historical Records.	2-8
Insurance.	2-8
General Liability.	2-8
Tort Claims Act.	2-9
Other Insurance.	2-9
District Cooperator Agreements.	2-9
Approval and Filing of Cooperator Agreements.	2-10
Termination of Cooperator Agreements.	2-10
Plans and Reports.	2-11
Long Range Plan.	2-11
Development.	2-11
Format.	2-12
Due Notice of Public Meeting.	2-12
Public Meeting Procedure.	2-13
Printing and Distribution.	2-13
Joint Plan of Operations.	2-13
Development.	2-14
Format.	2-14
Printing and Distribution.	2-15
Documentation.	2-15
Annual Report.	2-15
Memorandums of Understanding and Cooperative Agreements.	2-16
USDA Natural Resources Conservation Service.	2-16
Memorandums with Other Agencies.	2-16
CHAPTER 3. District Boards of Directors.	3-1
Authorities, Responsibilities, Liability and Prohibitions of District Directors.	3-1
Authorities and Responsibilities.	3-1
Liability.	3-2
Prohibitions.	3-2
Compensation to Directors.	3-3
Board Meeting Expense.	3-3
Actual Expenses.	3-3

Organization of the District Board.....	3-4
Appointed and Reappointed Directors.....	3-4
Term Of Office.....	3-4
Qualifications for Appointment.....	3-4
Qualifications for Reappointment.....	3-4
Recommendations for Appointment/Reappointment.....	3-5
Appointment/Reappointment by the Commission.....	3-5
Taking Office.....	3-5
Elected Directors.....	3-6
Term of Office.....	3-6
Eligibility Requirements for Candidate.....	3-6
Taking Office.....	3-6
District Director Elections.....	3-7
Deadlines and Requirements.....	3-7
When No Candidate Files for Election.....	3-8
Board Meeting to Prepare for Election.....	3-8
Notice of Election.....	3-8
Polling Places.....	3-8
Ballots.....	3-9
District Election Committee.....	3-9
Precinct Committee(s).....	3-10
Compensation to District Election and Precinct Committee.....	3-11
Certification of Elected Director.....	3-11
District Election Expenses.....	3-12
Vacancies on the Board.....	3-12
Resignation of a District Director.....	3-12
Death of a District Director.....	3-12
Removal for Cause.....	3-12
Filing For Other Public Office.....	3-12
Associate Directors.....	3-13
Potential Appointees.....	3-13
Term of Office.....	3-13
Limitations.....	3-13
Reimbursement for Expenses.....	3-14
Obligations.....	3-14
Advisory Committees.....	3-14
CHAPTER 4. Board Meetings.....	4-1
Open Meeting Act.....	4-1
Informal Meeting.....	4-1
Violations of the Act.....	4-2
Notice of Meetings.....	4-2
Regular Scheduled Meetings.....	4-2
Change of Meeting Date.....	4-2
Special Meeting.....	4-3
Emergency Meeting.....	4-3

Continued or Reconvened Meeting.	4-3
Lack of Quorum.	4-3
Agenda.	4-4
Developing the Agenda.	4-4
Board Meeting Packets.	4-4
Posting the Agenda.	4-5
Items for Consideration at Every Meeting.	4-5
Executive Session.	4-5
Language for Agenda.	4-5
Minutes.	4-6
Minutes.	4-6
Attendance.	4-6
Opening or Compliance Statement.	4-6
Motions.	4-7
Votes.	4-7
Titles.	4-7
Reports.	4-7
Distribution of Minutes.	4-7
Approval of Minutes.	4-8
Binding of Minutes.	4-8
Conducting the Meeting.	4-8
Role of Directors in Board Meeting.	4-8
Chair's Responsibilities.	4-8
Vice Chair's Responsibilities.	4-9
Secretary-Treasurer's Responsibilities.	4-9
Actions of the Board.	4-9
Approval of Minutes.	4-9
Corrections or Amendments to Minutes.	4-10
Financial Statement.	4-10
Bills and Claims.	4-11
Review/Approval of Daily Activity Timesheet and Leave Record	
For Each Employee.	4-11
New Business.	4-11
Personnel Actions.	4-12
Approval/Cancellation of Cooperator Agreements/Plans.	4-12
Contracts, Obligations, or Legally Binding Agreements.	4-12
CHAPTER 5. Financial Management.	5-1
Allocation of State Funds.	5-1
Financial Statement of Needs and Justification of Funds.	5-1
Example.	5-18
District Budget.	5-1
Allocation Register.	5-2
Locally Earned Funds.	5-2
Petty Cash.	5-3
Authority to Obtain Grants and Loans.	5-3

Receipts and Expenditures Ledgers and Documentation.....	5-3
Operating Capital and Checking Account.....	5-3
Reconciliation of the Bank Statement.....	5-4
Investments and Interest Earned.....	5-4
Penalty for Misuse of Public Funds.....	5-4
Paying Wages and Other Expenses of District Employees.....	5-4
Payroll Procedures.....	5-4
Daily Activity Timesheet and Leave Record.....	5-4
District Payroll Preclaim Summary.....	5-5
District Employee Payroll Worksheet.....	5-5
Taxes and Retirement on Longevity Pay.....	5-6
Insurance.....	5-7
Employee Earning Record.....	5-7
Travel and Other Expenses.....	5-7
Mileage.....	5-7
Meals.....	5-8
Lodging.....	5-8
Miscellaneous Fees and Expenses.....	5-8
Claims for Reimbursement.....	5-9
Reimbursable Items.....	5-9
Employee Salary and Other Expenses.....	5-9
Office Expenses.....	5-9
Equipment, Repairs, Parts and Maintenance.....	5-9
Special Expenses.....	5-10
Non-Reimbursable Items.....	5-10
Completing the OSF-3 Form.....	5-10
Item Expenditure Codes.....	5-11
Back-Up Documents.....	5-11
Office Supplies, Equipment, Monthly Bills.....	5-11
Employee Expenses.....	5-11
Directors Claim for Meeting Expense.....	5-11
Agreements.....	5-12
Claims Against the Watershed Revolving Fund.....	5-12
Filing the OSF-3 Form.....	5-12
Receipt of Reimbursement.....	5-12
Paying Taxes.....	5-13
Federal Withholding Taxes, Social Security (FICA) Taxes, and Medicare Tax.....	5-13
FICA (Social Security).....	5-13
Medicare Tax.....	5-14
Personal Use of District Vehicles and Equipment Subject to Employees Taxes.....	5-14
FUTA (Federal Unemployment Tax).....	5-14
Forms for Employees and/or Contract Labor.....	5-14
W-2.....	5-14
1099-Miscellaneous.....	5-14
State Withholding Taxes.....	5-14
Worker's Compensation Insurance - District Employees.....	5-14

Worker's Compensation Insurance - Contractors.....	5-15
State Unemployment Insurance.....	5-15
Sales Tax Collected on Sales by District.....	5-15
Permit To Do Business.....	5-15
Report of Sales Made by District.....	5-15
Casual or Occasional Sales.....	5-16
Sales Exempt From Tax.....	5-16
Ad Valorem Tax.....	5-16
Annual Audit or Compilation.....	5-16
Who May Perform the Annual Audit or Compilation.....	5-16
Procedure for Filing the Annual Audit or Compilation.....	5-17
Annual Net Worth Statement.....	5-17
CHAPTER 6. Personnel Management.....	6-1
Job Titles.....	6-1
Position Allocations by Job Classification.....	6-1
Personnel Actions Requiring Prior Approval by the Commission.....	6-2
Personnel Actions Not Requiring Prior Approval by the Commission.....	6-2
Recruiting and Hiring a New Employee.....	6-2
Pay Increases.....	6-3
Promotions.....	6-3
Fair Labor Standards Act (FLSA) Compliance.....	6-3
Compensatory Time for Non-Exempt Employees.....	6-4
Workweek Adjustment.....	6-4
Compensatory Time in Lieu of Workweek Adjustment.....	6-4
Compensatory Time for Exempt Employees.....	6-4
Agricultural Work Exempt from Overtime Payment.....	6-5
District Employee Benefits.....	6-5
Leave Accrual/Accumulation Limits.....	6-5
Leave Accrual.....	6-5
Accumulation Limits.....	6-6
Types of Leave.....	6-6
Annual Leave.....	6-6
Sick Leave.....	6-6
Enforced Leave.....	6-7
Family Leave.....	6-7
Holiday Leave.....	6-7
Military Leave of Absence.....	6-8
Maternity Leave.....	6-8
Leave Without Pay.....	6-8
Inclement Weather.....	6-8
Court and Jury Services.....	6-9
Leave Records.....	6-9
Figuring Leave.....	6-9
Figuring Leave on Partial Months.....	6-9
Leave Sharing.....	6-10

Longevity.	6-11
Eligibility.	6-11
Service Credit.	6-11
Due Date.	6-11
Payment Schedule.	6-12
Retirement.	6-12
Standard of Conduct and Ethics.	6-13
District Employee Restrictions.	6-13
Dress Code.	6-13
Sexual Harassment.	6-14
Employee Grievance.	6-14
CHAPTER 7. Procurement.	7-1
Districts Exempt from Paying Sales Tax.	7-1
Procuring Supplies and Equipment.	7-1
Supplies and Equipment on State Contract.	7-1
Supplies and Equipment Not on State Contract.	7-1
Price Quotations.	7-2
Records and Documentation.	7-2
Maintaining Equipment Inventory.	7-2
Procuring Services.	7-2
Contracts and Agreements for Special Projects.	7-2
Competitive Bid Requirement.	7-3
Surplus Property.	7-3
State Agency for Surplus Property.	7-3
Letter of Authorization.	7-3
Picking up Equipment.	7-4
Payment.	7-4
Use of Surplus Property.	7-4
Decals.	7-4
District Equipment Inventory.	7-4
Disposition of Equipment.	7-5
Equipment Purchased from State Funds.	7-5
Equipment Purchased from Locally Earned Funds.	7-5
Stolen Property.	7-5
Vehicles.	7-5
Federal Excise Tax.	7-5
State Excise Tax.	7-6
Vehicle Tags.	7-6
Vehicle Safety.	7-6
Vehicle Insurance.	7-6
CHAPTER 8. District Services And Programs.	8-1
District Services.	8-1
Rental of District Equipment.	8-1
Herbicide or Pesticide Spraying.	8-1

Seed Liability.....	8-2
Retail and Wholesale Seed Dealer Licenses.....	8-2
Gopher Bait.....	8-3
Recommendations to Districts Regarding Use and Sale of Gopher Bait.....	8-3
Pollution Complaint Assistance.....	8-4
District Programs.....	8-4
Conservation Cost-share.....	8-4
Information.....	8-5
Brochures.....	8-5
Conservation Comics.....	8-5
Awards and Promotional Items.....	8-5
Displays.....	8-5
Conservation Contests.....	8-5
Newsletter.....	8-6
Newsletter Contest.....	8-6
News Articles.....	8-6
Advertisements.....	8-6
Scrapbook Contest.....	8-6
Youth Boards.....	8-6
Conservation Education.....	8-7
Resource Materials.....	8-8
Conservation Education Program Reporting.....	8-8
Scholarships.....	8-8
Scholarship Application.....	8-8
Scholarship Agreement.....	8-8
Acknowledgment of Administrator.....	8-9
Reimbursement for Education Scholarship.....	8-9
Mini-Grants.....	8-9
Class Mini-Grants.....	8-9
Environmental Curriculum Improvement Mini-Grants.....	8-10
Professional Development Training Opportunities.....	8-10
Resource Materials Available for District Use.....	8-10
Displays.....	8-11
Groundwater Flow Model.....	8-11
Enviroscape - Wetlands.....	8-11
Oklahoma's Wetland Treasures Trunk.....	8-11
Pond Biology Trunk.....	8-11
Who Lives In A Wetland Puppet Trunk.....	8-11
Pictures.....	8-11
Sammy Soil Saver Costume.....	8-12
Sammy Soil Saver Puppet.....	8-12
Videos, Slide Shows and Interactive CD ROMs.....	8-12
Upstream Flood Control.....	8-12
Requests for Watershed Operation and Maintenance Funds.....	8-12
Requests for Watershed O&M Funds for Contract Work.....	8-13
Requests for an Increase in a Previously Approved Project.....	8-13

Claiming for Reimbursement.....	8-13
Requests for Wildlife Services.....	8-13
Requests for Watershed Technician Assistance or Equipment.	8-14

CHAPTER 9. Calendar of Activities

CHAPTER 1

Oklahoma Conservation Commission

The Oklahoma Conservation Commission is a state agency created by the legislature to administer the Conservation District Act and to provide for the conservation of the state's renewable natural resources. The agency vision is: *Responsible care for Oklahoma's natural resources*. The agency mission is: *To conserve, protect and restore Oklahoma's natural resources working in collaboration with the Conservation Districts, on behalf of the citizens of Oklahoma*.

History and Creation

The Dust Bowl that ravaged Oklahoma and other states in the Great Plains during the 1930's was the impetus for creating the Oklahoma Conservation Commission and conservation districts. Congress in 1937 encouraged states to create conservation districts and state conservation agencies to work with the federal government on soil erosion control. In 1937 the Oklahoma legislature passed the Conservation District Enabling Act that created the State Soil Conservation Committee. This committee was made up initially of members associated with Oklahoma A&M College. In 1945 the state legislature amended the conservation district law and created the State Soil Conservation Board.

Operations of the Board moved from Stillwater to the State Capitol. The Board was made up of five members from five geographic areas in the state. Members had to be conservation district directors. They were appointed by the Governor and confirmed by the State Senate. The board's primary responsibility was to provide oversight and assistance to the soil conservation districts.

The next major change in the Conservation District Act came in 1971. The State legislature made significant changes to the statutes governing the Commission and conservation districts. The revisions made to the Conservation District Act in 1971 continue to be the foundation of the Commission's and conservation district's operations today. One major change in 1971 was changing the name of the agency from the State Soil Conservation Board to the Oklahoma Conservation Commission. The districts' names were changed from Soil and Water Conservation Districts to Conservation Districts to reflect a broader mission of conserving all renewable natural resources in the state.

Commission Members

The five members of the Commission are appointed by the Governor and confirmed by the State Senate for a five-year term, with one member coming up for appointment each year. Three of the five Commission members must be actively engaged in the practice of farming and/or ranching and all must be members of their local conservation district board. Commission members receive no salary.

Commission members set the policies of the Conservation Commission to ensure that the activities of the districts and Commission are in keeping with state laws. The Commission may appoint an Executive Director to carry out these daily duties. The Executive Director then may employ other personnel as necessary.

The Conservation Commission members meet monthly, usually on the first Monday of each month and generally in the Commission office. Reorganization of the Commission officers takes place at the beginning of each fiscal year. A Chair, Vice Chair, and Secretary are elected to serve one year.

The Commission is covered by the Open Meeting Act, so meetings are open to the public; the schedule is on file with the Secretary of State; and the agenda is posted 24 hours in advance. District directors and other groups and individuals are welcome to attend the Commission meetings and may be placed on the agenda by giving advance notice.

Conservation district boards can give input regarding Commission programs and policies by contacting the Commission member representing their district.

Commission Areas

The conservation districts are, by law, divided into five areas, as listed below:

AREA I		
Alfalfa County	Dewey County	Harper County
Beaver County	East Canadian County	Kingfisher County
Blaine County	East Woods County	Major County
Central North Canadian River	Ellis County	Texas County
Cimarron County	Garfield County	Woods County
Cimarron Valley	Grant County	Woodward County

AREA II		
Arbuckle	Logan County	Pawnee County
Cleveland County	Love County	Payne County
Garvin	McClain County	Seminole County
Kay County	Murray County	Shawnee
Konawa	Noble County	
Lincoln County	Oklahoma County	

AREA III		
Adair County	Mayes County	Rogers County
Caney Valley	Muskogee County	Sequoyah County
Cherokee County	Nowata County	Tulsa County
Craig County	Okmulgee County	Wagoner County
Creek County	Osage County	
Delaware County	Ottawa County	

AREA IV		
Comanche County	Jackson County	Stephens County
Cotton County	Jefferson County	Tillman County
Custer County	Kiowa County	Upper Washita
Deer Creek	Mountain View	Washita County
Grady County	North Caddo	West Caddo
Greer County	North Fork of Red River	
Harmon County	South Caddo	

AREA V		
Atoka County	Kiamichi	Pittsburg County
Bryan	Latimer County	Pontotoc County
Checotah	LeFlore County	Pushmataha
Coal County	Little River	Talihina
Haskell County	Marshall County	Valliant
Hughes County	McIntosh County	
Johnston County	Okfuskee County	

Funding

The funds for operation of the Commission and the 88 conservation districts are provided by many sources. The primary source is state general revenue appropriated by the state legislature. Other sources include federal grant funds and other state funds from the legislature or agreements with state agencies.

OPERATIONS OF THE OKLAHOMA CONSERVATION COMMISSION

The Oklahoma Conservation Commission has the responsibility of providing assistance to the conservation districts in Oklahoma to foster a sense of care, wise use and best management of Oklahoma's renewable natural resources. This includes assistance in protecting and developing the natural resources of the state. Assistance is given in erosion prevention, control and care of soil resources; prevention of flood and sediment damage, development of water resources, conservation cost-share program administration, pollution complaint tracking, environmental education and maintenance of upstream flood control structures. The Commission has authority over nonpoint source water quality management, the reclamation of abandoned mine lands and the development of the state's wetlands management strategy.

The legislature has conferred upon the Conservation Commission certain specific duties and powers, which are enumerated in Title 27A of the Oklahoma Statutes, Sections 3-2-101 through 3-2-109. Among those duties are:

- To facilitate, promote, assist, harmonize, coordinate and guide the resource conservation programs and activities of districts.
- To disseminate information to the Governor, Legislature and throughout the state concerning the activities and programs of the conservation districts.
- To secure funds from the Legislature to carry out the conservation of our renewable natural resources.
- To distribute to conservation districts funds, equipment, supplies and services received by the Commission for that purpose, and to issue guidelines for the use of such funds, etc.
- To establish an adequate and reasonably uniform accounting system to be used by the conservation districts.
- To conduct workshops for district directors to instruct them on their duties and responsibilities.

Administration

The daily administration of the Conservation Commission office is the responsibility of the Executive Director and staff. The office is located at 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, OK 73105-4210, telephone 405.521.2384, FAX 405.521.6686. Office hours are 8:00 a.m.-4:30 p.m. Monday - Friday, including the lunch hour.

DIVISIONS OF THE COMMISSION

The Oklahoma Conservation Commission is comprised of the following divisions:

Administration Division

The Administration division represents the Commission board in providing oversight and support for all Conservation Commission operations, programs and divisions, including the Conservation Programs, Water Quality, Abandoned Mine Land Reclamation, District Services, Financial Management and Human Resources, and Information Technology divisions, as well as management of public communication activities and production of public information materials.

Information

The Commission's Information Officer provides general and specialized information to conservation district board members and personnel, and to the public in general and to targeted audiences including farmers, ranchers, landowners, youth groups and various issue-related organizations. Information is provided utilizing formats and media including:

- Printed publications
- Videotapes
- News releases
- Display exhibits

The Information Officer publishes a monthly newsletter, the *Oklahoma Conservation Conversation*, providing information for and about Oklahoma's local conservation districts. The newsletter audience is primarily district board members and personnel but also includes legislators, natural resource-related agencies and organizations, and interested individuals. The Information Officer also assists with public information activities of conservation districts by helping them prepare their own news releases for local use and by assisting with news media relations. Additionally, the Information Officer coordinates recognition programs and contests

Financial Management and Human Resources Division

The Financial Management and Human Resources division provides support to all operations and programs of the commission and assistance to conservation districts regarding personnel and financial management, procurement, risk management and employee benefits coordination.

Financial Management

The division maintains the allocations of conservation districts. It is responsible for the auditing and processing of all claims for payment (salary and operating expenses, cost-share, watershed operation and maintenance, director meeting expenses, etc.) made by the conservation districts.

Human Resources

The division administers the employee benefits program for both Commission personnel and conservation district employees. The benefits program provides for health and dental insurance for the employee and their dependents, disability insurance, workers' compensation, retirement, and a flexible spending account program.

Conservation Programs Division

The Conservation Programs division provides management and technical assistance to conservation districts in three major program areas: upstream flood control, conservation cost-share, and conservation education. The division assists districts in the new construction and rehabilitation of upstream flood control structures as well as operation and maintenance. The division administers the state Conservation Cost-Share Program. This program provides to districts funds that are used to install conservation practices on the land to reduce soil erosion and improve water quality. The conservation education program involves a number of activities including teacher training, technical assistance to districts, outdoor classroom development, and cooperative projects with other state and federal agencies and higher education entities. The division coordinates the agency's role as cosponsors of three education curricula – Project WET, Project WILD and Project Learning Tree. The division also handles the Commission's statutory responsibility to coordinate environmental and natural resources education for the state. This is accomplished through the Oklahoma Environmental Education Coordinating Committee (OKEECC) which the Commission chairs.

Conservation Cost-Share Program

The Conservation Cost-Share Program is a partnership between the state and its land users to install conservation practices on the land that conserve and protect our water and soil. It is a voluntary, not a regulatory partnership. The Program provides financial assistance, through cost-share payments to landowners, to apply soil and water conservation practices. The purpose of the program is to enhance the state's environment by improving water quality and controlling soil erosion in the state. Additional information about the administration of the Program can be found in the Conservation Cost-Share Program Handbook.

Upstream Flood Control Program

Oklahoma has 2,097 upstream flood control structures that were built under the federal PL-534 and PL-566 programs. Many conservation districts are project sponsors for these structures and are responsible for operation and maintenance. The primary purpose of these programs are flood prevention, watershed protection (erosion and sediment control), water management, water supply, recreation, fish and wildlife habitat improvement and water quality improvement.

The Commission works with the conservation districts and the legislature to obtain funding in annual appropriations for watershed operation and maintenance. These funds are distributed to sponsors on a planning/request/priority basis. See Chapter 8 for more specific instructions about requesting funds from the Commission. The Commission also works with the state Civil Emergency Management Agency and Federal Emergency Management Agency on watershed repairs after major natural resource disasters.

Conservation Education Program

The Conservation Programs Division provides conservation education assistance to districts as well as having responsibility for coordination of conservation education at the state level.

The Commission's education program has been in existence for more than 25 years. The program's main thrust and purpose is to educate Oklahoma's school children (K-12) about the environment and, in particular, soil and water conservation practices. The program is designed primarily to train teachers rather than instruct students directly. Direct training of students is conducted using the network of conservation districts across the state. Conservation districts are the local contact for educators. Each district can provide technical assistance and some will provide additional educational materials and/or programs. Consult Chapter 8 for additional information about district conservation education programs.

The Commission is also involved with four international environmental education programs: Project WILD (Wildlife In Learning Design), Project Learning Tree, Wonders of Wetlands and Project WET (Water Education for Teachers). The programs are supplemental to educators' existing curriculum. Commission and district involvement in these four programs have reached over 20,000 educators and youth leaders across the state.

The Oklahoma Environmental Quality Act of 1992 assigned the Commission with the responsibility to coordinate conservation education throughout the state. Under this mandate the Oklahoma Environmental Education Coordinating Committee was formed. The committee has achieved success in cooperation, coordination, networking, and the initiation of new programs. The formation of this committee has eliminated duplication of efforts and created a strong model for cooperation among state agencies.

District Services Division

The District Services division's primary objective is to serve as a liaison to conservation district boards and employees in an effort to enhance the capabilities of districts to deliver a variety of services and programs. The Division provides a centralized contact point for the state's conservation districts requesting assistance from Commission staff. District Services responsibilities also include a presence at district offices and board meetings, interfacing with other agency representatives on certain issues, and capacity-building opportunities for districts. District Services also provides service to conservation districts through training and professional development for both conservation district directors and employees.

Program responsibilities residing within the Division include natural resource planning and reporting, conservation district legal affairs, training, and district board functions. Other activities include consultation with conservation districts in the areas of human relations, conflict resolution, finance, and personnel.

Natural Resource Planning and Reporting

Each district organized under the Conservation District Act shall prepare and keep current a long-range program for the conservation of all the renewable natural resources of the district. The Act further states that each district shall prepare an Annual Work Plan (Joint Plan of Operations), which shall describe the action programs, services, facilities, materials, and working arrangements needed to carry out the parts of the long-range program that are of the highest priority. There should be a direct link between the Long-Range Plan and the corresponding Joint Plan of Operations.

Districts shall publish an annual report of its plans, programs, activities, budget, receipts, and expenditures.

Districts must furnish copies of these plans and reports to the Commission for adoption, rejection, modification, or revision. Once approved, the Commission will furnish copies to the Governor and to the Oklahoma Legislature as required. To ensure that districts meet these requirements, these plans and reports are required to be submitted to the Commission at specified times.

See Chapter 2 for more specific instructions in completing the Long-Range Plan, Joint Plan of Operations, and the Annual Report.

Conservation District Legal Affairs

The Commission has an assistant attorney general on staff available to assist districts with legal affairs in the areas of legal research, debt collection, personnel issues, and contract disputes.

Training

A major component of the District Services Division is to provide training to Conservation District employees and directors. The District Services division will determine training and professional development needs through surveys, interviews or other sources. The division will then schedule and coordinate training classes, workshops, and seminars to meet those needs.

Information and Technology Division

The Information and Technology division's responsibilities include computer network administration for the agency, as well as computer network support to conservation districts. Division responsibilities also include Geographic Information Systems (GIS) operations and database management, and coordination of the State Geographic Information Systems Council. The Commission serves as chair of the GIS Council, which is made up of representatives from 14 state agencies and universities. The Commission also maintains a geographic information database for all citizen pollution complaints received by state agencies.

