

# CONSERVATION DISTRICT HANDBOOK



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# **Foreword**

## **General vs Specific Policy**

The policies outlined in this handbook are applicable to all districts; they are general recommendations and best practices that should be followed to ensure consistent performance statewide. Districts should institute additional specific policies as needed, additional policies for consideration include:

- Leave
- Telework
- Ratification process
- Auto Draft/EFT payments
- Credit Card usage
- Open Record Policy & associated fees
- Equipment rental and fees
- NRCS assistance
- Office policies

District specific policies should be reviewed and updated annually as needed. Board minutes should reflect policy review and adoption.

## **Acknowledgment of Handbook**

All district directors, during their first term of service, and all district employees, during their first month of employment, should review this handbook. After review, an acknowledgment form must be completed and submitted.

# Oklahoma Conservation Commission

## General Information

The Oklahoma Conservation Commission (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's vision is: *Responsible care for Oklahoma's natural resources*. The agency's 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 1930s 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.

## Funding

The funds for operation of the Commission and the 84 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 and federal agencies.

## Commissioners/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, Chair, Vice Chair and Secretary, takes place at the beginning of each fiscal year.

The Commission is covered by the [Open Meeting Act](#) therefore 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, groups, and individuals are welcome to attend the 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  
Beaver County  
Blaine County  
Central North Canadian River  
Cimarron County  
Dewey County  
East Canadian County  
Ellis County  
Garfield County  
Grant County  
Harper County  
Kingfisher County  
Major County  
Texas County  
Woods County  
Woodward County

### Area III

Adair County  
Caney Valley  
Cherokee County

### Area II

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

### Area IV

Comanche County  
Cotton County  
Custer County



**Area III cont'd.**

Craig County  
Creek County  
Delaware County  
Mayes County  
Muskogee County  
Nowata County  
Okmulgee County  
Osage County  
Ottawa County  
Rogers County  
Sequoyah County  
Tulsa County  
Wagoner County

**Area IV cont'd.**

Deer Creek  
Grady County  
Greer County  
Harmon County  
Jackson County  
Jefferson County  
Kiowa County  
North Caddo  
North Fork of Red River  
South Caddo  
Stephens County  
Tillman County  
Upper Washita  
Washita County  
West Caddo

**Area V**

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

## Operations

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 the following areas:

- erosion prevention

- control and care of soil resources
- prevention of flood and sediment damage
- development of water resources
- conservation cost-share program administration
- soil health education
- pollution complaint tracking
- environmental education
- 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 the [Conservation District Act, 27A O.S. § 3-2-101 through 3-2-110](#). 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 200, Oklahoma City, OK 73105-4201, telephone 405.521.2384, FAX 405.521.6686, website [conservation.ok.gov](http://conservation.ok.gov). Office hours are 8:00 a.m. - 4:30 p.m. Monday - Friday, including the lunch hour.

## Commission Divisions

The Oklahoma Conservation Commission is comprised of the following divisions:

### Administration Division

The Administration division represents the Commission board in providing oversight and policy decision and implementation for the agency. In addition, the division provides support for all Commission operations, initiatives, programs, and divisions, including the Conservation

Programs, Water Quality, Land Management, District Services, and Office of Geographic Information and Technical Services divisions, as well as financial management, human resources services, management of public communication activities and production of public information materials.

### **Information & Media**

The Commission's Public Information Officer (PIO) provides general and specialized information for all divisions to conservation district board members and personnel, to the general public, 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
- Videos
- News releases
- Display exhibits & presentations
- Social Media
- Website

The PIO publishes a regular newsletter 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 PIO 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.

### **Financial Management and Human Resources**

The Financial Management and Human Resources segment of the Administration 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 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 administers the employee benefits program for both Commission personnel and conservation district employees and directors. The benefits program provides for health and dental insurance for the employee (or director) and their dependents. The program also provides disability insurance, workers' compensation, retirement, and a flexible spending account program for employees. Directors are eligible to participate in the health and dental benefits program at their own expense.

### **Conservation Programs Division**

The Conservation Programs division provides management and technical assistance to conservation districts in two major program areas: upstream flood control and conservation cost-

share. 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 districts funds that are used to install conservation practices on the land to reduce soil erosion and improve water quality.

### **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 current [Conservation Cost-Share Program Guidelines](#) available on the OCC website.

### **Upstream Flood Control Program**

Oklahoma has 2,107 upstream flood control structures that were built under the federal PL-534 and PL-566 programs. Sixty-four (64) conservation districts are project sponsors for these structures and are responsible for operation and maintenance. The primary purposes 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 the [District Operations & Programs section](#) for more specific instructions about requesting funds from the Commission. The Commission also works with both Oklahoma Emergency Management Agency and Federal Emergency Management Agency on watershed repairs after major natural resource disasters.

### **District Services Division**

The District Services division's primary objective is to serve as a liaison to conservation district boards and employees to help streamline communication and coordinate efforts to enhance each district's conservation services and programs. The division provides a centralized point of contact for the state's conservation districts to request assistance from Commission staff. The focus of the division is to provide day-to-day assistance to conservation districts and to provide training and professional development for conservation district directors and employees. The Division also provides a presence at district offices and board meetings, interfaces with other agency representatives on certain issues, and assists with capacity-building opportunities for districts. 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 management.

## **Natural Resource Planning and Reporting**

The Conservation District Act requires each district organized under the Act to prepare and keep current a variety of plans and reports, including a Long-Range Plan, an Annual Work Plan (Joint Plan of Operations), and an Annual Report. The Commission also requires each district to submit a variety of items to assist the agency in statewide planning and budgeting.

Districts must furnish copies of these plans, reports, and forms to the Commission at specified times for adoption, rejection, modification, or revision. The District Services division provides guidance, instructions, and timeframes for completion of these items to ensure the plans, reports, and forms meet all the legal requirements. Once approved, the Commission will furnish copies, as required, to the Governor and to the Oklahoma Legislature.

## **Conservation District Legal Affairs**

An additional legal resource available to districts, other than their district attorney's office, is the Commission's legal counsel. While the Commission's legal counsel cannot represent the district in court proceedings, they can assist districts with research, debt collection, personnel issues, watershed dam operation and maintenance concerns, as well as other conservation matters that may arise.

## **Training**

A major component of the District Services division is to provide training to conservation district employees and directors. The District Services division determines training and professional development needs through a variety of sources. The division then schedules and coordinates training classes, workshops, seminars, and webinars to meet those needs in both group and one-on-one settings. District directors and staff should contact the District Services division to discuss and schedule any desired training.

## **Land Management Division**

The Land Management division is dedicated to assisting landowners across Oklahoma with resource concerns that have an impact on our state's soil, water, and safety. The division consists of three areas:

### **Land Restoration**

This program aims to protect lives, repair scarred land, and improve the environment by reclaiming abandoned mined land in Oklahoma. All previously mined lands are prioritized on the potential threat to public health and safety. In addition, the division assists other governmental partners with soil and water reclamation and repair projects. The Land Management Program through the Office of Management and Enterprise Services, contracts with private contractors to perform the reclamation and repair work.

### **Unpaved Roads**

The Unpaved Roads Program works to create a better-unpaved county road system with a reduced negative environmental impact on priority water resources in Oklahoma. The program focuses on best management practices (BMPs) that reduce the impact of sediment and road runoff on streams, rivers, and drinking water supplies while reducing long-term unpaved county road maintenance

costs. The program's goals are to fund safe, efficient, and environmentally sound projects for the maintenance of unpaved roads that have been identified as possible contributors of sediment and provide training to road maintenance professionals on techniques of unpaved road maintenance that minimize negative impacts on water and air quality.

### **Conservation/Nutrient Management Planning**

To help address the resource concerns of Oklahoma's landowners, the Commission assists the 84 conservation districts in developing Conservation Plans and Nutrient Management Plans. Conservation planners work closely with districts to develop state cost-share plans and assist landowners with the implementation of BMPs. Nutrient Management planners focus on assisting poultry growers with their planning needs to satisfy state regulations and promote environmental stewardship in handling and applying poultry litter in Oklahoma.

### **Office of Geographic Information and Technical Services Division (OGITS)**

The OGITS 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 System (GIS) operations and database management, including the coordination of the State Geographic Information Council. The Commission serves as chair of the Geographic Information Council, which is made up of representatives from 19 state, local, and regional agencies. The Office of Geographic Information is housed within the OGITS division and works to coordinate GIS efforts across Oklahoma. 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 used by the Commission include orthophotography, elevations, streams and rivers, roads and highways, municipal boundaries, land use, abandoned mine openings, and water quality monitoring data. The Office of Geographic Information and Technical Services Division maintains the Commission's GIS system used by both the 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 Council and houses the Office of Geographic Information. The Commission through the Office of Geographic Information maintains the State GIS Data Clearinghouse, OKMAPS. The public website for GIS Data can be found at <https://okmaps.org/OGI/search.aspx>.

## **Water Quality Division**

### **Nonpoint Source Pollution Management Program**

The Commission is the state's lead technical agency for nonpoint source (NPS) pollution and the Clean Water Act (CWA), Section 319 Program and is responsible for maintaining and implementing the state's NPS Management Plan and NPS assessment reporting. The Water Quality division accomplishes its mission through four primary program areas: assessing state streams to determine their health and any associated NPS impacts, planning actions to address

those NPS effects and their sources, educating citizens about water quality and NPS pollution, and implementing projects to reduce the effects of NPS pollution and improve water quality and stream health.

### **Assessment**

The Commission's assessment program is essential for determining NPS impacts on stream health and water quality and serves a critical role in guiding conservation efforts and documenting their effects. Assessment goals vary with project objectives, but the Commission's primary activities generally include determining the current state of stream health and water quality, identifying streams where health and water quality are challenged and determining possible sources, and monitoring to determine the success of conservation practices implemented by Oklahoma's extensive conservation partnership. The Commission's flagship, the Rotating Basin Monitoring Program, provides a comprehensive stream health evaluation of up to 300 waterbodies across the state every five years.

### **Planning**

The Commission works collaboratively with state, federal, tribal, and other partners (a.k.a., NPS Working Group) to maintain an overarching NPS Management Plan detailing related programs and efforts in addressing NPS challenges across the state. The plan is organized around primary and secondary goals in addressing NPS challenges, strategies recommended to accomplish these goals, and details regarding proposed timelines, locations and resources that will be used to implement these strategies. States are recommended to update their plans every five (5) years. The state's most recent revision in 2019 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 build grassroots support essential to inspiring momentum in conservation ethics and practices. The Commission's volunteer programs like Blue Thumb and Project WET offer potential for volunteers to become citizen educators and scientists as they undertake training to promote knowledge of nonpoint source pollution, stream health, and conservation as they learn to monitor a waterbody of interest. The Soil Health Education Program teaches simple techniques for understanding, assessing, and restoring soil health as a foundation to restoring ecological health, including water quality. Target groups include landowners, homeowners, 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 conservation practices. With funding from Clean Water Act, Section 319, state, and participating landowner contributions, the WQ division working with local conservation districts, USDA-NRCS, cooperators, and other partners install or demonstrate a variety of conservation practices that protect water quality, improve soil health, and related natural resources. These projects and programs are one reason that Oklahoma leads the nation in



documented **success stories**, which detail the results of conservation implementation in improving stream health in waterbodies across the state.

### **Soil Health Education Program**

The Soil Health program's goal is to help Oklahoma's producers restore and preserve their natural resources, build weather resilience and long-term profitability into their operations, and grow more nutrient-dense food. The Soil Health team at the Commission works to deliver the practicality of soil health to every Oklahoman by working one-on-one with producers, educating, and assisting district personnel and partner organizations (NRCS, OACD, OSU Extension, etc.) in promoting the benefits of soil health approaches to conservation.

### **Wetlands Program**

The goal of the Commission'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.

The Commission'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. The Commission promotes implementation through targeted projects and interagency cooperation through routine meetings of the Oklahoma Wetlands Working Group (OWWG), which is comprised of representatives from state, tribal, and federal entities. Chaired by the Commission, the mission of the OWWG 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.



# Conservation Districts

## Organization

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 a 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 Oklahoma was formed in McIntosh County, Oklahoma. By 1955, every acre of land in Oklahoma was within a conservation district.

A 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. Another great history reference can be found in "Out of the Dust, The History of Conservation in Oklahoma in the 20<sup>th</sup> Century" published in 2004.

Additional history of the conservation movement and conservation districts in Oklahoma can be found through the Oklahoma Conservation Historical Society (OCHS). The OCHS works to collect, preserve, and share Oklahoma rich's conservation history. Their projects include collecting oral histories of Oklahoma conservationists and digitizing photographic records.

## **Conservation District Act**

[Title 27A of the Oklahoma Statutes, Sections 3-1-101 through 3-3-414](#) 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, 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.

Conservation district directors have the authority to accept appointment to serve as members of local, municipal, county, regional, and state planning agencies, boards, commissions and authorities and districts may participate in the funding thereof and performance of works and projects thereunder.

## Conservation Partnership

The Commission and the Conservation Districts collaborate with other partners to effectively deliver programs. Some of these partners include:

- Natural Resources Conservation Service (NRCS) is the USDA's primary private lands conservation agency. The organization works voluntarily with producers and communities via the locally led process to find the best solutions to meet unique conservation and business goals.
- Oklahoma Association of Conservation Districts (OACD) is a non-profit arm of the conservation partnership. An independent organization that works with conservation districts as well as state and federal partners on their behalf to do things they cannot – such as apply for and receive private financial contributions from foundations and direct lobbying of state and federal legislators.
- Oklahoma Association of Conservation District Employees (OACDE) serves all conservation district employees. The organization works to increase capacity and effectiveness of all employees while also celebrating excellence in conservation district employees and board members.

## Memorandums of Understanding & 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.

## Conservancy Districts

Conservancy Districts are not political corporations or subdivisions of the state. These organizations may be organized under [Title 82 Section 541 of the Oklahoma Statutes](#) and are authorized for all or any of these purposes:

- Preventing floods
- Regulating stream channels by changing, widening, and deepening
- Reclaiming or filling wet and overflowed land
- Providing for irrigation where it may be needed
- Regulating the flow of streams
- Diverting in whole or in part eliminating watercourses or part of the flowage thereof

If you have specific questions about a Conservancy District, please contact the Commission.

## Conservation Acronyms

The following is a partial list of acronyms that might be commonly encountered and/or used in District business. It is by no means a complete list.

319 – Refers to Section 319 of the federal Clean Water Act related to nonpoint source pollution management. Section 319 funds are administered by EPA and made available to the states. In Oklahoma, the Commission is the technical lead agency for the Section 319 Program.

404 – Permit issued by the Army Corp. of Engineers to discharge waters of the United States. 404 is a section of the federal Clean Water Act.

401 – Certification issued by the Oklahoma Department of Environmental Quality (DEQ) concerning quality of water to be discharged under a 404 permit. Water must meet quality standards for fish either in its present state or after suitable treatment. 401 is a section of the federal Clean Water Act.

AML – Abandoned Mine Land. The Commission works with private contractors to perform reclamation work on abandoned mine lands that have been prioritized on the potential threat to public health and safety.

AC – Area Conservationist (NRCS)

ARCINFO – A commercial software program that is used in GIS

ASTC – Assistant State Conservationist (NRCS)

ASTC (FO) – Assistant State Conservationist for Field Operations (NRCS)

BMP – Best Management Practices. Methods that have been determined to be the most effective and practical means of preventing or reducing pollution from nonpoint sources.

CAFO – Confined Animal Feeding Operation. EPA requires a CAFO permit for certain sized livestock operations to ensure water quality is not negatively impacted.

CAT – Critical Area Treatment

CD – Conservation District

CED – County Executive Director (FSA)

COB – Confirmation of Benefits; Close of Business

CORP – Corps of Engineers (U.S. Department of Army)

CREP – Conservation Reserve Enhancement Program

CRP – Conservation Reserve Program

CSP – Conservation Stewardship Program.

CWA – Cooperative Working Agreement

DEQ – Department of Environmental Quality. A state agency with responsibilities in air quality, water quality, and solid and hazardous waste management.

DC – District Conservationist (NRCS)

EAP – Emergency Action Plan

EPA – Environmental Protection Agency, a federal environmental agency. The Oklahoma Conservation Commission receives EPA funds for nonpoint source pollution management and wetlands protection.

EQIP – Environmental Quality Incentive Program, a conservation cost-share program originally authorized in the 1996 Farm Bill. It replaced the Agriculture Conservation Program (ACP) and Great Plains Conservation Program (GPCP). This program is managed by NRCS and FSA.

EWP – Emergency Watershed Program; may also be called the 216 program.

FIP – Forestry Incentive Program, a forestry resources program administered by NRCS.

FSA – Farm Services Agency, formerly the Agricultural Conservation and Stabilization Service, a federal agency of U.S. Department of Agriculture responsible for commodity and conservation cost-share payments to farmers.

FPAC – Farm Production and Conservation. Four federal agencies (FSA, NRCS, RMA, and FPAC Business Center) that support federal operational and business functions.

FY – Fiscal Year. 12-month accounting period for financial and tax purposes. State FY is July 1 – June 30; federal FY is October 1 – September 30.

GIS – Geographic Information Systems. A computerized system of layering geographic databases. The OCC OGITS division maintains numerous natural resource databases.

