

**TITLE 155. OKLAHOMA CONSERVATION COMMISSION  
CHAPTER 10. CONSERVATION DISTRICTS**

**155:10-1-1. Purpose**

This Chapter was adopted to set forth the rules and regulations of the Conservation Districts pursuant to Title 27A-3 of the Oklahoma Statutes, hereinafter referred to as Districts.

**155:10-1-2. REVOKED**

**155:10-1-3. REVOKED**

**155:10-1-4. REVOKED**

**155:10-1-5. Elected Directors; election procedures**

Three directors shall be elected for a term of three years. The elected positions are numbered 1, 2 and 3 with succeeding terms, so that one term expires each year. A district director will continue to serve until re-elected or a successor is certified by the Commission.

**(a) Date of election.** An election for District Director shall be held each year on the first Tuesday in June; provided there are two or more eligible candidates.

**(b) Notice of Filing Period.** The filing period for the position of District Director shall begin at the start of business on May 1 through the close of business on May 14 of each year. Each District shall give notice of such filing period in all newspapers of general circulation in the District twice, with an interval of seven days, within the first three weeks of April. Such notice shall contain data as prescribed by the Commission. The Commission shall assume the cost of such notice. The District shall send a copy of such notice and certification signed by the newspaper to the Commission office.

**(c) Notification and declaration of candidacy.** To declare as a candidate for District Director, individuals shall fill out a notification of candidacy as prescribed by the Commission. The District shall accept notice from all persons who fill out the notice and shall forward it to the Commission upon the close of the filing period. If the individual does not have a cooperator agreement with said district, an application for cooperator agreement must be made as prescribed by the Commission.

**(d) Receipt of notification of candidacy.** Upon receipt of the notifications of candidacy, the Commission shall determine eligibility of the candidate(s). The Commission shall notify the appropriate District of its findings of eligibility.

- (1) If only one candidate files notification of candidacy, and is determined eligible by the Commission, no election will be held and the candidate will be declared elected to the position.
- (2) If two or more candidates file notification of candidacy, and are determined eligible by the Commission, an election shall be held and the District shall prepare for such election.
- (3) If no one files notification of candidacy during the filing period, the District shall recommend to the Commission an individual for appointment on a form as prescribed by the Commission to the elected position. However, the current director shall continue to serve until a successor is appointed.

**(e) Board Meeting to prepare for election.** If it is determined by the Commission that two or more candidates are eligible, the District shall hold a special meeting if the regularly meeting has already been held to:

- (1) recommend polling places (see Polling Places),
- (2) appoint the District Election Committee (see District Election Committee), and

(3) determine the newspapers to publish the Notice of Election.

**(f) Election procedures.**

- (1) Polling Places. In determining the location of the polling places, the following criteria shall be used and all polling places shall be approved by the Commission:
  - (A) One shall be in the city/town of the District office;
  - (B) Additional locations may be at such sites throughout the District boundaries so as to provide accessibility to all geographic areas in the district.
- (2) District Election Committee; precinct committees.
  - (A) The Board of Directors shall appoint a District Election Committee of three to have charge of the election in the District. Members of the District Election Committee shall be responsible only to the Commission and shall be authorized representatives of the Commission. If more than one polling place is approved by the Commission, the District Election Committee shall appoint a Precinct Committee consisting of three members to supervise the election at each additional polling place. The District Election Committee will supervise and be responsible for conducting the election. The District Election Committee and the Precinct Committees, if needed, shall abide by instructions as prescribed by the Commission.
  - (B) The Board of Directors and/or their immediate families cannot serve on either the District Election Committee or the Precinct Election Committee as set out in this paragraph.
  - (C) Members of the Committees shall be paid a rate in accordance with the County Election Board and shall receive mileage at the State Travel Reimbursement Act rate.
- (3) Notification of election. Each District holding an election shall publish such information in all newspapers of general circulation in the district at least two times with an interval of seven days. Such publication should be completed five days prior to the election, and such notice shall contain data as prescribed by the Commission.

**(g) Election results.** Election results shall be sent to the Commission office upon completion of tabulation and on forms as prescribed by the Commission. The Commission will certify the election results and will forward certification to the appropriate District. Ninety days after the newly elected Director is certified by the Commission, the ballots shall be destroyed provided no challenge of election is pending.