Geographic Information Systems

A geographic information system (GIS) is a computer system that records, stores, and analyzes information about the features that make up the earth's surface. GIS databases consist of layers with each layer representing a particular type of data. Examples of layers created or maintained by the Commission include orthophotography, elevations, streams and rivers, roads and highways, land use, abandoned mine openings, and water quality monitoring data. The Information and Technology Division maintains the Commission's GIS system used by both Commission and conservation districts. This includes the creation and/or maintenance of data layers. The Commission has been designated by statute as the lead technical agency for GIS in Oklahoma. The Commission also chairs the State Geographic Information Systems Council.

Data Processing

Services provided through this network include file storage, internet access, website hosting, as well as, the hosting of the Commission's and conservation district's electronic mail service (EMAIL). This division also provides technical assistance to conservation districts in all areas of data processing.

Water Quality Division

OCC is the lead technical agency for nonpoint source (NPS) pollution and the Clean Water Act (CWA), Section 319 Program in the state and is responsible for drafting the state's NPS Management Plan and NPS Assessment Report. The Water Quality division is responsible for assessing the waters of the state to determine the extent of nonpoint source pollution (NPS), planning programs to address NPS concerns in the state, educating citizens about water quality and NPS pollution, and implementing activities to reduce the effects of NPS pollution.

Assessment

The assessment program is the basis for determining existing water quality problems and defining where the NPS program should focus efforts to meet goals of the CWA.

Assessment goals vary with project objectives and data availability, but activities generally include cataloguing natural conditions, identifying streams where natural conditions are being impacted by human activities, identifying the sources of water quality problems, and monitoring to determine the success of measures implemented. OCC's assessment program provides a comprehensive, statistical evaluation of the state's waters every five years.

Planning

Oklahoma's NPS Management Program combines current and planned efforts into a working document, and increases the efficiency of federal and state NPS pollution strategies by setting goals, priorities, and schedules for the state's NPS Program. Within the framework of the NPS Management Plan, OCC and the Nonpoint Source Working Group annually develop a work plan to define methods, timelines, locations and resources for implementation Oklahoma's NPS program.

The state's NPS Management Plan in 2000 reflected significant changes in policies, funding sources and amounts, direction guidelines, and state and federal personnel changes that had occurred since the last plan was finalized.

Education

Education programs involving volunteers and community participation help foster grassroots support to change routine practices or entrenched beliefs. In addition to cost share and incentives programs, OCC's education programs and activities strive to involve the public in environmental awareness and provide information. Volunteer programs like the Blue Thumb Program and Project WET promote science, ethics, environmental conscientiousness and stewardship. Target groups include land owners, home owners, primary and secondary students, the business community, agricultural producers and construction and development professionals.

Implementation/Demonstration - Grant Programs

The Water Quality division manages large- and small-scale implementation projects to demonstrate the water quality benefits of best management practices. With Clean Water Act, Section 319, funding, OCC and various partner organizations have been able to transfer practical information and technical and financial assistance to address priority areas.

Wetlands Program

The goal of OCC's Wetlands Program is to provide landowners, students, local government, and agency personnel rational approaches to wetland issues through education, demonstration, technical assistance, and restoration.

OCC's Wetlands Program coordinates the implementation of the Oklahoma Comprehensive Wetlands Conservation Plan. The plan promotes private and public cooperation in managing wetlands through a voluntary system using education, technical assistance, and incentives. OCC promotes implementation through targeted projects and interagency cooperation. On a quarterly basis, representatives from state, tribal and federal entities with wetland responsibilities meet to share information through the Wetlands Working Group. The mission of the Oklahoma's Wetland Working Group, which is chaired by the Commission, is to cooperate, communicate, form partnerships, solicit grant funding, and otherwise facilitate the accomplishment of goals and objectives of the Oklahoma's Comprehensive Wetlands Conservation Plan.

The Commission administers a variety of cooperative wetland projects across the state. The wetlands program at the Commission is primarily funded through the Clean Water Act Section 104(b)(3) Wetland Grant Program with state matching dollars. Program administration is based on a cooperative model involving state, local, federal and tribal governments.

Abandoned Mine Land Division

Title 45 of the Oklahoma Statutes, Section 740.1 and following, designates the Conservation Commission as the state agency to administer the Abandoned Mine Land Reclamation Program. Authorized by passage of the federal 1977 Surface Mining and Reclamation Act (P.L. 95-87), the AML Program reclaims land and water that present public health, safety, and environmental problems associated with abandoned coal mine-related hazards in a 16-county area of eastern Oklahoma. The hazards range from dangerous highwalls and hazardous water bodies to open mine shafts, acid mine drainage, and dilapidated mine structures. Numerous deaths and injuries have been and continue to be associated with these problem areas.

Funding for the program comes from a 35-cent per ton tax on coal. The AML Reclamation Program is funded by federal dollars through the U.S. Department of the Interior, Office of Surface Mining. No state matching funds are required. The AML Program's activities include inventories, project selection, engineering and design, bid letting, and supervising the reclamation work. The reclamation includes dirt work, capping underground mine openings, drainage control, and revegetation.

AML Emergency Program

An AML emergency refers to a sudden danger or impairment presenting a high probability that substantial physical harm to the health, safety or general welfare of people will take place before the hazard could be abated under normal procedures. Prior to 1998 the OSM conducted all emergency abandoned mine land work in Oklahoma. In 1998 the OSM gave the Conservation Commission authorization for the AML Emergency Program. Once OSM has declared an emergency, program guidelines allow AML staff to expedite the start of reclamation, bypassing the Public Competitive Bidding Act (for contracts not exceeding \$25,000). Instead, a minimum of three local contractors can be called to the site to bid on reclamation, and work can begin almost immediately, usually in less than 48 hours.

CHAPTER 2

District Administration

ORGANIZATION OF CONSERVATION DISTRICTS

Conservation districts are the only local units of government charged with the conservation of renewable natural resources. They are subdivisions of state government and provide local citizens a voice in setting priorities for conservation work carried out within their districts.

Districts receive funds from state appropriations to the Commission. The district budgets the funds to include office supplies and equipment, postage, secretarial assistance, educational materials, some additional personnel, district director meeting expenses, and other special programs. Under a memorandum of agreement, the USDA Natural Resources Conservation Service provides technical assistance to the district.

History and Creation

The 1886 Homestead Act created one of Oklahoma's greatest soil and water conservation adversities. This Act gave 160 acres, or a quarter section of land, to settlers in Oklahoma. In order to support a family, a person had to cultivate all of the allotted land, much of which was only marginally tillable. This was particularly true in the western one-half of Indian Territory. Within six to eight years after statehood, gully erosion had become a major threat to Oklahoma landowners.

However, gullies were just one sign of the widespread abuse of the land and the Homestead Act was only one cause of the enormous erosion problem. For more than three decades, the land suffered from the effects of straight row cultivation and from continued planting of the same crop year after year. As the soil was sapped of its vital nutrients, crop production fell sharply.

Early in the 20th century, President Theodore Roosevelt encouraged the conservation of natural resources. However, Congress and the public ignored the problem until the publication of "Soil Erosion, A National Menace," authored by Dr. Hugh Hammond Bennett and W. R. Chapline. Their studies, pointing out the urgent need for research on improved soil management practices, resulted in the 1929 Buchanan Amendment. The Amendment established ten Regional Experiment Stations to measure soil erosion, survey the extent of erosion damage, and to determine methods of controlling erosion. (Oklahoma's first experiment station was located in Guthrie.) The results of the first studies were amazing and frightening.

Research conducted in 1930 indicated that each year erosion was displacing enough soil from American fields to load a train of freight cars from the earth to the moon and back again. A startled and worried Congress established the Soil Erosion Service as a temporary division of the Department of the Interior in 1933. Dr. Hugh Hammond Bennett was the Director. Under Dr. Bennett, the Soil Erosion Service continued the work being performed at the Experiment Stations. America was struggling to pull itself from the clutches of the Great Depression.

Economic rehabilitation was the key goal of the federal government. The Civilian Conservation Corps (CCC) was ideal for those seeking employment. The CCC work included demonstration projects to show practical conservation techniques to farmers and ranchers. It also included research and application on private land in cooperation with landowners. During 1934 and 1935, the Dust Bowl convinced Congress that the Soil Erosion Service could not complete its task in a couple of years, so the service was moved to the U.S. Department of Agriculture as permanent division with a new name, the Soil Conservation Service.

Soil Conservation Service workers tried to install conservation measures wherever needed but private landowners resisted federal workers' efforts. Finally, the Secretary of Agriculture recommended that "on or after July 1, 1937, all erosion control work on private lands, including new demonstration projects, be undertaken by the Soil Conservation Service only through legally constituted soil conservation Districts." This meant that the states had to pass laws providing for soil conservation districts before they could qualify for Soil Conservation Service assistance. In early 1937, President Franklin Roosevelt submitted to each state governor a standard state soil conservation district law. The plan provided for the local farmers and ranchers to actively participate in planning and conducting conservation programs. The rationale was that local persons would best know what would be compatible with their farming styles and what was most needed. The idea was less resistance would occur if farmers were not fearful that Washington was attempting to force its programs on them.

Oklahoma took quick action and was the second state in the nation to pass the necessary enabling legislation to create the soil conservation districts. Soil conservation districts were formed by referendum vote of landowners and in January 1938 the first conservation district in the nation was formed in McIntosh County, Oklahoma. In 1955, every acre of land in Oklahoma was within a conservation district, another first for Oklahoma.

A complete history of the conservation district movement can be found in "The History of Conservation in Oklahoma." Most district offices have a copy of this publication. A brief history of each district can also be found in the back of the Oklahoma Association of Conservation Districts' "Conservation District Directory," published in 1982.

The Conservation District Act

Title 27A of the Oklahoma Statutes, Sections 3-1-101 through 3-3-409, set out the purpose and authorities and powers of the districts as follows:

Purpose of Conservation Districts

Section 3-1-102 explains the intent of the Legislature in establishing conservation districts as:

In recognition of the ever-increasing demands on the renewable natural resources of the state and of the need to preserve, protect and develop such resources at such a rate and at such levels of quality as will meet the needs of the people of the state, it is hereby declared to be the policy of the state of Oklahoma to provide for the conservation of the renewable natural resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment

damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve and develop natural resources, control floods, conserve and develop water resources and water quality, prevent impairment of dams and reservoirs, preserve wildlife, preserve natural beauty, promote recreational development, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this state. It is further the policy of the Legislature to authorize conservation districts established under this act to serve as the primary local unit of government responsible for the conservation of the renewable natural resources of this state, and competent to administer, in close cooperation with landowners and occupiers, with local governmental units, and with agencies of the government of this state and of the United States, projects, programs and activities suitable for effectuating the policy of this act. Provided, however, in those areas included within the existing jurisdiction of planning commissions created pursuant to the provisions of Titles 11 and/or 19, Oklahoma Statutes or their successors, such districts shall serve as the collateral units of government so responsible.

Authorities and Powers of Conservation Districts

The conservation districts are governmental subdivisions of the state, organized under the Conservation District Act enacted in 1937, and as later amended. Conservation districts are responsible for carrying out a program of conservation of our renewable natural resources on land within the district boundaries.

The following is a summary of the authorities of the district as provided by Title 27A of the Oklahoma Statutes, Section 3-3-105:

- To conduct, in cooperation with the Oklahoma Conservation Commission, surveys, investigations and research on erosion, flood water and sediment damages and the preventive and control measures needed.
- To conduct demonstrations of conservation projects within the district.
- To carry out preventive and control measures on public and private lands with the consent of the landowners.
- To cooperate, or enter into agreements with governmental agencies and landowners to furnish aid to carry on erosion control and watershed protection and flood prevention operations.
- To acquire land or property by purchase, lease, gift, or condemnation, and to make use of the property to carry out the purposes of the Conservation District Act.
- To make available to landowners agricultural equipment, machinery, fertilizer, seeds and seedlings, etc., to assist in carrying on conservation operations.
- To construct, improve, operate, and maintain such structures as may be needed for conservation in the district.

- To develop resource conservation programs for the conservation of the renewable natural resources and a joint plan of operations.
- To administer any project or program concerned with conservation of renewable natural resources within the district boundaries undertaken by any public agency; to accept services, funds, materials and other contributions from such agencies to carry out the purposes of the Conservation District Act; to enter into contracts and negotiate with any agency of the United States or the state of Oklahoma in any plan related to conservation of renewable natural resources.
- To sue and to be sued in the name of the district (generally individual board members cannot be held personally liable for district matters), to have a seal, to make and execute contracts necessary to exercise the district's powers, to make, amend and repeal rules and regulations inconsistent with the district law, and to carry out the purposes for which the districts were formed.
- To carry workers compensation insurance with the State Insurance Fund and to be paid for out of district funds (reimbursed by the Commission).

LEGAL COUNSEL

The law provides that, "the District Attorney within whose jurisdiction a majority of the area of the district is situated shall act as legal advisor for the board of directors and shall afford them like representation as is now provided for other county officers."

In the event that the District Attorney is not able to represent districts, districts may employ their own legal counsel to assist them in legal matters.

For more information regarding legal counsel, assistance in the legal review of conservation easements (as required by NRCS), as well as answer any questions regarding: Open Records Act for district records; Open Meeting Act for district meetings and hearings; Tort liability with regard to Risk Management; or Tort Liability for district employees and directors regarding the Tort Claims Act contact the Oklahoma Conservation Commission.

Attorney General's Opinions

Legal questions regarding applicability of laws to the conservation district can only be answered by the Attorney General of Oklahoma. An Attorney General's Opinion is a researched interpretation of the law and stands until overturned by any State Court or by a subsequent Attorney General Opinion. To request an Attorney General's Opinion, the board of directors should work with the Executive Director of the Oklahoma Conservation Commission.

Following are digests of Attorney General Opinions which have been issued during recent years and which affect the conservation districts.

Question: Is a district liable for negligence of employees?

Opinion: A conservation district organized under the provisions of Section 3-1-101 and following, Title 27A of the Oklahoma Statutes is a governmental subdivision of State government and is not liable for injuries to employees or other persons injured as a result of the negligence of its officers, agents or employees.

Question: Are the directors of a district personally responsible for injuries to employees or third persons?

Opinion: A public officer, whether judicial, quasi-judicial or executive, is not personally liable to one injured as the consequence of an act performed within the scope of his official authority and in the line of his official duty.

Question: Is property owned by a district exempt from ad valorem taxes by virtue of Section 6, Article 10 of the Oklahoma Constitution?

Opinion: The property of a conservation district is exempt from taxes.

Question: May a district or a board of directors borrow money in the name of the district?

Opinion: The board of directors of a conservation district does not have the authority to borrow money either directly or indirectly, in the name of the district (from a private lending institution).

Question: Must a district collect sales tax on the sale of grass seed to another conservation district?

Opinion: A conservation district is not required to collect sales tax on the sale of grass seed to another conservation district.

Question: Must a district obtain a bond to secure a permit to use herbicides or insecticides?

Opinion: A conservation district is not required to obtain a bond for the purpose of securing a permit to use or apply herbicides or insecticides.

Question: What does the term "80 percent of the easement" as used in the revolving fund appropriation mean?

Opinion: Funds from the revolving fund may not be expended until the district has obtained easements upon not less than 80 percent of the total acreage of land upon which easement will be necessary for the completion of the entire project.

Question: Is it lawful for a member of the board of directors to sell goods or services to the conservation district of which that person is a director?

Opinion: A member of the board of directors of a district is prohibited by law from purchasing any goods or services from any of its members.

BONDS AND DISTRICT SEAL

Notary Bond

The district secretary or some other district employee should have a notary bond and seal to notarize claims and other legal documents as needed by the district. The purchase of the notary bond and seal is reimbursable from the district's allocation.

Surety Bond

State law requires that any positions on the conservation district staff and/or board that are authorized to handle money and/or write checks be covered by a surety bond. The position of one board member, whose co-signature is required on checks, should be bonded as well as the district employee who signs checks (generally the secretary). These positions, not the individuals, are to be bonded so that it is not necessary to secure a new bond when a personnel change or reorganization of the board occurs.

The amount of the bond is determined by the amount of funds handled. The bonding company will assist in determining this amount. Bonds are generally renewed every three years. The amount for which the bond is secured should be kept current.

The cost of the bond(s) is reimbursable from the district's allocation. A copy of the bond must be submitted along with, but not attached to, the claim for reimbursement. The copy of the bond should be sent to the conservation districts' Legal Counsel in the Commission office.

District Seal

State law requires that each district have a district seal bearing the district name to be used on certificates, Cooperator Agreements, official notices and documents of the district and on all real estate and legal transactions. If the district seal becomes outdated by a change of name or for some other reason, a new imprint must be purchased. This is a reimbursable item.

DISTRICT FILES

By law, all conservation district files and records are open to the public for inspection during normal business hours. The files must be accurate and provide a complete record of all of the district activities regardless of the nature of the activity. Good records also help provide an historical record of the district.

Open Records Act

The Oklahoma Open Records Act (51 O. S. 1991, Sections 24A.1 and following) requires "public offices" to keep and maintain public records for inspection and copying during regular business hours. All records of public bodies not specifically required by state or federal law to be kept confidential are required to be open for public inspection. The districts have a specific duty to keep and maintain complete records regarding the transaction of public business, the expenditure of public funds and the administration of public property. If information is requested that the district feels might be confidential, contact the Oklahoma Conservation Commission.

Exemptions

The following is a partial list of materials that are NOT open to public inspection.

- Personnel records pertaining to hiring and disciplinary actions, employee evaluations and payroll deductions, and social security numbers
- Personal communications to public officials
- Material prepared in anticipation of litigation and/or regarding attorney/client relationships
- Minutes of Executive Sessions, which are lawfully closed to the public
- Citizen complaints and responses
- Information which would give an unfair advantage to competitors or bidders

Copying and Search Fees

Under the Oklahoma Open Records Act, conservation districts may charge up to twenty-five cents per page for document copying. This fee applies for documents having the dimensions of 8 ½ inches by 14 inches or smaller.

However, if the request is solely for commercial purposes (such as a realtor requesting floodplain information for various legal descriptions) or if the request would clearly cause excessive disruption of daily business transactions, then the district may charge a reasonable "search fee" to recover the direct cost of a document search. Any public body which establishes fees must post a written schedule of the fees at its principal office and mail a copy to the County Clerk.

The Act also states that "in no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants. Said fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information." Title 51, Oklahoma Statutes, Section 24A.5 (3).

District Responsibilities

The district board must adopt a resolution designating the individual responsible for releasing material in the files and a schedule of copying fees. This individual will have the authority to decide which records can be released under the Act. The district should require a *Request for Information*, Form OCC-2A, from the inquiring party before releasing any files. This form will provide a record of who requested the information, the purpose for requesting the information and the specific information released. For more information regarding what records may or may not be released, refer to the district's file on the Open Records Act.

File Headings

The district's files should be maintained in the manner that best suits the secretary's needs, taking into consideration, however, that anyone who comes into the district office should be able to find files by subject. The district may keep an index to the files which would include cross-referenced titles and subjects.

Records Disposition

The Records Disposition Schedule located at the end of this Chapter was created on the advice of the Oklahoma Department of Libraries in order to provide conservation districts with a guide to retaining and disposing of district files. Records should be surveyed annually and disposed of if appropriate. Discretion should be used for material not listed.

Historical Records

The Oklahoma State Department of Libraries, Records and Archives Division, would like to have old district records that might be of historical value, such as old scrapbooks of district activities, Watershed Inspection Reports, etc. Contact the Commission office for instructions on transferring these items to the State Library.

INSURANCE

General Liability

General liability insurance coverage for the day-to-day operations of the district is provided by the Commission. This would include activities by district employees performed in the scope of their employment and individuals conducting business on district owned property. This coverage also includes Directors errors and omissions coverage for district directors for all actions taken relating to district business.

A certificate of coverage will be provided to every district in July for the period of coverage beginning July 1 and ending June 30.

Tort Claims Act

The Governmental Tort Claims Act is the law which covers torts committed by governmental entities and their employees. A basic goal of the Tort Claims Act is to protect the employees from being personally sued for their actions or omissions even if they are negligent and cause harm to a person or property. They are immune from being sued if they are acting under the authority or control of the state or district and are acting within the scope of their employment.

Conservation districts are covered by the provisions of the Tort Claims Act. In addition, the Commission has secured insurance coverage which covers districts.

A “tort” means a civil legal wrong, independent of contract, involving a violation of any duty imposed by general law or otherwise, resulting in as loss to any person as a result of an act or omission of a government subdivision of the state or employee acting within the scope of employment.

“Scope of employment” means performance “in good faith” within the duties of the office or tasks lawfully assigned by a competent authority (district or Commission). Corruption, fraud, or intentionally not acting in good faith takes employees outside the coverage or immunity afforded them and makes them personally liable.

“Employee” means those authorized to act on behalf of the state or subdivision whether or not they are employees fulltime or part-time or whether they receive any compensation for their services at all.

Other Insurance

To protect the district's investments, the district should carry collision, fire, theft, and related coverage on district vehicles, equipment, buildings, and property.

IMPORTANT

EMPLOYEES OR CONSERVATION DISTRICT DIRECTORS WHO ARE INVOLVED IN ANY POTENTIAL LIABILITY INCIDENT, AS A WITNESS OR OTHERWISE, SHOULD MAKE NO STATEMENT OR COMMENTS OR EXECUTE ANY WRITING OR DOCUMENT CONCERNING SUCH INCIDENT, EXCEPT AS MAY BE REQUIRED BY LAW.

DISTRICT COOPERATOR AGREEMENTS

A district cooperator is, by law, those who have entered into a cooperative agreement with the conservation district for the purpose of protecting, conserving and practicing the wise use of the renewable natural resources under their control, (Title 27A of the Oklahoma Statutes, Section 3-1-103(9)). The cooperator may own the land or may be the land user. Whenever a husband and wife

jointly own and/or operate the land, both should be designated as cooperators and both names should be included on the Cooperator Agreement.

A Cooperator Agreement is neither legally binding nor is it required in order for an individual to receive the technical assistance of the Natural Resources Conservation Service (NRCS) provided through the district. An agreement may be entered into by mutual consent of both parties and may be terminated by either party.

Both the district and the cooperator should have a clear understanding of the current status of the Cooperator Agreement at all times. Form OCC-2B, *Conservation District Cooperator Agreement*, may be used by the district, or the district may develop its own agreement. The following guidelines should be observed in dealing with Cooperator Agreements.

Approval and Filing of Cooperator Agreements

A Cooperator Agreement must be approved by the board of directors during a regularly scheduled board meeting and signed by an authorized district director to be in effect. The name of each cooperator for whom an agreement is approved must be listed in the minutes of the board meeting.

The status of Cooperator Agreements must be kept current since an individual must have an agreement on file to run for or be appointed to the office of conservation district director. The agreement is considered "on file" after it has been approved by the board during a board meeting and signed and dated by an authorized district director.

Termination of Cooperator Agreements

A Cooperator Agreement can be terminated by notice from either party. To avoid any misunderstanding, a district wishing to cancel a Cooperator Agreement must notify the cooperator in writing. (Note: Termination of a Conservation Plan does not constitute or necessitate termination of a Cooperator Agreement). Generally the only reason for termination of a Cooperator Agreement would be change of ownership or "user-ship," that is, the cooperator no longer operates the land or if the cooperator moves out of the district. If it is determined that an agreement should be canceled, this information should be placed on the agenda and presented to the board in a board meeting.

At the meeting, the board should vote to notify the cooperator in writing of the pending cancellation of the cooperator agreement. A written notice should state that the Cooperator Agreement will be canceled on a given date, probably the next board meeting date, unless the cooperator responds with cause as to why the agreement should not be canceled before that date. This should allow adequate response time in case the cooperator does not want to cancel the agreement. At the next board meeting, the name of each cooperator from whom there was no response should be listed again. A motion can then be made and acted upon to cancel the agreements in question.

A copy of the letter notifying the cooperator of pending cancellation should be maintained with the Cooperator Agreement. Once the agreement is canceled, on the card file note the date of the board meetings in which the actions were taken to ensure easy access in the event of a question about the status of the agreement.

The conservation district cooperator files should be maintained in a manner which keeps them current on a monthly basis.

PLANS AND REPORTS

The Conservation District Act requires that each district prepare and keep current Long Range and Joint Plans of Operation (work plan) outlining the goals, objectives and action items to carry out these plans. Such plans shall be directed toward the conservation of all renewable natural resources of the district and in a manner that will best meet the needs of the district and the state. Districts are also required to prepare Annual Reports which document the activities of the district in carrying out the goals, objectives and action items outlined in their Plans.

Districts must furnish copies of plans and reports to the Oklahoma Conservation Commission for adoption, rejection, modification, or revision. District plans and reports should be sent to the attention of the District Services Division. Once approved, the Commission will furnish copies to the Governor and to the Oklahoma Legislature as required.

To ensure that districts meet these requirements, the following plans and reports are required to be submitted to the Conservation Commission at specified times. The plans and reports need to be completed or developed as outlined.

Long Range Plan

The Oklahoma Conservation Commission has set a policy that the Long Range Plan (LRP) will be kept current by five year updates. **Long Range Plans are due in the Commission office on or before June 30 every fifth year.** Prior to June 30 of the year in which the LRP is due districts will have:

- Solicited input from staff, directors, and the public.
- Developed a draft document.
- Submitted a draft to the Commission office for review.
- Schedule a public meeting in accordance with the handbook guidelines.
- Taken official board action on the resulting final document.

Development

When developing your LRP consider the state cost-share program, conservation education, water quality projects, abandoned mine land projects, wetland projects, watershed operation and maintenance, watershed rehabilitation, geographical information system activities, and other projects or activities that your district is active in. There should be a direct link between the LRP and corresponding plans of operation.

We recommend that you spend at least one board meeting in a facilitated session to solicit input from board members. The district may consider hosting a meeting for local "opinion leaders" at which time you would explain the mission of the conservation district and then solicit LRP input. A

breakfast meeting or working lunch might help in getting a group together. Local opinion leaders might include, but are not limited to, community leaders, county commissioners, school district board members, educators, ministers, farm organization representatives, environmental organization representatives, or other natural resource agency personnel.