GPS – Global Positioning System. Equipment used to locate a specific point on the earth's surface; utilizes satellite technology.

HEL – Highly Erodible Land

HUA – Hydrological Unit Area

ICS – Incident Command System

MOU – Memorandum of Understanding

NACD – National Association of Conservation Districts. The national association of America's 3,000 plus conservation districts.

NASCA – National Association of State Conservation Agencies. A national association that promotes the interests of state conservation agencies. The Oklahoma Conservation Commission is a member.

NPS – Nonpoint Source Pollution

NRCS – Natural Resources Conservation Service, formerly the Soil Conservation Service. A federal agency of the U.S. Department of Agriculture responsible for the conservation of soil and other natural resources.

NWC – National Watershed Coalition

NWQI – National Water Quality Initiative, a program managed by the NRCS

O&M – Operation and Maintenance on upstream flood control structures.

OACD – Oklahoma Association of Conservation District, the state association of Oklahoma's 84 conservation districts.

OACDE – Oklahoma Association of Conservation District Employees.

OCC – Oklahoma Conservation Commission. The state agency responsible for providing funding and assistance to conservation districts.



ODA – Oklahoma Department of Agriculture

ODAFF – Oklahoma Department of Agriculture, Food, and Forestry

ODOT – Oklahoma Department of Transportation. The state agency responsible for construction and maintenance of state highways and bridges.

ODWC – Oklahoma Department of Wildlife Conservation. The state agency responsible for managing Oklahoma's wildlife resources.

OMES – Office of Management and Enterprise Services. The state agency responsible for finance, property, human resources, and technology services. Provider of district emails and HelpDesk assistance.

OWRB – Oklahoma Water Resources Board. The state agency with responsibilities for permitting water usage, water quality, and floodplain management.

PL-534 – Public Law 534. A federal law that authorizes the upstream flood control program in the Washita River watershed in Oklahoma.

PL-566 – Public Law 536. A federal law that authorizes the upstream flood control program.

PLT – Project Learning Tree. An environmental education curriculum dealing with forest resources.

PY – Program Year for State Cost-Share Program.

RC&D – Resource, Conservation and Development. A program of NRCS related to rural development.

RCPP – Regional Conservation Partnership Program (NRCS)

RD – Rural Development, formerly the Farmers Home Administration, a federal agency of the U.S. Department of Agriculture responsible for rural development and commodity loan programs.

REAP – Rural Economic Action Program. Funds from the gross production tax on oil, the legislature has earmarked for infrastructure projects related to water.

SC – Soil Conservationist (NRCS)

SCP – State Cost-Share Program.

SCS – Soil Conservation Service. The former name of the Natural Resources Conservation Service.

SCT – Soil Conservation Technician (NRCS)

SWCS – Soil and Water Conservation Society. A national professional society which promotes soil and water conservation.



TMDL – Total Maximum Daily Loads. The maximum amount of a pollutant that a stream or lake can receive from a combination of point sources, nonpoint sources, and natural background without degrading the quality of the receiving water body.

USDA – United States Department of Agriculture

USFS – United States Forest Service. A federal agency of the U.S. Department of Agriculture responsible for management of forest resources.

USFWS – United States Fish and Wildlife Service. A federal agency of the U.S. Department of Interior responsible for wildlife management.

WET – Water Education for Teachers. Project WET is a water resources environmental education curriculum.

WHIP – Wildlife Habitat Incentives Program (NRCS)

WILD – Wildlife In Learning Design. Project WILD is an environmental education curriculum dealing with wildlife resources co-sponsored by the Commission.

WQ – Water Quality, usually refers to the Water Quality Division of the Commission.

WQIP – Water Quality Incentive Program (NRCS)

WRP – Wetlands Reserve Program (NRCS)

# **District Board of Directors**

## **General Information**

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 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, Responsibilities, and Prohibitions**

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.

## **Authorities and Responsibilities**

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.
- Responsible for the district's long term financial stability as well as the day-to-day financial operations of the district. The Board cannot delegate this responsibility to staff.
- 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.
- 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 and review, as needed, district policy regarding employees, equipment, materials, services, funds, and all other aspects of the district's program.
- Hiring and firing of at will district personnel.
- 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.

## 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, nepotism ([O.S. Title 21, Section 481](#));
- Serving in any other elective state or county office, except for a member of the board of education of a school district ([O.S. Title 27A, Section 3-3-201](#)).
- Serving in any other appointed positions, except they may serve as members of local, municipal, county, regional and state planning agencies, boards, commissions and authorities and districts may participate in the funding thereof and performance of works and projects thereunder. ([O.S. Title 27A, Section 3-3-105\(D.\)](#))

## 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. Districts should contact their legal counsel or the Commission with any questions regarding liability.

## Compensation to Directors

### Board Meeting Expense

Directors may establish policy to receive meeting expense reimbursement, either at the rate specified by the Commission for reimbursable operating expenses or set their own rate to be paid from local funds, at the beginning of each new fiscal year for attendance at 12 regularly scheduled board meetings. If a board meeting is not held due to lack of quorum, the directors who are present at the no quorum meeting may receive the board meeting expense.

A director may only receive meeting expense if they are actively serving as a board member.

## 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 for meeting attendance; actual costs incurred in the repair or delivery of district equipment; and repair or maintenance of district owned structures and property. 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](#), and the [Local Reimbursement Form](#) are used for this purpose. Under no circumstance shall a director receive reimbursement for the same expense from both locally earned and Commission-reimbursed funds; nor may they receive a premium above set state rates for mileage or time.

## State Health & Dental Insurance Eligibility

State statute 3-3-413 grants district directors eligibility for health and dental benefits through the state. If a director chooses to enroll, they must do so within 30 days of the date of their appointment or during open enrollment period each year. Participating directors are billed directly by OMES Employee Group Insurance Division (EGID) for all premiums.

For more information or to enroll, interested directors should contact the Commission's HR department.

## 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.

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 the [Advisory Committees section](#).

## 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 on file with the district or apply for a cooperator agreement with the district upon declaration of candidacy. 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 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.

When oaths are administered the newly sworn director must review and complete the *Director Position Description* which the Board will then sign and finalize.

### **Administering Oaths**

Directors may be sworn in by the district's notary public or any other available notary public. For other options see [O.S. Title 51, Chapter 1, Section 21](#). The original oaths must be filed with the County Clerk's office and copies retained in the district files.

### **Appointed Directors**

Two of the five directors are appointed by the Commission with one appointed 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 be a cooperator with the district or made application to be a cooperator with the district. (OAC 155:10-1-6(a)).

### **Qualifications for Reappointment**

In addition to meeting the requirements for original appointment, the Commission requires directors to attend at least seventy-five (75) percent of the regularly scheduled board meetings held during their immediate past term. When calculating attendance for the immediate past term, no quorum and regular meetings shall be counted. (OAC 155:10-1-6 (b)(3))

### **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](#).

In the event a reappointed director has not met the 75% meeting attendance threshold, the District board shall provide to the Commission a letter outlining why the board member should be reappointed to the position.

### **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 director will be notified of their appointment and the district will receive a Certificate of Appointment for presentation to the appointee.

### **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.

When oaths are administered the newly sworn director must review and complete the *Director Position Description* which the Board will then sign and finalize.

### **Administering Oaths**

Directors may be sworn in by the district's notary public or any other available notary public. For other options see [O.S. Title 51, Chapter 1, Section 21](#). The original oaths must be filed with the County Clerk's office and copies retained in the district files.

### **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.

To realize the full potential of associate directors, the board should assign them specific duties and responsibilities. A length of term should also be established for the associate director. 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. The District board should discuss with associates their desire to serve in a full capacity and a timeline for when that may occur.
- 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 board may appoint advisory committees, as needed, to ensure the availability of appropriate channels of communication to the board of directors, persons affected by district operations, 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 district directors and employees.

## 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. It is recommended to publish as close to the first of the month as possible. 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.

**April or May Board Meeting:** The board should act on the following items to prepare for a possible election:

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

**May 1 - 14:** 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. Completed Notification and Declaration of Candidacy filings should be forwarded to the Commission upon receipt to facilitate completion of eligibility determinations. All completed candidacy filings must be forwarded to the Commission office by close of business on the last day of the filing period.

Within three (3) business days following the close of filing period, the Commission will notify the district whether candidates are eligible and whether an election is to be held.

If only one eligible candidate files, no election will be held. If two or more eligible candidates file, the district must begin election preparations immediately.



**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. This is also the final day the Notice of Election may be published to meet publishing requirements.

## When No Candidate Files for Election

If no one files for the elected position, the district must email the Commission immediately upon close of business on the last day of the filing period that no one filed; this notification does not require board action. Following declaration by the Commission of the position to be vacant, the district will submit a recommendation to the Commission for appointment to fill the elected position. The elected position does not convert to an appointed position if there is an appointment to fill the vacancy. Please refer to the [section titled Recommendations for Appointment/Reappointment](#) for procedures for appointment. 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 act on election preparations at the April or May regular board meeting, a special meeting must 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 the Polling Places section](#))
- Appoint a District Election Committee ([see the District Election Committee section](#)) to have in 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 (2) times, one week apart, with the last notice to be published not less than five (5) 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, 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) using the following criteria and forward a list of the location(s) immediately to the Commission office for approval:

- One must be in the city/town the district office is located.
- Additional locations must be located throughout the district to allow ease of voting for all eligible persons.

## Materials for Election

The Commission will provide all necessary forms and instructions for the election to the District Election Committee Chair. Excepting ballots, a copy of the forms and instructions will also be provided to the district for informational purposes.

The district must obtain and provide ballot boxes for each polling location. Ballot boxes:

- Must have a narrow slot at the top large enough to accept completed ballots
- Must be sealed against tampering until opened for vote tabulations by the precinct committee
- Should be large enough to accept all ballots cast.

## 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 (4) days prior to the election.

The used ballots must be returned to the Commission along with completed Forms OCC-3I Letter of Transmittal, OCC-3J, Report of Unofficial Returns, and OCC-3K, Affidavit of Registered Voter 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 in the presence of two members of the board of directors. Ninety (90) 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.

All ballots must be cast in person by the voter; absentee voting is not permitted.

## 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 forwarded to the Commission immediately for approval. One person should be named Chair of the District Election Committee. Individuals serving on the District Election Committee or Precinct Committee(s) must be at least 18 years old, able to read and write English, and be able to sit for long periods of time. The board of directors, their immediate families, and district employees cannot serve on either the District Election Committee or Precinct Committee(s). The County Election Board may be helpful in identifying possible committee members and in general election procedures.

The Committee represents the Commission in supervising and conducting the election. The Oath of Office shall be administered to the District Election Committee by any officer authorized to administer oaths, including by the district's notary public or any other available notary public. (For other options see [O.S. Title 51, Chapter 1, Section 21](#).) Signed copies of Form OCC-3H, *Oath of Office for Election and Precinct Committees*, are filed in the district office.

The District Election Committee shall:

- Appoint a precinct committee for each polling place. The District Election Committee shall furnish to the Commission the names of the precinct committee members for each of the polling places. It is recommended, though not required, that the District Election Committee also serve as a precinct committee; an individual serving on both committees may receive only one wage per hour. If only one polling place is authorized, the District Election Committee should serve as the precinct committee.

- 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 except for ballot boxes.
- Accept from the precinct committee(s) a completed Form OCC-3I, *Letter of Transmittal*, and all ballots, both used and unused, immediately following the election. The District Election Committee will then tabulate the results from the forms and complete Form OCC-3J, *Report of Unofficial Returns*. The District Election Committee must then mail all of the following to the Commission:
  - Form OCC-3I, *Letter of Transmittal* from each precinct
  - Form OCC-3J, *Report of Unofficial Returns*
  - Form OCC-3K, *Affidavit of Registered Voter* from each precinct
  - 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.
- Post the 3J at the precinct in the district office town and a copy at the local district office.
- A copy of the certified official returns will be provided by OCC to the district for posting at the office.

## Challenges to 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. The challenge should be for a recount of the ballots and/or certification of voters.

**Recount Challenge.** Any candidate 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 the deposit, if any, shall be returned to the challenger.

**Certification Challenge.** Any candidate 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 the deposit, if any, shall be returned to the challenger.

In the event of a challenge of the election results, the election committee must determine to the best of their ability whether a voter is a registered voter within the boundaries of the district.

## 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 permanent 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 both used and unused, and Form OCC-3K, *Affidavit of Registered Voter*, shall be placed in a sealed 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. The District should contact the local County Election Board to obtain the current rates. Committee members may also receive the prevailing State mileage rate for official election related travel. Committee members must submit Form OCC-3L, *Claim Form - Special Assistance for District Director Election*, to the district prior to payment. 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 (4) 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 copy of the Official Results, and a Certificate of Election to the conservation district and notify the candidates of the certified results.

## District Election Expenses

All election expenses incurred by the district are reimbursable. These expenses may include:

- Director Election Committee and Precinct Committee member wages and mileage
- Polling location rental fees
- Cost of election supplies not provided by the Commission (i.e., cleaning supplies, ballot boxes, PPE)
- Publication expenses for publishing of Notice of Filing Period and Notice of Election

The district must submit an OSF-3 Form, with back-up documents, to claim for reimbursement. Election expenses, if claimed as code 93 and properly submitted, will not be deducted from the district's operating expense allocation.

## District Director Position Vacancies

All vacancies on the board, whether appointed or elected positions, are filled by appointment by the Commission. Upon vacancy by any cause, the District must notify the Commission at once. During a board meeting, the board will make recommendation for appointment to the vacant position. Please see the [Recommendations for Appointment/Reappointment](#) section for procedures on submitting the recommendation.

## Resignation of a District Director

Directors shall submit a letter of resignation to the district board or provide verbal resignation that is recorded in the meeting minutes. Resignations should be kept on file in the district office; a copy should also be immediately forwarded to the Commission. However, as stated in the Term of Office subheadings under Elected Directors and Appointed Directors, directors will continue to serve until their successors are appointed by the Commission or elected by registered voters.

Directors who have resigned from the board or whose terms have ended without a successor should continue to be listed on the meeting minutes as absent until their successor is appointed.

## Death of a District Director

Immediately upon the death of a director, the district must notify the Commission. Please review the [Recommendations for Appointment/Reappointment](#) section 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. If removal for cause is a concern, contact the Commission office immediately.

## 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, unless the position meets an exception under [O.S. Title 27A, Section 3-3-105\(D\)](#) or [O.S. Title 27A, Section 3-3-201](#). See the [Authorities, Responsibilities, and Prohibitions](#), as well as the [Liability](#), sections for more information.

The vacancy will be filled by the Commission. Please review the [Recommendations for Appointment/Reappointment](#) section for procedures on filling this position.

# **Board Meetings**

## **General Information**

Conservation districts are required to 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 [Oklahoma Open Meeting Act \(25 O.S. § 301 et. seq.\)](#). 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."

## **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 or as otherwise authorized by the act.

The Commission highly recommends that if three (3) or more directors will be present at an event a meeting notice be filed with the County Clerk.

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 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 unless specifically authorized by the act.

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. The act also allows any person to bring a civil suit for declarative or injunctive relief for a violation of the act. If the person is successful in their suit, then the district would be required to pay the person's attorney fees.

## Types of Meetings & Notice Requirements

### Regular 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 the district serves multiple counties equally. In addition, a copy of the form must be submitted to the 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, at the latest, on the November board meeting agenda. When scheduling meetings, be sure to check for holidays that would cause a conflict.

Failure to file the Notice of Schedule of Regular Meetings by December 15 will result in every meeting for the upcoming calendar year being held as a special meeting.

In addition to filing Form OCC-4A, each district must display public notice of each meeting by posting the date, time, place, and agenda at least 24 hours, not counting Saturdays, Sundays, or holidays, prior to each meeting by using the following method:

- By posting the agenda in prominent public view at the district office. The agenda must be posted in an area where a person can read the agenda if standing outside the district office building; and
- If the district has a website, by posting the agenda on their website.

Additionally, the public body shall offer and consistently maintain an email distribution system for distribution of the notice of a public meeting, and any person may request to be included without charge. The emailed notice of a public meeting shall include in the body of the email or as an attachment to the email the agenda for the meeting and it shall be sent no less than twenty-four (24) hours prior to the meeting.

### Change of Meeting

Notice of any change in date, time, or place of the regularly scheduled meeting shall be given to the County Clerk no less than ten (10) 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 (10) day notice, Saturdays, Sundays, and legal holidays may be counted. In computing the 24 hours in posting of the agenda, Saturdays, Sundays, and legal holidays may not be counted. The Commission should be advised of any changes in meeting dates via submission of the County Clerk stamped OCC-4B.

## Cancelled Meeting

In the event a meeting is cancelled, [Form OCC-4B, Notice of Change in Meeting Date, Time and/or Place](#), should be completed. The completed form should be posted where the agenda would normally be posted. The completed form should also be retained with the District minutes; a copy should be submitted to the Commission no more than five days after the cancelled meeting.

## Lack of Quorum

Any business conducted at a board meeting in which there is no quorum of 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 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."

In the event of a no quorum meeting, [Form OCC-4C, Notice of Lack of Quorum](#), should be completed. The completed form should be retained with the District minutes; a copy should be submitted to the Commission no more than five (5) days after the no quorum meeting.