**(h) Runoff election.** If two or more candidates receive the same number of majority votes cast, a runoff election will be held within thirty days from the date of the first election and in the same manner as the first election.

**(i) Challenge of election results.** Any candidate can contest the correctness of the announced results by filing a written petition with the District Election Committee before 4:30 p.m. on the Friday following the election.

- (1) Recount of ballots. Any person demanding a recount of ballots shall deposit with the District Election Committee an amount set forth by the Commission. If a change in the winner is noted, then deposited funds will be returned to the challenger. If no change in the winner is noted, then all expenses shall be deducted from the deposited funds and the balance of said deposit, if any, shall be returned to the challenger.
- (2) Certification of voters. Any person demanding that voters be certified as registered

voters within the boundaries of the district shall deposit with the District Election Committee an amount set forth by the Commission. If a change in the winner is noted, then deposited funds will be returned to the challenger. If no change in the winner is noted, then all expenses shall be deducted from the deposited funds and the balance of said deposit, if any, shall be returned to the challenger.

**(j) Taking office.** The newly elected Directors shall assume their duties on July 1<sup>st</sup> of each year or as soon thereafter as qualified by the Commission for a term of three years and shall be administered a Loyalty Oath and an Oath of Office. Copies of the oaths shall be filed in accordance with state law.

**(k) Vacant elected position.** If a vacancy is created for any reason during the elected term, the Commission shall appoint a successor to fill the unexpired term of such elected Director; however, the elected director shall continue to serve until a qualified successor is appointed.

#### **155:10-1-6. Appointed Directors**

Two Directors from each District shall be appointed by the Commission to serve a term of two years beginning July 1 through June 30. A district director will continue to serve until re-appointed or a successor is certified by the Commission. To be eligible to serve as an appointed district director, an individual must be a registered voter and be a cooperator with the district or has made application to be a cooperator with the district.

(a) Appointment; reappointment.

- (1) Boards of Directors shall submit a recommendation to the Commission for appointment to the office of district director as prescribed by the Commission.
- (2) Upon the expiration of term of an appointed director, the District shall make recommendation to the Commission for appointment or reappointment to the position as prescribed by the Commission.
- (3) Appointed Directors are required to attend seventy-five percent of the regularly scheduled meetings throughout their term of office. If the Director did not meet the requirement, the District must submit a letter stating the reason the requirement was not fulfilled in order to be considered for reappointment.
- (4) The Commission shall notify the District and the individual of its action after such appointment has been made.

#### **155:10-1-7. REVOKED**

#### **155:10-1-8. Requirements for District Employment**

Conservation Districts shall hire individuals as prescribed by the Commission. Conservation District employees are at - will employees and the District and employee shall be required to complete a terms of employment defining the conditions of employment. In order to qualify and enter into the duties of his or her employment and/or receive compensation, a conservation district employee shall first take and subscribe to the loyalty oath or affirmation as prescribed by Title 51 Section 36.1 - 36.2A of the Oklahoma Statutes.

#### **155:10-1-9. REVOKED**

#### **155:10-1-10. Public inspection of district records; Maintenance of Records**

All official records, data and documents shall be maintained in the offices of each

Conservation District. Conservation Districts shall make available all records, data and documents to the public as prescribed by the Open Records Act.

**155:10-1-11. Conservation District Board of Directors Meetings**

Conservation Districts may meet monthly to conduct the business of the district and take official action on plans, programs and functions of the district. Any meeting held by a conservation district shall be conducted in accordance with the Open Meeting Act.

Three board members shall constitute a quorum of directors.

The minutes are the official record of the transactions and proceedings of the board of directors and shall be written in a manner prescribed by the Commission.

**155:10-1-12. Annual audit**

The Commission shall be notified each year that arrangements have been made by the Conservation District Board of Directors to conduct an annual audit or compilation as prescribed by the Commission.