Format

Concise and substantive information makes for a more professional LRP. Each LRP must contain the following information:

- Table of contents
- Certification of adoption by the board of directors
- Concise district history and background (such as district purpose, duties, and responsibilities, how the district is governed)
- Concise inventory of renewable natural resources
- Concise needs assessment and resource trends, other current issues/programs
- Concise long range goals, objectives, and action items
- Concise projected timetable for goals (use a format similar to the Joint Plan of Operations)
- Concise district physical, social, economic, cultural, and environmental characteristics
- Cooperating resource agencies and units of government

The following list contains additional information that would enhance the LRP:

- Forward (district mission, goal statement)
- Accomplishments/highlights of the district
- Relevant and current maps, charts, graphs and or tables
- Past/present district director roster

Information should be relevant and current to the subject. When maps, charts, graphs, and tables are used they should be up to date and of good quality with the source of the information referenced appropriately.

After this information is gathered, it should be typed in draft form, approved by the local district board of directors, and then forwarded to the Commission office for approval. Upon approval of the draft document by the Commission, the district must hold a public meeting on the LRP draft. The draft is to contain all revisions inserted and approved by the local board and the Commission.

Due Notice of Public Meeting

Notice of public meeting must be printed in a newspaper of general circulation twice with an interval of seven days between each publication. Use Form OCC-2D, *Notice of Public Meeting for Review of Long Range Plan*. Each notice must run for one day. At least 20 days must elapse between the first publication and the date of the public hearing.

A copy of the newspaper publication and Form OCC-2E, *Affidavit of Publication of Public Meeting* must be forwarded to the Commission.

Public Meeting Procedure

- Call the meeting to order.
- Introduce district board members who are in attendance.
- Announce the purpose of the meeting.
- Ask those present if they would like to identify themselves. The district personnel must record the attendance of each person identified.
- Distribute copies of the district's LRP to those present.
- Give a concise summary of the LRP proposed by the district.
- Call for comments and questions. The district board and/or employees should answer the questions to the best of their knowledge.
- Request that all comments and questions introduced during the meeting be forwarded to the district office in written form or handed in at the conclusion of the meeting.
- Adjourn the meeting.

The directors should give careful consideration to all comments and suggestions received during the public meeting and decide if they should be adopted as part of the LRP. If there are no changes to be made in the LRP it is ready for printing. If there are changes to be made in the LRP a copy of the changes should be sent to the Commission office for approval prior to printing.

Printing and Distribution

The LRP does not have to be bound. The number of copies to be printed will be determined by the size of the district's distribution list. The district is required to forward a copy of the final LRP to the Commission and maintain one in the district office. Following is a suggested distribution list: Oklahoma Association of Conservation Districts, Natural Resources Conservation Service, Farm Service Agency, County Extension Director, Substate Planning District, any special districts and groups within the boundaries of the conservation district that deal primarily with renewable natural resources, schools, colleges, universities, and community libraries, appropriate agencies or organizations, state and federal legislators, and the County Clerk.

Joint Plan of Operations

The Conservation District Joint Plan of Operations (JPO) is due in the Commission office for review on or before June 30 each year. The planning period for each JPO is July 1 through September 30. This plan is developed in conjunction with the local Natural Resources Conservation Service field office.

Prior to June 30 districts will have:

- Solicited input from staff and directors.
- Worked jointly with NRCS partners to develop goals, objectives, and action items.
- Developed a draft document.
- Submitted a draft to the Commission's District Services Division for review.
- Taken official board action on the resulting final document.

Development

When developing your JPO please consider the state cost-share program, conservation education, water quality projects, abandoned mine land projects, wetland projects, watershed operation and maintenance, watershed rehabilitation, geographical information system activities, and other projects or activities in your district. The district's current LRP and the previous year's JPO should be reviewed to provide guidance in developing realistic goals, objectives, and actions. We recommend that you spend at least one board meeting in a facilitated session to solicit input from staff, board members, and other interested individuals, groups, entities, or agencies (local, state, or federal).

Plans should be dynamic and flexible. The plan should set out measurable goals that define what will be accomplished during the planning cycle. The goals should represent a level of accomplishment commensurate with the available resources. The information should be reflective of the conservation district's needs.

Format

The format of the JPO is not as important as the content and function of the document. Each JPO must contain the following information:

- Title Page - identify the district, the document, and the applicable planning period.
- District Information - identify the directors and their positions, associate directors, district personnel and their positions, and NRCS staff. Identify the time, place, and date of your district board meetings.
- Goals should be clear, concise, and specific statements of what the district plans to accomplish during the fiscal year. Goals should also be measurable, attainable, relevant, and trackable. Each goal should include objectives and action items.
- Objectives and Actions need to be specific, definite statements outlining how the goal will be accomplished. These statements should include:
 - Number - a quantitative figure set for each action that will indicate the frequency that the action will be completed during the planning period. For example, staff meetings might be held every month so the quantitative figure would be 15, one for every month during the planning period.
 - Who - the director or personnel responsible for completion of the action.
 - Start/End Dates - a specific date within the planning period that the action should be completed.
 - Progress - the progress for each goal should be documented. If no progress was made on a particular goal/action it should also be documented with the reason (lack of funds, personnel, or the goal/action was replaced with a higher priority, etc.)

The following list contains additional information that would enhance the JPO:

- District Spotlight - narrative describing the districts achievements from the previous year.
- Cooperative Agreements - list the cooperative agreements and memorandums of understanding that the district has in place with other entities.

- Estimated Cost - this is the estimated cost to the conservation district of accomplishing each goal/action. The estimated cost may include expenses for manpower, equipment, facilities, and supplies.
- Calendar of Events - To help keep track of projects and priorities, activities that occur at the same time each year such as board meetings, land judging, speech contest, watershed inspections, or cost-share signups, should be calendared.

A good JPO should include the following:

- Established priorities.
- A good education and public information program.
- Emphasis on the kind and amount of conservation work to be done during the planning period.
- Assignment of responsibilities for carrying out the plan.
- A schedule of time and place that work will be done.

After this information is gathered, it should be typed in draft form, approved by the local district board of directors, then forwarded to the Commission's District Services Division for approval. The district will be notified when the JPO has been approved by the Commission. The JPO is to contain all revisions inserted and approved by the local board and the Commission.

Printing and Distribution

The JPO does not have to be bound. The number of copies to be printed will be determined by the size of the district's distribution list. The district is required to forward a copy of the final JPO to the Commission and maintain one in the district office. Following is a suggested distribution list: Oklahoma Association of Conservation Districts, Natural Resources Conservation Service, Farm Service Agency, County Extension Director, Substate Planning District, any special districts and groups within the boundaries of the conservation district that deal primarily with renewable natural resources, schools, colleges, universities, and community libraries, appropriate agencies or organizations, state and federal legislators, and the County Clerk.

Documentation

At a minimum of one board meeting quarterly, the Joint Plan of Operations should be reviewed and progress noted. Items scheduled for completion or action in the upcoming quarter should be noted and instructions for completion issued to the responsible director and staff. Review of the JPO should be recorded in the board meeting minutes along with all assignments made to directors and staff.

Annual Report

A copy of the Annual Report for the previous fiscal year activities must be submitted to the Commission's District Services Division by September 1 of each year.

The district's *Annual Report*, Form OCC-2C, must be approved and signed by the board of directors. Information concerning conservation district programs/projects can be obtained from the Joint Plan

of Operations for the previous year. Each program/project should correlate to a goal, objective or action item in the Joint Plan of Operations.

MEMORANDUMS OF UNDERSTANDING AND COOPERATIVE AGREEMENTS

Districts are encouraged to enter into memorandums of understanding or cooperative agreements with other agencies and organizations to advance the conservation of natural resources.

USDA Natural Resources Conservation Service

All districts have a formal mutual agreement with the U.S. Department of Agriculture and the State of Oklahoma outlining cooperation in the conservation of natural resources.

All districts have a Cooperative Working Agreement with the USDA Natural Resources Conservation Service and the Oklahoma Conservation Commission. This agreement forms the basis for the working relationships of the district, NRCS and the Commission. The Working Agreement is a negotiated document covering the following areas: personnel, technical and administrative assistance, program delivery, technical standards, records facilities and equipment, funding, fee for services, tort liability and accountability.

The Cooperative Working Agreement governs the day-to-day working arrangements in the districts. It is recommended that the district board review the Cooperative Working Agreement with NRCS on an annual basis and make changes as appropriate.

Memorandums with Other Agencies

The district may also have memorandums of understanding with some or all of the following: Commissioners of the Land Office, Conservancy and Master Conservancy Districts, County Commissioners, Municipalities, Oklahoma State Department of Agriculture Forestry Division, Oklahoma Department of Wildlife Conservation, Oklahoma State University Cooperative Extension Service, Resource Conservation and Development Councils, Sub-state Planning Districts, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, USDA Farm Service Agency, USDA Rural Development, USDI Bureau of Reclamation, USDI Bureau of Indian Affairs.

RECORDS DISPOSITION SCHEDULE

OKLAHOMA CONSERVATION COMMISSION

Areas (districts) represented by Commission members.....	District Handbook
Authorities/Responsibilities of Commission.....	District Handbook
Commission Policies.....	District Handbook
History.....	Permanent
District Law/Rules/Regulations.....	Permanent

DISTRICT ADMINISTRATION

History.....	Permanent
Organization.....	Permanent
Certificate of Incorporation.....	Permanent
Name Change.....	Permanent
Map of District.....	Permanent
District Law/Rules/Regulations.....	Permanent

BOARDS OF DIRECTORS

Record Sheet of Director's Terms.....	Permanent
Director's Information Sheets (OCC-3C).....	2 years after expiration of term
Certificates of Appointments/Elections.....	2 years after expiration of term
Election Material Forms and Proof of Publishing..... (OCC-3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K)	1 year
Notice of Newly Elected Directors (OCC-3A).....	1 year
Associate Directors.....	2 years
Youth Boards.....	2 years

RESOURCE AGENCIES AND GROUPS..... Until no longer needed for administrative purposes

- Memorandums of Understanding
- Local Agencies
- County Commissioners
- County Extension Service

STATE AGENCIES AND PROGRAMS..... Until no longer needed for administrative purposes

- Agriculture Department
- Commissioners of Land Office
- Water Resources Board
- Forestry Division
- Highway Department (Sign Registration)
- Education Department
- Oklahoma Conservation Commission
- 208 Water Quality Program
- 319 Water Quality Program
- Pollution Complaint System

Abandoned Mine Land Program

FEDERAL AGENCIES AND PROGRAMS..... Until no longer needed for administrative purposes

BOARD MEETINGS

Schedule of Meetings/Changes (OCC-4A, 4B)..... 1 year
 Statement of Approval of Minutes. Permanent
 Agenda..... Permanent
 Open Meeting Law. Permanent
 Minutes/Financial Statement..... Permanent
 Pending Board Meeting Material..... Until no longer needed

DISTRICT ADMINISTRATION

Correspondence..... Hold until action is taken; file in subject file
 Open Records Act. Permanent
 Request for Information (OCC-2A)..... 2 years
 Legislation Pending..... 1 year
 Notary Bonds..... Until superseded
 Surety Bonds. Until superseded
 Insurance Policies. Until superseded
 Liability/Risk Management Claims..... 3 years unless legal action pending
 Tort Claims Act. Permanent
 Titles for District Vehicles..... Until sold
 Leases..... 2 years after expiration
 Deeds/Title Insurance. 3 years after property sold
 Oil and Gas Operations. Until superseded
 Abstracts (Safety Deposit Box or Abstracting Company)..... Until sold

FINANCIAL MANAGEMENT

Statements of Need. 2 years
 Budget and Allotment Information. 1 year after audit if no legal action is pending
 Allocation, Receipts & Expenditures Ledger. 7 years
 Claims for Reimbursement/backup..... 1 year after audit if no legal action is pending
 documents OSF-3
 Directors Meeting Expense (OCC-5I)..... " " " "
 Travel Claims (OCC-5F, 5G). " " " "
 District Invoices..... " " " "
 Bank Statements/Canceled Checks/Checkbook Stubs. " " " "
 Reconciliation Info. (OCC-5A)
 Savings Account Records. " " " "
 Certificates of Deposit (keep in Safe Deposit Box)..... " " " "
 Claims for Salary Reimbursement (OSF-3)..... 2 yrs after audit if no legal action pending
 Payroll Pre-Claim (OCC-5C)..... " " " "
 Daily Activity Timesheet/Leave Record (OCC-5B). " " " "
 District Employee Payroll Worksheet (OCC-5D)..... " " " "

Employee Yearly Earning Record (OCC-5E). Permanent

TAXES

Social Security 218 Agreement. Permanent
Federal Withholding. 5 years after audit if no legal action is pending
State Withholding. " " " "
Worker's Compensation - Employees/Contractors. " " " "
Sales Tax Collected/Returned. " " " "
Sales Tax Permits. " " " "
Unemployment Insurance. " " " "

PROCUREMENT AND INVENTORY

Aerial Photo Requisitions. 1 year
Inventory Records. Permanent, update annually
Requisitions (OCC-7A). 1 year after audit if no legal action is pending
Disposition of Equipment (OCC-7C). 1 year after audit if no legal action is pending
Excise Tax Exemption Records. Until no longer needed for administrative purposes
Surplus Property Purchases (OCC-7B). 3 years
Equipment/Machinery/Operation/Manuals/Brochures. Until no longer needed
NACD Supply Catalog. Until superseded
Service Contracts and Agreements. Until no longer needed for administrative purposes

PERSONNEL MANAGEMENT

Application for Employment. 2 years
Job Descriptions. Until superseded
Employee Information. Retain in active files until employee terminates then transfer to inactive files, keep permanently
 Terms of Employment (OCC-6A)
 Notice of Personnel Action (OCC-6B)
 Individual Leave Records (OCC-6C)
 Approval of Leave (OCC-6D)
 Insurance - Health & Life
Loyalty Oath. 1 year after termination
W-4 Forms. 5 years
Fair Labor Standards Act. Until superseded

DISTRICT SERVICES AND PROGRAMS

Gopher Bait. 3 years
Equipment Rental. 3 years
Spraying, Herbicides/Pesticides. 3 years
Soil Farming. Until superseded
Seed Sales & Equipment Rental Tickets. 3 years
Grass Seed Analysis. 3 years
Rental Agreement for District Equipment (OCC-8A). 3 years
Seed License. Until superseded
State Seed Law. Until superseded
Drip Irrigation. 3 years

Freeze Proof Tanks. 3 years
Pollution Complaints. 3 years

WATERSHEDS. Weed out duplicate and unnecessary material.
Permanent until completed, then transfer to State Archives

Correspondence
Work Plan
Invitations to Bid and Construction
Drawings
Easements and Easements Register
As Built Plans
Sale of Land
Operation and Maintenance Agreements (OCC-8H, 8I)
Schedule of Damages
Maps
Condemnation Suits
Dam Breach Emergency Plans
Project Maps
Annual Inspection Reports. 5 years, providing no maintenance problems
or legal action pending, then transfer to State Archive

REVOLVING FUND. Permanent until completed, then transfer to State Archives
Requests for Appraisal/Revolving
Funds

INFORMATION. Until no longer needed for administrative purposes
News Releases
Advertisements
OCC Newsletter
OACD Newsletter
NACD Tuesday Newsletter
District Newsletter. permanent

CONTESTS AND AWARDS. 3 years, retain list of awardees permanently
Conservation District Week
Soil Stewardship Week
Bankers' Awards
Environmental Conservation Awards
Goodyear Contest
Governor's Conservation Award
OACD Service Awards
OACD Essay, Poster and Speech Contest
4-H Conservation Demonstration Award
Boy Scouts of America Award
Tulsa Fair Awards
Take Pride in America Award

NACD District Newsletter Contest
NACD Youth Board Center
SWCS County Commissioner Awards
Land Judging
OPA Scrapbook Contest

CONSERVATION EDUCATION..... Until no longer needed for administrative purposes

Outdoor Classroom Sites
Teacher's Guide
Scholarships
Mini-grants
Publications
Pictures/Mats
Brochures
Film Catalogs

DISTRICT COOPERATOR AGREEMENTS..... Permanent until superseded

PLANS AND REPORTS..... 5 years or longer, then transfer to State Archives

Long Range Total Resource Conservation Program Public Hearing
Annual Audit/Net Worth Statement (OCC-5J, OCC-5K)
Joint Plan of Operations
Annual Report (OCC-5B)
Conservation Tillage Report
Survey Information/Inventories/
 Roadside Erosion
 Open Dumps
 Recreational
 Small Lakes
A-95 Reviews
OCC Biennial Report
OCC Multi-Year Plan

CONSERVATION LAWS..... Until superseded

Conservation District Act
Abandoned Mine Reclamation Act

CALENDAR/DUE DATES..... Until superseded

FORMS..... Until superseded

ASSOCIATION..... Until superseded

OACD
NACD
SWCS

CHAPTER 3

District Boards of Directors

The governing body of a conservation district consists of five district directors. Directors are public officials responsible for setting the priorities for conservation work within the district. Any person who has a cooperator agreement with the district or has applied for a cooperator agreement with the district and who is a registered voter within the district boundaries is eligible to serve on the board of directors. A director has both legal and ethical responsibilities to the local people.

Legally, directors must see that the Conservation District Act and laws regarding expenditure of funds by a public body are followed. Ethically, they are obligated to do the best possible job of using public funds and resources to improve the district's renewable natural resources.

The district files should contain a permanent record of all directors who have served on the board, stating the number of years served, whether the director was appointed or elected, and if elected, the position number.

AUTHORITIES AND RESPONSIBILITIES, LIABILITY, AND PROHIBITIONS OF DISTRICT DIRECTORS

Authorities and Responsibilities

District law sets out the authorities and responsibilities of the directors in Title 27A of the Oklahoma Statutes, Section 3-3-105. Directors can apply those general authorities to specific situations and thereby place the district in a position to provide a complete program of conservation services. Following is a partial list of authorities and responsibilities of directors:

- Promote sound land/water use and maintain a technically sound conservation program.
- Determine a method of finance to operate the district's business and supplement technical assistance to the district.
- Make efficient use of the technical and financial resources of the district.
- Develop and prepare a Long Range Plan and a Joint Plan of Operations for the district which sets forth priority of work to be carried out.
- Encourage and approve cooperator agreements and cancel agreements when necessary.
- Fulfill responsibility as project sponsors of upstream flood control structures as defined by PL-534, PL-566, and PL 106-472, "The Small Watershed Rehabilitation Amendments of 2000."

- Review conservation plans developed by Natural Resources Conservation Service personnel for district cooperators.
- Cooperate with and enter into agreements with other local, county, state, or federal agencies within the district when necessary and appropriate to provide programs to land users in the district.
- Cooperate with citizen groups and individuals on projects to promote conservation.
- Seek the cooperation and assistance of other governmental agencies and citizen groups in developing and implementing the district's program of conservation.
- Review legislation regarding conservation of soil and water resources of the district.
- Make available, either in cooperation with other groups or independently, agricultural or engineering equipment, fertilizer, seeds and seedlings, etc., to help cooperators carry out their conservation plan, on such terms as the district shall prescribe.
- Cooperate with state and national associations to promote conservation practices.
- Appoint and educate associate directors and youth boards as potential directors.
- Set district policy regarding employees, equipment, materials, services, funds, and all other aspects of the district's program.
- Provide necessary supervision over district personnel to ensure that records are maintained and that informational reports required by law or otherwise are properly executed and submitted.
- Administer the statewide Conservation Cost-Share Program.

Liability

Conservation districts may sue and be sued in the name of the district. However, directors and district employees cannot be held individually liable in a lawsuit so long as they were acting within the scope of their employment. Refer to Chapter 2 for information on director liability and legal counsel and Attorney General's Opinions.

Prohibitions

By law, as cited below, directors are prohibited from:

- Selling to or contracting to provide services for the conservation district. Neither can the relatives of district directors sell to or contract to provide services for the conservation district (O.S. Title 21 Section 482);

- Hiring a relative (O.S. Title 21, Section 481);
- Being employed by the district for a period of one year after their term on the board expires or they resign from the board (O.S. Title 74, Section 4257); and
- Serving in any other elective state or county office, except for a member of the board of education of a school district. However, directors may serve on municipal boards and councils and FSA county committees. (O.S. Title 27A, Section 3-3-201)

COMPENSATION TO DIRECTORS

Board Meeting Expense

Directors may receive meeting expense reimbursement at the rate specified by the Commission at the beginning of each new fiscal year for attendance at 12 regularly scheduled board meetings. This item is reimbursable from the district's allocation.

In the event that a board meeting is not held due to lack of a quorum, the directors who do show up at the canceled meeting may receive the board meeting expense.

A recommended director is eligible to receive the meeting expense after the Commission approves the appointment in a monthly meeting. An elected director is eligible for compensation after the term begins on July 1 following the district director election in June.

Actual Expenses

Directors may be reimbursed by the district for actual expenses incurred in the performance of their official duties. Such reimbursable expenses may include mileage, transportation, registration fees, meals and lodging. All reimbursements whether from locally earned or Commission-reimbursed funds must be documented with receipts and kept on file in the district office. Form OCC-5F, *Travel Claim*, is used for this purpose. Under no circumstance shall a director receive reimbursement for the same expense from both locally earned and Commission-reimbursed funds.

ORGANIZATION OF THE DISTRICT BOARD

At the July board meeting each year, the board of directors should reorganize and elect a Chair, Vice Chair, and Treasurer. Form OCC-3A, *Notice of Newly Elected Officers*, is due in the Commission office by August 1 of each year. Newly elected officers will assume the responsibilities of their new position at the close of the July board meeting. Directors are urged to rotate the offices to encourage active leadership of all board members. Responsibilities of officers are found in Chapter 4, Board Meetings.

The board of directors may form needed committees to take care of specific areas of the district's programs. For additional information on committees, see Advisory Committees found in this Chapter.

APPOINTED AND REAPPOINTED DIRECTORS

Two of the five directors are appointed by the Commission with one appointive term expiring each year.

Term Of Office

The term of an appointed director is from July 1 through June 30 for a period of two years. The Oklahoma Constitution, Article 23, Section 10 states “that all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.” Therefore, directors will continue to serve on the board until they are reappointed or a qualified successor is certified by the Commission.

Qualifications for Appointment

The Conservation District Act requires that a candidate for appointment as a director be a registered voter in the district and have a Cooperator Agreement with the district. The rules of the Commission provide individuals with an opportunity to apply for a cooperator agreement with the district making them eligible to serve as a director.

Qualifications for Reappointment

In addition to meeting the requirements for original appointment, the Commission requires that directors must attend at least seventy-five (75) percent of the regularly scheduled board meetings held during their immediate past term.

Recommendations for Appointment/Reappointment

Prior to the expiration date of the appointed director's term, the Commission will notify the district and request that the board make a recommendation for appointment or reappointment. This topic must be placed on the agenda for the next district board meeting and must be voted on by the board. The recommendation must be submitted on Form OCC-3B, *Recommendation for Appointment of Conservation District Director*, along with a copy of the Cooperator Agreement or Form OCC-2B, *Application for Conservation District Cooperator Agreement*.

Appointment/Reappointment by the Commission

When the Commission receives the completed paperwork for appointment/reappointment (Form OCC-3B and a copy of the Cooperator Agreement or Application for Conservation District Cooperator Agreement), the recommendation will be placed on the agenda for action by the

Commission. Following approval, the district will receive a Certificate of Appointment for presentation to the appointee. The Commission will send a news release to the local newspapers announcing appointment/reappointment.

Taking Office

Newly appointed directors are eligible to vote on district matters and to draw per diem for attending meetings only after the Commission approves the appointment and the Oath of Office and the Loyalty Oath have been administered.

Reappointed directors must be administered the Oath of Office and the Loyalty Oath at the beginning of the new term of office.

Administering Oaths

By law (O.S. Title 51, Chapter 1, Section 21), notaries public, justices, judges and clerks of district, superior and county courts and other courts of record, county clerks and their deputies, county commissioners and justices of the peace may administer oaths within their respective districts, counties or jurisdiction. The original oaths must be filed with the County Clerk's office and copies retained in the district files.

ELECTED DIRECTORS

Three of the directors on the board are elected by the registered voters in the conservation district. The elected positions are numbered 1, 2 and 3 with succeeding terms, so that one term expires each year.

Term of Office

The term of an elected director is from July 1 through June 30 for a period of three years. The Oklahoma Constitution, Article 23, Section 10 states "that all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified." Therefore, directors will continue to serve on the board until they are reelected or a qualified successor is certified by the Commission.

Eligibility Requirements for Candidate

By law, (Title 27A of the Oklahoma Statutes, Section 3-3-201(B)(3)) to be eligible to file for district director election, an individual must be a registered voter in the district and must be a cooperator of the district. The individual must either have a cooperator agreement with the district or apply for a cooperator agreement with the district. The district must accept applications from all who wish to declare themselves candidates and must not advise them as to their eligibility. The Commission is responsible for determining eligibility.

Taking Office

Newly elected directors will begin their term of office on July 1 of the year they are elected. They will be eligible to vote on district matters and to draw per diem for attending meetings on or after July 1 and after the Commission has certified the position and the Oath of Office and Loyalty Oath have been administered.

Reelected directors must be administered the Oath of Office and Loyalty Oath after the position has been certified by the Commission.

Administering Oaths

By law (O.S. Title 51, Chapter 1, Section 21), notaries public, justices, judges and clerks of district, superior and county courts and other courts of record, county clerks and their deputies, county commissioners and justices of the peace may administer oaths within their respective districts, counties or jurisdiction. The original oaths must be filed with the County Clerk's office and copies retained in the district files.

DISTRICT DIRECTOR ELECTIONS

Conservation district director elections are held each year on the first Tuesday in June, as established by law (Title 27A of the Oklahoma Statutes, Section 3-3-301 (A)), a day also designated as Conservation District Day.