In the event a board meeting is not held due to lack of quorum, the directors who are present may receive the board meeting expense at the rate established by board policy.

## 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 not less than 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. Written notice should be provided on Form OCC-4B; once the notice has been filed, the County Clerk stamped copy should be submitted to the Commission. 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 district shall give as much advance public notice to the County Clerk as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means. An agenda should be prepared and posted as soon as possible; the agenda should identify all items of business to be discussed and provide the reason for declaring the emergency meeting.

The written minutes of an 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 which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. Public notice including date, time, and place of the continued or reconvened meeting shall be given by announcement at the original meeting. Notice giving the time and place of the continued or reconvened meeting should be posted with the agenda. Only matters appearing on the agenda of the original meeting may be discussed at the continued or reconvened meeting.

## **Board Meeting 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, except for those items qualifying as new business.

## **Developing the Agenda**

All public meetings (regular, continued, or reconvened, special, or emergency) require an 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, district staff 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.

Due to a 2021 Oklahoma Supreme Court Case, *Fraternal Order of Police v. City of Norman*, Case no. 119296, the following suggested language should be placed at the bottom of every conservation district agenda:

*“All items on this agenda, including but not limited to any agenda item concerning the adoption or approval of any resolution, contract, agreement, or any other item of business, are subject to revision or amendment, including additions and/or deletions, without exception. Any revision or*

*amendments will be limited and rationally related to the topic of the agenda item. The Board may defer, strike, continue, table, and/or refer back or appoint a committee for the purpose of gathering more information the Board may need to take action on any agenda item at a subsequent special or regular meeting of the Board.”*

## **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. See the [Types of Meetings & Notice Requirements](#) section for additional agenda posting information.

## **Items for Consideration at Every Board 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, including indicating when a vote is likely to happen. 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.

## **New Business**

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 only be discussed at a regularly scheduled board meeting and must be reflected in the minutes. It is a violation of the Open Meetings Act to address "New Business" in a special or emergency meeting.

## **Executive Session**

The district board may go into Executive Session as allowed by the Open Meeting Act. The Executive Session and the topic of the Executive Session must be specifically listed on the agenda and posted 24 hours before the meeting. An Executive Session with no specified topic as authorized by the Open Meeting Act shall not be on the agenda. When the Executive Session comes up on the agenda, the directors must vote in Open Session to go into Executive Session and the vote must be recorded in the general minutes.

Directors should always acknowledge exiting Executive Session and returning to Open Session; the minutes should reflect the time of the return to Open Session.

No action may be taken in Executive Session. Any and all vote and official action resulting from discussion in an Executive Session must take place in Open Session.

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

## Language for Agenda

The agenda language for an executive session must be unambiguous, including the specific provision of the Open Meeting Act which authorizes the executive session. Following are the specific subsections most used by conservation districts 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 \(B\) \(7\)](#).

## Example Agenda Item for a Proposed Executive Session

1. As authorized by the Oklahoma Open Meeting Act in Section 307(B)(1) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual public officer or employee.” Pursuant to this provision, the \_\_\_\_\_ Conservation District Board proposes to hold an Executive Session for the purpose of discussing the employment of Elizabeth Taylor, District Manager. 25 O.S. Section 307(B)(1).
  - a. Vote to convene or not to convene into executive session.
  - b. Executive Session if authorized.
  - c. Acknowledge return to open session.
  - d. Executive Session Minutes Compliance Announcement.

## Example Executive Session Meeting Process

Following is an example of how an executive session should be handled during a board meeting:

1. Agenda Item read during the meeting.

***Chairman Reads:*** “As authorized by the Oklahoma Open Meeting Act in Section 307(B)(1) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual public officer or employee.” Pursuant to this provision, the \_\_\_\_\_ Conservation District Board proposes to hold an Executive Session for the purpose of discussing the employment of Elizabeth Taylor, District Manager. 25 O.S. Section 307(B)(1).

2. Vote by the Board on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a **majority vote** of a quorum of members present and such vote must be individually recorded in the minutes.

**Chairman states:** *“Based on the information proposed for discussion in executive session, do I have any motions to enter into an executive session?” (Motions must be made and a vote taken in regular session before entering executive session)*

3. Designation of persons other than Board members being asked to enter executive session.

**Chairman states:** *“Board also asks that \_\_\_\_\_ remain and attend the executive session.”*

4. Executive Session, if authorized.

**Chairman directs** *all other persons in attendance to the public meeting to exit the room until the Board returns to regular session.*

**Chairman states:** *“The Board now enters Executive Session at \_\_\_\_\_ a.m./p.m. on (day) of the week, Month, Day, Year.”*

5. Executive Session discussion begins.
6. Once discussion has ended the Board shall return to open meeting.

**Chairman invites** *the public back into the room and waits for them to re-enter and be seated.*

**Chairman states:** *“The Board now returns to Open Session at \_\_\_\_\_ a.m./p.m. on (day) of the week, Month, Day, Year.”*

7. Chairman makes Executive Session Minutes Compliance Announcement in open session. See the [Announcement](#) section below for compliance announcement information.
8. Board votes on possible action(s) if any relating to the matter discussed in the executive session.

### **Announcement**

Once the board returns from executive session, the board should make an announcement to those present at the meeting. The announcement must contain three elements (1) who was present, (2) what was discussed, and (3) that no action was taken.

### ***Sample Announcement made by the Chairman:***

*The board entered into executive session at 7:05 p.m. to discuss the employment of Elizabeth Taylor, for District Manager as authorized by 25 O.S. Section 307(B)(1). Those present in*

*executive session were Billy Boardmember, Betty Boardmember, Beth Boardmember, Bobby Boardmember, Bonnie Boardmember, and Jillian Smith. No action was taken by the board of directors while in executive session.*

### **Minutes Incorporating Executive Session Information**

The official open meeting minutes must contain a minute statement from the executive session that contains the following:

#### ***Executive session minutes compliance announcement.***

\_\_\_\_\_ announced that the board entered into executive session at \_\_\_\_\_ to discuss the employment of Elizabeth Taylor, for District Manager as authorized by 25 O.S. Section 307(B)(1). Those present in executive session were Billy Boardmember, Betty Boardmember, Beth Boardmember, Bobby Boardmember, Bonnie Boardmember, and Jillian Smith. No action was taken by the board of directors. The board returned to open session at \_\_\_\_\_.

If this process is followed correctly, then the district's executive session minutes are properly contained within the regular minutes, thus, there is no need to prepare, keep, track, and secure separate executive session minutes.

## **Board Meeting Packets**

Agendas should be prepared in advance of the meeting so that a copy can be provided to each member of the board of directors and all interested persons prior to the meeting. The board may direct the district staff 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 provided in advance, the directors may waive reading the minutes during the meeting.

## **Board Meeting Process**

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.

### **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."

### **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.

All board members, regardless of position, should be prepared for meetings and ready to participate in discussions.

### **Chair's Responsibilities**

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

- Assisting district personnel in developing the agenda.
- Starting the meeting on time and encourage all board members to be on time for the meeting.
- Keeping discussions on topic and progressing 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.
- Following the agenda and ensuring 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.
- Determining 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 "Public Comment."

### **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 district staff 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, the Secretary-Treasurer 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. The directors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property; see the [Surety Bonds](#) section for more information.

### **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 not an official, permanent record until they are approved and signed by the board. See the [Approval of Minutes](#) section under Board Meetings for steps to approve minutes.

### **Corrections or Amendments to Minutes**

The minutes are a record of what occurred at the meeting; they are not a word-for-word transcript of what was said. Corrections or amendments to minutes should make the record accurate, not

change or "complete" an action. A mistake in the minutes can be corrected by action of the board at the next meeting.

Minutes that have not been approved are considered draft and may be corrected. Minutes that have been approved must be amended.

### **Corrections to Draft Minutes**

The correction should be included in the motion such as "C. Drake moved to correct the minutes 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 of the (meeting date) meeting as corrected."

### **Amendments to Approved Minutes**

The amendment should be included in the motion, such as, "C. Drake moved to amend the minutes of the - 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 (meeting date) meeting minutes as amended." Amend the minutes by adding "As Amended" in the minutes heading and making the needed correction(s). The chair should verify the amendment has been made as directed and sign the amended minutes. The amended minutes should be added to the official minutes packet with the originally approved meeting minutes; they should also be included in the official meeting packet of the meeting when the amendment was approved.

### **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 and bank statements should be presented along with the current month's financial and bank statements.

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 with accounts received report.
- Compare disbursements. The amount paid to employees for salaries should be approximately the same from one month to the next unless they are on actual hours worked or have received one-time pay increases. Many other bills paid will be the same or nearly so as well. Question any major differences.
- Every month look for the draw showing taxes paid. The district should pay federal 941 employment taxes monthly; state withholding taxes may be paid monthly or quarterly. The list of disbursements should contain a draw from the IRS for the 941 taxes 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 shown to the directors at the board meeting.



- Petty cash must be accounted for with receipts and a running balance sheet. Checks written to establish or replenish petty cash should 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 salary and operating expense allocation should be placed on one claim. However, a separate claim must be filed when claiming items that do not come from the district's salary and operating expense allocation, including claims for cost-share, special projects, election expenses, and watershed operation and maintenance.

### **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 an employee. Remember, sick leave and annual leave cannot be used in advance of accrual. Accrued amounts are not available for use until the first day of the following month. Boards may set policy to allow employees to use accrued compensatory time immediately after accrual rather than waiting 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. If 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. New business may not be considered during special or emergency meetings.

### **Public Comments**

Public comment during a public meeting is not required under the Open Meeting Act; however, it is required during a public hearing.

If the board wishes to allow public comment during public meetings, consideration should be given to establishing public comment general rules, including:



- Identification of the speaker, and their organization, as applicable
- Individual speaker time limits
- Pertinence of comments
- Prohibition of poor behavior

It is also important to remember that public comment period is not a “question and answer” session. The board should not enter into debate regarding comment; allow the speaker to express their comment, thank them for doing so, and then move on to the next speaker or agenda item.

### **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, and Form OCC-6B, Notice of Personnel Action](#), may be attached as an exhibit in lieu of listing each of these items in the minutes. The completed 6A and 6B forms should be forwarded to the Commission.

Personnel matters should be handled in executive session in accordance with the Open Meeting Act. However, motions and votes must be made publicly in the regular session and recorded in the minutes.

### **Approval/Cancellation of Cooperator Agreements and Conservation Plans**

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

Conservation Plans written and provided by USDA that include PII should be reviewed in Executive Session.

The district board may designate, through official board action, the district manager to sign conservation plans for CRP and Cost-Share. Plans signed by the district manager must be ratified during a regular board meeting.

### **Contracts, Obligations or Legally Binding Agreements**

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

### **Ratification Process**

In the event action is required on an item prior to the next board meeting, a designated board member may review and approve the item. It should be listed on the next board meeting agenda for ratification by the board.

The board should set policy designating the board member who is authorized to approve items for ratification at a later date and what items qualify for this process.

## Board Meeting Minutes

The minutes of the board meeting must contain enough information for any person reviewing them at a later date to easily 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. The minutes are a record of what was done at a meeting, not what was said; 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.

For specific guidance on executive session minutes and compliance, see the [Minutes Incorporating Executive Session Information](#) section.

### Attendance

The minutes must list all board members present, as well as those absent. Until their successor is appointed, any director who has resigned from the board should continue to be listed on the minutes as “absent” unless they are in attendance. 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; this includes if a member arrives late or departs early from the meeting.

### Meeting Called to Order

The minutes should accurately reflect when the meeting is called to order and include the opening or compliance statement. The agenda posting location and date should also be included.

### 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.

It is recommended that the Chair not make or second motions. However, to keep the meeting progressing, they may say “I would entertain a motion to...”

### 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's vote. To prevent confusion in how a board member votes, the Commission recommends roll call votes be taken.

The text of the minutes may refer to the directors by last name only; however, do not use first names only or record votes as “All” or “None.”

### Reports

Reports given by other agency personnel or by district directors may either be summarized in the minutes or may be typed separately and attached as an exhibit. All district personnel should submit a written report each month for inclusion 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 completed minutes packet, including the agenda, signed minutes, financial statement, and all attachments and exhibits, from the previous month to the Commission within five days of the meeting in which it was approved. Minutes should be emailed to the Commission office in accordance with district minutes submission policy and as outlined on the District Minutes Checklist. If you have questions about submission of approved minutes, contact the District Services division.

In addition, a copy of the approved minutes should be sent to the Commission member who represents the district, the President, appropriate Vice President, Area Director of the Oklahoma Association of Conservation Districts, and anyone else who expresses an interest. Consideration should be given to sending the minutes to the Natural Resources Conservation Service Assistant Conservationist for Field Operations and the State Senator and Representative(s).

## **Approval of Minutes**

The district board must take action to approve the previous meeting minutes. If the minutes were provided prior to the meeting, the reading of the minutes may be waived. The board may vote to approve the minutes “as written” or “as amended.”

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 as part of the completed minutes packet. Minutes are not an official, permanent record until they are approved and signed by the board.

## **Retention of Minutes**

The official minutes packet must be retained in the district office as a permanent record. The district should have a system in place to maintain the district's original copies in the best form possible. If the district wishes to have minutes bound in a hardback cover the Commission can assist with the process.

If the district chooses to have minutes bound, the district's original minutes should never be mailed. They should be hand-delivered to the Commission office when enough pages have accumulated to reach 1.5” to 2.0” thickness. 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.

# **Financial Management**

## **General Information**

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. See the [Open Records Act](#) section for more information.

## **Penalty for Misuse of Public Funds**

District directors and personnel are responsible for misuse of public funds and may be prosecuted to the full extent of the law.

## **Bonds**

### **Notary Bond**

At least one district employee should have a notary bond and seal to notarize reimbursement 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 all employees and officers be covered by a surety bond that are entrusted with funds or property. 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 average daily amount of funds available to the district. The bonding company and/or the district's auditor can assist in determining this amount. 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. Annually, a copy of the current bond must be submitted to the Commission office by March 31st.

## **SAM Registration**

Districts who do any business with USDA and receive payments must have a valid SAM.gov registration. This registration must be updated yearly; maintaining the SAM record is free. Districts should never pay anyone to maintain their SAM.gov record nor respond to any emails regarding their SAM record unless the correspondence is verified to be from the official SAM.gov email account.

## **Non-Collusion Statement**

Under [Title 62, Section 310.9\(A\)](#), of the Oklahoma Statutes, every invoice submitted to a conservation district for payment of an architect, contractor, engineer, or supplier of construction materials of \$25,000 or more must have [Form OCC-5H, Non-Collusion Statement](#), attached to the invoice.

The section on [procurement](#) should be reviewed prior to purchasing any goods or services.

## Operating Capital & Checking Account

The district's allocation from the Commission is paid by reimbursement, so the district must first pay expenses and then claim remuneration. The district must maintain 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 daily.

Office staff are 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 office staff and to review and sign checks. This may be the Secretary-Treasurer and/or the Chair of the board. All authorized individuals must be bonded.

If the district chooses to authorize a district staff member to sign checks, a second authorized board member signature should be required. Under no circumstances shall a district staff member sign their own paycheck.

## Funding Sources

### 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 annual [Budget Request, OCC Form 5L](#), provided by the districts. Once the appropriation is passed by the legislature and is signed by the Governor, the Commission allocates a portion of the District Services Appropriation to each of the 84 conservation districts. The Commission notifies each district of the amount of their allocation at the beginning of the fiscal year. Allocations to districts are made based on allocated personnel positions and operating expenses.

### Locally Earned Funds

The Conservation District Act 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 provide services to generate local funds.

**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 all district funds as they are subject to the same auditing requirements as state funds.

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:

- Gift cards or cash awards for participants of 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 the National Association of Conservation Districts or Oklahoma Association of Conservation Districts.
- Additional monthly or hourly pay to district employees, including one-time pay increases.

## **Petty Cash**

The district may have a petty cash fund. However, if the funds originally come from district locally 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.

Contributions to the petty cash fund, if using locally earned funds, must be made by a district check; it is recommended that the petty cash balance never exceed \$100.00. The fund should be counted at least monthly, and a reconciliation completed; the reconciliation should be presented as part of the monthly financial reports presented at board meeting.

Locally earned petty cash funds may not be used for the purchase of food, flowers, awards, or gifts. However, district directors and staff may establish a separate petty cash fund with personal contributions. This personally funded collection may then be used as the directors see fit for food, flowers, awards, and gifts.

## **Investments**

Districts may invest locally earned funds in government insured programs such as certificates of deposit. All funds of the district are considered state monies and therefore are limited by the Oklahoma Constitution and state laws; any investments of monies must be FDIC secured. Investment in stocks or bonds is prohibited because it exposes public funds to unsecured risk.

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 provide its federal employer identification number (FEIN), which is used by the district in reporting employer taxes.

## **Authority to Obtain Grants & Loans**

As stated in the Conservation District Act, districts are only 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. For example, several districts have borrowed money from other conservation districts, 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.

Districts **DO NOT** have the authority to borrow money from banks, savings and loan associations, credit unions, or similar institutions.

## Financial Reports & Documentation

### Allocation Register

Office staff should develop a register or ledger in which to track the district's allocation. Claims for reimbursement must be deducted as they are incurred. The district may not claim reimbursement for funds in excess of its allocation.