**155:10-1-13. REVOKED**

**155:10-1-14. REVOKED**

**155:10-1-15. Eminent domain**

The Conservation District's procedure concerning eminent domain when revolving funds are used shall be as follows:

- (1) Such eminent domain procedure shall be used only as a last resort by the Conservation District and such Conservation District shall exhaust all other feasible avenues open to the Conservation District;
- (2) The Conservation District, once eminent domain is decided to be the only procedure available, will assume all cost in such proceedings and shall provide an itemized statement of such costs to the Commission once the proceeding has come to an end; and
- (3) The Conservation District shall notify the Commission that such eminent domain proceeding is to be used at least ten (10) days prior to the next following monthly Commission meeting. Such notice shall contain at least:
  - (A) a statement of facts surrounding the proceeding,
  - (B) the project in which the proceedings will implement, and
  - (C) the reason eminent domain proceedings are being utilized.

**155:10-1-16. REVOKED**

**155:10-1-17. REVOKED**

**155:10-1-18. REVOKED**

**155:10-1-19. Annual report**

Each Conservation District shall publish an annual report on a fiscal year basis as prescribed by the Commission.

**155:10-1-20. Resource Conservation Program**

Each Conservation District shall complete a long range plan every five (5) years designating

it as the "Resource Conservation Program." The Long Range Plan shall be developed in a format prescribed by the Commission. The Long Range Plan shall be submitted to the Commission for approval, rejection, or revision.

**155:10-1-21. Zoning ordinances**

The Conservation Districts, in reviewing and commenting upon the various zoning ordinances promulgated by those governmental entities allowed by law to so pass, shall adhere to the following procedure:

- (1) When reviewing a zoning ordinance, the Conservation District shall look at such ordinance in light of its current and future conservation plans and program impacts, with due respect for sound, economically feasible, and efficient use of the land subject to such ordinance;
- (2) The Conservation District may request the District Conservationist of the Natural Resources Conservation Service to assist them in preparing a survey of such area to be encompassed in the zoning ordinance with particular details for:
  - (A) suitability of soils for the use of the zoning ordinance suggests,
  - (B) drainage from the area in light of the use the area may be subject to,
  - (C) if the area is a flood plain, this should be noted,
  - (D) if the area is within a watershed dam breach inundation area, this should be noted,
  - (E) will the proposed use, as suggested by the zoning ordinance be one which will inherently damage the renewable natural resources in the area to such an extent that irreparable and irreversible damage will occur, and
  - (F) pollutants - is there a proper method of disposal
    - (i) natural pollutants, and
    - (ii) pollutants from suggested use as per zoning ordinance.
- (3) The board of directors of the Conservation District may request technical assistance from the Natural Resources Conservation Service District Conservationist as to the possible ramifications of the zoning ordinance:
  - (A) The Board of Directors deems necessary more technical data, they shall convey this request to the District Conservationist to ask for additional technical assistance upon which to have their report; and
  - (B) The Conservation District shall notify the Commission of such a decision and specify which area of technical assistance they have requested and why. The Conservation District shall also notify the appropriate entity of government what they are intending to do.
- (4) The Conservation District shall prepare a report for the appropriate unit of government seeking to adopt such zoning ordinance giving their comments. The Conservation District shall forward a copy of such report to the Commission.

**155:10-1-22. Small watershed flood control fund**

- (a) None of the funds in the Small Watershed Flood Control Fund shall be expended until 80% of the easements are obtained for the watershed project in which the money from the fund is to be used.
- (b) All requests for funds from the SWCF shall be made by application on form prescribed by the Commission.
- (c) When any real property interest or easement has been acquired by a District in whole or in part by the use of any funds allocated from the SWCF and the property acquired is thereafter

sold, leased, or rented, it shall be the duty of the Board of Directors of the said District to remit to the Commission a pro rata share of the proceeds of such sale or lease equal to the percentage of the total cost of the acquisition of such real property or easement which was paid from any allocation made from the SWCF and all such remittances shall be forwarded to the Commission within 30 days from receipt thereof by the Conservation District.

(d) No property owned by the Conservation District whereby revolving fund money has been used shall be encumbered for longer than one year unless a longer encumbrance is approved by the Commission.

(e) The Commission may direct any Conservation District to dispose of property or easements after a review of the facts and circumstance of why such property or easement is still retained by the Conservation District.