Deadlines and Requirements

The district must meet the following deadlines and requirements for elected positions on the board each year.

- **March Board Meeting:** The board must set the dates for publishing the Notice of Filing Period and determine the newspapers to be used. This action must be recorded in the board meeting minutes.
- **April - First Three Weeks:** All districts must publish Form OCC-3D, *Notice of Filing Period for Election of District Director*, twice, one week apart, during the first three weeks in April. The district must then certify to the Commission that the notice has been published by sending in the Proof of Publication provided by each newspaper.

NOTE: If the board of directors has sufficient information to believe that there will be an election, the board may select polling places and the Election Committee members at their May meeting.

- **May - First Two Weeks:** All who wish to file for the position of district director must complete Form OCC-3F, *Notification and Declaration of Candidacy*, by close of business on the last day of the filing period. The form is to be made available to the public at the

district office or advise that it is available on the Commission's website. A copy of the applicant's Cooperator Agreement or Application for Cooperator Agreement must be attached.

- **May - Second Two Weeks:** If only one candidate files, no election will be held. If two or more candidates file, the district must notify the Commission and forward Form OCC-3F, *Notification and Declaration of Candidacy*, to the Commission office by close of business on the last day of the filing period.
- The Commission will notify the district whether candidates are eligible and whether an election is to be held.
- **Friday Before Election Day:** The Friday before election day is the deadline for a candidate to withdraw from the election. If the withdrawal leaves only one candidate, notice should be posted at each polling place. If there are still two or more candidates, notice should be posted at each polling place and prior to the opening of the polling place the Precinct Committee must mark out the name on each ballot of the individual who withdrew.

When No Candidate Files for Election

If no one files for the elected position, the district will notify the Commission in writing that no one filed. The district will submit a recommendation to the Commission for appointment to the position. Please refer to the section titled **APPOINTED AND REAPPOINTED DIRECTORS** for procedures for appointment. However, the director serving in the position currently will continue to serve until a successor is certified by the Commission.

Board Meeting to Prepare for Election

If the district did not have knowledge of an election at the May board meeting, a special meeting should be called as soon as possible to make necessary arrangements. The board will need to:

- Determine the newspapers to publish the Notice of Election
- Designate polling places (see Polling Places)
- Appoint a District Election Committee (see District Election Committee) to have charge of the election.

Notice of Election

The board of directors must publish in a newspaper of general circulation Form OCC-3G, *Notice of Election*, two times, one week apart, with the last notice to be published five days prior to the election. The board should determine the newspaper(s) to be used for publication. Districts must verify to the Commission that Form OCC-3G (05/09), *Notice of Election* was published by submitting the Proof of Publication provided by each newspaper.

Polling Places

The board should determine the location of the polling place(s) and forward a list of the location(s) to the Commission office for approval immediately using the following criteria:

- One must be in the city/town the district office is located.
- Additional locations must be in areas to reflect all areas of the district.

Ballots

Ballots shall be printed by the Commission based on the number of polling places and mailed to the District Election Committee Chair who will distribute them to the precinct committees within four days prior to the election.

The used ballots must be returned to the Commission along with completed Forms OCC-3I, OCC-3J and OCC-3K in a sealed envelope. The unused ballots will be counted, that number recorded on Form OCC-3J, and then the unused ballots will be destroyed by the District Election Committee. Ninety days after the newly elected director is certified by the Commission, used ballots will be destroyed. No challenge or irregularity will be accepted after that time.

District Election Committee

The board of directors shall appoint three people to the District Election Committee to supervise and conduct the election. The name of the Committee members should be sent in writing to the Commission immediately for approval. One person should be named Chair of the District Election Committee. The County Election Board can be very helpful in the election procedures. The board of directors, their immediate families, and district employees cannot serve on either the District Election Committee or Precinct Committee(s).

The Committee represents the Commission in supervising and conducting the election. The Oath of Office can be administered to the District Election Committee by any officer authorized to administer oaths. Signed copies of Form OCC-3H, *Oath of Office for Election and Precinct Committees*, are filed in the district office. See **Administering Oaths** for those authorized to administer oaths.

The District Election Committee shall:

- Appoint a precinct committee for each polling place. Each precinct committee shall consist of an Inspector, a Judge, and a Clerk. The District Election Committee shall furnish to the Commission the names of the precinct committee members for each of the polling places. The District Election Committee may also serve on a precinct committee, but an individual serving on both committees may receive only one wage per hour. If only one polling place is authorized, the District Election Committee will serve as Inspector, Judge, and Clerk.
- Make every effort to conduct the election to enable the largest number of registered voters to participate in the election.

- Provide each precinct committee with needed supplies for each polling place. All materials will be provided by the Commission for use by the District Election Committee with the exception of ballot boxes. Ballot boxes may be obtained locally from the County Election Board.
- Accept from the precinct committee(s) a completed Form OCC-3I, *Letter of Transmittal*, immediately following the election. The District Election Committee will then tabulate the results from the form and complete Form OCC-3J, *Report of Official Returns*. The District Election Committee must then mail all of the following to the Commission:
 - Form OCC-3I, *Letter of Transmittal*
 - Form OCC-3J, *Report of Official Returns*
 - Form OCC-3K, *Affidavit of Registered Voter*
 - All used ballots
- After entering the number of unused ballots on Form OCC-3J, destroy the unused ballots in the presence of at least two members of the board of directors.
- In the event of a challenge of the election results, determine whether a voter is a registered voter, meeting the following requirements:
 - A citizen of the United States
 - A resident of the State of Oklahoma
 - A resident of the conservation district in which the election is occurring
 - Over 18 years of age
 - Has never been convicted of a felony for which a period of time equal to the original judgment and sentence has not expired or for which he/she has not been pardoned
 - Is not currently adjudicated as mentally or legally incompetent by an appropriate district court and is not a mentally incapacitated or mentally ill person, as defined by Section 1-103 of Title 43A of the Oklahoma Statutes

Precinct Committee(s)

The members of a precinct committee(s) as named by the District Election Committee shall:

- Take and sign Form OCC-3H, *Oath of Office for Election and Precinct Committees*, administered by any officer authorized to administer oaths.
- Keep the polls open during the hours of 7:00 a.m. through 7:00 p.m.
- Allow all registered voters to vote at any polling place within the district that is most convenient.
- Permit no loitering within 50 feet of any election box or the place where such election is being held.
- Require that each voter appear in person (no absentee votes shall be accepted) and sign Form OCC-3K, *Affidavit of Registered Voter*, before voting.

- Provide assistance to any registered voter in casting the ballot only upon request by the voter.
- Provide that ballots are marked with indelible pencil or ink.
- In the event of the withdrawal of a candidate, post notice at the polling place. If there are still two or more candidates prior to the opening of the polling place, mark out the name on each ballot of the individual who withdrew. If only one candidate is left, post notice at each polling place stating that a candidate withdrew; therefore, no election will be held.
- Immediately upon the closing of the polls, tabulate votes cast at the polling place and complete Form OCC-3I, *Letter of Transmittal*. The Form OCC-3I, all voting ballots used and unused, and Form OCC-3K, *Affidavit of Registered Voter*, shall be placed and sealed in an envelope and delivered to the District Election Committee.
- Make the results of the election at the particular polling place public by posting in a conspicuous place at the polling place a copy of Form OCC-3I, *Letter of Transmittal*.

Compensation to District Election and Precinct Committee

District Election Committee and Precinct Committee members will be compensated for the time spent in conducting the election at the rate paid by the County Election Board. Committee members must submit Form OCC-3L, *Claim Form - Special Assistance for District Director Election*, to the district prior to payment. One member per polling place may receive the prevailing mileage rate for securing and delivering election supplies. Any individual filling two functions can receive only one wage per hour.

Certification of Elected Director

The Commission must receive election results no later than four days after the election. The Commission must, by official action, certify each individual receiving the majority of votes as duly elected. The Commission will then forward a Certificate of Election to the conservation district. The Commission will also send a news release to the local newspaper(s) regarding the results of the election.

District Election Expenses

All election expenses incurred by the district are reimbursable. The district must submit an OSF-3 Form, with back-up documents, to claim for reimbursement. Election expenses will not be deducted from the district's allocation.

VACANCIES ON THE BOARD

All vacancies on the board, whether appointed or elected positions, are filled by appointment by the Commission. Upon vacancy by any cause, the board must notify the Commission at once. During

a board meeting, the board will make recommendation for appointment to the vacant position. Please see section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on submitting the recommendation. The Commission will appoint a replacement and will provide a Certificate of Appointment for presentation to the appointee during a board meeting.

Resignation of a District Director

Directors shall submit a letter of resignation to the district board. However, as stated in subheadings **Term of Office** under **APPOINTED AND REAPPOINTED DIRECTORS** and **ELECTED DIRECTORS**, directors will continue to serve until their successors are appointed by the Commission or elected by registered voters.

Death of a District Director

Immediately upon the death of a director, the district must notify the Commission. Please review section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on filling the position.

Removal For Cause

Any director may be removed from office by the Commission, upon notice and hearing, for neglect of duty or for malfeasance in office (Title 27A of the Oklahoma Statutes, Section 3-3-201). Malfeasance in office would include violation of the prohibitions listed previously in this Chapter or any criminal wrongdoing. Neglect of duty is refusal or unwillingness to perform the duties of the office. Contact the Commission office for advise on removal practices.

Filing For Other Public Office

The position of conservation district director is a public office. If any elected or appointed director, during their term of office, files as a candidate for or is elected or appointed to any county or state elective office, the director's position will become vacant. The vacancy will be filled by the Commission. Please review section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on filling this position.

The law makes one exception: a district director may serve on a board of education of a school district (O.S. Title 27A, Section 3-3-201).

ASSOCIATE DIRECTORS

Directors may by official vote appoint one or more individuals to serve as associate directors. These individuals can provide a great service to the board and the community by advising and assisting the board either in the overall district program or on a specific subject or program area.

In order to realize the full potential of associate directors, the board should assign them specific duties and responsibilities. Associate directors may be named to chair a district committee. Some

activities that might be assigned to associate directors, based on interest or expertise, would be to:

- Encourage farmers and landowners to become district cooperators.
- Handle arrangements for district meetings.
- Arrange conservation tours.
- Assist in planning field demonstrations of conservation measures installed on the land.
- Secure storm damage information in connection with watershed applications.
- Assist in securing easements in authorized watershed projects.
- Conduct youth activities.
- Assist with the district's information program.

Potential Appointees

The district might consider the following types of individuals to serve as associate directors:

- An associate director might be a potential district director. This could serve both as a learning period for the associate director and as a time for the board to observe the associate director's commitment and ability.
- A district director who has retired from the board might be appointed as an associate director. This would ensure that the district continues to benefit from the experience of a past director who can no longer give full time to the district's work.
- An individual who is or should be professionally involved in conservation could provide a special service to the district. Consider the benefit of naming the extension director, a teacher or other educator, a city planner or newspaper person as an associate director.

Term of Office

An associate director should be appointed for a specific term, possibly one year, with the expiration date clearly understood and specifically placed in the minutes. Appointment and reappointment should be an official action of the board.

Limitations

Associate directors have no official or legal authority, cannot vote on the district board's business, and may not receive reimbursement for expenses from the Commission.

Reimbursement for Expenses

If an associate director performs a specific service at the request of the board, reimbursement can be made from district-earned funds for mileage and/or other legal actual expenditures under the same guidelines as are applied to district directors and employees.

Obligations

An associate director should be expected to attend most board meetings, or if assigned to a specific project, may attend only the meetings when that project is discussed.

ADVISORY COMMITTEES

The Conservation District Act provides that the district may appoint such advisory committees as may be needed to ensure the availability of appropriate channels of communication to the board of directors, to persons affected by district operations and to local, regional, state and interstate special purpose districts and agencies responsible for community planning, zoning or other resource development activities.

Committees have no legal or official authority, cannot vote on the district board's business, may not obligate the district for money, nor can the committee members receive reimbursement for expenses from the Commission. Committee members might, however, be reimbursed from locally earned funds at a rate not to exceed that paid to state employees.

CHAPTER 4

Board Meetings

The Conservation Commission recommends that conservation districts hold monthly board meetings. At these meetings, the board of directors takes official action on plans, programs and functions of the district. The minutes are the official record of the transactions and proceedings of the board of directors and should contain complete and accurate information.

OPEN MEETING ACT

In 1977 the Oklahoma Legislature passed the Open Meeting Act. This Act applies to the conservation districts and must be adhered to by each district. The Act states that "any action taken in willful violation of this act shall be invalid."

The remainder of this section explains how the districts must comply with the Open Meeting Act, Title 25 O.S. Sections 301 and following as amended.

Informal Meeting

The Open Meeting Act covers not just formal meetings but all informal meetings involving the decision making process. "Meeting" is defined as the conducting of business of a public body by a majority of its members being personally together.

Attorney General Opinion No. 82-212

- When members of a public body meet among themselves to discuss the appropriation of funds, the requirements of the Open Meeting Act must be satisfied.
- When a public body meets with a group of experts in order to gain insight into a particular matter, the meeting must be open to the public and satisfy other requirements of the Open Meeting Act.
- When a majority of members of a public body are together in an informal setting and begin discussing matters concerning the business of the public body, the discussion comes under the auspices of the Open Meeting Act.
- When a public body meets to vote on a particular matter, the vote is subject to the provisions of the Open Meeting Act.

Violations of the Act

Strict adherence to the letter of the law is required. "Substantial Compliance" is insufficient. The vote of each member must be publicly cast and recorded. Neither informal gatherings nor any electronic or telephone communications among a majority of the directors can be used to decide any action or to take any vote on any matter.

Actions taken by a district in "willful violation" of the Open Meeting Act are void. "Willful" does not require a showing of bad faith, malice or wantonness, but rather includes both conscious, purposeful violations of the law or blatant or deliberate disregard of the law by those who know, OR SHOULD KNOW, the requirements of the Open Meeting Act. Therefore, willful includes unintentional violations of the law. Following up with votes on actions or decisions previously made in violation of the Open Meeting Act will not cure violations of the prior illegal action.

The law provides that any person who willfully violates the Open Meeting Act is guilty of a misdemeanor. Conviction can result in fines up to \$500 or imprisonment in the county jail for up to one year, or both a fine and imprisonment.

NOTICE OF MEETINGS

Regular Scheduled Meetings

Notice must be given in writing to the County Clerk by December 15 of each year of the dates, times and places of the regularly scheduled monthly district board meetings for the following calendar year using Form OCC-4A, *Notice of Schedule of Regular Meetings*. If the district serves two or more counties, notice must be given to the County Clerk where the district is principally located or to both County Clerks if services are about equal to each county. A copy of the form must be submitted to the Conservation Commission by December 15 of each year. It is critical that the information provided to the County Clerk is accurate as discrepancies could result in the nullification of district business acted upon during meetings.

The schedule of monthly meetings for the upcoming year should be placed on the November board meeting agenda. When scheduling meetings, be sure to check for holidays that would cause a conflict.

In addition to filing Form OCC-4A, each district must display public notice of each meeting by setting the date, time, place and agenda at least 24 hours prior to each meeting. Such public notice (agenda) shall be posted in prominent public view at the district office. Do not count Saturdays, Sundays or holidays in the 24 hours.

Change of Meeting

Notice of any change in date, time or place of the regularly scheduled meeting shall be given to the County Clerk not less than ten days prior to the new date, time or place using Form OCC-4B, *Notice*

of Change in Meeting Date, Time and/or Place, and posting the agenda at least 24 hours prior to the meeting. In computing the ten days notice, Saturdays and Sundays may be counted. In computing the 24 hours in posting of the agenda, Saturdays, Sundays and legal holidays may not be counted. The Conservation Commission should be advised of any changes in meeting dates.

Special Meeting

A special meeting is a meeting held in addition to the regularly scheduled meetings, but does not include emergency meetings. Public notice of the special meeting must be given to the County Clerk 48 hours before the meeting. Notice to the County Clerk can be given in writing, in person or by telephone. If notice is given to the County Clerk in person or over the phone, a written notice should also be sent in order to protect the district (use Form OCC-4B). The agenda must be posted 24 hours prior to the special meeting. Only matters appearing on the posted agenda may be considered at the special meeting. The minutes of the special meeting must reflect the reason for the meeting. New business may not be considered at a special meeting.

Emergency Meeting

An emergency meeting means any meeting called for the purpose of dealing with an emergency which cannot wait until the next regularly scheduled meeting. An emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss.

In the event of an emergency, only that business for which the meeting was called can be conducted. An emergency meeting may be held without the public notice which is normally required. However, the person calling the meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person, by telephone or by facsimile.

The written minutes of the emergency meeting must contain the nature of the emergency and the proceedings which occur at the meeting, including reasons for declaring the emergency meeting.

Continued or Reconvened Meeting

A continued or reconvened meeting is one in which there was not sufficient time to cover all the business on the agenda at the regularly scheduled meeting. Public notice including date, time, and place of the continued or reconvened meeting shall be given by announcement at the original meeting. Only matters appearing on the agenda of the original meeting may be discussed at the continued or reconvened meeting.

Lack of Quorum

Any business conducted at a board meeting at which there is not a quorum of the directors is null and void. In the event a quorum is not present at a regularly scheduled meeting, it is possible to skip the

meeting for that month and to cover the business the following month. In that event, the agenda and the minutes for the next month should reflect, for example, that "Claims were approved for the months of March and April."

When writing the minutes for a meeting that is not held due to the lack of a quorum, set up the headings in the usual manner: Name of district, date, time, place, list those present and in the body of the minutes state, "Due to the lack of a quorum, no business was conducted." Do not state the meeting was "Continued."

In the event a board meeting is not held due to lack of a quorum, the directors who do attend may receive the \$25 board meeting expense.

AGENDA

The purpose of an agenda is to ensure orderly transaction of business and to give notice to the public regarding what will transpire at the meeting. Under the Open Meeting Act, the agenda becomes an extremely important document, since only those items listed on the agenda can be considered at the meeting.

Developing the Agenda

The agenda must list the date, time and place of the meeting and all items to be considered at the meeting. To ensure that nothing requiring board action is overlooked throughout the month, the secretary should retain a file of ALL incoming and outgoing correspondence and notes on any other topics the board needs to consider at the meeting. The Chair of the board should work with the district staff to develop a list of all topics to be placed on the agenda. The items of business on the agenda may be numbered for efficiency, but numbering is not required. The information contained in the agenda must be reasonably detailed to inform the public of the business to be considered at the meeting.

Any decision or act that results in expenditure of funds, establishes or changes policy, represents district opinion or approval, or causes an obligation of any kind on the part of the district, requires official action of the board of directors in an open meeting.

Board Meeting Packets

Agendas should be prepared in advance of the meeting so that a copy can be mailed to each member of the board of directors and all interested persons prior to the meeting. The board may direct the district secretary to prepare and send out to each director a board meeting packet containing copies of the previous meeting's minutes, the agenda, financial statement and copies of correspondence or other material to be acted upon by the board so that the directors may be familiar with business to be discussed. If minutes are mailed in advance, the directors may waive reading the minutes during the meeting.

Posting the Agenda

In compliance with the Open Meeting Act, the agenda for the district board meeting must be posted in prominent public view at the principal office of the district AT LEAST 24 HOURS PRIOR TO THE MEETING. Saturdays, Sundays, and legal holidays are not to be counted in the 24 hours. The agenda of said meeting must set the date, time, place and items to be considered.

Items for Consideration at Every Meeting

The information contained in the agenda should be reasonably detailed in order to inform the public of the business to be considered at the meeting. A vague list of topics or categories of business to be considered is insufficient for the board meeting agenda. For example, an agenda item simply stating "Contracts" or "Purchases," or the like, is insufficient. Only those items listed on the agenda may be discussed, unless the matter was not known about nor reasonably foreseeable at the time the agenda was posted.

The caption "New Business" should be included in the agenda and the minutes to cover unforeseen circumstances. "New Business" is a term which means any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda. New business may be discussed at a regularly scheduled board meeting and must be reflected in the minutes.

Executive Session

The district board may go into Executive Session during a board meeting for the purpose of discussing personnel; purchase or appraisal of real property; or confidential communications between the district and its attorney concerning a pending investigation, claim or action. The Executive Session and the topic of the Executive Session must be specifically listed on the agenda and posted 24 hours before the meeting. When the Executive Session comes up on the agenda, the directors must vote to go into Executive Session.

Should you have any questions about the Executive Session please contact the Commission office for assistance.

Language for Agenda

If a district proposes to go into an executive session, the executive session must be listed on the agenda. The agenda language must be specific including the specific provision of the Open Meeting Act which authorizes the executive session. The Open Meeting Act is located at Title 25 O.S. Sections 301 and following as amended. Following are specific subsections which authorize a public body to hold an executive session:

- Personnel reasons, such as discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, is authorized by Title 25 O.S. §307(B) (1).

- Discussing negotiations concerning employees and representatives of employee groups is authorized by Title 25 O.S. §307 (B) (2).
- Discussing the purchase or appraisal of real property is authorized by Title 25 O.S. §307 (B) (3).
- Discussing confidential matters with an attorney as to pending investigations, claims or actions is authorized by Title 25 O.S. §307 (B) (4).
- Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law is authorized by Title 25 O.S. §307 (B) (7).

Minutes

Minutes must be taken during the Executive Session. The board may have an employee participate in the Executive Session to take the minutes, a board member may take the minutes or the board may make a tape recording of the Session instead of the minutes. If it becomes necessary to transcribe the tape recording and the directors do not wish to involve a district employee or other individual, the Oklahoma Conservation Commission will assist. Executive Session minutes normally are not released to the public, except on court order. The minutes must be maintained in the district office. They should be placed in a sealed envelope and the envelope placed in a locked file cabinet apart from the regular minutes to avoid inadvertent release.

MINUTES

The minutes of the board meeting must contain enough information for anyone to look at them at a later date and determine what items were discussed in the meeting and what action was taken. The minutes are a permanent record of the district's business and provide a history of the district. They are one of the most important documents in the district office. The Open Meeting Act applies to the recording of minutes for the district, as explained in the remainder of this Section.

Attendance

The minutes must list all board members present, as well as those absent. Under "Others Present," list the name and complete title of every other individual present. In the text of the minutes, note time board members enter or leave the meeting.

Opening or Compliance Statement

Every board meeting must be opened by the Chair (or acting Chair) with an oral statement to the effect that, "This is a regularly scheduled (or rescheduled, special or emergency meeting, as applicable) meeting in accordance with the Open Meeting Law, Title 25 O.S. Sections 301 and following as amended."

Motions

When a motion is recorded in the minutes, the name of the individual making the motion and the name of the person seconding it must be recorded. The motion must then be recorded in detail. Do not record a decision or action taken by the board as merely "the same as last year." Record all actions and decisions completely.

Votes

Each vote of the district board members must be publicly cast and recorded on all motions, whether on routine approval of claims or on a major decision. Record each member's vote individually in the minutes, including the directors who make and second the motion, as well as the Chair.

Titles

The text of the minutes may refer to the directors by last name only but do not use first names only. When a director is reporting by virtue of serving as the district's representative to another agency, board, or committee or as Chair of a district committee, use that title. Completely identify any other individual referred to in the text of the minutes.

Reports

Reports given by other agency personnel or by district directors or district employees may either be summarized in the minutes or may be typed separately and attached as an exhibit.

Distribution of Minutes

The original board meeting minutes with agenda always remain in the district office except when being bound. The district must submit a "draft" of the minutes, including the financial statement, all attachments and exhibits, and the signed Statement of Approval from the previous month, to the Commission within five days of the meeting. Minutes should be mailed to the Commission office in the following order: meeting agenda, minutes, financial statement, reports and exhibits. In addition, a copy of the draft minutes should be sent to the Commission member who represents the district; the President, appropriate Vice President and Area Director of the Oklahoma Association of Conservation Districts; the Natural Resources Conservation Service Assistant Conservationist for Field Operations; the State Senator and Representative(s); the local newspaper; and anyone else who expresses an interest.

District minutes sent to the Commission are microfilmed at regular intervals. For this reason, the copy submitted to the Commission office must be legible, typed on 8 ½ x 11 paper, and copied on only one side of the paper.

Approval of Minutes

The following steps should be taken to approve minutes during a board meeting:

1. The minutes of the previous board meeting must be approved by a vote of the board.
2. The minutes will either be approved “as written” or “as amended”.
3. The chairman must sign a Statement of Approval or a Statement of Approval of Amended Minutes (examples 4A and 4B). This Statement should be typed on district letterhead.
4. The Statement of Approval should be submitted to the Commission office along with the current month’s draft minutes. (See Distribution of Minutes)
5. The Chairman must sign the original copy of minutes and date the signature. This official copy of the minutes is to be retained in the district office. It is not necessary to submit a copy of the signed minutes to the Commission. Remember, minutes are not an official, permanent record until they are approved and signed by the board.

Binding of Minutes

The original version of the minutes and agendas must be retained in the district office as a permanent record. In order to maintain the district's original copies in the best form possible, they can be bound in a hardback cover when a large number of pages accumulate (about 1 1/2" to 2" thick). Contact the Commission office for assistance and instructions in getting minutes bound.

The district's original minutes should never be mailed. They should be hand-delivered to the Commission office. To prepare the minutes for binding, compile them in chronological order with no staples or paper clips. Divider pages and title sheets may be inserted to make the bound minutes and agendas more convenient for reference.

CONDUCTING THE MEETING

Conservation district board meetings should be conducted in a business-like and professional manner. Robert's Rules of Order and other parliamentary procedure guides are helpful to the Chair in conducting a board meeting. However, the Open Meeting Act always supersedes such guides.

Role of Directors In Board Meeting

Every board member should take an active part in the district's business and participate in discussion at the board meetings. In addition, each district director may chair special interest committees which function as a service to the board. The chair of each committee may be called on to give a report on the committee's activities at the board meeting.