The directors should be kept apprised of the district's allocation balance. The allocation register should be part of the district's financial statement to be considered at board meetings.

The district is responsible for knowing their current allocation and is responsible for tracking claims made against it. In the event of a discrepancy, the Commission may request a copy of the allocation register to compare records.

### Receipts & Expenditures Tracking

Office staff should set up and maintain a journal of receipts and expenditures for each fiscal year. Every receipt and expenditure should be listed in the ledger and should also be documented through invoices and receipts maintained in district files.

The district may find it worthwhile to utilize small business accounting software, but this is not required.

### Bank Statements

Office staff must keep the district checking account current at all times and reconcile all accounts with the bank statements each month. For each account, the reconciled bank statement balance and monthly financial statement balance should agree. [Form OCC-5A, Reconciliation of Bank Statement](#), may be used for reconciling the bank statement.

The checking account ledger, reconciled statements, and any forms or reports associated with reconciling should be presented at the district board meeting each month.

### Budget Request

Each year, the district must submit to the Commission a [Budget Request, OCC Form 5L](#), for the upcoming (not current) fiscal year. This document should detail the district's financial needs for continued and new funding and must include—current fiscal year to date local fund expenditures. The Commission compiles the information received from all districts as a basis for the agency's district services budget request which is then submitted to the Governor and the legislature.

In preparing the Budget Request the board should consider requests for changes to current position allocations, as well as requests for new positions, and program and operations requests.

The Commission will provide specific guidance for completion of the Budget Request as well as the required due date each year.



## 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; each district must provide to the Commission a completed "Timeframe for Completing District Audit" form by the due date specified by the Commission.

### Who May Perform the Annual Audit or Compilation

Audits must be performed by an auditor that is authorized to perform government audits as listed in the Oklahoma Accountancy (OAB) Board Yellow Book; compilations must be performed by a licensed accountant. For a list of licensed Public Accountants and Certified Public Accountants in your area who may conduct compilations contact the OAB.

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 be reviewed and approved by the district board. After approval, a copy of the audit or compilation must be filed with the County Clerk. After the County Clerk has received and stamped the audit or compilation, a copy of the stamped report page should be obtained and forwarded to the Commission with a complete copy of the audit or compilation. At least one copy of the audit or compilation 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, approved by the district board, and filed with the County Clerk. A copy of the form with the County Clerk's stamp must be submitted to the Commission with the audit or compilation.

## Timesheets

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. Timesheets should be typed; if an employee handwrites their timesheet and then a final version is typed, the original handwritten copy must be retained in the personnel file.

At the end of the payroll period, the employee and a director must sign the typed form which is used as a backup document for reimbursement of payroll. Directors should review the *Daily Activity Timesheet and Leave Record* before signing. Office staff should retain copies of the completed Form OCC-5B for the personnel file.

The Commission will not process the payroll claim unless all timesheet information is completed, including the leave record and required signatures.



Guidance for accruing and using annual and sick leave can be found in the [Personnel Management](#) section.

## Earnings Record

[Form OCC-5E, District Employee Earning Record](#), should be completed for each employee. The earning record provides a quarterly and yearly summary of all wages paid and taxes withheld; it is useful for completion of quarterly 941 reports and W2 tax forms at the end of each year.

## Financial Policies

### Online Bill Pay & Auto Draft

The district board should set policy regarding allowing or restricting online bill pay and/or auto drafting. If allowed, policy should also be set outlining what bills or items may be paid online or electronically and a dollar threshold of payments.

Copies of all invoices, statements, etc. paid online should be reviewed and verified against the bank statement each month. Payment information may be stored in an online account; however, the district should not allow auto renewal of any charges.

The district is responsible for updating payment information as needed and should keep the details of the account in a secure location to ensure continued access in the event payment change information is needed.

### Credit Cards, Debit Cards

The district board should set policy regarding use of a district credit card or debit card. If use is allowed, policy should also be set outlining what items may be purchased, the dollar threshold of purchases, and authorized users.

Copies of all invoices, statements, etc. paid using a district credit card or debit card should be reviewed and verified against the card statement each month.

Allowing use of credit and debit cards results in larger liability to the district for misuse; the district should review its surety bond to ensure adequate coverage is in place.

### Director Meeting Expense

Conservation district directors may set policy to be paid at a rate of their choosing from local funds for attending the 12 regular district board meetings. If no quorum is present for a regular board meeting, those directors who do attend may receive the board meeting expense.

The district may seek reimbursement from their allocated operating expense amount for directors meeting expense; the Commission sets policy each fiscal year for an allowable reimbursable amount, in no circumstances will a district be reimbursed above this amount even if the meeting expense was set at a higher rate by the directors.

Payment to the directors and claims for reimbursement for the directors' meeting expense should be handled quarterly. [OCC Form 5I, Claim for Meeting Attendance](#) should be completed for each director receiving payment then a district check should be cut to each director for the quarter's total meeting expense.

Director meeting expense is not considered wages therefore directors will not receive a W-2 or a 1099 at the end of the year.

If the district chooses to claim reimbursement for this expense from the allocated operating expense amount, the item should be included on the regular monthly claim. Backup documents for this expense are the completed, signed Form OCC-5I, *Claim for Meeting Attendance*, for each of the directors.

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 their home to become part of their estate.

Reminder: A recommended director is not eligible to receive board meeting expense until the appointment is approved by the Commission, and they have been sworn into the position.

## **Taxes - Payroll**

The district must pay federal and state withholding, FICA (Social Security) tax, Medicare (MQFE) tax, state unemployment tax, and sales tax (if the district sells any product) as required by law.

The basic procedures for payment are outlined in the following sections. For specific assistance with any tax related issues, including payments and reporting, please contact the District Services division.

Districts should obtain current W-4 or W-9 forms as needed to ensure taxes are properly withheld and reported for employees and contract laborers.

## **Taxes – Federal**

Refer to Circular E, Employers Tax Guide ([Publication 15, Revised each January](#)) for complete details. Tax rates may change annually. District Services will provide Districts notice of any rate changes and will update any needed forms; however, districts may also refer to IRS Form 941 reporting forms for effective rates.

### **Social Security (FICA) Tax**

All employees and employers (i.e., the district) must pay social security tax. Refer to Circular E for both the employee withholding and the employer matching percentages for social security tax.

### **Medicare (MQFE) Tax**

All employees and employers (i.e., the district) must pay Medicare tax. Refer to Circular E for employee withholding and employer matching percentages for Medicare tax.

### **Federal Withholding Tax**

All employees must provide an accurate up-to-date W-4 form for proper computation of withholding taxes. Withholding taxes must be paid based on the current W-4 form.

### **FUTA (Federal Unemployment Tax)**

Districts are exempt from payment of this tax.

## **Monthly Payment and Reporting Requirements**

Social Security (FICA) and Medicare (MQFE) Tax, both employee's share and employer's share, and the employee's federal withholding (i.e., 941 taxes) must be deposited via the EFTPS online reporting system.

Monthly 941 tax payments, regardless of amount due, must be made electronically through the EFTPS.gov website at [www.eftps.gov/eftps](http://www.eftps.gov/eftps); payments are due no later than the 15<sup>th</sup> day of the following month. Districts should verify that the tax year and quarter are correct prior to completing any payments. Upon submitting the deposit, the confirmation of receipt should be printed; this proof of payment must be attached to the OSF-3 Claim Form as part of the backup documentation for salary reimbursement. A copy of the 941 proof of payment should also be retained in the district's files as a safeguard in case the IRS records do not agree.

Districts must complete and file IRS form 941, Employer's Quarterly Federal Tax Return, each quarter. Dues dates for filing the 941 are: April 30, July 31, October 31, and January 31 (for the fourth quarter of the previous calendar year).

## **Taxes - State Withholding**

State Withholding Taxes must be filed and paid quarterly via the Oklahoma Tax Commission's web portal at [www.oktap.tax.ok.gov](http://www.oktap.tax.ok.gov); filings are due on or before the 20<sup>th</sup> day of the month following the close of the quarter. Districts may choose to make monthly payments for withheld amounts in advance of filing the quarterly report.

All employees must provide an accurate up-to-date Oklahoma W-4 form for proper computation of withholding taxes. Withholding taxes must be paid based on the current Oklahoma W-4 form.

For assistance with state withholding taxes, contact District Services.

## **Taxes - State Unemployment Insurance**

The Oklahoma Employment Security Commission (OESC) assesses premiums, processes claims and pays benefits to eligible individuals. Premiums assessed by OESC are for unemployment insurance (unemployment tax) which 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 operating expense allocation for all allocated positions.

OESC notifies all employers, via a letter each January, of the taxable wage base amount and annual contribution rate for the year; districts must retain this notice to assist with filing of the quarterly reports and payments.

Districts must report and file unemployment taxes quarterly via the OESC web portal. Payments and reports must be filed by the last day of the month following the end of the quarter.

For assistance with unemployment taxes, contact District Services.

## End of Year Tax Forms

The conservation district is required to complete and file with the IRS and the State of Oklahoma Tax Commission (OTC) end of year tax forms for employees and contractors. The district must also furnish copies of these forms to the individual.

District Services provides updated instructions each year for completion of tax forms. However, districts should ensure that the proper forms have been ordered from the IRS well in advance of January 1.

### W-2 & W-3

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. The Commission recommends the district provide copies of W2s to employees at least two weeks in advance of the filing deadline; this allows time for any errors to be corrected prior to officially filing the forms. Form W-3, Transmittal of Wage and Tax Statements, must be filed in conjunction with all W2s; W2 and W3 forms must be filed online with both the IRS and the Oklahoma Tax Commission by January 31 each year.

### 1099-MISC

Form 1099-MISC must be furnished by January 31 each year to cost-share participants whose payment from the district was \$600 or more. The Commission recommends the district provide copies of Form 1099-MISC at least two weeks in advance of the filing deadline; this allows time for any errors to be corrected prior to officially filing the forms. A form 1096 must be completed and filed in conjunction with all 1099-MISC forms; forms must be mailed to the IRS but filed online with the OTC. 1099-MISC forms and the accompanying 1096 must be filed by February 28 each year.

### 1099-NEC

Form 1099-NEC must be furnished by January 31 each year to contract laborers or attorneys who were paid \$600 or more. The Commission recommends the district provide copies of Form 1099-NEC at least two weeks in advance of the filing deadline; this allows time for any errors to be corrected prior to officially filing the forms. A form 1096 must be completed and filed in conjunction with all 1099-NEC forms; forms must be mailed to the IRS but filed online with the OTC. 1099-NEC forms and the accompanying 1096 must be filed by January 31 each year.

## Taxes - Sales Tax

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 sales tax is collected or not.

### Sales Tax Permit

Conservation districts regularly engaged in sales must apply for a Sales Tax Permit pursuant to [Section 1364 of Title 68](#) of the Oklahoma Statutes. There is a fee for the permit which is good for

a period of three years. To obtain a new permit or to renew a permit contact the Oklahoma Tax Commission or visit their online portal.

## Report of Sales Made by District

[Section 1365 of Title 68](#) of the Oklahoma Statutes requires that each holder of a Sales Tax Permit file a sales tax report on or before the 20th 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. Reports and any payments due must be filed online via the OTC web portal.

A district with a permit and with total sales tax liability for any one month less than \$50 may request permission in writing from the Oklahoma Tax Commission to file semi-annual reports on January 20 and July 20 instead of monthly reports ([Section 1365 \(E\) of Title 68 of the Oklahoma Statutes](#)). Until permitted by OTC to begin filing semi-annually, a district must continue to file monthly.

## Sales Exempt From Tax

[Sections 1358 and 1358.1 of Title 68](#), Oklahoma Statutes 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 or other tax exempt entities proof of eligibility for exemption from paying sales tax must be a valid card issued by the Oklahoma Tax Commission which authorizes sales tax exemptions ([Section 1358.1 of Title 68, Oklahoma Statutes](#)) or other approved exemption letter or form from the Oklahoma Tax Commission. The exemption number should be documented on the conservation district sales receipt. Districts should retain copies of proof of eligibility in the event OTC audits transactions. According to Attorney General Opinions, a conservation district is not required to collect sales tax on sales to another conservation district.

## Exemptions

### District Sales Tax Exemption

Districts are entities of state government and pursuant to [Title 68 O.S. Section 1356\(1\)](#) are exempt from sales or use taxes on direct purchases made by the district. A [general tax exemption letter](#) for use by any conservation district is available on the Commission website. If a vendor requires a letter specifically listing the district as the sales tax-exempt entity, please contact the Commission for assistance.

It is important to remember that although districts are exempt from paying sales or use tax on direct purchases, they are not exempt from charging and collecting sales tax on goods or services sold.

### Federal Excise Tax

Since districts are governmental subdivisions of state government, they are exempt from paying the federal excise tax on motor fuel. If a district decides not to use a fleet management card, the district may be required to certify to the distributor that they are federal excise tax exempt. The district may also be required to complete IRS form 637 attesting to their exemption.

Districts are eligible to acquire and utilize Comdata cards and fleet management services. To enroll in Comdata service, the district must contact Comdata directly.

### **State Excise Tax**

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

### **Filing Fees at County Courthouse**

Per [state statute 3-3-403 Filing Recording Certification – Filing Charges](#), districts are exempt from paying filing fees at the county courthouse when filing official district documents.

### **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](#)).

## **Insurance and Liabilities**

### **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 board members and employees conducting business within the scope of the authorities contained in the Conservation District Act as well as 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 posted to the Commission website each year for the period of coverage beginning July 1 and ending June 30.

### **Tort Claims Act**

The Governmental Tort Claims Act ([51 O.S. §§ 151, et seq.](#)) 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. Employees 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 specifically covered by the provisions of the Tort Claims Act. In addition, the Commission has secured insurance coverage which covers districts ([51 O.S. § 152 \(11\) \(I\)](#)).

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

*“Scope of employment” means performance by an employee acting in good faith within the duties of the employee's office or employment or of tasks lawfully assigned by a competent authority*

*including the operation or use of an agency vehicle or equipment with actual or implied consent of the supervisor of the employee but shall not include corruption or fraud.*

*“Employee” means those authorized to act on behalf of the state or political 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.

## **Property Insurance**

All district owned vehicles are required to be covered under, at minimum, a liability insurance policy purchased by the district. The district should also maintain insurance coverage on all equipment, buildings, and building contents. Replacement coverage is encouraged but is not required. The need for replacement coverage should be determined by the district board based on the value of the property.

## **Workers Compensation Insurance**

### **District Employee Coverage**

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.

### **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.

## **Miscellaneous Employee Expenses**

Certain miscellaneous employee expenses as listed in this section may be paid from local funds or allocated operating expense funds to the extent the district's allocated operating expense funds are sufficient to cover such costs.

## **Travel Expenses**

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. The OCC-5F for travel should have any additional receipts attached as needed for backup documentation.

## **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.

When determining mileage, use map miles from a reputable digital map provider (i.e., Google Maps). Actual miles in addition to the number shown on the map source should be shown as vicinity miles on the travel form. A copy of the map from the map provider must be attached to the mileage claim.

## **Per Diem**

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.

It is recommended that the board set policy regarding reimbursement for meals rather than making the determination on a case-by-case basis. The board may vote to reimburse for actual cost or to use the GSA per diem rate. Under no circumstances may the per diem exceed the allowable amount as set by GSA or may an employee receive both per diem and actual cost reimbursement. Per diem rates may be found at: [www.gsa.gov/travel/plan-book/per-diem-rates](http://www.gsa.gov/travel/plan-book/per-diem-rates).

If reimbursing actual cost, receipt(s) 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 where the meeting is being held. A copy of the letter of invitation showing the designated hotel and rate along with the meeting agenda are required as backup documentation for lodging claims.

When the employee must stay overnight but there is no designated meeting hotel or the employee does not stay in the designated meeting hotel, lodging must be paid at the current state rate. The same applies for out-of-state lodging.

## **Miscellaneous Travel Expenses**

Registration fees for meetings that are part of official business may be paid from locally earned funds; a receipt must be provided and retained in the district files for documentation of the expenditure. The district may request reimbursement from their operating expense allocation, if funds are available, for registration fees. Registration fees are only reimbursable after the meeting has occurred; a copy of the meeting agenda as well as a copy of the receipt with payment information must be provided 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 form or local reimbursement form with receipts and signatures 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. District officials should follow the same reimbursement guidelines as employees.

Other than a district official, the only individual who may be reimbursed by the district for expenses incurred are those who are performing 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. Infrequent work or services performed should be recorded on a local reimbursement form with any necessary receipts attached; the completed form should be retained in the district's files as documentation of the expenditure. See the [Personnel Management](#) section for additional labor considerations and concerns.

## Preclaim

Payroll preclaim summaries are used to pay Employee Benefit Allowance overages and retirement to the Commission in advance of payroll; districts must complete a preclaim summary reporting all wages for the month (including local and one-time pay increases) for all employees who receive benefits and/or pay into the retirement system.

A single preclaim check should be made out to the Oklahoma Conservation Commission to remit items due. Payroll items to be paid to the Commission via the preclaim summary are:

- Retirement – employee contribution on **total** salary including longevity
- Retirement – employer (i.e., the district) contribution on **local** wage
- Insurance – employee payment for any amounts exceeding the Employee Benefit Allowance or for any additional coverage selected

Form OCC-5C, District Payroll Preclaim Summary, should be used for full-time benefitted employees. Form OCC-5M, District Payroll Preclaim Summary for Part-Time Employees, should only be used for part-time employees who pay into the retirement system. The Commission may also, as needed, provide additional preclaim forms directly to a district for job classifications that do not utilize the standard forms.