Chair's Responsibilities

The Chair is the key to a good board meeting and must be prepared to:

- Assist district personnel in developing the agenda.
- Start the meeting on time and encourage all board members to be on time for the meeting.
- Limit the discussion to those items on the agenda during the meeting. The Chair should encourage each director to participate in the discussion but should not permit any individual to dominate the discussion, nor should the Chair dominate the discussion.
- Follow the agenda and be sure all items are covered and the discussion does not move to a new item before completing the current one, particularly if there is a motion on the floor.
- Determine whether visitors wish to be heard during the meeting and whether they will address a specific item already on the agenda or should be called on under "New Business."
- The Chair **must** always vote and may also chair a special interest committee.

Vice Chair's Responsibilities

In the absence of the Chair, the Vice-Chair assumes all duties and responsibilities of the Chair.

Secretary-Treasurer's Responsibilities

The Secretary-Treasurer of the board should work with the district secretary in preparing the financial statement for the month and may also be designated by the board of directors to sign checks. At the board meeting, (s)he should be called on to present the financial statement and answer any questions. The Secretary-Treasurer may also be assigned to oversee the development of the district budget. In some cases the district secretary may serve as Treasurer. The directors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property.

Actions of the Board

Any decision or act that results in expenditure of funds, establishes or changes policy, represents district opinion or approval, or causes an obligation of any kind on the part of the district requires official action of the board of directors in an open meeting.

The following suggestions are made to promote the directors' understanding of documents which are presented for action to be taken in the board meeting.

Approval of Minutes

The minutes are no an official, permanent record until they are approve and signed by the board. See previous section *Approval of Minutes* on steps to approve minutes.

Corrections or Amendments to Minutes

The minutes are a record of what actually occurred at the meeting. Corrections or amendments to minutes should make the record accurate, not change or "complete" an action. Changes or further actions should be considered under "unfinished business" at the next meeting.

A mistake in the minutes can be corrected by action of the board at the next meeting under "Minutes of the Previous Meeting." The correction should be included in the motion, such as, "C. Drake moved to amend the minutes of the previous meeting to show that the motion to accept the bid of Pro-Lawn Spraying Service was made by R. Smith, rather than A. Bentley, and to approve the minutes as amended." Indicate the correction by retyping the original minutes noting "as amended" next to the Chair's signature, or by attaching an amendment signed by the Chair to the front of the minutes.

Financial Statement

A detailed financial statement of all bank accounts and petty cash, including bank statements, and the allocation ledger, should be reviewed at each board meeting and made a part of the minutes.

In order to effectively review financial statements each month, the previous month's financial statement should be presented along with the current month's statement. As a management tool, a good idea is to have the financial statement from the previous year as well. To make it easy to compare, any copies of old statements should be clearly marked "COPY."

In reviewing the Financial Statement, the directors should consider the following:

- Compare statements to be sure that the last amount on the previous month's statement is the same as the first amount on the current month's statement.
- Compare deposits. They won't be the same but should be similar. Certain deposits, such as interest earned or claims for directors' meeting expense, may be received quarterly. The previous year's statement is a reminder of these kinds of items.
- Compare disbursements. The amount paid to employees for salaries should be approximately the same from one month to the next unless they are part-time workers whose hours fluctuate. Many other bills paid will be the same or nearly so as well. Question any major differences.
- EVERY MONTH look for the check showing taxes paid OR deposited. The district should pay employment taxes monthly. The list of disbursements should contain a check depositing the taxes to a bank every month.
- Be sure every check is accounted for. The last check on the previous month's Financial Statement should be the number that immediately precedes the first check number on the current Financial Statement.

- VOIDED CHECKS should be listed with disbursements and the ACTUAL check should be shown to the directors at the board meeting.
- PETTY CASH is discussed in Chapter 5. Petty cash must be accounted for with receipts and a running balance sheet. The check disbursement for petty cash will be shown on the financial statement. A copy of the petty cash balance sheet showing to whom the money was paid, the purpose, and the amount should be attached to the financial statement for approval by the directors with the financial statement.

Bills and Claims

The bills and claims must be approved by official action of the board in a board meeting. In reviewing the bills to be paid, the directors should not hesitate to question an unusual bill or one that seems higher than usual. "Bills" to be paid include salary. The amount of salary noted as paid in the Financial Statement listing of disbursements should match the amount of salary listed under "Bills to be Approved" from the previous month's Financial Statement. (In February, disbursements will include the salary approved to be paid in January.)

Claims for reimbursement must also be approved by the board of directors. Generally, a district will have no more than two or three claims per month. All items to be claimed from the district's allocation should be placed on one claim. However, a separate claim must be filed when claiming for an item that does not come from the district's allocation.

For each item claimed, documentation is required. For salaries, the documentation must consist of a *District Payroll Pre-Claim Summary*, Form OCC-5C, and a *Daily Activity Timesheet and Leave Record*, Form OCC-5B, for each employee, AND a receipted copy of the IRS coupon showing employment taxes paid and a copy of the check depositing the taxes in a local bank.

Review/Approval of Daily Activity Timesheet and Leave Record for Each Employee

The directors should review all leave, the nature of work that has been performed during the month, the number of hours worked and any overtime/compensatory time being carried forward by a non-exempt employee (see Chapter 6 for an explanation of overtime/compensatory time, exempt and non-exempt employees and the Fair Labor Standards Act). Exempt employees are not authorized compensatory time or overtime and therefore will not show compensatory time or overtime. Remember, leave cannot be used in advance. Accrued amounts are not available for use until the following month.

New Business

The Open Meeting Act prohibits consideration of anything that was not on the agenda at the time it was posted unless it can be considered as new business. The Open Meeting Act defines "new business" as business that was not known about or could not have been known about prior to posting of the agenda. To ensure that no question ever arises over the legality of the board's action, a copy of the agenda should be retained with the minutes of that meeting. In the event that new business does come up, any evidence that the business was not known about prior to posting the agenda

should be explained in the text of the minutes, or if the new business arises from dated correspondence, a copy of the correspondence should be attached to the minutes as an exhibit.

Personnel Actions

All decisions regarding personnel transactions must be reflected in the board meeting minutes for future reference. Include name, job title, date of employment, duties, hours, wages, sick and annual leave benefits and supervision. In addition, state whether an employee is to be full time or temporary/seasonal. A completed Form OCC-6A, *Terms of Employment*, may be attached as an exhibit in lieu of listing each of these items in the minutes.

Personnel matters may be handled in executive session in accordance with the Open Meeting Act, if necessary. However, motions and votes must be made publicly in the regular session and recorded in the minutes. Each vote must be recorded individually by name.

Approval/Cancellation of Cooperator Agreements/Plans

Approval and cancellation of district Cooperator Agreements and of Conservation Plans require official action of the board of directors and must be listed in the minutes by name and number, when applicable.

Contracts, Obligations or Legally Binding Agreements

Only the directors can enter into a legally binding agreement on behalf of the district and only by a vote in an open meeting.

EXAMPLE 4A

(Must be printed on district letterhead)

STATEMENT OF APPROVAL OF MINUTES

I certify that the minutes of the meeting held on _____, 20____,
were approved as written by a vote of the _____
Conservation District Board of Directors on _____, 20____.

Chairman, Board of Directors

Date

Attest



EXAMPLE 4B

(Must be printed on district letterhead)

STATEMENT OF APPROVAL OF AMENDED MINUTES

I certify that the minutes of the meeting held on _____, 20____,
were approved as amended by a vote of the _____
Conservation District Board of Directors on _____, 20____.

Chairman, Board of Directors

Date

Attest

CHAPTER 5

Financial Management

One of the major responsibilities of the district board is to efficiently manage district funds in accordance with state laws to provide the greatest service to the people of the district.

By law, all district records, including financial records, are open to the public for inspection during normal business hours.

Allocation of State Funds

The state legislature appropriates funds to the Oklahoma Conservation Commission each year for the conservation districts. The Commission makes a request for funds based on the Statement of Needs and Justification of Funds provided by the districts. Once the appropriation is passed by the legislature and is signed by the Governor, the Oklahoma Conservation Commission allocates a portion of the Field Services Appropriation to each of the 88 conservation districts. The Commission notifies the district of the amount of their allocation at the beginning of the fiscal year. Allocations to districts are made based on allocated personnel positions (an amount for each allocated position) and operating expenses.

Financial Statement of Needs and Justification of Funds

Each year by July 15, the district must submit to the Commission, a Financial Statement of Needs and Justification of Funds for the upcoming (not current) fiscal year. This document should detail the district's financial needs for continued and new funding and must include justification for the request. The Commission compiles the information received from all districts as a basis for the Commission's budget request which is then submitted to the Governor and the legislature.

In preparing the Financial Statement of Needs and Justification of Funds the board should begin by requesting funds for allocated personnel positions and operating expenses. Any requested increases in funds should have a detailed explanation.

An example of the format to be used in preparing your Financial Statement of Needs and Justification of Funds is located at the end of this Chapter.

District Budget

Based upon the allocation from the Commission and anticipated revenue from other sources, the district should prepare an annual budget. The budget should reflect the district's Joint Plan of Operations.

Allocation Register

Once the budget is set by the directors, the secretary should develop a register or ledger in which to track the district's allocation. Requisitions and claims for reimbursement must be deducted as they are incurred. The directors should be kept apprised of the district's allocation balance.

This document may be part of the district's financial statement to be considered at board meetings. The district may not claim reimbursement for funds in excess of its allocation, except for special needs or when an additional allocation is made to the district.

The Commission will provide districts with a quarterly summary of expenditures reimbursed by the Commission from the districts' allocation.

Locally Earned Funds

The Conservation District Law provides that a conservation district may "make available, on such terms as it shall prescribe, to landowners and occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings and such other materials or equipment as will assist such landowners and occupiers to carry on operations upon their lands for the conservation of renewable natural resources." (Title 27A, O.S., Section 3-3-105 (A) (6)). Under this authority, many districts operate services to earn money.

District locally earned funds are public monies and must be expended in keeping with the same laws and rules that apply to state funds. A general rule of thumb to use when determining whether an expenditure of locally earned funds is appropriate is "does the expenditure promote conservation and conservation programs of the district?" If the answer is "yes" then the expenditure can be justified.

Complete and accurate records and receipts must be kept of the expenditure of district funds since they are subject to audit by the State Auditor and Inspector.

The district's locally earned funds can be put to important use in promoting conservation. Many items that may not be reimbursed by the Commission, either because of legal or budgetary limits, can be legally paid for by the district. Some examples are:

- The cost of conducting contests that promote conservation.
- Scholarships or fees for students to attend special conservation events or programs such as the Boy Scouts Conservation Camp and a Forestry Camp.
- Actual cost for district directors, employees and other official representatives of the district to attend conservation meetings such as National Association of Conservation Districts or Oklahoma Association of Conservation Districts.
- Additional monthly or hourly pay to district employees (but not bonuses).

- Dues to organizations that promote conservation, such as Oklahoma Association of Conservation Districts and National Association of Conservation District.

Petty Cash

The district may have a "petty cash" fund. However, if the funds originally come from district earned funds, a record of expenditures and receipts must be maintained and the funds cannot be used except in accordance with laws governing expenditure of state funds.

Some district directors make a regular personal contribution to maintain a petty cash fund which can then be used as the directors see fit for food, flowers, awards, or gifts.

Authority to Obtain Grants and Loans

Districts do not have the authority to borrow money from banks, savings and loan associations, credit unions, or similar institutions. However, districts are authorized to obtain a loan or grant of any funds, property, equipment, or services which any state or federal agency or local governmental unit may be authorized to lend or grant for any of the purposes of the Conservation District Act. Districts may enter into such contract, loan agreement or other administrative arrangement as may be lawfully required in connection with any such loan or grant. In connection with such loan or grant, districts may pledge, encumber, or obligate any property or income of the district.

Several districts have borrowed money from the local industrial development authority or municipal trust authority as a way of obtaining funds to finance the purchase or construction of a new building. This type of financing is permissible.

Receipts and Expenditures Ledgers and Documentation

The secretary should set up and maintain a journal of receipts and expenditures for the fiscal year, showing district and state funds separately. Every receipt and expenditure should be listed in the ledger and should also be documented through invoices and receipts maintained in district files.

Operating Capital and Checking Account

Since the district's allocation is paid by reimbursement, the district must first pay expenses and then claim reimbursement. The district must maintain some operating funds in the district checking account to allow for conducting daily business while awaiting reimbursement. Districts should consider using interest bearing accounts which pay interest on a daily basis.

The district secretary will be responsible for maintaining accurate financial records for all accounts, including checking and savings accounts.

The board must also officially assign a board member to assist and oversee the secretary and to sign checks with the secretary. This may be the Secretary-Treasurer or the Chair of the board. Those authorized individuals must be bonded.

Reconciliation of the Bank Statement

The district secretary must keep the district check book current at all times and reconcile the check book with the bank statement each month. The reconciled bank balance, check book balance and monthly financial statement balance presented at the district board meeting should be in agreement. Form OCC-5A, *Reconciliation of Bank Statement*, may be used for reconciling the bank statement.

Investments and Interest Earned

Districts may invest locally earned funds in government insured programs such as certificates of deposit. Financial institutions are required by law to report all interest paid out. By statute the district is exempt from paying taxes on interest earned. The financial institution will request the district to provide a "tax exempt number." This number is the employer identification number which is used by the district in reporting employer taxes.

Penalty for Misuse of Public Funds

District personnel responsible for misuse of public funds will be prosecuted to the full extent of the law.

Paying Wages and Other Expenses of District Employees

Wages at the rate approved by the Commission for employees in allocated positions and certain other employee expenses are reimbursable. Additional pay and additional employees may be paid from locally earned funds. The following information applies to reimbursable and non-reimbursable wages and expenses.

Payroll Procedures

District employee payroll is to be paid by a district check and payment is to be made for services already rendered. Payment for payroll can be made either once a month or twice a month. If paid monthly, payment is to be made on the last working day of the month. If paid twice a month, half payment is to be made on the 15th (if the 15th falls on a weekend, payment is to be made on the Friday before the 15th) and half payment is to be made on the last working day of the month. Under no circumstances can an employee be paid in advance.

Daily Activity Timesheet and Leave Record

All district employees, both full and part time, must keep a *Daily Activity Timesheet and Leave Record*, Form OCC-5B. Employees must record work activities for each day while in pay status. At the end of the payroll period, the employee will sign the form which is used as a backup document for reimbursement of the payroll. The Commission will not process the payroll claim unless all information is completed, including the leave record and required signature. Directors should review the *Daily Activity Timesheet and Leave Record* before signing. The district secretary should retain signed copies of Form OCC-5B for the personnel files.

NOTE: Instructions for figuring annual and sick leave can be found in the Personnel Management Chapter. District employees must fill out Form OCC-6D, *Approval of Leave*, when taking leave of any type.

District Payroll Preclaim Summary

Form OCC-5C, *District Payroll Preclaim Summary*, for each employee and a district check for employees' share of retirement and employer's share of retirement on locally earned funds and any family insurance premiums due, must be mailed to the Oklahoma Conservation Commission on or before the last working day of the month. Since rates are subject to legislative change each year, districts will receive notice of rates by mail.

District payroll items to be paid to the Oklahoma Conservation Commission with a district check to be submitted along with your Preclaim Summaries are:

- Retirement: employee contribution on TOTAL SALARY INCLUDING LONGEVITY
- Retirement: employer contribution on LOCAL WAGE ONLY
- Insurance: employee payment for additional coverage only, including optional life, dependent life, health or dental.

A single district check should be made out to the Oklahoma Conservation Commission to cover items. **IMPORTANT:** The district's itemized summary will be the completed *District Employee Payroll Worksheet*, Form OCC-5D.

District Employee Payroll Worksheet

Salaries of all full-time employees who have been allocated 2076 reimbursable hours will be figured on 173 hours per month. If a full-time employee is on leave without pay during the month, use the following example to figure pay:

$$\text{Hours} = 8 \times \text{possible working days}$$

$$\frac{\text{Hours actually worked}}{\text{actual working hours in the month}^*} \times \text{monthly rate} = \text{Pay}$$

*To figure actual possible working hours in a month, multiply actual number of work days during the calendar month by 8 hours.

Example: $21 \times 8 = 168$

$$\frac{150 \text{ hours actually worked}}{168} = .89 \times \$1,000 = \$890$$

$$.89 \times 173 = 153.97 \text{ hours (154) shown on payroll}$$

Payroll is figured on Form OCC-5D, *District Employee Payroll Worksheet* as follows:

Gross Salary: Enter the gross salary (the number of hours worked times the hourly wage).

State Withholding: Figure State Withholding using "Oklahoma Withholding Tax Table" and enter the amount.

Federal Withholding (Social Security, Medicare and Federal Income Tax): Refer to "Circular E, Employers Tax Guide."

Net Pay: Add federal, state withholding and FICA, retirement and insurance and subtract from the gross salary to get the net pay. This is the amount of the check to be written to the employee.

NOTE: Federal and State Withholding and Social Security are to be paid by the district to the appropriate entities.

Retirement: Oklahoma Public Employees Retirement System (OPERS) bases eligibility on 1000 hours worked during the calendar year. An OPERS member who has worked over 1000 hours in a calendar year remains in the system regardless of whether the minimum 1000 hours is met in successive years, unless there is a break in service. Employer's contribution will be paid on ALL SALARIES as follows:

On reimbursable salaries from Oklahoma Conservation Commission, the employer's contribution will be paid by the Commission.

On salaries paid out of locally earned funds, the employer's contribution will be paid by the district. On Form OCC-5D, *District Employee Payroll Worksheet*, district-paid salaries are referred to as LOCAL wage. Employee's contribution will be figured on total monthly salary, both reimbursable and local wage.

Both employees' shares and employer's share of retirement due are to be forwarded to the Commission in one district check made out to the Oklahoma Conservation Commission. These checks will be deposited in a state treasury clearing account and subsequently paid by state warrant to the State Retirement System.

Deduct employee retirement contribution before figuring federal and state withholding taxes. On the district's payroll form this item will be labeled "Pre-Tax Gross Earnings."

Taxes and Retirement on Longevity Pay

When making longevity payments to an employee, state and federal income tax, FICA and retirement must be taken out. To figure income taxes and FICA, use the same procedure as for regular payroll. Make sure longevity payments are reported on the pre-claim form for the month in which the longevity is paid. Longevity payment and retirement withheld should be reported separately from the monthly wages.

* If the employee's monthly salary x 12, plus the longevity, is greater than \$25,000, contact the Commission office on how to figure retirement and withholding on the longevity.

Documentation for the claim for longevity payment to a district employee must consist of *District Employee Payroll Worksheet*, Form OCC-5D, and a letter using the format below signed by the chair and the employee.

To: Oklahoma Conservation Commission
From: Jones County Conservation District
Subject: Longevity Pay for (Employee Name)

(Employee Name) has been continuously employed at least 1,000 hours per year by this district without a break in service of more than 30 days since (date of employment). (Employee Name) received longevity payment in the amount of (amount), less taxes and retirement, on (date).
(Signatures)

Insurance

Premium for any family coverage carried by an eligible employee is deducted from the salary and paid to the Oklahoma Conservation Commission on a district check with the preclaim summary. (Insurance amounts to be withheld are sent to the employee at the beginning of each fiscal year.)

Employee Earning Record

Using the information on the completed Form OCC-5C, *District Payroll Preclaim Summary*, maintain Form OCC-5E, *District Employee Earning Record*, for each employee.

Travel and Other Expenses

Certain other employee expenses as listed in this section may be paid from local funds or allocated funds to the extent the district's allocated funds are sufficient to cover such costs. Except for mileage, the Commission will advise the district if expenses to attend a meeting called or sponsored by the Commission are reimbursable.

Regardless of whether travel expenses are paid from local funds or reimbursed by the Commission, Form OCC-5F, *Travel Claim*, should be completed, signed and retained as documentation of the expenditure or used as a backup document when claiming for reimbursement from the Commission.

Mileage

A district employee may be reimbursed for actual mileage at the current state rate when the driving is necessitated by the employee's job and no district vehicle is available. Under no circumstances is an employee to be paid mileage for driving to and from home.

Use map miles from the official state map. Actual miles in addition to the number shown on the official state map should be shown as vicinity miles on the form.

Meals

The board may reimburse an employee out of local funds for meals when it is a function of a meeting the employee is assigned to attend or when the employee is on overnight travel status on official business. The board may vote to reimburse for actual cost or to set an amount per day. This may be done on a case by case basis as meetings arise, or the board may adopt a policy regarding reimbursement for meals. The employee should always be advised in advance of any limits on reimbursement and use Form OCC-5G, *Expenses for Meals and Incidentals*, for reimbursement.

The reimbursement to the employee must not exceed actual cost to the employee or, under IRS rules, the employee will be required to pay income tax on the difference. A receipt must be attached to Form OCC-5-F, *Travel Claim*, for any item. The documentation must be retained in the district files.

Lodging

The actual cost of lodging may be paid when the employee stays in the hotel/motel where the meeting is being held. A copy of the letter of invitation showing the hotel rate and a program is required as backup documentation for lodging claims. When the employee must stay overnight but there is no meeting hotel/motel or the employee does not stay in the meeting hotel/motel, lodging may be paid at the current state rate. The same applies for out-of-state lodging.

Miscellaneous Fees and Expenses

If the Conservation Commission calls or advises the district of a meeting which requires a registration fee, the district will be advised as to whether such fees are reimbursable. Non-reimbursable fees are payable from locally earned funds. A receipt must be provided by the employee as backup documentation.

Other expenses associated with an employee's duties may be reimbursed out of locally earned funds at the discretion of the board. These items should be documented on the appropriate travel claims with receipts or sworn statements and retained in the district files.

Conservation district officials are entitled to reimbursement of actual expenses incurred in performing district business. For example, a district official may be reimbursed for meals that are a part of the meeting or that must be purchased individually when the official is out of town on district business.

Other than a district official, the only individual who may be reimbursed by the district for expenses incurred are those who are performing some kind of work or service for the district. Such arrangement should be made formal through official hire or under an agreement or contract. Entering into an agreement or contract with a district director's family is prohibited by nepotism laws.

Claims for Reimbursement

By law, the Conservation Commission cannot reimburse a district for anything until the district has expended money.

All claims for reimbursement from the Conservation Commission, whether from the district's allocation or from funds held in the Commission office, must be submitted on an OSF-3. Districts should submit a *Requisition*, Form OCC-7A, to the Commission to order a supply of OSF-3 forms.

The district should file one claim for reimbursement each month for a total of all salaries, regular bills, purchases, director's meeting expenses (quarterly), unemployment compensation (quarterly), etc. If the board meets within the first half of the month, claims can be approved the following month. If the board meets within the last half of the month, please have the current month's claims approved and submit to the Commission on the last working day of the month.

Each month must be claimed separately. (Do not put November and December salaries on the same claim. They must be submitted separately). Special expenses that do not affect the district's allocation are to be placed on a separate OSF-3 Form. Claims should be prepared just before a board meeting so they can be approved by the board and signed by the Chair at the meeting.

Reimbursable Items

Employee Salary and Other Expenses

Before the district can be reimbursed for an employee's salary, a current W-4 Withholding Tax Form and State of Oklahoma Loyalty Oath must be on file with the district office and a Notice of District Personnel Action, a Federal Form I-9, and a Terms of Employment must be on file with the Conservation Commission office.

The Commission will reimburse the district for the gross salary, plus the employer's share of FICA.

Other reimbursable employee expenses may be claimed only with documentation and under the limitations of allocation and rates.

Office Expenses

Reimbursement may be claimed for necessary office expenses including but not limited to the notary seal, monthly telephone charge, postage, and office supplies (not on state contract).

Equipment, Repairs, Parts and Maintenance

The Commission will reimburse the district from its allocation for repairs and maintenance of equipment purchased with either state funds or locally earned funds.

Special Expenses

Claims for reimbursement of expenses that do not affect the district's allocation, such as watershed maintenance, roadside erosion and longevity, are to be submitted on a separate OSF-3 Form. These expenditures must be approved in advance by the Oklahoma Conservation Commission.

Non-Reimbursable Items

The Commission cannot reimburse a district for any of the following items:

- Meals, food, or drinks, except when the registration fee for an approved meeting covers the cost of the meal(s)
- Awards or gifts to employees or other people
- Used equipment of any kind unless purchased from state or federal surplus property

Completing the OSF-3 Form

The OSF-3 Form is a three part form on "no carbon required" (NCR) paper. The following items must be completed on every OSF-3 Form submitted for reimbursement.

1. Fund -
2. Agency - 645
3. Order No. -
4. District name
5. District number - from Conservation District Numbers List
6. Account -
7. Subactivity - 00001
8. Object - 551700
9. Enter amount being claimed in four places
10. Enter item code number for each item claimed in numerical order
11. Type inventory decal number of the equipment for any maintenance or repair item claimed
12. Initial, date, and attach all appropriate and necessary documents. Do not forget IRS Form 8109 and *Daily Activity Timesheet and Leave Record* when claiming salary.

At the board meeting, complete the following:

- Original signature of Chair as claimant (no rubber stamps)
- Dated
- Signature of notary, expiration date, and notary seal

Fund, order, and account numbers will change each fiscal year. These changes can be found in the allocation letter mailed at the beginning of each fiscal year. One OSF-3 Form should be submitted with all reimbursable items each month.

Item Expenditure Codes

If there is no code for the item being claimed, leave the item blank and attach a note. When the claim is returned, make a note of the item code that was added by the Commission finance staff for use on future claims.

Back-Up Documents

A backup document is required for every item claimed on the OSF-3 Form. Maintain a copy of the backup document with the pending copy of OSF-3 in the district office. Every backup document must be approved, dated and signed by a district employee or a district director. The name of the district must also appear on the backup document. This may be handwritten if necessary.

Office Supplies, Equipment, Monthly Bills

A copy of the bill or receipt will serve as the backup document. If the receipt is not itemized by the vendor, a list of the items purchased must be written on the receipt. The name of the vendor must also appear on the receipt and may be written in by the secretary if necessary.

Under Title 62, Section 310.9, of the Oklahoma Statutes, every invoice submitted to a conservation district for payment of an architect, contractor, engineer, or supplier of materials of \$1,000 or more must have Form OCC-5H, *Non-Collusion Statement*, attached to the invoice.

Review the Procurement chapter of this handbook before purchasing anything (including services) that costs more than \$2,500.

Employee Expenses

Backup documents for salaries must consist of:

- *District Employee Payroll Worksheet*, Form OCC-5D
- *Daily Activity Timesheet and Leave Record*, Form OCC-5B
- Copies of the IRS Form 8109 and check showing employment taxes were paid. The quarterly report must accompany the claims submitted for salary for September, December, March, and June.

Backup documents for travel or mileage must be on Forms OCC-5F and OCC-5G.

Directors Claim For Meeting Expense

Conservation district directors are to be paid \$25 for attending the 12 regular district board meetings plus three other meetings as designated by the Oklahoma Conservation Commission. Payment to the directors and claims for reimbursement for the directors' meeting expense should only be handled quarterly. At the end of each quarter, each director is to be paid with a district check for the meetings attended during that quarter. Directors meeting expense is not considered wages therefore directors will not receive a W-2 or a 1099 at the end of the year.

Claim reimbursement for this expense on a regular monthly claim. The documents for this expense will be a completed, signed Form OCC-5I, *Claim for Meeting Attendance*, for each of the directors. After the last board meeting in the quarter, multiply the number of meetings attended by \$25.

If a district director dies before receiving compensation for attending board meetings, the check should be made payable to "The Estate Of" and the director's name and forwarded to his home to become part of his estate.

If no quorum is present for a regular board meeting, those directors who do attend may receive the \$25 board meeting expense.

Reminder: A recommended director is not eligible to receive board meeting expense until the appointment is approved by the Oklahoma Conservation Commission.

Agreements

When claiming reimbursement for funds under an agreement, a copy of the signed agreement plus receipts, invoices, and bills for funds spent under the agreement must be included as backup documents. Such claims must be submitted on individual OSF-3 forms.

Claims Against the Watershed Revolving Fund

Revolving funds can be used only to acquire real property for watershed projects, and only after approval by the Commission.

When claiming for reimbursement, the OSF-3 Form and backup documents are required. On the OSF-3 Form, however, do not fill in fund or account number.

Filing the OSF-3 Form

Make a copy of the front page of the completed OSF-3 Form and of the backup documents to be retained in the district office for reference until payment is received.

Attach the original backup documents to all three copies of the OSF-3 Form (white original, yellow and pink). Double check the addition, then double check all items. Be sure all backup documents are approved, dated and signed. At the next board meeting, have the Chair sign the OSF-3 Form. It must then be dated and notarized, the notary seal affixed, and mailed to the Commission office.

Receipt of Reimbursement

Once the OSF-3 Form and receipts reach the Commission office, the documents will be audited by the Commission Accounting Division, signed by the Executive Director, and submitted to the Office of State Finance for payment. The Commission Accounting Division audits an average of 500 claims per month so it may take up to a week under normal circumstances, for a district to receive payment. To avoid further delays, double check to see that all items are completed, figures are correct, and backup documents are approved and attached.

Payments to the district are paid by state warrant, which should be deposited in the district's bank account immediately. State warrants are void after 90 days. If the 90 days expires before the warrant is cashed, return the warrant to the Commission office to be reissued. In the event that a warrant is lost, contact the Commission office immediately.

Paying Taxes

The district must pay federal and state withholding, FICA (Social Security), medicare tax, state unemployment insurance, and sales tax (if the district sells any product) as required by law. The procedures for payment are outlined in certain publications as indicated in the following sections.

Federal Withholding Taxes, Social Security (FICA) Taxes, and Medicare Tax

Refer to Circular E, Employers Tax Guide (Publication 15, Revised each January) for complete details. Federal Withholding, Social Security (FICA) and Medicare Tax, both employee's share and employer's share, must be deposited together in a Federal Reserve Bank. Social Security payments are no longer sent to the State Contribution Fund. Make a copy of IRS Form 8109, Federal Tax Deposit Coupon, and have the bank cashier sign it as a receipt for the district files. This will provide a safeguard for the district in case the IRS records do not agree. Check with a local bank to see exactly how the depositing check should be made out. Include the district's federal identification number on the check. A copy of IRS Form 8109 and the check must accompany the claim for salary reimbursement.

FICA tax rates may change annually. Refer to IRS Form 941 reporting forms for effective rate.

Under \$500 - If at the end of the month the total taxes (Social Security, Medicare and Federal Withholding) are less than \$500, no deposit is required. The deposit may be carried over to the next month.

If at the end of the quarter, the total taxes owed is less than \$500, no deposit is required. The district has the option of paying the taxes to the IRS with Form 941 or depositing taxes by the due date of the return.

\$500-\$3,000 - If at the end of any month taxes due are more than \$500 but less than \$3,000, funds must be deposited within 15 days after the end of the month.

\$3,000 or more - Total taxes amounting to \$3,000 or more must be deposited within three banking days.

NOTE: The Oklahoma Conservation Commission encourages all districts to deposit taxes monthly because the IRS assesses a severe penalty as soon as the taxes due exceed \$500.

FICA (Social Security)

All employees, except contract labor, must pay social security. Refer to Circular E for both the employee withholding and the employer matching percentages for social security tax.

Medicare Tax

All employees are covered by medicare tax. Refer to Circular E for employee withholding and employer matching percentages for medicare tax.

Wages which qualify for medicare tax must be reported separately from social security wages.

Personal Use of District Vehicles and Equipment Subject to Employee Taxes

IRS regulations require \$3 be contributed to the employee's income when a district owned vehicle and/or equipment is taken home. This income must be reported on the employee's W-2 Wage Form and Tax Statement. Although federal and state withholding taxes are not deducted from the employee's wages at the time of the event, employee/employer FICA taxes must be withheld. Use Form OSF-201-85 "Quarterly Report of Tip Wages and Taxable Fringe Benefits" for reporting employee attributed income to the Commission.

FUTA (Federal Unemployment Tax)

Districts are exempt from payment of this tax.

Forms for Employees and/or Contract Labor

W-2: Form W-2 reporting total wages paid to the employee for the year, total federal, state, and social security taxes withheld must be furnished to the employee no later than January 31 each year.

1099-Miscellaneous: Form 1099-Miscellaneous must be furnished by January 31 to contract (not considered an employee) labor whose services to the district were paid in excess of \$600.

State Withholding Taxes

State withholding taxes are completed and filed monthly on **Form ITW0003 08-88-BT, "Oklahoma Employees Withholding Tax Return"**

For assistance and/or forms contact the Oklahoma Tax Commission.

Reminder: When completing reports such as Federal 941 forms or monthly state tax forms, wages reported are taxable gross wages. (Wages less retirement amounts and less any pre-tax amounts such as insurance and deferred compensation amounts deducted before taxes are figured on the payroll.)

Workers Compensation Insurance - District Employees

All districts are required to be covered by workers compensation insurance. All premiums and reports are handled by the Commission. If you receive any correspondence regarding workers compensation please contact the Commission office immediately.

NOTE: District directors are not covered by workers compensation insurance.

Workers Compensation Insurance - Contractors

Independent contractors or subcontractors are responsible for payment of workers compensation benefits to their direct employees, their subcontractors, and employees of their subcontractors.

When the district employs contractors, the district should request a Certificate of Insurance certifying that the contractor is covered by workers compensation insurance. If the contractor does not furnish a Certificate of Insurance, the labor will be considered district employees when computing the policy premium and the district will be charged a premium based on the contract price.

State Unemployment Insurance

The Oklahoma Employment Security Commission (OESC) assesses premiums, processes claims and pays benefits to eligibles.

Premiums are paid by the district to the OESC. Since these rates change yearly, the Commission office will notify the districts at the beginning of each calendar year of the amounts. The OESC will furnish the district with a form to be used to figure the amount due and instructions for making the quarterly payment. The district may claim for reimbursement quarterly, using the OESC form as a backup document.

Direct questions, claims and premium payments to the OESC.

Unemployment insurance is an employer tax to be paid by the district. No portion may be deducted from wages paid to the employee. Premiums are reimbursable from the district's allocation for all allocated positions.

Sales Tax Collected On Sales By District

Unless specifically exempt by Statute, sales made by the conservation district are subject to sales tax. All sales must be reported to the Oklahoma Tax Commission, whether or not a sales tax is collected.

Permit To Do Business

Conservation districts regularly engaged in sales must apply for a Permit To Do Business pursuant to Section 1364 of Title 68 of the Oklahoma Statutes. There is a \$20 fee for the permit which will be good for a period of three years. To obtain a new permit or to renew a permit contact the Oklahoma Tax Commission

Report of Sales Made by District

Section 1365 of Title 68 of the Oklahoma Statutes requires that each holder of a Permit To Do Business file a sales tax report on or before the 15th day of each month for sales made during the preceding month. The report must be filed even if no sales were made during the previous month or if none of the sales made were subject to sales tax.

A district with a permit and with total sales tax liability for any one month less than \$50 may request permission in writing to the Oklahoma Tax Commission to file semi-annual reports on January 15 and July 15 instead of monthly reports (Section 1365 (B) of Title 68 of the Oklahoma Statutes).

Casual or Occasional Sales

Districts who are not required to obtain a Permit To Do Business but who do have occasional sales should file sales tax reports as a casual remitter on or before the 15th day of the month for all sales made during the preceding month. If no sales are made during the month, no report would be filed in the succeeding month. Sales tax reports can be obtained from the Oklahoma Tax Commission, Business Tax Division.

Sales Exempt From Tax

Section 1358 of Title 68, Oklahoma Statutes (Supp. 1991) provides that sales tax will not be charged on the sale of agricultural products such as seed, chemicals, plants, or equipment to any person regularly engaged in the business of farming or ranching for profit. Proof of eligibility for the agriculture exemption from paying sales tax must be EITHER a valid motor fuel tax exemption permit (Section 509, Title 68 of the Oklahoma Statutes) OR a card issued by the Oklahoma Tax Commission which authorizes sales tax exemptions (Section 1358 of Title 68, Oklahoma Statutes). The agriculture exemption number should be documented on the conservation district sales receipt.

According to Attorney General Opinions, a conservation district is not required to collect sales tax on sales to another conservation district.

Ad Valorem Tax

According to Attorney General Opinions, a conservation district, as a political subdivision, is exempt from ad valorem taxes (Section 6, Article 10 of the Oklahoma Constitution).

Annual Audit or Compilation

The district's financial records must be audited every three years. A compilation must be conducted in the years when an audit is not conducted. The Commission has the authority to call for an audit instead of a compilation in "non audit" years. Every year the Conservation Commission will notify each district whether they are to have an audit or compilation.

Who May Perform the Annual Audit or Compilation

Audits and compilations must be performed by a licensed accountant. All licensed Public Accountants and Certified Public Accountants are registered with the State Accountancy Board. For a list of those in your area contact the State Accountancy Board.

The law forbids district directors, employees, or those connected with the district's operations and their relatives from performing the audit.

Procedure for Filing the Annual Audit or Compilation

The district audit or compilation must first be filed with the County Clerk. After the County Clerk has received and stamped the audit or compilation, a copy of the audit or compilation must be submitted to the Conservation Commission office by November 1 along with Form OCC-5J, *Filing of Annual Audit*. At least one copy should be maintained in the district files. As with all district records, the audit or compilation is open for public inspection during regular business hours.

Annual Net Worth Statement

Information needed to complete the *Annual Net Worth Statement*, Form OCC-5K, is secured from the district's annual audit or compilation and district records. The *Annual Net Worth Statement* for the fiscal year must be completed and submitted to the Commission office by November 1.

provides an excellent opportunity to contact all segments of the community. Soil stewardship information materials are provided to area churches. The district also sponsors a local speech, essay and poster contest for school age children.

- \$2000 Water Quality Monitoring Program - The district would like to initiate a monitoring program in the Big Little Creek Watershed to determine the benefits of implementing conservation practices in the watershed. Commission staff can assist the district in setting up the sampling stations and train district personnel to pull samples. These funds are needed to obtain the necessary equipment and pay for having the samples analyzed.
- \$3000 Roadside Erosion Project - The district inventoried sites for roadside erosion control projects last year and prioritized them based on public safety, the potential for stopping soil loss and effect on water quality. A total of 7 sites were identified. In fiscal year 2___, one project was completed at a cost to the district/Commission of \$1250. During fiscal year 2___, \$1400 was made available for another site. The next site needing repair and modification is a much larger one but is also critical. The cost for this project will be about \$6000. The County Commissioner has agreed to fund \$3000 if the district can obtain funding for the other \$3000.
- \$2400 Maintenance on Watershed Sites - Funds are needed to do regular maintenance and make occasional repairs to the 17 watershed sites in the district. A survey of the sites shows that a regular maintenance schedule would significantly reduce higher cost repair work. Two sites are currently in need of repairs at a cost of \$300 for one and \$600 for the other. Routine maintenance on the other sites will cost \$100-135 each per year.

TOTAL REQUEST FOR FISCAL YEAR \$49,882.03

Approved by the Board of Directors.

Chair

Date

CHAPTER 6

Personnel Management

The board of directors is responsible for the hiring, supervising, and terminating of employees. District employees are not state employees, but are employees of the individual conservation districts. Employment practices of the board are not regulated by the Office of Personnel Management. However, employees are to be hired on the basis of job requirements and individual qualifications, regardless of age, political or religious opinions or affiliations, race, creed, gender, color, national origin, or physical handicap.

The Oklahoma Conservation Commission has adopted policies and procedures which are designed to help the districts comply with employment laws applying to all public entities and to all public employers and to ensure the Commission's ability to fund employees' salaries and benefits.

While the board's involvement in day-to-day personnel management may be minimal, each director should review the entire section on personnel management to become familiar with the responsibilities, guidelines and requirements established by the Commission and/or other entities.

Job Titles

Every district employee must be in one of the following position categories:

- District Secretary I
- District Secretary II
- District Programs Coordinator
- District Manager
- Engineering Aide
- Equipment Manager
- Clerical Aide
- Education Coordinator
- Water Quality Specialist
- Unallocated Position (temporary/seasonal)

Position Allocations by Job Classification

Personnel positions are allocated to districts on the basis of classification as defined in this section. The policy of the Oklahoma Conservation Commission is that no district shall increase the number of employees whose source of pay comes from reimbursable funds, without prior written approval of the Oklahoma Conservation Commission.

Personnel Actions Requiring Prior Approval by the Commission

A district board can request an additional position or to increase the number of hours to be worked by an employee. Send a letter explaining the need for the position and outlining the district's current fiscal status and projected ability to pay for the position out of its current allocation and/or locally earned funds to the Executive Director of the Oklahoma Conservation Commission. No promotions, hires, or status changes should be made until written approval is received.

Prior approval is required to fill an allocated position if it is being vacated by a retirement, resignation or termination. The position may be filled by a qualified individual, either through promotion from another position within the district or by a new employee.

Personnel Actions Not Requiring Prior Approval by the Commission

Districts may hire employees without prior approval if 100% of the employee's salary and benefits are being paid from locally earned funds.

Recruiting and Hiring a New Employee

When the district needs to hire a new employee to fill a vacant allocated position, a written request (fax and e-mail will be accepted) for a Personnel Packet should be made to the Commission. The request should specify what position is being filled. This packet will contain information such as Job Description, Summary of Employee Benefits, and Sample Interview Questions, and all required forms that must be completed upon the hiring of any new employee. The board should make a public announcement, generally a newspaper advertisement, of the position to be filled at least two weeks in advance, so that applications can be accepted. The district office must make a reasonable effort to locate the best qualified person for the position.

The announcement should state the qualifications, duties and salaries of the position available and any evening or weekend work that may be required of the applicant, along with the time, place and manner of the application. If a test is required, the announcement should state where and when a test would be given and the scores which are needed to meet the position requirements. The local Oklahoma State Employment Service can handle the testing for the district and may also accept applications, test, and screen applicants for the district, upon request. The Oklahoma State Employment Service will then refer those applicants who met the necessary qualifications to the district board of directors for a personal interview.

References provided by the applicant should be checked by a board member, particularly if a letter is provided in lieu of a typing certificate for a secretary.

Hiring a new employee (or reinstatement of former employee, such as seasonal help) requires official action of the board of directors. When official action is taken by the board, the vote and all conditions for employment as agreed upon by the board and the employee needs to be recorded in the board's minutes. Use of a *Terms of Employment*, Form OCC-6A, will provide assistance in ensuring that all conditions are established.

Each district office should require personnel files for each employee. A copy of these files should be mailed to the Commission as back-up files.

Pay Increases

Pay increases from reimbursable funds can be given only upon promotion to a new position or when the legislature approves an increase for district employees. When the legislature approves an increase, the district's allocation for personnel will be increased by that amount. A *Notice of Personnel Action*, Form OCC-6B, and *Terms of Employment*, Form OCC-6A, must be completed and submitted to the Commission. A copy must be retained in the district's personnel files upon approval by the district board of directors and appropriate action is taken at the board meeting granting the increase. A new employee will not be eligible for a pay increase at the end of the probationary period unless it is paid entirely out of locally earned funds (including the employer's share of retirement).

Promotions

Should the board of directors decide to promote an employee, the district either should have sufficient funds available in their personnel allocation for the entire fiscal year or must pay the additional salary out of locally earned funds. If the district intends to request an additional allocation for personnel in order to promote an employee, a request must be submitted in writing along with justification for the promotion. No promotion should be promised or additional salary paid without approval of the Commission unless the additional salary is to be paid from locally earned funds.

Although some funds may be available for personnel during the final quarter of the fiscal year, the district cannot depend on any additional allocations for salaries. All qualifications must be met, written justification provided to the Commission, and Commission approval received by the district prior to claiming reimbursement for additional salary for a promotion. A *Notice of Personnel Action*, Form OCC-6B, and a new *Terms of Employment*, Form OCC-6A, must be completed and submitted to the Commission upon approval of promotion.

A limitation of no more than 10 percent has been set on the amount of increase that can be given to an employee upon promotion, and reimbursed fully by the Commission. Any amount above the 10 percent limitation, along with the additional FICA taxes and employer retirement contributions, will be paid entirely out of the district's locally earned funds.

FAIR LABOR STANDARDS ACT COMPLIANCE

The Fair Labor Standards Act (FLSA) recognizes two basic categories of jobs:

- Exempt - those employees not covered by the act
- Non-exempt - those employees covered by the act

The exempt category consists of those positions that can be categorized as executive, administrative or professional. The non-exempt category consists of all other positions.

The Commission has classified the following district positions as either exempt or non-exempt:

- Secretary I Non-exempt
- Secretary II Non-exempt
- Program Coordinator Exempt
- District Manager Exempt
- Engineering Aide Non-exempt
- Equipment Manager Non-exempt
- Water Quality Specialist Exempt
- Education Coordinator Exempt
- Temporary/Seasonal Non-exempt

Compensatory Time for Non-Exempt Employees

Overtime and compensatory time are accrued by workweek, not by pay period, and only with advance approval by the district board. Accrued compensatory time must be exhausted prior to annual leave. Non-exempt employees may be compensated for overtime work in one of the following ways:

Workweek Adjustment

Compensatory time at the rate of hour-for-hour must be given within the workweek it was accrued. For example, an employee who normally works from 8 a.m. to 5 p.m., Monday through Friday, and has worked 40 hours by 1 p.m. Friday, may be given time off from 1 p.m. to 5 p.m. on the Friday of that workweek. If Friday and Saturday are heavy workdays, the employee could take time at the beginning of the workweek.

Compensatory Time In Lieu of Workweek Adjustment

Compensatory time at the rate of 1-1/2 hours for every hour over 40 hours worked must be given to a non-exempt employee. Any balance of any unused compensatory time not taken within the specified time must be paid to the employee at the regular pay rate for the period in which it was earned.

Conservation districts are to restrict employees to a 40 hour workweek except in those cases where excessive hours of work are necessary due to additional activities or emergencies. Each district board of directors has the responsibility to determine the provisions of overtime pay and to control unauthorized overtime work. If the board authorizes overtime for non-exempt employees, the overtime payment must be paid from locally earned funds. **NO STATE FUNDS WILL BE USED FOR PAYMENT OF OVERTIME.** Also, retirement contributions are not paid on overtime hours.

Compensatory Time for Exempt Employees

Exempt employees are not entitled for overtime pay or compensatory time. However, the district board may vote to allow compensatory time to exempt employees on an hour-for-hour basis, one hour off for each hour worked overtime. The maximum compensatory time which may be accrued

is 240 hours. The hours must be taken within 180 days. This time period may be extended to an additional 180 days upon approval by the board of directors. Compensatory time must be exhausted prior to any annual leave. If exempt employees attend out of town meetings requiring overnight stay, only the time actually spent in the meeting would be considered overtime.

The board may, by vote, provide overtime payments for exempt employees. Any such payments must come from locally earned funds and are not reimbursable.

Agricultural Work Exempt from Overtime Payment

Section 13 9b, (12) of FLSA provides that the overtime pay provision does not apply to employees engaged in purely agricultural work, which includes farming, cultivation and tillage of the soil, growing and harvesting of any agricultural or horticultural commodities, forestry practices and any type of fish farming etc. Also exempt from the overtime pay provisions under this section are employees who operate or maintain ditches, canals, reservoirs or waterways not owned or operated for profit or operated on a sharecrop basis and which are used exclusively for supplying and storing of water for agriculture purposes. NOTE: The exception for agriculture work is not applicable if the employee does any office work, equipment repair, or moving of equipment from site to site.

DISTRICT EMPLOYEE BENEFITS

Leave Accrual/Accumulation Limits

An allocated employee may be granted annual and sick leave accumulated at a rate not to exceed that afforded to state employees as specified in the following tables. Eligibility and rates of leave must be stipulated by the board at the time of hire and noted on Form OCC-6A, *Terms of Employment*. A leave record must be maintained on Form OCC-6C, *Individual Leave Record*. Form OCC-6D, *Approval of Leave*, must be submitted prior to taking leave if possible.

Annual and sick leave accrual rates and accumulation limits are based on total service with the district. For purposes of leave rules, total service means total service as a probationary and subsequently permanent employee. Total service does not include periods of employment as a temporary or seasonal employee.

Leave Accrual

Leave accrues only when an employee is in pay status and cannot be taken in advance. Leave accrues on the last day of the month and may not be used until the following month. Accrual is based on full-time employment of 40 hours per week, 52 weeks a year. For part-time employment or for full-time employees on leave without pay status during the month, refer to Figuring Leave on Partial Months.

Temporary employees and other limited term employees are not eligible to accrue, use, or receive pay for sick, annual, or holiday pay.

The table below illustrates accrual rates for employees:

<i>YEARS OF CUMULATIVE SERVICE</i>	<i>ANNUAL LEAVE Accrual Rate / Accumulation Limit</i>	<i>SICK LEAVE Accrual Rate</i>
less than 5 years of service	10 hours per month / 30 days	10 hours per month
5 to 10 years of service	12 hours per month / 60 days	10 hours per month
10 to 20 years of service	13.33 hours per month / 60 days	10 hours per month
20 years of service or more	16.66 hours per month / 60 days	10 hours per month

Accumulation Limits

Employees with less than five years of service have an annual leave accumulation limit of 240 hours. Employees with more than five years of service have an annual leave accumulation limit of 480 hours. Employees may accumulate more than the maximum annual leave accumulation limits as indicated provided that such excess is used during the same year in which it accrues. There is no maximum accumulation for sick leave.

Types of Leave

Annual Leave

Annual leave is to be used for vacations, personal business and other time taken off not covered by sick leave or holiday provisions. Annual leave cannot be taken in advance. Accrued annual leave may be used for sick leave if an employee has exhausted all available sick leave. Holidays falling within a period of annual leave will not be taken off the employee's leave time.

Upon resignation or termination of an employee, the employee must be paid for accumulated annual leave up to the maximum annual leave accumulation limits shown in the schedule. Payments for excess leave above the accumulation limits in the above schedule cannot be paid to the estates of employees nor to employees who separate from the district. Such accumulations may be used for leave purposes only while the employee is continuously employed.

Sick Leave

Sick leave is to be used when employees are prevented from working because of sickness, injury, medical reasons (surgical, dental, optical examinations) or jeopardy to other's health if present at work. Sick leave may not be taken in advance. Sick leave cannot be used for annual leave. If an absence because of illness or injury extends beyond the sick leave accrued, such additional time may be charged to accrued annual leave. The board may require that the employee furnish medical statements of illness and treatment from the attending physician in order to qualify for sick pay.

If all accrued sick and annual leave are exhausted and the employee does not return to duty, the employee may be granted leave without pay or terminated at the discretion of the board. In case of

absence due to illness or injury, for which time is lost and Oklahoma State Workers Compensation benefits are received, sick leave can be granted unless prohibited by law.

If an employee leaves service from the district but is re-hired by a conservation district within two years of his/her last working day the sick leave amount may be reinstated.

Enforced Leave

A permanent employee may be granted time off from regular duties, with compensation, for absence necessary when some member of the immediate family or household requires the employee's care because of illness or injury, or in the case of death in the immediate family or household or in the case of personal disaster. That leave must be charged against the employee's sick leave and may not be granted in excess of accumulated sick leave. The number of days granted will be governed by the circumstance of the case, but in no event can it exceed 10 days (80 hours) per calendar year.

Family Leave

An eligible employee may be granted up to 12 weeks (480 hours) of family leave in a 12-month period for any Family and Medical Leave Act qualifying event. Those events include the birth of a child, the placement of a child for adoption or foster care, care for a child, spouse or parent who has a serious health condition, or a serious health condition of the employee.