District Services regularly updates forms 5C and 5M to reflect any needed changes; districts should ensure that the most recent version of the forms are being used. Districts should also verify the forms are fully and correctly completed each month.

Completed preclaim summaries and the accompanying check must be received by the Commission **no later** than the 10<sup>th</sup> of the month following the payroll month.

For assistance, questions, or training on completion of any preclaim summary forms, please contact District Services.

## Reimbursement Claims

Generally, the Commission will not reimburse a district for anything until the district has expended money.

All claims for reimbursement from the Commission must be submitted on an OSF-3 Claim Form. District Services regularly updates the OSF-3 to reflect any needed changes; districts should ensure that the most recent version of the form is being used. Districts should also verify the form is fully and correctly completed each month. Claims for reimbursement must be approved by the board of directors and signed by the chair; the claim for the previous month's payroll and expenses should be presented at the next month's regular board meeting for approval.

On average, a district will have no more than two or three claims per month against their fiscal year allocation. All items to be claimed from the district's salary (including longevity) and operating expense allocation should be placed on one claim. However, a separate claim must be filed when claiming items that do not come from the district's salary and operating expense allocation, including claims for cost-share, special projects, election expenses, and watershed operation and maintenance.

To ensure timely processing of claims, the district should utilize the Reimbursement Claim Checklist to verify all requirements for submission of the claim have been met. This includes verifying that items are properly coded as listed on their allocation report and the 2-Digit Item Code List, as well as confirming that all required backup documentation and annotations are included.

Failure to properly complete the OSF-3 Claim Form and provide needed backup documentation will result in the Commission being unable to pay the claim; it will be returned to the district for correction.

For assistance, questions, or training on completion of reimbursement claims and the OSF-3 Claim Form, please contact District Services.

## Reimbursable Items

### Employee Salary 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 the completed federal form [I-9](#), [Form OCC-6A](#), [Notice of Personnel Action](#), and [Form OCC-6B](#), [Terms of At-Will Employment](#), must be on file with the Conservation Commission office.

The Commission will reimburse the district, when properly claimed, for the gross OCC salary, excess employee benefit allowance, if applicable, and the employer's share of FICA and Medicare taxes on OCC allocated wages.

### Operating Expenses

Reimbursement may be claimed up to the allocated operating expense amount if funds are available for necessary office expenses including but not limited to the notary seal, monthly telephone charge, utilities, postage, and office supplies. Proper backup documentation must be

provided for any claimed operating expenses. Refer to the [list of operating expense item codes](#) for eligible items.

### **Cost-Share Claims**

Claims for reimbursement of cost-share program payments must be submitted separately from the regular salary and operating expense reimbursement claim. Multiple cost-share payments may be claimed on a single OSF-3 form; all required agreement documentation and information must be provided for any claimed payments.

If you have questions regarding Cost-Share claims, contact the Conservation Programs Division.

### **Special Expenses**

Claims for reimbursement of expenses that do not affect the district's allocation must be submitted on a separate OSF-3 form and with all required backup documentation. These expenses include, but are not limited to, watershed operation and maintenance, election expenses, and special projects. These expenditures must be approved in advance by the Commission.

### **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.

### **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.

### **Non-Reimbursable Items**

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

- Meals, food, or drinks, unless it is part of a field day or workshop
- Awards or gifts to directors, employees, or other people not given in conjunction with an event that promotes conservation.

## **Completing the OSF-3 Form**

The following items must be completed on every OSF-3 Form submitted for reimbursement:

- Claim of – enter the district's name and address
- Vend I.D. - enter the district's FEIN number
- Date – enter the date of the claim or the last day of the month that the claim is for
- Item – enter the 2-Digit item code that corresponds to the item being claimed
- Article – enter a description of the item being claimed
- Amount claimed – enter the amount being claimed
- Total Amount Approved – enter the total amount being claimed for all listed items

All required backup documentation for each item must be paperclipped to the OSF-3 Claim form.

At the board meeting, after the board has taken action to approve the claim, complete the following:

- Original signature of Chair as claimant
- Original signature of notary
- Affix notary seal
- Complete all notary information accurately including the subscribed and sworn date

## Item Expenditure Codes

Each item listed on the OSF-3 Claim Form should have an item code listed. For salary items, the 2-digit code is listed on the district's allocation report received each July at the start of the new fiscal year. For other expenses, the district should use the 2-Digit Item Code list to determine the proper code.

## Back-Up Documents

Backup documentation is required for every item claimed on the OSF-3 Form. The Reimbursement Claim Checklist should be used to confirm that the proper backup documentation has been provided. General guidelines are provided below for common items; if you have questions about backup documents, please contact District Services.

### Office Supplies, Equipment, Monthly Bills

A copy of the bill or receipt serves as the main backup document for expenses being claimed against the district's operating allocation. The following must be visible on the bill or receipt:

- District Name as the customer
- Vendor Name
- Date
- Items or services purchased
- Amount due

Receipts showing a cash payment without the above listed information are not eligible for reimbursement.

All bills submitted for reimbursement must include the item code number, "OK", the date paid, and the initials of the staff member who completed the transaction.

Depending on the method of payment (check, EFT, debit card), additional backup documents and information may be required. Consult the Reimbursement Claim Checklist for additional guidance.

### Employee Expenses

Backup documents for salaries must consist of:

- District Employee Payroll Worksheet, Form OCC-5D, for each employee with original signatures in blue ink
- Daily Activity Timesheet and Leave Record, Form OCC-5B, for each employee with original signatures in blue ink

- Proof of 941 tax payment for the month

## **Submitting the OSF-3 Claim Form**

The original OSF-3 Claim Form and all required backup documents must be mailed to the Commission.

Prior to mailing any claims, verify that all signatures are in place and all backup documents are complete. Make a copy of the completed OSF-3 Claim Form and all backup documents to be retained in the district office for reference.

## **Receipt of Reimbursement**

Once the OSF-3 Form and backup documents reach the Commission office, the documents will be audited by the Commission, approved by the Executive Director, and submitted to the Office of State Finance for payment. The Commission audits an average of 500 claims per month so it may take up to two weeks under normal circumstances for a district to receive payment. To avoid further delays, double check, prior to mailing your claim, 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 direct deposited in the district's bank account. In the event the district receives a paper check, it should be deposited into 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. If a warrant is lost, contact the Commission office immediately.

If the district has not received payment for a claim within 4 weeks, please contact the Commission, providing the date the claim was mailed and the amount. The Commission will work to determine if the claim was received or not.

If the district receives a reimbursement that does not match the original claim amount and would like the Commission to investigate the discrepancy, please provide the following information:

- Date of claim
- Amount of claim
- Voucher number
- Copy of the OSF-3

The Commission will work to determine where the difference occurred and will assist with corrections if needed.

## **Employee Costs**

### **Paying Wages**

Wages at the rate approved by the Commission for employees in allocated positions and certain other employee expenses are reimbursable. Districts may provide additional pay to allocated positions or hire additional employees using local funds; however, the Commission does not reimburse any employee expenses associated with the use of local funds. The following information applies to reimbursable and non-reimbursable wages and expenses.

## **Payroll Procedures**

District employee payroll is to be paid by district check and payment is to be made for services rendered. Payment for payroll should be made once a month on the last working day of the month. Under no circumstances may an employee be paid in advance.

### **District Employee Payroll**

Districts must complete [Form OCC-5D, District Employee Payroll Worksheet](#), for all employees who receive wages each month. Payroll should be calculated monthly and paid on the last working day of the month. See the [Payroll Procedures](#) section for additional information.

At the end of the payroll period, the employee and a director must sign the completed form which is used as a backup document for reimbursement of payroll. Directors should review the *Payroll Worksheet* before signing. Office staff should retain copies of the completed Form OCC-5D for the personnel file.

District Services regularly updates form 5D to reflect any needed changes; districts should ensure that the most recent version of the form is being used. Districts should also verify the form is fully and correctly completed each month.

The Commission will not process the payroll claim unless all payroll worksheet information is completed, including required signatures.

Payroll is calculated on [form OCC-5D, District Employee Payroll Worksheet](#); OCC reimbursable wages and local wages paid with district locally earned funds should be reported on the same form. One-time pay increases or longevity payments should be completed on a separate OCC-5D.

OCC recommends that salaries of all full-time employees who have been allocated 2076 reimbursable hours be figured on 173 hours per month unless the employee is on leave without pay (LWoP) or it is their first month of employment.

Alternatively, employees may remain on “actual hours worked” rather than using the 173 hour per month average. If remaining on actual hours worked, payable hours may not exceed available working hours in the month and leave must be prorated as needed. Additionally, if the employee exceeds the Commission allocated number of hours all employee costs must be covered by local funds.

The district is responsible for calculating proper withholding amounts and for paying all taxes due to the appropriate entities. This includes State and Federal withholdings, FICA, Medicare, and retirement.

For assistance, questions, or training on completion of payroll worksheets, please contact District Services.

## **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. Retirement contributions will be paid on all salary 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.

Employee's contribution will be figured on total monthly salary, including reimbursable and local wages plus any one-time pay increases or longevity.

Employee retirement contribution is deducted before figuring federal and state withholding taxes. On the district's payroll worksheet this item is "Pre-Tax Gross Earnings."

Both the employee's share and employer's share of retirement due are to be forwarded to the Commission utilizing the preclaim summary form(s); refer to the Preclaim section for more information.

## Longevity Pay

Longevity payments should be made on the last day of the month of the employee's anniversary date.

Longevity payments must be reported on a separate form OCC-5D from regular monthly wages; procedures outlined in "District Employee Payroll" should be followed when completing and approving the longevity payment.

When making longevity payments to an employee, the district is responsible for calculating and withholding all taxes, and retirement; the district must report longevity as part of wages and report and pay all items due to the appropriate entities.

Longevity payments must be reported on the pre-claim form in the "Longevity Summary" section for the month in which the longevity is paid.

Documentation for the reimbursement claim for longevity payment to a district employee must consist of the completed District Employee Payroll Worksheet, Form OCC-5D, for longevity and proof of payment of payroll taxes.

See the Personnel Management section for additional Longevity Pay information. For assistance, questions, or training on completion payment of longevity, please contact District Services.

## Employee Insurance

Premiums for insurance coverage carried by an eligible employee and not covered by the employee benefit allowance are deducted from salary and paid to the Commission via the preclaim summary.

Insurance amounts to be withheld or any excess benefit allowance amounts to be returned to the employee are sent to the district at the beginning of each calendar year for use in calculating payroll and preclaims. These amounts should be used for the full year; however, if an employee has a

qualifying event that occurs mid-year to cause changes to insurance amounts, the district will receive updated information.



# **District Procurement**

## **General Information**

Political subdivisions of the state are exempt from the Central Purchasing Act; conservation districts are classified as political subdivisions. Although exempt, districts must still act in good faith, exercise fiduciary duty, work to advance the district and state's interest, and avoid conflicts of interest when procuring goods and services. Districts should remember that the main objective when procuring items is to satisfy the minimum need of the district at the lowest reasonable cost.

Although exempt from the Central Purchasing Act, state laws still govern the procurement of supplies, equipment, furniture, vehicles, and other property by a district. It is unlawful for a district to purchase goods or services from a district director or a district employee. It is also unlawful for the board of directors to award a contract to their relatives within the third degree by blood or marriage. See the [Nepotism](#) section for more information.

## **Appropriate Use of Funds**

All district funds, whether Commission allocated or locally earned, are considered state (public) funds. Use of these funds should always be in a fair, open, and ethical manner to prevent public perception of misuse.

Funds should be used for fulfilling the Conservation District Act with a focus toward conservation related projects and programs.

## **Procurement of Supplies and Equipment**

Supplies and equipment may be purchased on the open market or by utilizing state purchasing contracts. 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. The Office of Management and Enterprise Services (OMES) maintains a listing of these [contracts](#) on their website.

## **Supplies, Equipment, and Services on State Contract**

If a district wishes to purchase items on state contract, all contract provisions must be followed. To purchase supplies, equipment, or services on a state contract, the district should first utilize the OMES contract listing to determine if the product needed is on contract. If the product is available, the district should contact the approved, awarded vendor to verify the item, pricing, and quantity, and to confirm the district's eligibility for use of the contract. Once the purchase is approved by the board of directors, the district must contact the vendor directly to place the order.

When the district receives an order, it should be checked for completeness and accuracy. Any discrepancies should be reported to the vendor as soon as possible.

Districts must pay vendors using locally earned funds; if operating expense allocation is available, the purchase may then be claimed as a reimbursable expense.

Copies of all documents regarding the purchase should be retained in the district files. These documents should include the contract utilized, a copy of the order, invoice, and payment information.

Contact the Commission for additional assistance if your district wishes to utilize a state contract and you have additional questions.

## **Supplies, Equipment, and Services Purchased on the Open Market**

If a district does not wish to utilize a state contract or an item or service is not available on state contract, then supplies, services, and equipment should be purchased locally or from a reputable online vendor. Online purchases should be made in the most efficient manner to save on additional costs incurred for shipping and postage. Online vendors should be contacted prior to placing an order to ensure sales tax is not charged. Purchases not exceeding \$2500.00 should be completed using a fair and reasonable standard; documentation of efforts to ensure fair and reasonable acquisition should be maintained. If a purchase is \$2500 or more, the district should solicit price quotations as outlined in the following section.

When the district receives an order, it should be checked for completeness and accuracy. Any discrepancies should be reported to the supplier as soon as possible.

Districts must pay suppliers using locally earned funds; if operating expense allocation is available, the purchase may then be claimed as a reimbursable expense.

Copies of all documents regarding the purchase should be retained in the district files. These documents should include a copy of the order, invoice, and payment information.

## **Price Quotations**

When purchasing on the open market and the acquisition is for \$2,500 to \$10,000, the district should 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. If a purchase exceeds \$10,000 the district should prepare a formal solicitation to receive bids from at least ten (10) vendors.

Splitting of purchases to avoid price quotation solicitation is prohibited. A split purchase occurs when a purchase is intentionally divided to reduce the quantity below the price quotation threshold.

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

Keep a record of each acquisition completed using price quotations. 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, invoice, 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 and best quotation.

For assistance on preparing solicitations or questions regarding acquisitions using price quotations, contact the Commission.

## Competitive Bid Requirement

Contracts and agreements paid with state funds are subject to competitive bid requirements. No purchase or contract can be made in excess of \$5,000 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. The project should be solicited and bid as a complete package.

The competitive bid requirement does not apply to items which are on state contract.

Before the Commission can approve a contract or agreement for procuring services with state funds, 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 OMES Central Purchasing Division 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. The district may also include a listing of preferred local vendors who should be notified of the solicitation.

The bid process can take up to 90 days. Once OMES Central Purchasing has made a bid award, the Commission will contact the district regarding next steps for the contract or agreement.

## Special Projects

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

## Inventory of District Property & Equipment

The district should maintain an inventory of all non-expendable equipment and property acquired with locally earned funds and costing \$500 or more. The district board should assign an employee to oversee the inventory, but directors should verify the inventory at least once each year.

The district and the Commission must also maintain an inventory of non-expendable equipment purchased either in full or in part with Commission allocated funds and costing over \$500. If Commission allocated funds are used for a purchase of \$500 or more, the district must provide the Commission with any requested identifying information for the property to be placed on the Commission inventory. The Commission will issue a decal to the district to be placed on the item. See the [Decals](#) section for more information.

The Commission will request verification of the district inventory maintained in the Commission office. A copy of the inventory may be provided to the district for verification.

## Decals

[Title 74, Oklahoma Statutes, Section 110.1](#) requires that every piece of equipment or property costing \$500 or more purchased partially or entirely with Commission allocated 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 and should not be removed. If a piece of equipment or furniture is painted, do not paint over the decal sticker.

## Surplus Property

### Purchase of State Surplus Property

Commission allocated funds, as well as locally earned funds, may be used to purchase used property available from OMES State Surplus. If the district needs a particular piece of equipment or property and used is suitable, the district should check the [DCS Surplus Auction](#) website for available items or may visit the State Surplus warehouse in Oklahoma City. Districts may purchase items via the online or public auction but will have to create an online account prior to being able to bid. Purchases from the State Surplus warehouse may be made at any time during normal operating hours except on Fridays of auction weeks; a purchase order must be provided at the time of sale if the district is not picking the item up on the same day. Items must be picked up within 14 days of purchase, regardless of purchase method, at the State Surplus warehouse.

### Letter of Authorization

When a surplus item is purchased, but not picked up on the same day, the district must name an individual who is authorized to pick up the item for the district and provide a letter authorizing them to do so. This letter must be presented by the authorized individual when arriving at the State Surplus Warehouse in Oklahoma City.

### Completing a State Surplus Purchase

Once notified that the equipment is available, the district has 14 working days to pick it up, after which time it will be offered again for sale. Payment must be provided in full with a district check at the time of pickup; no cash payments are accepted. If the district's authorized representative inspects the equipment and does not feel it will suit the district's needs, there is no obligation to purchase.