Employees can account for time off by using accrued annual or sick leave, or can request leave without pay. Family leave rules specify that:

- Family leave must be taken within one year of the birth or placement of a child or as required to provide care to a dependent adult.
- Employees shall provide reasonable notice if possible.
- Whenever possible, employees must schedule the leave to accommodate the needs of the employer, if the need for leave is foreseeable and is medically feasible.

Employees requesting family leave should contact the Commission for further eligibility requirements and information.

Holiday Leave

Holidays may be granted in accordance with state law and the Governor's Proclamations as they are observed by the individual districts in accordance with workload and policies. Temporary employees and other limited term employees are not eligible for holiday leave.

The Oklahoma Conservation Commission will notify districts of holidays for each year. Some offices are also federal offices. Federal holidays differ from those of state offices; therefore, it is at the board's discretion as to which holidays to observe. Under no circumstances shall the number of paid holidays exceed the number designated by the State.

Military Leave of Absence

All officers and employees of the state or a subdivision of the state shall, when ordered by the proper authority to active duty or service in any branch of the United States Military, be entitled to leave of absence without loss of pay for 20 days during the calendar year. They also have the right of restoration to the former position.

Districts are not required to pay an employee for more than 20 calendar days of such leave of absence in any twelve month period. The twelve month period is based on the federal fiscal year.

The employee should be required to provide a copy of orders and that copy be attached to the employee's leave record. Leave with pay may be granted only during active duty.

Maternity Leave

Maternity leave may be granted on the same basis as any other leave for medical reasons. An employee may use both sick leave and annual leave. An employee who does not wish to exhaust all leave may be placed on leave without pay. If all accrued leave is used, then the employee will be placed on leave without pay.

Leave Without Pay

The district board of directors may approve a request from a permanent or probationary employee for leave without pay. The request must be in writing and must include the reasons for the leave.

Leave without pay cannot be approved for more than 12 months. However, an employee may request an extension before the end of the approved leave period. This request must also be in writing to the board.

An employee may return to work before the specified date of return if the board approves a written request from the employee to return earlier. If the employee fails to report for work on the specified date of return, the board may terminate the employee. The board may cancel leave without pay at any time and require the employee to return to work before the specified date of return. If an employee is absent from work without proper authorization, the employee may not receive pay for such absence and may be subject to termination.

Inclement Weather

The Commission recommends that the district board designate one member with the authority to authorize leave to district employees when weather conditions warrant. In this case, any leave time approved should be taken as enforced leave (charged against the employee's sick leave balance and cannot exceed the 80 hours limit in a calendar year), annual leave, compensatory leave, or allow time to be made up by employees within the workweek. In the event that the employee has or will exceed the 80 hours enforced leave limit, the employee must charge the hours in excess to one of the other types of leave.

Court and Jury Services

When, in obedience to a subpoena or direction by proper authority, a permanent employee appears on a regular work day as a witness or a jury member for the federal government, the state of Oklahoma, or a political subdivision, as a witness before a state board, agency or a commission, or as an expert witness in his/her capacity as a district employee, the conservation district must pay the employee regular wages. Payment by the court for serving on jury duty is not deducted from the employee's wages. When an employee is subpoenaed in private litigation by some party other than the federal government, the state of Oklahoma or a political subdivision to testify as an individual, the time absent must be taken as annual leave or leave without pay at the employee's discretion.

An employee who appears in court on his/her own behalf, must take annual leave. This includes the appearance in Worker's Compensation Court on his/her own behalf, but not if appearing as a witness for the district.

Leave Records

All district employees must fill out an *Approval of Leave*, Form OCC-6D, when taking leave of any type. This leave is then posted on the *Daily Activity Timesheet and Leave Record*, Form OCC-5B, and submitted to the Commission with the monthly salary claim. The district is to keep an *Individual Leave Record*, Form OCC-6C, which will provide a yearly summary of leave.

Figuring Leave

On a *Daily Activity Timesheet and Leave Record*, Form OCC-5B, record daily the employee's hours whether straight time, overtime, annual leave, sick leave, holiday, compensatory time or leave without pay. At the end of the month:

- Bring forward the balance from the previous month.
- Total the columns and transfer the leave information to the "Leave Summary" at the bottom of the form.
- Enter the amount of leave accrued at the end of the previous month.
- Total.

The final amount is the balance available.

Permanent part-time employees who are granted leave by the board will accrue leave in an amount proportionate to that which would be granted under full-time employment based on 173 hours per month.

Figuring Leave on Partial Months

If an employee is on leave without pay during the month or is a permanent part-time employee, use the following example to figure the leave accrued during the month.

$$\frac{\text{Number of Hours Worked}}{\text{Actual Working Hours/Month}} \times \text{Accrual Rate} = \text{Hours Accrued During Month}$$

Example: 21 days x 8 hours = 168 actually working hours in the month

$$\frac{150 \text{ hours actually worked}}{168} = .89 \times 10 = 8.90 \text{ hours accrued for the month}$$

Leave Sharing

Conservation district employees may give annual or sick leave to other conservation district employees under the following guidelines:

- Conservation district employees may donate leave to and accept leave from other conservation district employees only, by completing the appropriate forms obtained from the Oklahoma Conservation Commission.
- Requests to solicit leave must be approved by the board and the "Leave Recipient Request" form must be signed by a board member.
- Leave can be donated only to a district employee who is suffering from or has a relative suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment.
- The receiving employee may be required to provide physician verification.
- Annual and/or sick leave can be donated.
- The receiving employee must be out or almost out of all types of leave due to extraordinary circumstances.
- The circumstances must have placed the receiving employee in a position of going on leave without pay or terminating employment.
- Employees can receive no more than 261 days of leave during employment with the district.
- The donating employee cannot cause his/her annual and/or sick leave balances to fall below 80 hours.
- The donating employee cannot donate leave that would otherwise be lost due to exceeding the accumulation limit.
- Leave will be prorated by the Oklahoma Conservation Commission to account for differences in salary.

- Donated leave may be used only for the incident specified in the request for leave. Unused donated leave must be returned to the donor.
- Donated leave must be given voluntarily.

An employee who needs leave and meets the requirements outlined above may contact the Conservation Commission to request a *Leave Recipient Request* form. Other district employees will be advised of that need and will receive a *Leave Share Donator* form. The Commission will take care of the prorating calculation and advise of any adjustments to be made.

Longevity

Eligibility

District employees who have been continuously employed for a minimum of two years, working more than 1,000 hours a year, are eligible for an annual longevity payment based on the schedule set by the legislature. A break in service of more than 30 calendar days will mark an end to continuous service. An employee reinstated or rehired after a break in service must be continuously employed for two years to become eligible and to get credit for prior service.

Service Credit

Cumulative full-time or part-time employment working more than 150 hours per month with the district counts for service credit. Part-time employment, working 150 hours or less, also counts for service credit if the period of employment was continuous for at least 5 months and the person worked more than two-fifths time during the period.

Service with another conservation district, with a state agency, or with a public school **may** count toward service credit for longevity. Contact the Commission office to determine eligibility. Service with NRCS or other federal agencies does NOT count toward longevity payments. No period of employment with the district or another agency or school, whether with one or more such entity, shall be counted as more than full-time service.

Periods of non-paid leave status in excess of 30 days will not mark a break in service but will extend the anniversary date by the total period of time in non-paid status. Leave without pay due to an illness or injury arising out of, or sustained in the course of, employment with the district will be counted as service.

Leave without pay in excess of 30 days taken prior to the most recent entry on duty will not extend the anniversary date but will not count as service.

Due Date

Eligible employees will be paid a lump sum annual payment anytime after the first of the month following the anniversary date of their most current entry on duty date with the district. Employees will then receive payments annually, provided there are no changes in eligibility status.

Payment Schedule

Use the following table to determine longevity, based on employment of 1000 hours or more per year, for the first 20 years of continual service:

YEARS OF SERVICE	AMOUNT
At least 2 years but less than 4 years.....	\$ 250
At least 4 years but less than 6 years	\$ 426
At least 6 years but less than 8 years.....	\$ 626
At least 8 years but less than 10 years.....	\$ 850
At least 10 years but less than 12 years.....	\$1,062
At least 12 years but less than 14 years.....	\$1,250
At least 14 years but less than 16 years.....	\$1,500
At least 16 years but less than 18 years.....	\$1,688
At least 18 years but less than 20 years.....	\$1,900
20 years or more.	\$2,000

Note: For each additional 2 years of service after the first 20 years, \$200 shall be added to the amount shown in the table for 20 years of service.

The total amount of the annual longevity payment made to an employee by any and all conservation districts and state agencies in any year cannot exceed the amount shown on the table corresponding to that employee's years of service with the district.

Retirement

To become vested for normal retirement benefits, an employee must have been a member of the Oklahoma Public Employees Retirement System (OPERS) for 8 years. An employee who resigns prior to the required 8 years and wishes to withdraw the employee's share contributed to OPERS should contact the Oklahoma Conservation Commission for an OPERS Application for Withdrawal.

An employee who is planning retirement and who is eligible for benefits should contact OPERS for an *Application for Vested Benefits*. However, if an employee is 62 years of age and has 6 years of service, he could be eligible to retire.

An employee must give at least 60 days notice to OPERS if planning to retire. Contact the Financial Management and Human Resources division for an OPERS *Application for Retirement*.

Standard of Conduct and Ethics

Employees are expected to fulfill the duties of their position and to behave at all times in a manner befitting the position. In performing official activities, employees must pursue the common good, and not only be impartial but act so that there can be no question of impartiality.

Employees must not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible, or in conflict with their duties or with the duties, functions, or responsibilities of the district by which they are employed.

Employees must devote full-time attention and effort to the duties and responsibilities of their position during assigned hours of duty.

District Employee Restrictions

District employees are prohibited from:

- Directly/indirectly soliciting/ accepting any compensation, gift, loan, entertainment, favor or service given for the purpose of influencing employees in the discharge of their duties.
- Using their official position to solicit or secure special privileges or exemptions for themselves or others.
- Disclosing or offering to disclose confidential information acquired by reason of their official position to any person, group or others not entitled to receive such confidential information, nor shall they use such information for their personal gain or benefit.
- Receiving or soliciting any compensation, i.e. bribe, kickbacks.
- Accepting or soliciting additional employment or responsibilities which would impair their independence of judgment in the performance of their public duties.
- Selling, offering to sell, or causing to be sold goods or services to the district, either as an individual or through any business enterprise in which they hold a financial interest, goods or services to the district.

Dress Code

Employees should dress appropriately for the day's work and with respect to the position held. District directors may establish a dress code by taking official action at a board meeting and recording it in the minutes.

Sexual Harassment

Sexual harassment is discrimination on the basis of gender (sex). No officer or employee of any agency shall permit or engage in sexual harassment or in sexual discrimination. Unwelcome sexual advances, requests for sexual favors, and verbal, graphic or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Employee Grievance

Grievances are complaints from employees charging that their employment has been directly and adversely affected by unfair treatment, unsafe working conditions, or erroneous or capricious interpretation or application of policies or procedures or the law.

District employees must be given the right of grievance with their supervisor and/or the board of directors for any problems or concerns they have regarding their workload or their work environment. A grievance must concern a matter which is subject to the complete or partial control of the board of directors.

The employee's supervisor has the responsibility to resolve problems fairly to the employee and to the district. If the employee's supervisor cannot or does not resolve the grievance to the employee's satisfaction, the employee is entitled to a meeting with the board of directors of the district. The meeting is held in Executive Session and must be placed on the posted agenda in advance as required by the Open Meeting Law. The board must attempt to resolve the grievance fairly and equitably to the employee and to the district. District boards are advised to contact the Commission prior to meeting with an employee to discuss a grievance.

CHAPTER 7

PROCUREMENT

State laws govern the procurement of supplies, equipment, furniture, and vehicles by a district. It is unlawful for a district to purchase goods and services from a district directors or district employees. It is also unlawful for district directors to award a contract to their relatives within the third degree by blood or marriage.

DISTRICTS EXEMPT FROM PAYING SALES TAX

Districts are entities of state government and therefore do not pay state or city sales tax. You can request a letter from the Commission Accounting department stating the district is exempt from sales tax by Title 68 O.S. 1991 Section 1356 (A).

PROCURING SUPPLIES AND EQUIPMENT

In order to procure supplies and equipment on state contract that will be deducted from the district's allocation, the district must adhere to the following procedures outlined in the sections below. Failure to do so will disallow reimbursement from the district's allocation.

Supplies and equipment may be purchased locally or through the Commission office. The State of Oklahoma annually awards contracts for equipment and supplies that are available for use by districts and can provide for savings on many items. A listing of these contracts will be provided to districts each year in the month of July.

Supplies and Equipment on State Contract

To purchase supplies and equipment on a state contract, Form OCC-7A, *Requisition*, must be completed and mailed to the Commission. It must be noted on the requisition form what funding will be used to purchase the requested items. When the district receives items, the order should be checked for completeness and accuracy. Any discrepancies should be provided to the Commission as soon as possible. A copy of the requisition form with costs and amount deducted from the district's operating expense account will be provided to the district. If funds are not available in the district's operating expense account, the original invoice will be provided to the district with payment to be made from the district's locally earned funds.

Supplies and Equipment Not on State Contract

Supplies and equipment not on state contract should be purchased locally to save the cost of postage and shipping. If supplies or equipment are not available locally, submit Form OCC-7A, *Requisition*

to the Commission office. It must be noted on the requisition form what funding will be used to purchase the requested items. When the district receives items, the order should be checked for completeness and accuracy. Any discrepancies should be provided to the Commission as soon as possible. A copy of the requisition form with costs and amount deducted from the district's operating expense account will be provided to the district. If funds are not available in the district's operating expense account, the original invoice will be provided to the district with payment to be made from the district's locally earned funds.

Price Quotations

When purchasing locally and the acquisition is for an amount more than \$2,500, the Commission suggests the district solicit price quotations for the acquisition from three or more vendors. Upon request, the solicited vendors should be allowed a minimum of twenty-four hours in which to prepare and solicit their bids.

The acquisition must be made from the solicited vendor providing the lowest and/or best quotation. If the acquisition is not made from the vendor providing the lowest price quotation, a written explanation must be maintained on file by the district.

Records and Documentation

Keep a record of each acquisition completed under these rules and documentation on file to verify compliance with these rules. Each record must include:

- A description of the goods or services included in each purchase.
- The name, address, and telephone number of each solicited vendor.
- The date, time, and amount of each quotation, the name of the person providing each quotation, and the name of the person receiving the quotation.
- A copy of the contract or other encumbrance document used to execute the purchase.
- A copy of the district's written explanation for an acquisition not made from the bidder providing the lowest quotation.

Maintaining Equipment Inventory

All equipment costing \$500 or more must be included on the district's inventory. If state funds are used for the purchase of the equipment, a decal will be provided by the Commission to be placed on the item.

PROCURING SERVICES

Contracts and Agreements for Special Projects

Before entering into a contract or agreement that will involve the expenditure of state appropriated funds, for any purpose and for any amount, the district must secure the approval of the Commission.

Competitive Bid Requirement

Contracts and agreements paid with state funds are subject to the competitive bid requirement. No purchase or contract can be made in excess of \$2,500 without first securing competitive bids. This applies to the total cost of the purchase, contract or project. Splitting purchases for the purpose of evading the requirement of competitive bidding is a felony. For example, if a district wishes to fence a watershed site, it is not legal to purchase fence posts for \$1,500 from one supplier, wire for \$1,000 from another, and staples for \$200 somewhere else, as the total cost of the project exceeds \$2,500.

This requirement applies to purchases made by the district under an agreement that has already been approved by the Commission, but does not apply to items which are on state contract.

Before the Commission can approve the contract or agreement, the district will be asked to submit a detailed description of the services to be performed, work to be done, or specifications for equipment and/or materials to be purchased. Since the Commission will provide this information to the Oklahoma Department of Central Services to be used in securing bids, the information should be as detailed as possible. The district should also, if possible, provide an estimate of the cost. Information provided may include a preferred local vendor as well.

SURPLUS PROPERTY

State Agency for Surplus Property

State funds, as well as locally earned funds, can be used to purchase used property available from Surplus Property Division of the Oklahoma Department of Central Services. If the district needs a particular piece of equipment and used equipment is suitable, a *Surplus Property Item Want List*, Form OCC-7B, should be completed and submitted to the Commission. The Commission will have the request placed on the want list maintained by the Surplus Property Division. The Surplus Property Division will notify the Commission when the item is available, at which time the district will be contacted.

Letter of Authorization

When the requested item does become available, the district must name an individual who is authorized to pick up surplus equipment for the district. The Commission will then provide the district with a letter authorizing that individual to pick up the equipment. This letter must be presented by the authorized individual when arriving at the Surplus Property Division Lot in Oklahoma City.

Picking Up Equipment

Once notified that the equipment is available, the district has 14 working days to pick it up, after which it is offered to the next agency on the want list. If the district representative looks at the equipment and does not feel it will suit the district's needs, there is no obligation to purchase. Likewise if the district representative looks at the equipment and wants to consider further before purchasing, it will be held by the Surplus Property Division for 14 working days before being offered to the next agency on the list.

If the district so desires, the Commission will look at the equipment to determine the condition and will advise the district whether the equipment is in usable or repairable condition before the district sends a representative to Oklahoma City. It is the responsibility of the district to transport Surplus Property Division equipment from Oklahoma City to the district.

Payment

Once the district picks up the equipment, the Surplus Property Division will send the invoice to the Commission. The Commission will forward a copy of the invoice to the district requesting that a district check for the full amount of the invoice be made out to the Department of Central Services and sent to the Commission within 30 days of receipt of the equipment. The Commission will then transmit the check to the Surplus Property Division.

Use of Surplus Property

By law, all items secured from the Surplus Property Division are "compliance." This means that items with acquisition cost of less than \$3,000 must be put into use by the district within one year and must be used for a period of at least one year. All vehicles, regardless of cost, and items costing \$3,000 or more must be placed in use within one year and used at least 18 months.

Decals

Title 74, Oklahoma Statutes Annotated, Section 110.1 requires that every piece of equipment costing \$500 or more purchased partially or entirely with State funds be properly marked with a decal, which will be provided by the Commission when the purchase is made. The decal must remain visible on the equipment. If a piece of equipment or furniture is painted, do not paint over the decal number.

District Equipment Inventory

The district and the Commission must maintain an inventory of non-expendable equipment purchased either in full or in part with state funds and costing over \$500. In July, the Commission will request verification of the district inventory maintained in the Commission office. A copy of the inventory will be mailed to the district for verification.

An inventory of all equipment acquired with locally earned funds must be maintained by the district employee assigned to oversee it. Directors should verify the inventory at least once a year.

DISPOSITION OF EQUIPMENT

Equipment Purchased From State Funds

Equipment purchased in full or in part from state funds (reimbursed from the district's allocation or by the Commission) may only be disposed of by the Department of Central Services. This includes equipment in working, broken, or unsalvageable condition.

To dispose of such equipment, a *Request to Dispose of Equipment*, Form OCC-7C, must be submitted to the Commission. The Commission will then contact the Department of Central Services who will offer the used equipment to other state agencies. If the item is not sold or transferred to another state agency, the Department of Central Services will then offer the items to the public by invitation to bid. If the item is sold by public bid, the Commission will advise the district who is to pick up the item and whether the individual has already paid for the item or if the district should collect payment. In the event that the district is to accept the payment, it must be in the form of a money order or cashier's check made out to the Oklahoma Conservation Commission. All money collected must be forwarded to the Commission.

Equipment Purchased from Locally Earned Funds

Equipment purchased from locally earned funds should be disposed of by first offering it for sale to other conservation districts through the Commission newsletter. If it does not sell in this manner, it should be advertised for sale locally to the general public and bids should be accepted. A district director, district employee or NRCS employee should be allowed to purchase a piece of district-owned equipment only if this procedure is followed and the director or employee is the high bidder.

Stolen Property

If a piece of equipment, purchased either partially or entirely with State funds is stolen, the district must first notify the local authorities to have a police report completed. The district must then submit a copy of the police report accompanied by a letter requesting that the property be removed from inventory. Remove the item(s) from inventory only after receiving authorization from the Commission.

VEHICLES

Federal Excise Tax

Because districts are government subdivisions, they are exempt from paying the federal excise tax on motor fuel. The distributor may require that the district provide a completed Internal Revenue Service Form 637, *Registration for Tax Free Transactions under Chapter 31 and Chapter 32 of the Internal Revenue Code*.

State Excise Tax

Districts are not exempt from paying state excise tax on motor fuel.

Vehicle Tags

Districts are a governmental subdivision of state government and are eligible for a State Tax Exempt License Tag. State Tax Exempt License Tags may only be secured from the Commission by submitting a *Requisition*, Form OCC-7A, and a copy of the title to the vehicle. Districts must pay the Title Transfer Fee to the local tag agency. Districts are also eligible for state tax exempt boat tags.

State Tax Exempt License Tags do not have to be renewed and can be transferred to another district vehicle when the old one is sold.

Vehicle Safety

Vehicles licensed in Oklahoma are no longer required to be inspected yearly. Although this requirement has been removed, all district owned vehicles and Commission owned vehicles on loan to a district should be maintained in a safe working condition.

Vehicle Insurance

All district owned vehicles are required to be covered under a liability insurance policy to be purchased by the district. Replacement coverage is not required. The need for replacement coverage should be made by the district board based on the value of the vehicle.

CHAPTER 8

District Services and Programs

DISTRICT SERVICES

In many cases, districts provide services to cooperators that are not available elsewhere. Typical district services include rental of equipment, sale of grass seed, bermuda grass sprigging and sale of irrigation supplies. District services are available to all individuals regardless of age, political or religious opinions or affiliations, race, creed, gender, color, national origin or physical handicap. The following information outlines some of the restrictions involved in various services.

Rental of District Equipment

Districts should protect themselves in every way possible against liability lawsuits in the rental of district equipment. Districts may use Form OCC-8A, *Agreement for Equipment Rental*, which includes a hold harmless clause. District boards should annually set rates that are competitive with private vendors.

Herbicide or Pesticide Spraying

Districts are considered subdivisions of the state, and spraying herbicides and pesticides may be written within the scope of the district employees' duties. Conservation district employees will need to test and become certified as a non-commercial applicator. The non-commercial applicator certification requires the successful completion of at least two examinations: The “core” exam and at least one category exam. Conservation district employees need to take the right-of-way category exam. There is no charge to governmental agencies for these exams if the employee is taking them in the discharge of their official duties.

If a landowner is charged for the application, it is considered commercial spraying even though districts are a branch of state government. If the district applies any herbicides or pesticides for hire or compensation, the local office will need to be commercially licensed and have a certified applicator for each of the categories in which they work. If you have questions, call the Oklahoma State Department of Agriculture (OSDA).

If the district is not charging a fee but is applying RESTRICTED USE PESTICIDES, the district will need a noncommercial license and a certified applicator. If the district is not charging for the application and only GENERAL USE PESTICIDES are applied, a license or a certified applicator is not required.

The OSDA recommends that districts obtain a license and become a certified applicator. To become a certified applicator, contact the OSDA for information on testing dates and times. The local County Extension office should have the materials needed to prepare for the test.

Attorney General's Opinion:

Questions: Must a district obtain a bond to secure a permit to use herbicides or insecticides?

Opinion: A conservation district is not required to obtain a bond for the purpose of securing a permit to use or apply herbicides or insecticides.

Seed Liability

Districts which distribute seed should be aware of the following restrictions:

Districts must have a tag on seed guaranteeing the contents of the bag. If districts buy seed from a manufacturer, the manufacturer's tag will contain the necessary information and districts need not do anything further. If districts grow their own seed, they must tag the seed bag guaranteeing the contents by including the information received from the laboratory analysis report. The district's name and address must be listed on the bag.

The laboratory report will give the amount of:

- Pure seed
- Inert matter (i.e. dirt, sticks, etc.)
- Other grass or crop seed in amounts less than 5 percent
- Percentage of weed seed
- Actual numbers per pound of noxious weed seed (29 weed species are considered noxious)
- Percentage germination and firm seed (seed that has taken up water but has not germinated and after a certain length of time may break dormancy)

The germination is good for nine months. The purity is good forever unless the seed is altered by, for example, putting two bags together.

The OSDA suggests that, in order to get a good uniform sample, seed be taken from 10 to 12 areas in the bin (not just the top).

Oklahoma seed companies do not put any limitation of warranty on their tags. The district may provide a *Notice to Buyer-Limitation of Warranty*, Form OCC-8B, for the purpose of deterring a lawsuit.

Retail and Wholesale Seed Dealer Licenses

As a service to seed distributors, the district may provide applications for an Oklahoma Seed License. A copy of the application has been sent to all districts. Additional applications may be duplicated on the district's copy machine, or ordered from the OSDA.

Applications for an Oklahoma Seed License expire June 30 of each year, except retail license stamps for packet vegetable seed racks or stands which are issued on a calendar basis. Any license issued may be revoked by the State Board of Agriculture upon satisfactory proof that the license has violated any of the provisions of the seed law.

Gopher Bait

The Commission advises the best and safest method for the sale and use of gopher bait from a legal liability standpoint would be for districts to simply rent mechanical burrow builders (gopher bait machines) and NOT sell any type of gopher bait. The person renting the machine could obtain gopher bait from another source. Liability and restrictions regarding the sale and use of gopher bait are enumerated below.