If the district so desires, the Commission can look at the equipment to help determine the condition and advise the district of its condition before the district sends the authorized representative to Oklahoma City.

It is the responsibility of the district to transport any purchased items from the State Surplus warehouse in Oklahoma City to the district.

### Federal Surplus Property

Districts may also utilize federal surplus property. If utilized, districts are responsible for knowing and following all rules and requirements of the program.

## Disposition of Property

The method of disposition of district property varies depending on how the property was acquired. The [District Sale of Property & Equipment guidance sheet](#) on the Commission website provides a brief overview of the process.

If the district has questions about the disposition process, contact the Commission prior to selling anything. The Commission must always be contacted prior to the sale of any property that was acquired with Commission allocated funds.

The two most common methods of disposition of property are for property purchased from Commission allocated funds and for property purchased with locally earned funds.

### Property Purchased With Commission Allocated Funds

Property purchased in full or in part with Commission allocated funds (reimbursed from the district's operating expense allocation or by the Commission) may only be disposed of by OMES State Surplus via the state surplus program. This includes property in working, broken, or unsalvageable condition.

If the district has property to surplus, contact the Commission for guidance. Depending on the size and condition of the property it may be sold on site by OMES State Surplus or the district may be required to bring it to the Commission office prior to sale.

If an item is to be sold on site, the Commission will contact OMES State Surplus to offer the equipment for sale. It will first be offered to other state agencies, then, if not sold or transferred to another state agency, will be offered for public bid online. If the item is sold by public bid, the Commission will advise the district of the buyer pickup process. Payments will be received and processed by OMES State Surplus and funds returned to the Commission less a processing fee. The district will be notified if the item did not sell at public auction and the next steps in the process.

### Property Purchased from Locally Earned Funds

Property purchased from locally earned funds should be disposed of utilizing either a sealed bid process or a public auction process. Prior to selling any property the district should ensure it has proper title. Monies from the sale of the property will be retained by the district.

If the district chooses to use a sealed bid process, a clear bid solicitation should be drafted, the sale should be advertised locally to the general public, and all bids accepted. A district director, district employee, or partner employee may be allowed to bid and purchase a piece of district owned property only if they follow the same bid process as the general public and are the high bidder. If no acceptable bids are received, the district may restart the process after notifying bidders they were not successful and revising the bid solicitation.

Districts are not required to give right of first bid to other conservation districts, although doing so is encouraged.

## Stolen Property

If a vehicle, piece of equipment, or other property is stolen from the district, the local authorities should be notified immediately and a police report completed. Regardless of ownership of the property, whether state or district owned, the district should contact the Commission with information about the theft. The Commission may advise partner entities to watch for the stolen property.

If the stolen property was purchased either partially or entirely with Commission allocated funds or is Commission owned then the district must submit a copy of the police report to the Commission. The Commission will advise the district on any further actions needed.

If the stolen property is recovered, the district should notify the Commission of its return and condition.

## Vehicles & Equipment

### Vehicle Tags

Districts are a governmental subdivision of state government and are eligible for a State Tax Exempt License Tag for use on district owned vehicles. State Tax Exempt License Tags may only be secured from the Commission by providing a copy of the title to the vehicle and a written request for an exempt tag. Districts must pay the Title Transfer Fee to the local tag agency. As a subdivision of the state, districts are not required to title and register boats or outboard motors owned by the district. However, if the district wishes to register a boat, they are wholly responsible for acquiring the decals and paying the associated fees.

State Tax Exempt License Tags do not require annual renewal and can be transferred to another district vehicle if the currently tagged vehicle is sold or removed from service. If the district wishes to transfer the tag to a new vehicle, they must pay the Title Transfer Fee to the local tag agency and provide a copy of the new vehicle title to the Commission for record keeping.

If a State Tax Exempt License Tag requires replacement, contact the Commission for guidance.

State Tax Exempt License Tags that are no longer in use or needed by the district must be returned to the Commission.

### Vehicle and equipment safety

All district owned vehicles and equipment, as well as all state-owned vehicles and equipment on loan or leased to a district should always be maintained in safe working condition. Proper maintenance and repairs should be implemented to extend the service life of vehicles and equipment.

Use and maintenance records should be maintained for each district vehicle or piece of equipment. These records should include, but are not limited to, any pertinent receipts (i.e., fuel, parts, etc.), dates and descriptions of any service, and trip records including beginning and ending mileage and the trip purpose. Commission owned vehicles will have use and maintenance record requirements outlined at the time of loan or lease to the district.

## Donation Policy

Pursuant to 27A O.S. §3-3-105(A)(9), conservation districts are authorized to accept donations, gifts, and contributions, in money, services, materials or other forms, from the United States or any of its agencies, or from this state or any of its agencies, or from any other source, and use or expend these moneys, services, materials, or other contributions in carrying out the purposes of the Conservation District Act. This means that donations that will benefit conservation can be accepted by the districts. This includes but is not limited to donations of gifts or money to assist with providing development, training, seminars, workshops, etc. to the public.

### Donation/Gift Acceptance Procedure.

All donations or gifts of money, goods, or services should be formally accepted by the conservation district board prior to use if possible or through the ratification process for those items that may be donated closer to the event but before the next scheduled board meeting. Districts should keep a record of all gifts and donations of any kind offered and accepted by the District. The information that is recorded should include the following:

- Person/Entity that donated the gift
- When it was donated (the date)
- Description(s) of the donated item or gift
- Approximate amount or value of the gift
- Intended purpose of the gift, and
- How the donation was utilized the District

If a gift or donation is approved but not used for the purpose intended, the donor will need to be notified and the District should offer to return the gift or donation within thirty (30) days after the event, training, or seminar for which the gift or donation was offered. If donor wishes to modify the intended purpose of the gift or donation, then the gift or donation should be placed back on the board agenda for acceptance for the amended purpose.

### Caution

District directors and employees should not directly or indirectly solicit, seek, or accept anything of value in return for being influenced in the performance of an official act; influenced to commit, aid in committing, collude or allow fraud; or induced to perform or fail to perform an act in violation of the officer's or employee's official duty.

Additionally, district directors and employees should not directly or indirectly ask, demand, solicit, or accept anything of value individually or on behalf of the district from a business entity if it would appear to be a conflict of interest.



## Donor Receipt

The District can provide a donor receipt but should be careful of the language they use in the receipt.

### Donation Receipt Example

A donation receipt should include the following:

#### Donation Receipt

Conservation District Name  
Conservation District Address  
Conservation District Phone  
Conservation District EIN  
Date of Receipt

Thank you for your donation! Please print or save a copy of this receipt for your records.

Description of the district's conservation mission and the event or occasion.  
Here is a summary of your donation:

Donor Name  
Donor Address  
Donor Town, State, Zip

Donation in Support of:	Description of event/occasion
Donation Received:	Date of donation
Donation Type:	Description of items(s) donated
Donation Amount:	Actual dollar value OR estimated dollar value
Possible Tax-deductible Amount:	Amount that may be tax-deductible

The *Conservation District Name* is a political subdivision of the State of Oklahoma and donations to the District may be tax-exempt per federal and state laws. No goods or services were provided for this Gift. Please consult your tax advisor regarding specific questions about deductions

# **Personnel Management**

## **General Information**

The board of directors is responsible for the hiring, supervising, disciplining, and terminating of employees in compliance with federal, state, and local laws. District employees are employees of the individual conservation districts and are not considered employees of the state. The hiring of a district employee is an at-will employment relationship. Pursuant to federal and state laws, employees are to be hired based on job requirements and individual qualifications, regardless of age, political or religious opinions or affiliations, race, creed, sex (including gender, pregnancy, sexual orientation, and gender identity), color, national origin, veteran status, genetic information, or disability.

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

One of the most significant duties of the board is personnel management; 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. The Commission recommends the board designate an individual member to be involved in day-to-day personnel management.

## **Job Titles**

The Commission recognizes the following position categories:

### **Administrative Categories**

- District Manager
- Administrative Assistant

### **Other Categories**

- Watershed Aide
- District Technician
- NRCS Shared
- Unallocated Position (temporary)

### **Regional Categories**

The Commission also recognizes position categories that are regional; these positions include:

- Area District Coordinator
- Conservation Planner
- Nutrient Management Planner
- Special Project Positions

These position categories shall not be used without prior approval from the Commission.

## Types of Employment

All employees should fit within one of the following types of employment:

### Full-time Employees

Employees that are employed to work one thousand five hundred and sixty (1,560) hours in any twelve-month period. These employees receive all benefits.

### Permanent Part-Time Employees

Employees that are employed to work one thousand (1,000) hours to no more than one thousand five hundred and fifty-nine (1,559) hours in any twelve-month period. These employees are OPERS eligible and may receive prorated longevity.

### Temporary Employees

Employees employed to work less than one thousand (1,000) hours in any twelve-month period from the employee's anniversary hire date. Commonly referred to as 999. These employees are not eligible for benefits.

## Position Descriptions

Accurate and up-to-date job descriptions should be maintained for all district positions. Job descriptions should establish essential functions of the position with a solid set of expectations for the employee and should be the basis for evaluating job performance at least annually. The Commission provides [general job descriptions](#) on its website; these should be adapted to each district's individual need.

## Personnel Files

Each district office should maintain in a locked filing cabinet the following files for each district employee:

Personnel File Type	Types of Forms In the File	How file should be kept		
		Per Person	Per Year	Per Incident
Benefits & Payroll	*Payroll Worksheets *Leave Requests *Earning Records *Confirmation of Benefits *W-4 Forms *Beneficiary Information	X		
Timesheets & Doctor's Notes	*Timesheets *Doctor Notes (attach to timesheet)	X	X	
Personnel Actions	*New Hire Paperwork * Position description *Employee Evaluations *Disciplinary Actions *Change of Salary / Position / Termination	X		
Shared Leave	Keep in separate file until complete then add to Benefits & Payroll file	X		

I-9 (All district employees together in a separate file)	Copies of forms of identification and/or eligibility that verify an employee's authorization to work in the US			
Workers Compensation	All forms and correspondence issued under and by Worker Comp. See List of Forms at <a href="https://www.ok.gov/wcc/Forms/index.html">https://www.ok.gov/wcc/Forms/index.html</a>	X		X
American w/ Disabilities Act (ADA)	All forms and correspondence regarding an ADA claim	X		X
Family Medical Leave Act (FMLA)	All forms and correspondence regarding a request for FMLA leave <i>*High Confidentiality</i>	X		X

## Personnel Actions Requiring Prior Approval by the Commission

Allocations for positions are made by the Commission after consideration of district need and funding availability. It is the policy of the Commission that no district shall increase the number of employees whose source of pay comes from reimbursable funds (i.e., allocated position) without prior written approval of the Commission.

A district board may request additional allocated positions by submitting a letter explaining the need for the position and outlining the job duties. No hires, promotions, or title changes for allocated positions should be made by the district until written approval is received from the Commission.

Prior approval is required to fill an allocated position if it is being vacated by a retirement, resignation, or termination. The request to fill the vacated position must be submitted in writing; no vacancy shall be advertised by the district until written approval is received from the Commission. Upon approval, the position should 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 additional personnel using only local funds with no prior approval from the Commission. When only local funds are used, the district is responsible for 100% of the employee's salary and benefits.

The Commission must be notified within 3 days of any locally funded employee beginning work. Locally funded positions are required to follow the same employment rules and regulations as allocated positions.

## Recruiting and Hiring a New Employee

When the district needs to hire a new employee to fill a vacant allocated position, a written request should be e-mailed to the Commission. The request should specify what position is being filled

and the requested start date. Upon approval of the request, the Commission will provide a written response and a personnel packet containing information such as job description and information summary of employee benefits, and sample advertisement,

The district does not have to request to fill vacant non-allocated, 100% locally funded positions; however, the Commission may be of assistance in the process.

For any job opening, make a public announcement of the position to be filled for at least two (2) weeks before closing the announcement, so applications may be accepted. The district office must make a reasonable effort to locate the best qualified person for the position, therefore, the announcement should be made via the most visible avenues. These may include local newspapers and online sources. The Commission can assist with posting open positions to their website and to other online job boards.

The announcement should state the qualifications, duties, and salary of the position available, and the typical work schedule required of the applicant, along with the time, place, and manner of the application. The Commission recommends that all applications, regardless of position, consist of a cover letter, resume, and references. Interviews of qualified applicants should be conducted by the board of directors or by a panel of individuals selected by the board. (If a quorum of board members will be participating in the interview, Open Meeting Act requirements must be followed.) The Commission can provide interview resources and assist with application reviews and interviews at the district's request. After conducting an interview, references provided by the applicant should be checked by a board member prior to making any job offer.

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 must be recorded in the minutes. Terms of Employment, Form OCC-6A, and Notice of Personnel Action, Form OCC-6B, should be completed to ensure that all conditions are established; the completed forms must be emailed to the Commission. The board shall also review with the employee at the time of hire the expected performance review schedule and standards that will be evaluated.

Upon hiring of a new employee, the district should notify the Commission and obtain the new hire packet. This packet will contain all necessary employment forms and benefit information, if applicable.

## **Contract Labor**

In lieu of hiring an employee, the district may utilize contract labor for some services or jobs. Contract laborers are independent contractors who are hired to fulfill a specific job. They utilize their own tools and supplies, work on their schedule, pay their own taxes and worker's compensation coverage, and typically will invoice the district once the work is completed.

If the district is considering whether to hire an employee or contract for services a determination to properly classify the worker should be made in advance of hiring/contracting to prevent any tax issues.

## Pay Increases

Pay increases from reimbursable funds may be given only when the legislature or executive director approves an increase for district employees. When an increase is approved, the district's allocation for personnel will be increased by that amount.

Pay increases, in compliance with federally protected classes, from local funds may be made at the district board's discretion; however, the district must pay the employer's share of FICA, Medicare, and retirement out of local funds and these expenses are not reimbursable.

Any pay increase, whether reimbursable or local, must be approved by the district board of directors; appropriate action granting the increase must be taken in a regular board meeting. Following board approval, a Notice of Personnel Action, Form OCC-6B, and Terms of Employment, Form OCC-6A, outlining the new employment terms must be completed and submitted to the Commission via email. The original forms must be retained in the district's personnel files.

## Fair Labor Standards Act Compliance

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

- Exempt - those employees not entitled to overtime pay
- Non-exempt - those employees entitled to overtime pay

The Commission has classified all district positions as non-exempt. For more information on job positions and titles, see the [Job Titles](#) section.

## Compensatory (Comp) Time

Compensatory time is time off with pay in lieu of overtime pay for irregular or occasional overtime work. Conservation district boards should restrict employees to 40-hour workweeks/80 hour compressed schedules unless excessive hours are needed due to additional activities or emergencies.

Overtime and compensatory time are accrued by workweek, not by pay period, and only with advance approval by the district board. Each district board of directors has the responsibility to determine the provisions of compensatory time accrual or overtime pay and to control unauthorized overtime work.

The Commission recommends allowing workweek adjustment in lieu of comp time accrual; however, comp time accrual is preferred over making an overtime payment. If the board authorizes overtime pay for employees, the overtime payment must be paid from locally earned funds. No state funds may be used for payment of overtime and the expense is not reimbursable. No retirement contributions are paid on overtime hours.

Accrued compensatory time must be exhausted prior to using annual leave. Accrued comp time must be taken within 180 days of accrual; accrual may not exceed 240 hours. Any balance of unused compensatory time not taken within 180 days of accrual or upon resignation or termination of the employees must be paid to the employee by the district from local funds at the regular pay

rate for the period in which it was earned. No state funds may be used for payment of accrued comp time and the expense is not reimbursable. No retirement contributions are paid on compensatory time payments.

## **Compensatory Time for Non-Exempt Employees**

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/period 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**

If workweek adjustment cannot be made, 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.

## **District Employee Benefits**

Full-time and permanent part-time district employees have access to a variety of benefits, including paid time off, four core health benefits, benefit allowance, and longevity program.

## **District Leave Policy**

Each district should have on file a time and leave policy that clearly outlines:

- the guidelines for requesting leave,
- leave balances required before leave may be taken,
- board contact for reporting absence from work or for requesting unforeseen absence, and
- compensatory time accrual for exempt employees, if necessary.

The district's policy should be reviewed at least annually.

## **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. An accurate leave record, including time used and time accrued, must be maintained on Form OCC-5B, Timesheet. Leave should be requested in advance, if possible; Form OCC-6D, Approval of Leave, shall be utilized for this request. Completed OCC-6D forms should be kept on file in the employee's personnel file in the district office. The Commission recommends employees have a combined annual and sick leave balance of at least 40 hours prior to leave being granted.

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



## Leave Accrual

Leave accrues only when an employee is in pay status and cannot be taken in advance. Leave begins accruing from the first day of employment and accrues on the last day of the month; it 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 permanent part-time or full-time employees on leave without pay status during the month, refer to the [Figuring Leave on Partial Months](#) section for more information.