1. Through the Environmental Protection Agency's pesticide registration process, gopher bait is classified either as RESTRICTED USE or non-restricted use (general use).
2. RESTRICTED USE bait is clearly marked "RESTRICTED USE PESTICIDE" and has label directions for use with mechanical burrow builders. RESTRICTED USE bait can only be purchased and used by a certified applicator (either a private applicator or an applicator certified in the agricultural plant category). RESTRICTED USE bait can be sold only by a permitted Restricted Use Pesticide Dealer.
3. Non-restricted use bait can be purchased and used by any individual provided use complies with label directions. Non-restricted use gopher bait has a label prohibition against product use with a mechanical burrow builder. A district that sells non-restricted gopher bait and rents a mechanical burrow builder is promoting product use inconsistent with label directions. Using a pesticide in a manner inconsistent with its labeling is a federal and state law violation.
4. If a district buys bulk quantities and sells small quantities from that bulk package, EPA considers that to be repackaging. The district is considered a producer and must comply with EPA regulations regarding the production of pesticides. Detailed record keeping and reporting are required.
5. If, however, the district buys bulk quantities of RESTRICTED USE gopher bait, puts that bait into a calibrated mechanical burrow builder, and rents that equipment to a certified (private) applicator, the district would not be considered a "producer." However, the process of mixing and loading are aspects of pesticide use. The district should have a non-commercial license in the agricultural plant category and the individual leasing the equipment loaded with bait should be a certified (private) applicator. The district should also provide a copy of the gopher bait label to the individual leasing the loaded equipment.

Recommendations to Districts Regarding the Use and Sale of Gopher Bait

1. Do not sell any gopher bait with a RESTRICTED USE PESTICIDE label.
2. Do not sell any pesticide with a strychnine content greater than or equal to 0.50 percent.
3. Buy bulk quantity gopher bait only to pour into gopher machines that are to be rented to cooperators.

4. On all receipts given for the sale of gopher bait, have the following statement:

"I, the undersigned, agree to read and follow the label directions in the use of this product and further agree to obey all applicable federal and state laws.:

Signed: _____

Printed Name: _____ Date: _____

Pollution Complaint Assistance

The Conservation Commission has the statutory responsibility to track and maintain a database on all pollution complaints filed by citizens of Oklahoma. While conservation districts have no regulatory responsibility for investigating or acting upon pollution complaints, they can provide assistance to citizens who desire to file a complaint.

District personnel may assist citizens wishing to file a pollution complaint by providing them with the *Pollution Complaint*, Form OCC-8C. The complainant should also be advised to contact the state's Pollution Complaint Hotline (800.522.0206) maintained by the Oklahoma Department of Environmental Quality.

The Conservation Commission will periodically provide districts with information about pollution complaints filed within their district boundaries.

DISTRICT PROGRAMS

Conservation Cost-Share

Oklahoma's state-funded conservation cost-share program provides financial assistance, through cost-share payments to landowners, to apply soil and water conservation practices. The purpose of the program is to help improve water quality and control soil erosion in the state.

Local conservation districts select conservation practices that best meet local needs. Districts also establish cost-share rates, signup periods, and application ranking procedures. They take applications and work with landowners to ensure they receive technical assistance, and help to complete necessary paperwork for payment. Technical assistance for these practices is provided to landowners free of charge by the USDA Natural Resources Conservation Service (NRCS).

Additional information about the administration of the program can be found in the Conservation Cost-Share Program Handbook.

Information

Brochures

Conservation brochures are available through several sources including the Conservation Commission, Natural Resources Conservation Service (NRCS), Soil and Water Conservation Society (SWCS), National Association of Conservation Districts (NACD) and the Oklahoma Department of Wildlife Conservation. For information about brochures available through the Commission, contact the Commission's Information Officer.

The NRCS provides each district office with a complete list of its pamphlets and brochures. If you have any questions concerning NRCS publications, contact the NRCS State Office in Stillwater.

SWCS has publication lists and order forms available by calling 515/289-2331 or (for orders) 1-800-THE-SOIL or write to 7515 Northeast Ankeny Road, Ankeny, Iowa 50021-9765.

NACD has several information and education publications available for conservation districts to order. All Soil and Water Stewardship Week materials are available through NACD. Contact the NACD Service Center.

The Oklahoma Department of Wildlife Conservation has several publications suitable for distribution by conservation districts. For a publications list, write them at P.O. Box 53465, Oklahoma City, Oklahoma 73152 or call 405/521-3851.

Conservation Comics

Conservation comic books suitable for students are available through SWCS and NACD.

Awards and Promotional Items

Conservation districts may contact the Commission office to check on the availability of local service-related awards for district directors or district personnel. The NACD Service Center specializes in similar awards and also offers a wide range of award plaques and promotional items.

Displays

Table-top displays are periodically available through the Conservation Commission. Request for a display must be made well in advance and availability is always on a first-come-first-serve basis due to the limited number. Assistance designing exhibits and displays is also available through the Commission. Contact the Commission office for more information.

Conservation Contests

The OACD handbook outlines the annual conservation contests for entry by conservation districts, cooperators, youth, and industry. Contact your local Oklahoma Association of Conservation Districts Employees representative for additional information regarding youth contests.

Newsletter

Several individual conservation districts publish newsletters monthly, bimonthly, or quarterly. The National Association of Conservation Districts provides newsletter printing and mail out services to districts. (The NACD provides printing for district letterhead and other district services) Districts may also want to contact area printers or vo-tech schools to inquire about printing the newsletter locally. Most districts have acquired sponsors to cover the cost of the publication, although this is a legal expenditure of district-earned funds.

Newsletter Contest

All conservation districts that publish a newsletter are urged to enter the annual District Newsletter Contest. NACD mails entry information to conservation districts each year.

News Articles

Most local newspapers will print articles submitted by the district. If no district employee or director feels qualified to write an article, many local newspapers will work from a typewritten list of facts which should include answers to questions like who? what? when? where? why? and sometimes how? Check with your local newspaper editor to find out their publication deadline. Write the article or provide the pertinent information well in advance.

Advertisements

Advertisements about conservation are an excellent way to promote district programs and activities. Districts may want to consider full page, half page or quarter page newspaper ads that are paid for with the cooperation of local businesses. If districts supply photos and a general idea of the message to the newspaper layout artist, ad preparation goes much more smoothly.

Districts are often asked to purchase advertisements in publications such as the local high school yearbook. This is a legal expenditure of district funds only when conservation is advertised.

Scrapbook Contest

Please remember that local articles, feature stories, and advertisements whether written by the district or newspaper staff may be submitted in scrapbook form to enter the annual Oklahoma Press Association Environmental Conservation Information Awards Contest. Refer to the OACD Handbook.

Youth Boards

Conservation districts have a unique opportunity to help young persons learn about and contribute to government operations and the conservation program through the formation of a conservation district youth board. Youth board members should be considered and approved by the district board. Youth board appointment certificates are available from the commission. The conservation district board has responsibility for oversight of youth board activities including finances.

Like associate directors, youth board members have no official or legal authority. They may not vote on the district's business and cannot receive reimbursement for expenses from the Commission.

A youth board can consist of more than five members but should be organized with a Chair, Vice Chair, Secretary, Treasurer and/or Secretary-Treasurer, as well as committees and committee Chairs. With assistance from district-earned funds, they may start a small money making project to make the youth board self-sustaining. A board member or district employee should be assigned as an advisor to the youth board. Youth board members will be covered by the district's liability coverage as long as they are performing conservation duties under the district's supervision. They are not covered by Workers Compensation Insurance.

The youth board should develop an annual plan of goals, projects, and activities which will contribute to and compliment the conservation work of the district. This will also serve as a learning opportunity for these young people. Some projects for youth boards could be to:

- Assist in developing outdoor learning areas for schools.
- Prepare stories, pictures, slide shows, etc., for local media and schools.
- Distribute conservation materials at meetings, conferences, church meetings, legislative sessions, etc.
- Assist with district conservation tours and with district sponsored educational exhibits for use by local businesses at fairs and for other uses.
- Prepare conservation slide talks with script or tape for use with community organizations, local governmental agencies, etc.
- Assist with/conduct district tree sales programs and organize Arbor Day activities for schools.
- Organize the district's Soil Stewardship Week activities.
- Replace or beautify district boundary signs.

Conservation Education

A Conservation Education Coordinator is available to districts to assist with planning and developing education programs and to provide specialized assistance to teachers on how to initiate and implement a conservation education program for their classes. Teacher requests for assistance should be made to the district, and the district may then request the assistance of the Education Coordinator through the Oklahoma Conservation Commission.

Resource Materials

The Commission maintains a library of videotape productions, resource trunks, and water models available for use by conservation districts. Contact the Commission office for additional information.

Conservation Education Program Report

It is important to know how many students, educators, and individuals are being reached by conservation districts each year. Often the Governor, Department of Education and other interested groups will request such reports from the Commission. In order to respond to such requests accurately, conservation districts need to report all educational activities to the Commission office. Please send Form OCC-8D, *Conservation Education Program Report*, to the Conservation Education Coordinator each time the district is involved with a conservation education program. These can be submitted on a monthly basis.

Scholarships

Districts may offer teachers employed within the district full or partial scholarships to take conservation/environmental education courses. Course information will be provided to districts by the Commission annually.

The amount of the scholarship cannot exceed the actual costs involved in the course, and may be limited as the district deems necessary. For example, when there are a large number of applicants, the district may offer several partial scholarships rather than one full scholarship.

Funds for scholarships may come from the district's allocation, locally earned funds, or may be solicited from local businesses, civic groups, and the like. The district cannot pay an amount that exceeds actual cost of taking the course. Costs may include any or all of the following: tuition and fees paid to the university or college, lodging, per diem and mileage at the current state rate.

Scholarship Application

The conservation district board should require the applicant to complete a *Conservation District Scholarship Application*, Form OCC-8E, to determine whether they should grant the scholarship. Approval of a scholarship requires official action of the board of directors. The application is to be maintained in the district files.

Scholarship Agreement

Once an application is approved, the recipient and district must complete the *Agreement for Conservation Education Scholarship*, Form OCC-8F.

Acknowledgment of Administrator

The Scholarship Agreement must be accompanied by a completed *Acknowledgment of Administrator*, Form OCC-8G, signed by the recipient's supervisor.

Reimbursement for Education Scholarship

To claim for reimbursement from the district's allocation, the district must complete Form OSF-3 with documentation as follows:

- A signed *Agreement for Conservation Education Scholarship*, Form OCC-8F
- A signed *Acknowledgment of Administrator*, Form OCC-8G
- Receipts for tuition, fees, lodging and/or a *Travel Claim*, Form OCC-5F

These items must not total more than the amount of the scholarship as written in the agreement.

Mini-Grants

Districts may offer mini-grants to assist schools, classes, or teachers in carrying out a conservation education project. The mini-grant application is to be approved at the discretion of the board of directors, may be paid with locally earned funds, or may be reimbursed from the district's allocation if sufficient funds are available.

To claim for reimbursement, the district must submit Form OSF-3 along with the application submitted by the school, class, or teacher, plus actual receipts for materials. The amount of the mini-grant must not exceed actual costs of the project. If the district should decide to work with a school on a project out of locally earned funds, the competitive bidding requirement applies. Mini-grants may be used for one of two types of projects:

Class Mini-Grants

This program is designed to encourage students and teachers to undertake educational conservation and environmental projects. To obtain funds, the teacher and students should develop a project plan or proposal with the following information:

- Name of school
- Class or classes involved and number of students
- Brief description of proposed project
- Project budget
- Brief statement by the teacher or sponsor of the project

The proposal should be submitted to the district board for approval. Should funds be approved, students should be asked to keep a journal or scrapbook of their project to provide the district board with a summary of the results or effects their project has had.

Possible projects include planting trees, grasses, and/or flowers on the school site for erosion control or for an outdoor study area; a publication of students' poems or stories dealing with the environment; silk screening environmental and conservation posters and their distribution; water quality studies, or production of short plays dealing with environmental issues.

Project sponsors must provide the district with receipts for supplies, tools, or materials purchased for the project. The amount of the mini-grant must not exceed the actual cost of the project.

Environmental Curriculum Improvement Mini-Grants

This program provides assistance to teachers in all subjects and on all grade levels interested in writing original conservation, environmental or outdoor education curriculum materials.

Environmental Curriculum Improvement Mini-Grants proposals must use the following format:

- Teacher's name and school system
- Brief summary of teaching experience
- Subject area(s) to be dealt with in the unit
- Goals and objectives of project
- Budget

Possible projects include slide-tape presentations, testing programs on effectiveness of outdoor teaching techniques, innovative approaches to environmental education.

The teacher must provide the district with receipts for supplies, tools, or materials purchased for the project. The amount of the mini-grant must not exceed the actual cost of the project.

Professional Development Training Opportunities

The Commission provides numerous training opportunities throughout the year for district employees to increase and enhance their knowledge of conservation topics. These include, but are not limited to, Project WET (Water Education for Teachers), WOW! The Wonders of Wetlands, Project WILD (Wildlife In Learning Design), and Project Learning Tree. More information about these programs is available on the Commission website or by contacting the education coordinator.

Districts can also sponsor these educational training sessions for educators in their districts. To sponsor a workshop, contact the education coordinator.

Resource Materials Available For District Use

The following items are available for use by districts in their education programs. Many of the items are of limited quantity, so it will be necessary to plan ahead. Contact the Commission office to reserve any of the following items.

Displays

There are two table top displays available for check out. This item cannot be mailed so arrangements for pick-up and return must be considered when reserving the model.

Groundwater Flow Model

The model is a freestanding acrylic plastic model of a cross section of the subsurface of the earth. The model is designed for the demonstration of properties of groundwater. Included with the model is a user's guide that provides background information on groundwater, complete and easy instructions on the use of the model, and a sample lesson. This item cannot be mailed so arrangements for pick-up and return must be considered when reserving the model.

Enviroscape - Wetlands

This model is a three dimensional landscape designed to demonstrate functions and values of wetlands. Included with the model is a user's guide that provides background information on wetlands, complete and easy instructions on the use of the model, and a sample lesson. This item cannot be mailed so arrangements for pick-up and return must be considered when reserving the model.

Oklahoma's Wetland Treasures Trunk

The resource trunk contains water sampling equipment, books, videos, field guides, and posters. The purpose of this trunk is to provide educators with materials that can be used to enhance the classroom while teaching about wetlands and water quality.

Pond Biology Trunk

This resource trunk contains twelve sets of the following: collecting equipment, field guides, and microscopes. This item cannot be mailed so arrangements for pick-up and return must be considered when reserving this trunk.

Who Lives in a Wetland Puppet Trunk

This trunk includes finger and hand puppets of critters that live in wetlands. Included is a teachers guide with short stories, fables, and puppet show scripts.

Pictures

These pictures are designed to be used with the displays. There are four sets that pictorially describe the following:

- Conservation Education
- Water Quality
- Abandoned Mine Land
- General Conservation

Sammy Soil Saver Costume

The Sammy Soil Saver costume is designed to promote a better understanding of soil conservation. The costume includes the Sammy Soil Saver head, shirt, and belt.

Sammy Soil Saver Puppet

The Sammy Soil Saver kit is designed to promote a better understanding of soil conservation among children. Each kit includes a Sammy Soil Saver puppet, background information on soil conservation, puppetry hints, scripts for puppet shows, worksheets with answer keys and activity pages, and specific information on Oklahoma soils. The scripts can be modified to the group you are directing your presentation. Each activity page includes activities relating to language arts, social studies, and science.

Videos, Slide Shows and Interactive CD Roms

The Commission maintains an extensive library of conservation related videos, slide shows and interactive CD ROM's available for check out to districts. Districts can check out these materials for use in education programs or for an educator in their district. Quantities are limited, so plan ahead. Complete list of available titles can be found on the Commission website or by contacting the Education Coordinator.

Upstream Flood Control

When watershed operation and maintenance funds are appropriated the Commission makes those funds available where conservation districts are the primary local sponsor and other funding is unavailable. Expenditures are tracked by district, site number, type of work, origin of design, and other funds involved. The Commission maintains specialized equipment for use statewide. Some is loaned out to conservation districts and some is operated by trained technicians upon request. Below are some simple guidelines to follow when requesting operation and maintenance funds/equipment.

Requests for Watershed Operation and Maintenance Funds

- All requests must be made by completing Form OCC-8H, *Project Application for Watershed Operation and Maintenance*.
- Attach the current inspection form to Form OCC-8H.
- Only one site per form.
- If the request is for equipment please indicate “multiple sites” as the watershed and list the type and purpose of the equipment.
- If the request is for inmate labor please indicate “multiple sites” as the watershed and attach a list of the sites you plan to perform maintenance on and the type of maintenance.
- If the request is for chemicals to spray watershed sites you must attach a copy of your applicator’s licence.
- Return the completed Form OCC-8H and the appropriate attachments to the Conservation Programs Division in the Commission office.
- **Do not expend funds prior to receiving written approval from the Commission.**

Requests for Watershed O&M Funds for Contract Work

Projects that have a cost of \$2,500 or over must be processed through the Department of Central Services, Construction and Properties Division. Please contact the Commission office for advise on advertisement and site showing information.

- All requests must be made by completing Form OCC-8H.
- Attach the current inspection form to the Form OCC-8H.
- Attach 3 local bids that contain the following information: date of bid, watershed & site number; description of the work to be done; contractors name, address, phone number, FEI number and/or social security number; bid specifications and drawings
- Only one site per form.
- Return the completed Form OCC-8H and appropriate attachments to the Commission office.
- **Do not expend funds prior to receiving written approval from the Commission.**
- The contractor can not begin work prior to receiving a work order from the Department of Central Services, Construction and Properties Division. The district will be notified by the Commission when the work order has been issued.
- When the project is complete notify the Commission by letter that the work was inspected by district personnel and met the job specifications and attach the contractor's invoice and Claim or Invoice Affidavit form and Affidavit for Final Payment form.

Requests for an Increase in a Previously Approved Project

Since project requests are estimates we realize the cost may increase.

- Send a copy of the previously approved Form OCC-8H indicating the project number for which you are requesting an increase.
- State the cause of the needed increase.
- Return the Form OCC-8H and the appropriate attachments to the Conservation Programs Division in the Commission office.
- **Do not expend funds prior to receiving approval from the Commission.**

Claiming for Reimbursement

- All watershed O&M must be listed on a separate reimbursement claim form.
- Multiple projects may be on the same reimbursement claim form.
- **Please indicate on the claim: watershed & site number, project number & amount, if the project is complete indicate so on the claim or by a letter attached to your claim.**

Requests for Wildlife Services

- Complete Form OCC-8I, *Application for Watershed Project Wildlife Services*. **It is important that landowner/operator information be complete. Wildlife Services will not accept incomplete applications.**
- Attach the current inspection form.
- Only one site per form.

- Return the completed form and the appropriate attachments to the Conservation Programs Division in the Commission office.
- You will be notified that the Commission has forwarded your request to the Wildlife Services Division of the OSDA.

Requests for Watershed Technician Assistance or Equipment

Responsibilities in the watershed program include technical assistance, survey, construction inspection, managing equipment, coordination of watershed site inspection teams, and assisting districts with problem diagnosis on watershed sites.

Requests for Commission watershed personnel assistance should be made through the Conservation Programs Division in Oklahoma City or by contacting your watershed technician directly.

CHAPTER 9

Calendar of Activities

MONTHLY BOARD MEETING GUIDE

Prepare and post an agenda which includes:

- Meeting called to order
- Approval of previous meeting minutes
- Financial Statement/Claims/Allocation Register
- New District Cooperator Agreements
- District Operations
 - Review of Annual Work Plan
- New Business (items not known about when agenda posted)
- Correspondence Received (list)
- Agency Reports
 - District Directors
 - District Manager
 - District Conservationist
 - Other Agencies

Have Board Review and Chair Sign:

- Claims for Reimbursement (OSF-3)
- District Employee Payroll Worksheet
- Statement of Approval of Minutes
- Daily Activity Timesheet and Leave Record

DAY TO DAY ACTIVITIES DURING THE MONTH

- Develop and post board meeting agenda
- Prepare claims for reimbursement (OSF-3)
- Balance books and reconcile bank statement
- Prepare board packet and mail
- Deposit Federal Withholding Tax, Social Security/Medicare
- Prepare District Payroll Preclaim Summary and submit with payments due before first day of the month

- Pay bills, rent, etc.
- Pay district employees
- Complete District Employee Payroll Worksheet
- Daily Activity Timesheet and Leave Record
- Complete Employee Earning Record
- Complete Individual Leave Record
- Make bank deposit last day of month
- Prepare statements for accounts receivable and accounts payable
- Retirement to OCC
- Payment of Federal and Social Security Taxes Form 8109
- Complete Cost-share Program Monthly Report due the 5th of each month
- Consult Cost-share Program Rules and Guidelines for current and coming program year
 - planning and action items
- Complete Conservation Education Report Form

QUARTERLY ACTIVITIES

These reports are due on the day of the month listed following the end of the each quarter:

- 10th: Form 13-15-R-5-38 - Quarterly Sales Tax Report (may be semi-annual)
- 15th: Directors Claim for Attending Meetings
- 31st: 941 - Quarterly Return of Withheld Federal Tax and Social Security/Medicare
- 31st: W-3 - Employers Return of State Tax Withheld
Review Annual Plan at Board Meeting

SUGGESTED ACTIVITIES BY MONTH

JANUARY

Board Meeting Agenda

- OACD Annual Meeting Registration
- OACD Dues and Associate Memberships
- Filing Period for District Director Election

Other

- OACD Annual Meeting - Invite legislators and make travel plans
- Publish twice Notice of Filing Period for Election of District Director
- Complete Affidavit of Publication Notice of Filing Period or Election
- Unemployment Compensation Report to Employment Security Commission
- Form W-2, Form 1099-Misc. Wage and Tax Statement due January 31
- Transmittal of Income and Tax Statements for State and Local Governmental Employers
(Form W-3 S&L) due February 28
- Review files and dispose of obsolete materials

FEBRUARY

Board Meeting Agenda

- District Director Election
- Land Judging Contest
- NACD convention
- NACD dues
- Plans for Conservation District Week
- Plans for District Annual Meeting - date, place, speaker
- If known at time of meeting that election will be held, designate polling places and appoint District Election Committee

Other

- Preliminary Planning for District Annual Meeting
 - Speaker, Date, Place
 - Bankers and Governor's Awardees
- First Two Weeks:
 - Accept applications for District Director Position
 - Remind current director to file if he/she wishes to run for re-election
- 15th: Send Forms to Commission
 - Notification and Declaration of Candidacy
 - District Director Information Material
 - Notice of Filing Period for Election of District Director
 - Affidavit of Publication of Filing Period or Election
 - Order Soil Stewardship Material
- If an election will be held prepare at once.

MARCH

Board Meeting Agenda

- District Annual Meeting
- District Director Election
- Conservation District Week
- Select Governor's Awardee

Other

- Second Week - Conservation District Week
- Second Tuesday - District Director Election Results
- Prepare for District Annual Meeting
 - Check sponsor
 - Arrange with caterers
 - Send out invitations to OCC, NRCS, OACD
 - Finalize Speaker - time, date, location
 - Check on certificates
- Consider staffing conservation booth at the Oklahoma Farm Show

APRIL

Board Meeting Agenda

- Reorganization of board
- Soil Stewardship Week
- Conservation Education Scholarship
- Develop Annual Plan

Other

- District Annual Meeting
- Notice of Newly Elected Officers to OCC by May 1

MAY

Board Meeting Agenda

- Development of Annual Plan
- Summer Employment

- Statement of Needs and Justification of Funds

Other

- Distribute Soil Stewardship Materials

JUNE

Board Meeting Agenda

- Approval of Annual Plan
- Annual Audit
- Prepare entry for Tulsa Fair Conservation Day Awards (cooperator, director, district)

Other

- Annual Plan due in OCC office by June 30
- Statement of Needs and Justification of Funds due in OCC office by July 15

JULY

Board Meeting Agenda

- Consider attendance at Tulsa Fair Conservation Day
- NACD Regional Meeting
- Develop budget
- Prepare Zeneca District and Teacher of the Year Nominations. Due in OCC office by Aug 1

Other

- Begin using new fund number for new fiscal year
- Send books to auditor
- Dispose of obsolete material and set up new fiscal year folders
- Set up ledger for fiscal year allocation
- Prepare budget for allocation received from the OCC
- Tulsa Fair Award Entries due in OCC office by August 1
- Prepare Cost-share Program action items for the current and coming Program Year

AUGUST

Board Meeting Agenda

- Annual Audit
- Annual Report
- Annual Net Worth Statement
- Conservation Education Scholarship
- OACD Speech, Essay, and Poster contests

Other

- Prepare Annual Report. Due in OCC office Sept 1
- Prepare Annual Net Worth statement
- Prepare for OACD Speech, Poster, and Essay Contest presentation at schools
- Consider staffing conservation booth at Oklahoma State Fair

SEPTEMBER

Board Meeting Agenda

- Tulsa Fair Conservation Day
- Oklahoma Bankers Association (OBA) Presidents Conservation Award

Other

- Consider staffing conservation booth at Tulsa State Fair
- Prepare entry for OBA President's Conservation Award - due October 1
- Begin work on Oklahoma Press Association (OPA) Scrapbook - order new pages if necessary

OCTOBER

Board Meeting Agenda

- OACD Poster, Essay, and Speech contests
- OACD Area Meeting - invite legislators
- Pickup and truck insurance
- State Forest Service Agreement
- OPA Scrapbook

Other

- OACD Poster, Essay, and Speech contest entry records due to OACDE Representative by October 15
- Work on OPA Scrapbook
- November 1 - File Annual Audit with County Clerk and send copy to OCC

office

- Conduct watershed site inspections

NOVEMBER

Board Meeting Agenda

Other

- Attend OACD Area Meeting
- Tulsa Farm Show, Mid-December

DECEMBER

Board Meeting Agenda

- Schedule of Regular Meetings for upcoming year
- OACD Annual Meeting Pre-registration
- Set dates and method for election of district director

Other

- OPA Scrapbook due at OCC December 1
- Schedule of Regular Meetings to OCC and County Clerk by December 15
- Reconcile Yearly Tax Reports
 - W-2 Wage and Tax Statements
 - Transmittal of Income and Tax Statements for State and Local Government Employees
(W-3), 1099's, 1096
- Make Arrangements for Publication of Public Notice for Director Election