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

The table below illustrates accrual rates for eligible employees:

<i><b>YEARS OF CUMULATIVE SERVICE</b></i>	<i><b>ANNUAL LEAVE Accrual Rate per month</b></i>	<i><b>Maximum Statutory Limit</b></i>	<i><b>Excess that may be accrued</b></i>	<i><b>Total Maximum Allowable Accrued</b></i>	<i><b>SICK LEAVE Accrual Rate per month</b></i>
less than 5 years of service	10 hours	640 hours	0 hours	640 hours	10 hours
5 to 10 years of service	12 hours	640 hours	144 hours	784 hours	10 hours
10 to 20 years of service	13.33 hours	640 hours	160 hours	800 hours	10 hours
20 years of service or more	16.67 hours	640 hours	200 hours	840 hours	10 hours

## Accumulation Limits

Employees have an annual leave accumulation limit as indicated in the “Maximum Statutory Limit” column above. However, employees may accumulate more than the maximum statutory limit as indicated in the table above in the “Excess that may be accrued” column provided that such excess is used within 12 months of accrual.

If an employee accrues above the maximum statutory limit, no excess accrual will be paid upon resignation or termination. Under no circumstances may annual leave accumulation exceed the “Total Maximum Allowable Accrued” amount as shown in the table above; if an employee reaches this cap, no annual leave will accrue until the balance falls below the maximum allowable accrual number.

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 that is not covered by sick leave or holiday provisions. Annual leave cannot be taken in advance of time being

accrued. Accrued annual leave may be used as sick leave in the event 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 statutory limit shown in the schedule. Payments for excess leave above the statutory accumulation limit shall not 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. It is allowable for an employee to use their accrued annual leave to serve out their two (2) week notice timeframe.

### **Sick Leave**

Sick leave is to be used when employees are prevented from working because of sickness, injury, pregnancy, medical reasons (surgical, dental, optical examinations or treatments) or jeopardy to other's health if present at work. Sick leave may not be taken in prior to the leave being accrued. Sick leave cannot be used for annual leave; however, if an absence due to illness or injury extends beyond the sick leave accrued, such additional time may be charged to accrued annual leave. Within reason, the board may require that the employee furnish a physician's note in order to qualify for sick pay.

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

Upon resignation or termination of an employee, no payment will be made for accumulated sick leave. Upon retirement, a portion of the employee's accrued unused sick leave may be applicable for retirement service credit; a maximum of 6 months (960 hours) of unused sick leave may be added to member's retirement service credit. Contact OPERS for more information.

If an employee leaves service from the district but is re-hired by any conservation district within two (2) years of his/her last working day the accrued, unused sick leave amount may be reinstated.

### **Workers Compensation**

District employees are covered by workers compensation insurance. Any work-related injury should be reported as soon as possible to the employee's supervisor and to the Commission's Human Resources and District Services representatives. The injured employee, District Services, and Human Resources shall cooperate in completing the required paperwork. Workers compensation claims shall be handled in a manner consistent with state law.

If you are injured on the job:

1. Take care of yourself and try to avoid other injury
2. Seek medical attention if necessary
3. Notify your supervisor and Commission Human Resources and District Services to begin completing required paperwork to start a claim

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.

### **Enforced Leave**

An eligible employee may be granted time off from regular duties, with compensation, for absence necessary when a member of the immediate family or household requires the employee's care because of illness or injury, or in the case of a death in the immediate family or household or in the case of personal disaster. 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 80 hours per calendar year.

Immediate Family is defined as a spouse, children, parents, brothers, and sisters, including step, grand, half, foster, or in-law relationships.

Household is defined as those persons who reside in the same home, who have reciprocal duties and provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house or when the living style is primarily that of a dormitory or commune.

Son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

### **Holiday Leave**

Holidays are granted in accordance with state law and the Governor's Proclamations. On occasions when the state holiday schedule differs from the federal holiday schedule, districts should observe the holiday in accordance with the state schedule. The Commission provides notice of the [state holiday schedule](#) on its website.

Holiday leave is limited to a maximum of eight (8) hours per holiday for full-time employees. Full-time compressed schedule employees must either take leave for any additional hours above the allowed holiday hours or work the additional hours as a workweek adjustment. If a state holiday occurs on a compressed schedule employee's scheduled day off, workweek adjustment should be used to account for the non-workday and the holiday.

Part-time employees who are eligible for holiday pay will receive a pro-rated amount. To qualify for holiday leave, an employee must work or be on paid leave status either the entire regularly scheduled workday preceding or following the holiday. Temporary employees are not eligible for holiday leave.

In rare circumstances, when an employee has board preapproval to work on a holiday, the employee must workweek adjust their schedule to stay under 40 hours; compensatory time may be given if workweek adjustment is not possible, and the board has preapproved the accrual.

### **Leave Without Pay (LWoP)**

LWOP is a temporary non-pay status and absence from duty that, in almost all cases, must be requested in writing by the employee for possible consideration and approval by the district board

of directors (board). The board will take into consideration the following factors when determining whether to grant all or part of the LWoP request:

- the reason for the request for leave and whether it is justified;
- the length of the leave requested;
- the impact of the leave on the district's functional capabilities;
- the employee's length of service with the district and their job performance
- previous leaves of absence with and without pay requested.

The employee's LwoP request must be in writing and must include:

- the reasons for the leave,
- the date when the employee will start the leave,
- a return-to-work date,
- a list of job-related responsibilities.

The list of responsibilities and duties should include items the employee will prepare and complete prior to beginning leave and all items and responsibilities that will need to be completed while on leave. Items to be completed while on leave should also include the due date and any relevant information pertaining to that item.

If an advance written request is not possible due to extreme and exceptional circumstances, the board may choose to grant LWoP without the request. Situations applicable would be unplanned unforeseen serious injury or illness. In these circumstances an employee should make a request for LWoP as soon as possible and practical. When considering a LWoP request that was not given in advance, the board should evaluate and assess all the facts and circumstances in the individual case.

LWoP must have a specified end date. An employee may request an extension before the end of the approved leave period; however, the leave period requested should not exceed twelve (12) months. Extension requests must also be in writing to the board.

An employee may return to work before the specified return date if the board approves a written request from the employee to return earlier. If the employee fails to report for work on the specified return date, 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 return date.

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 due to job abandonment.

Payroll for employees on LWoP must be calculated on actual hours in pay status, not the monthly average.

## **Example LWoP Employee Request Letter**

Board of Directors  
Conservation District Name  
Conservation District Address

Date

Re: Request for Leave without Pay (LWoP)

Dear Board members,

Due to medical reasons, I would respectfully request consideration for LWoP. I will be having a major surgery on February 10<sup>th</sup> and expect to return to work approximately four to five weeks later. Based on this estimated calculation, I should return to work no later than Monday, March 20<sup>th</sup>. If necessary, I can provide written documentation from the surgeon regarding the date of the surgery and the estimated time for recovery.

I know being absent for this length of time will have an impact on the functioning of the district. In preparation for the leave, I have attached a list of the items I plan to have prepped and/or completed beforehand as well as a list of items that will need to be handled and completed in my absence. I will work with the board and other district employees to ensure that these responsibilities are addressed while I am out.

Thank you for your consideration,

*Signature*

Employee Name

Employee Title

Attachment A: Prepped and Prepared List

Attachment B: Items to be handled and completed in my absence

## **Job Abandonment**

Job Abandonment occurs when an employee does not report to work as scheduled and has no intention of returning to the job but does not notify the employer of their intention to quit. It is considered job abandonment if an employee fails to return from Family Medical Leave on the day after the Family Medical Leave expires or if they miss work three (3) days in a row without any notification or submission of leave to the board.

## **Administrative Leave Due to Unsafe Working Conditions or Inclement Weather**

Administrative leave (i.e., excused absence) is an administratively authorized absence from duty without loss of pay or charge to leave. Administrative leave is not an entitlement, and the district is not required to grant it. Administrative leave may only be granted by the district board in instances of inclement weather or unsafe working conditions.

Administrative leave should be charged to standard time.

The Commission recommends that the district board have procedures in place to determine office closure when weather or other unsafe conditions warrant. If office closure is authorized, employees may be granted administrative leave or telework may be authorized by the board in lieu of administrative leave. Employees previously scheduled to telework during temporary office closures do not qualify for administrative leave unless they are unable to work from their telework location.

Employees that have scheduled annual, sick, or other forms of leave prior to an inclement weather event that causes temporary closure of the district office shall not receive paid administrative leave in lieu of the previously scheduled leave. Employees may not accrue compensatory time or additional leave during authorized administrative leave.

### **Bereavement Leave**

There is no separate leave type for bereavement. In the event of the passing of an immediate family member or a resident in the employee's household (see definition as provided in the [Enforced Leave](#) section), the employee may take Enforced Leave not to exceed ten (10) working days in any calendar year; in all other cases, leave must be taken as Annual Leave.

### **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 up to thirty (30) days during the federal fiscal year. They also have the right of restoration to the former position.

Districts are not required to pay an employee for more than thirty (30) calendar days of such leave of absence in any twelve (12) month period. The twelve (12) month period is based on the federal fiscal year.

The employee should be required to provide a copy of orders to be included in their personnel file. Leave with pay may be granted only during active duty.

### **Court and Jury Service Leave**

An employee serving in their official capacity as a witness or serving as a juror before any governmental body shall be entitled to time off from work without loss of compensation or leave. Such time shall be counted as hours worked and 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.

An employee not serving in their official capacity and is a party or witness to private litigation may take annual leave or leave without pay, at the employee's discretion.

An employee who appears in court on their own behalf must take annual leave or leave without pay. This includes appearance in Worker's Compensation Court on their own behalf, but not if appearing as a witness for the district.

## **Family Medical Leave**

The Family Medical Leave Act (FMLA) entitles eligible employees to take job-protected leave for a total of up to twelve (12) weeks (480 hours) in a calendar year for specified family and serious health conditions with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. This leave can be unpaid leave or accrued compensatory time, annual leave, or sick leave. Not every reason qualifies for FMLA protection while on time off.

Eligible employees for FMLA are those employees who have been employed by a conservation district for at least 12 months and who have worked at least 1,250 hours during the 12 months preceding the start of FMLA leave.

As defined under FMLA, a "serious health condition" means any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Additionally, for determining what qualifies for FMLA-related leave, the regulations only include an employee's spouse, child, or parent as family members.

Because reasons for taking time off from work under the FMLA vary, it is important to check in advance as much as possible whether your reason for leave request qualifies for FMLA. Below is a summary of qualifying circumstances for FMLA leave under current regulations.

Generally, the types of events that trigger FMLA protections include:

- ***Pregnancy or the arrival of a new child in the family - whether by birth, adoption, or foster care***
  - A mother may use FMLA time off for prenatal care or continuing care once the child is born. A father may also use FMLA leave to care for a newborn child or to provide care for his incapacitated spouse due to the pregnancy or childbirth.
  - Parental leave does not have to run concurrently. Upon an employer's approval, parents may choose to spread their 12-week leave out over the course of a year by taking a few weeks at a time or by reducing their normal work hours in a given week (known as "intermittent parental leave".)
  - Sometimes the pregnancy itself may qualify for FMLA as a serious health condition, especially when a doctor places the employee on bed rest during any point within a pregnancy. Employees who request pregnancy-related leave may be required to verify the pregnancy-related complication through medical certification.
  - The placement of a child for adoption or foster care is a qualifying reason under the FMLA. Employees may take up to a 12-week leave up to one year after a child is placed through adoption or foster care with an employee.
  - Adoption leave may also occur before the actual placement or adoption of a child if an employee's absence from work is required to attend counseling sessions, appear in court, or travel to another country to complete the adoption. The source of the adopted child is typically not a factor in determining whether the adoption qualifies for FMLA.



- ***The care of a family member with a serious health condition***
  - Employees may request leave to care for a family member with a serious health condition. Under current FMLA regulations, only spouses, children, or parents are considered family members. An employee's in-laws or grandparents, for example, are not included.
  - Ordinary illnesses such as the common cold, flu, earaches, upset stomachs and headaches do not qualify for FMLA, although some common illnesses may qualify for FMLA under certain circumstances.
- ***The employee's own serious health condition that prevents the employee from performing the essential job duties***
  - An employee's own health condition may qualify for FMLA. FMLA regulations require a "period of incapacity" of more than three consecutive calendar days that meet FMLA criteria. For example, employees who are unable to perform their essential job duties because of a serious illness or chronic health condition may request leave to treat the condition or receive prolonged care while under a doctor's supervision.
  - Employees should request FMLA from their board and then the District Board should contact the Commission for further eligibility requirements, payroll and leave guidance and other information and forms.

## Leave Records

All district employees must follow district policy for taking and reporting leave of any type. Leave taken must be recorded on the [Daily Activity Timesheet and Leave Record, Form OCC-5B](#). The original signed Form OCC-5B must be submitted to the Commission with the original signed monthly salary claim. The district should retain all original leave request forms and copies of all timesheets in personnel files.

## Figuring Leave

The "Leave Summary" section of the [Daily Activity Timesheet and Leave Record, Form OCC-5B](#), should be completed accurately each month. Form OCC-5B is set-up to electronically calculate the leave summary; however, to check the calculations at the end of the month:

1. Bring forward the AL, SL, CT balances from the previous month.
2. Total the appropriate leave columns by type and transfer the leave information to the "Used" column in the "Leave Summary" at the bottom of the form.
3. Enter the amount of leave accrued at the end of the previous month based on the accrual chart.
4. Total. The final amount is the balance available as of the end of the month.

All the employee's hours whether standard time, annual leave, sick leave, holiday, compensatory time or leave without pay should be recorded accurately on the timesheet each day.

Leave accrual for eligible employees begins accruing from the first date of employment.

Full-time employees who are eligible for leave and are paid based on 173 average hours per month receive the full accrual rate for annual leave and sick leave as shown in the accrual rate chart.

Full-time employees who are eligible for leave and are paid based on actual hours worked per month receive an amount proportionate to the full accrual rate for annual leave and sick leave as shown in the accrual rate chart in the [Accumulation Limits](#) section.

Permanent part-time employees accrue prorated leave proportionate to that which would be granted under full-time employment for the month.

In all cases, the district board is responsible for verifying that the correct amount of leave is being accrued based upon the employee's length of service and employment type.

### **Figuring Leave on Partial Months**

The following example explains how to calculate leave accrued during the month for an employee under one of these circumstances:

- Is on leave without pay
- Is a full-time employee paid on actual hours worked
- Is a permanent part-time employee

Available working hours per month are calculated by counting all weekdays in the month x 8 hours.

Accrual rate is determined by the accrual rate chart in the [Accumulation Limits](#) section; if an employee accrues annual leave at a higher rate than sick leave, the calculation will need to be completed twice – once for sick leave and once for annual leave.

### **Prorated leave accrual calculation:**

(Number of Hours Worked/Available Workings Hours in Month) x Accrual Rate = Hours Accrued

*Example:*

There are 21 working days in the month and an employee has worked 150 hours in the month and has less than 5 years of service.

21 days x 8 hours = 168 actual working hours in the month

(150 hours worked/168 hours in the month) x 10 = 8.90 hours accrued

### **Leave Sharing**

Conservation district employees may donate annual or sick leave to other conservation district employees only.

An employee who needs leave and meets the requirements outlined below for "Receiving Employee" may contact the Commission to request a *Shared Leave Request Application*. The district board must approve any *Shared Leave Request Applications* prior to the application being submitted to the Commission. Other district employees will be advised of that need and will

receive a *Shared Leave Donation Form*; employees who meet the guidelines for “Donating Employee” below may then donate leave.

Donated leave is given on an hour for hour basis; if a donated leave balance remains unused by the requestor, the Commission will advise the donating employee of any leave balance that will be returned.

#### Receiving Employee:

- Must have been employed at least 1 year to be eligible.
- 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.
- May be required to provide physician verification.
- Must be out or almost out of all types of leave due to extraordinary circumstances.
- May receive no more than 261 days of leave during employment with the district.
- May use the donated leave only for the incident specified in the request for leave.
- Unused donated leave must be returned to the donor.

#### Donating Employee:

- Must have been employed at least 1 year to be eligible
- May donate annual and/or sick leave.
- Cannot cause their combined annual and sick leave balance to fall below 80 hours.
- May not donate leave that would otherwise be lost due to exceeding the excess accumulation limit
- Must donate leave voluntarily

## Longevity

Longevity pay is a tool for districts to use in attracting and retaining qualified employees. Longevity pay is included in an eligible employee’s allocation from the Commission and is a reimbursable expense for the district.

Eligible employees will be paid a lump sum annual payment on or 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.

Employees who retire from the district will receive upon separation a prorated longevity payment. If an eligible employee passes away, a prorated longevity payment will be paid to the surviving spouse or the estate of the employee.

### Eligibility

District employees who have been continuously employed for a minimum of two (2) years, working more than 1,800 hours a year, are eligible for a full annual longevity payment based on the schedule set by the legislature. Employees that have worked more than 1,000 hours up to 1,799 hours in a 12-month period of their anniversary date will receive a prorated longevity payment.

A break in service of more than thirty (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 (2) years to become eligible for resumption of longevity, but prior service will be credited to the years of service total.

### **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 (more than 40%) time during the period. Part-time employment meeting service credit criteria will receive full-service longevity accrual date credit; however, the longevity payment will be prorated based on actual hours worked in the preceding twelve (12) months.

Service with another conservation district or with a state agency 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 credit. No period of employment with the district, 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 (LWoP) in excess of thirty (30) calendar days shall not be used in calculating service credit and shall extend the anniversary date for longevity pay by the total period of time on non-paid leave status Leave without pay due to an illness or injury arising out of, or sustained in the course of employment (worker compensation) with the district will be counted as service for longevity purposes.

### **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:

<b>Years of Service</b>	<b>Longevity Amount</b>
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
At least 20 years but less than 22 years	\$2,000
At least 22 years plus*	*
*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.	

Part-time employees working at least 1000 hours per year will receive a prorated amount based on actual hours worked in the immediately preceding 12 months.

The total amount of the annual longevity payment made to an employee cannot exceed the amount shown on the table corresponding to that employee's years of service with all eligible entities.

Taxes and retirement must be paid and reported on Longevity Pay; refer to the [Financial Management](#) section for more information.

## Insurance

Conservation District employees who are regularly scheduled to work at least 1,560 hours per year and who are not classified as temporary employee are eligible for insurance benefits. These benefits include four (4) core benefits - health insurance, dental insurance, basic life insurance, and disability insurance - as well as optional benefits such as supplemental life insurance, vision insurance, and AFLAC policies.

The state provides eligible employees with a monthly benefit allowance to help offset insurance premium costs for core benefits; benefit allowance amounts are set by the legislature and can be found in the Benefit Enrollment Guide each year. An employee must participate in the four (4) core benefits to be eligible for the benefit allowance.

The Commission includes benefit allowance costs in full-time position allocations. If the district has a benefit eligible employee that is not in an allocated full-time position, the district must cover all benefit costs with local funds.

Contact the Commission with questions regarding insurance eligibility, enrollment, or benefit allowances.

## Retirement

Full-time employees and part-time employees who exceed 999 hours in a twelve (12) month period must pay into the retirement system. The employee must pay their share of contributions. For allocated salaries, the Commission pays the employer share; however, the district must pay the employer share on all local funds, including one time pay increases.

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

An employee who is planning retirement and who is eligible for benefits should contact the Commission's HR division for assistance and applications. An employee must give at least ninety (90) days' notice to their board when planning to retire.

The OPERS website ([www.opers.ok.gov](http://www.opers.ok.gov)) is a valuable resource that can assist with pre-retirement planning and questions. Employees need to verify deadlines for submitting retirement paperwork to OPERS.

## Code of Conduct

All employees are expected to conduct themselves in accordance with the district's core values of service, integrity, and quality. Employees shall comply with federal and state laws, rules and regulations, and all District policies. Employees shall avoid actual breaches of ethics and the perception of unethical behavior. Employees who violate this policy are subject to discipline, up to and including termination.

It is not possible to draft a code of conduct policy that answers every question, nor is it possible to eliminate every gray area of interpretation. Employees shall identify any personal conduct or interest that might possibly be criticized as a violation of the Code of Conduct and consult with their supervisor and/or the district board for final interpretation and application of policy.

Conduct that violates the spirit of this policy will not be tolerated merely because an employee states later that he or she did not think the conduct was wrong or technically in violation of this policy. The only safe and sure defense to corrective discipline is full disclosure and a written determination from the district board.

## Misconduct

Employees shall fulfill the duties of employment and shall behave in a manner befitting the position the employee holds at all times. Employees shall devote full time, attention, and effort to their assigned duties during work hours. Misconduct including, but not limited to, the violation of any district rule or policy will not be tolerated and may result in disciplinary action.

## Financial Conflicts and Conflicts of Interest

Employees shall not accept money or other compensation from anyone, other than the state or district, for the performance of employee's duties. Employees shall avoid preferential treatment for any person, using public office for personal gain, or adversely affecting the confidence of the public in the integrity of the district or Commission. Employees shall not engage in any employment, activity, or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his or her duties at the district.

Employees shall not engage in activities that involve the use of district or state time, facilities, equipment, and supplies; or the badge, uniform, prestige, or influence of one's office or employment for private gain or advantage.

## Outside Employment

All employees must give notice to the Board regarding any other outside employment before they start the employment or as soon as possible. No employee may accept any other employment from, or sell any goods or services to, any organization or person that might be viewed as impairing their independence or judgment in connection with their responsibilities at the district. Nor shall an employee engage in outside employment that conflicts with their regular work hours at the district or diminishes their effectiveness or energy in addressing job responsibilities. No employee shall accept any commission or other form of compensation from anyone who engages in business with the district, for mediating any issue, or for finding a buyer of goods or services, or for any other consideration.

Employees may not work for another employer (including any business owned or operated by the employee personally) during normal district work hours or while on any leave program other than those which can be taken as personal time off (annual leave, compensatory time, and holiday time).

## **Community Service**

Employees are encouraged to participate in community events and to be active in community projects, e.g., United Way, food drives, and preservation programs. Community service should be on the employee's own time unless it is a district board-approved and sponsored initiative where all district board members and employees are participating.

Employees are also encouraged to belong to and participate in the affairs of professional organizations and profession-oriented nonprofit service organizations like those dedicated to preserving or protecting our state's natural resources or the environment. However, employees who belong to such organizations should disqualify themselves from participating in any decision-making process within the district which directly affects the organization to which they belong.

## **Confidential Information**

No employee shall disclose any confidential information to which he or she has access to any organization or person not entitled to have the information. No employee may use their access to confidential information for personal gain or profit. This policy does not prohibit the release of records as provided in the Oklahoma Open Records Act and does not diminish any whistleblower protections permitted by law.

## **Accepting Gratuities**

No district director and no district employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for the state officer or employee or for any other person or entity, in return for being influenced in the performance of an official act; influenced to commit, aid in committing, collude in, or allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or, induced to perform or fail to perform an act in violation of the district director's or district employee's official duty.

## **District Property**

Upon the termination of employment, employees are expected to return any ID cards, key(s), and other supplies, equipment, and district property issued before receiving a final paycheck. Notify your supervisor and/or a board member immediately if any district property is lost or stolen.

## **Privacy**

Office desks, file cabinets, and other furniture and equipment, including computers and phones, provided by the district are not private. Employees must be sure that other authorized employees have access to any files, forms, or other materials which may be needed to conduct district business.



## Dress Code

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

## Discrimination and Harassment

No district board member or employee shall be appointed to, demoted, or dismissed from any position, or in any way favored or discriminated against with respect to employment with the district because of political or religious opinions or affiliations, race, creed, gender, color, age, or national origin or by reason of any handicap.

Discrimination and harassment of any type is prohibited. Any employee with the district who believes they have been subjected to conduct that violates this policy is encouraged to notify their board. Employees who violate this policy are subject to discipline, up to and including termination.

### Definitions

“Discrimination” means any discriminatory work conditions, or the use of discriminatory evaluative standards in employment, such as discriminatory treatment in whole or in part, based on the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, or marital status.

“Harassment” means any verbal or physical conduct designed to threaten, intimidate, or coerce including, but not limited to, verbal taunting (including racial and ethnic slurs), and written material conveyed through social networking platforms, emails, printed material, or other means, which in the employee's opinion, impairs his or her ability to perform his or her job.

“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to the conduct is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

### Discrimination

The district prohibits discrimination in any form. District directors and employees may not discriminate in the provision of employment opportunities, benefits or privileges; creation of discriminatory work conditions; or the use of discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, or any other reason prohibited by law.

### Harassment

The district prohibits both verbal and nonverbal harassment. District directors and employees may not unlawfully harass other employees and directors. Verbal harassment includes comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, sex, gender identity, genetic information, age, disability or appearance, epithets, slurs, or negative

stereotyping. Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, gender identity, marital, or other protected status.

## **Sexual Harassment**

Sexual harassment in any form is prohibited. Sexual harassment is discrimination on the basis of sex. No district board director or employee shall permit or engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and verbal, graphic or physical conduct of a sexual nature constitute sexual harassment when submission to this 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 an individual; or 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.

## **Consensual Sexual Relationships**

The district prohibits romantic or sexual relationships between a supervisor and an employee who reports directly or indirectly to that person.

## **Improper Language**

District employees are expected to use language that is respectful of others. Improper language for the workplace includes profane, foul, obscene, insulting, abusive or crude language, inappropriate jokes, racial slurs, sexual comments, even if spoken in non-standard English or foreign languages. The making of verbal threats is considered disrespectful, demeaning, and abusive behavior.

## **Retaliation**

No hardship, no loss of benefit, and no penalty may be imposed on a director or employee as punishment for filing or responding to a bona fide complaint of discrimination or harassment; appearing as a witness in the investigation of a complaint; or serving as an investigator. Retaliation or attempted retaliation is a violation of this policy and will be subject to discipline up to and including termination.

## **Grievances**

It is a goal of all Districts to provide a workplace in which all employees feel that they are treated fairly and that their work is important. It is in everybody's interests to establish a clear procedure for the resolution of any issues that may arise in the workplace. The district wishes to provide every opportunity for employees to express themselves without fear of jeopardizing their position.

A grievance is described as any event, condition, rule, or practice, which you believe violates your civil rights, creates unsafe working conditions, or treats you unfairly. A grievance may also deal with an attitude, a statement, or an opinion held by a co-workers or district directors.

At any stage in the formal process a work colleague may accompany the employee filing the grievance to the meetings and should be allowed into any executive session.

## Grievance Process

All grievances of employees are to be resolved in accordance with the following procedure.

### Step 1: Preliminary Informal Discussion

Employees should first try to address their grievance with their direct employee supervisor, if they do not have an employee supervisor then with the District Board Chair. This may be done orally in informal discussion. If the grievance relates to the employee's supervisor or Board Chair, then the employee should discuss the problem with another District Director. In many cases, the matter will be resolved at this initial meeting. If the informal attempts to resolve the matter are not successful, the employee may implement the formal grievance process.

### Step 2: Formal Grievance Process

The employee must submit a written formal grievance to their District Board Chair and one other District Director. A formal grievance is a written complaint by an employee concerning any matter related to the employee's employment with the district. The employee needs to make sure that they clearly and concisely set out all the known facts related to their grievance, including "who, what, where, when and the why." In addition, the written grievance should clearly explain the disagreement with an act or omission that forms the basis for the grievance **and explain what remedy is being requested**. Lastly, the written grievance should either be signed and dated or sent by email.

Grievances must be submitted within thirty (30) calendar days following the date the employee first knew or should have known of the grievance. If an employee fails to submit the formal written grievance within the thirty (30) calendar day period, the employee waives their right to assert it.

The Board Chair and the other District Director will gather information and respond in writing within ten (10) calendar days following receipt of the employee's grievance. All grievances and replies in Step 2 must be in writing. If the grievance is not settled or resolved in Step 2, then either the Chair, the other District Director, or the employee may escalate or appeal the grievance to the full District Board of Directors (see Step 3: Formal Grievance Appeal Process).

### Step 3: Formal Grievance Appeal Process

Within ten (10) calendar days following the employee's receipt of the written answer to Step 2 of the grievance from the District Board Chair, the employee may appeal the disposition of their grievance to the full District Board of Directors at their next scheduled Board meeting. The employee's appeal request should set out details of the issue and provide any other relevant information, including the reason(s) they are dissatisfied with the previous outcome. The grievance will then be placed on the agenda as an executive session item. At the Board meeting the Board can do the following:

- Make a final decision on the grievance;
- Determine if a more detailed investigation of the grievance and the underlying facts is needed for the Board to make a final decision;
- Take action to hire an investigator or assign a person to conduct the more detailed investigation; and/or

- Proceed with some other action that would remedy the grievance.

Fifteen (15) calendar days from the date of the Board meeting, the Board shall provide the employee with a written letter describing any and all decisions and actions taken by the Board on the grievance. Any follow-up Board meetings addressing the grievance also require a written letter describing any and all decisions and actions taken by the Board on the grievance until a final decision is issued by the Board.

***The board's final written decision on the grievance is the final concluding step of the grievance process except in the limited circumstance set out in Step 4. If the limited circumstance does apply, then the employee may appeal the board's final decision to the Oklahoma Conservation Commission within ten (10) calendar days following their receipt of the board's final written decision.***

#### **Step 4: Neglect of Duty or Malfeasance by a Director**

In the limited circumstance an employee's grievance includes accusations of neglect of duty or malfeasance by a District Director pursuant to [Title 27A of the Oklahoma Statutes, Section 3-3-201\(D\)](#), the employee may appeal a final Board decision to the Oklahoma Conservation Commission (Commission). The employee's appeal request to the Commission should set out details of the issue(s) and provide any other relevant information, including the reason(s) they feel the issues are reviewable by the Commission and why they are dissatisfied with the previous outcome.

Malfeasance is defined as a wrongful or unlawful act or wrongdoing or misconduct by a public official.

The Commission shall review the appeal and determine if the accusations in the grievance are reviewable under [27A O.S. §3-3-202\(D\)](#). If the action is not reviewable under the statute, the Commission shall issue a written response within fifteen (15) calendar days to the employee denying the appeal. If the action is reviewable, the Commission, through its Executive Director or the Executive Director's designee, shall conduct its own investigation and present the final investigation report to the full Board of Commissioners for consideration and final action.

Within fifteen (15) calendar days of the Commission's final determination, the Commission shall provide the appealing party and any other impacted party(ies) with a written letter of its final determination.

Filing groundless and malicious complaints is an abuse of this policy and is prohibited and subject to discipline.

## Nepotism

Due to the potential for perceived or actual conflicts or favoritism, district employees who are relatives may not:

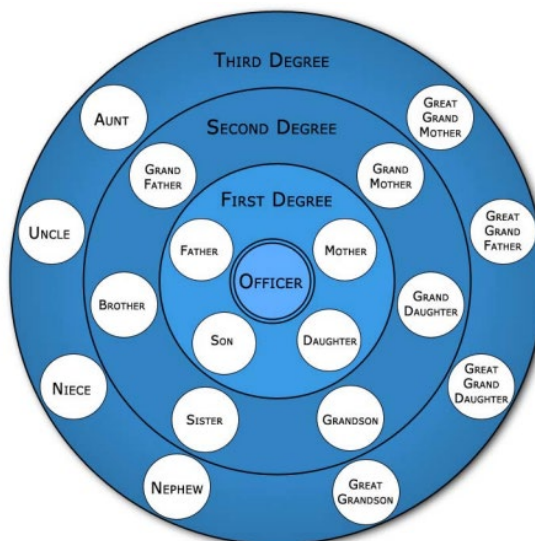
- Supervise one another
- Oversee processes that may affect the relative
- Participate in any disciplinary or reward decision that directly affects the relative; this may include promotions, wages, leave, and retention

These same guidelines should apply when dealing with vendors, service providers, and customers.

Board members are prohibited from hiring relatives within the third degree to any board member or themselves. If an employee is already in service to the district prior to a board member being elected or appointed, the employee may continue to serve. However, the related board member must recuse themselves from participating in any decisions and discussions that directly affect the employee.



**AFFINITY KINSHIP**  
Relationship by Marriage



**CONSANGUINITY KINSHIP**  
Relationship by Blood

Board members who are relatives may not serve on the same board unless they are in elected positions.

## Travel

Employees may be required to travel for various purposes to accomplish necessary work tasks, represent the district at professional events, attend trainings, and other reasons. All travel shall be pre-approved by the board of directors and shall be conducted in a manner that is consistent with district policies.

An employee shall not be in travel status more than 24 hours prior to and/or more than 24 hours after the date and time of event that necessitates travel. Employees may be eligible for

reimbursement of applicable travel expenses; see the [Financial Management](#) section for more information.

## Vehicle Use

Employees conducting official business away from the district office should use a district vehicle, if available. Use of a personal vehicle for district business should be pre-approved by the district board. For information on mileage reimbursement, see the [Financial Management](#) section.

Drivers of district owned vehicles shall not:

- Operate the vehicle without a valid driver's license
- Use the vehicle for any business other than official district business
- Violate any traffic laws
- Allow any unauthorized person to drive or ride in the vehicle
- Transport alcohol, drugs, or weapons
- Operate a vehicle under the influence of drugs, alcohol, or other intoxicating substance
- Text or engage in other distracted driving behavior
- Smoke in the vehicle

Drivers should refuel the district vehicle and remove any trash and personal items upon conclusion of the trip.

Traffic violation fines will be the sole responsibility of the driver, not the district. In the event of an accident while on official business, employees must report the incident as soon as possible, and not later than 24 hours following the accident.

## Social Networking and Social Media

### Implementation

To protect the position, image and information assets of the district, the use of Social Networking and Social Media (SNSM) services is intended for district purposes only. The district recognizes the potential marketing benefits of a SNSM presence, and its use is meant to promote and market the mission and goals of the district and its conservation partners.

Any district director or employee that is approved to administer the district's SNSM platforms are prohibited from using personal accounts for any district related business on any SNSM site. The district directors bear the responsibility for any issues caused by an approved employee engaging in the inappropriate use of SNSM technologies.

### Use

The District Board shall designate a primary person, a director, or an employee, responsible for overseeing the district's brand identity and key messages communicated on SNSM sites.

- The District Board is responsible for oversight and management of all agency accounts with SNSM providers.



- The District Board or a designated Board member shall be responsible for keeping a record of all District authorized SNSM service providers, the current account names, the master passwords and the Board director and employees authorized to use the accounts.

The following statements also apply to SNSM usage:

- District SNSM policies shall preclude obscenity, harassment, pornography, sensitive information, malware, and inappropriate solicitation.
- District's SNSM site(s) should reflect the district's name. Usernames, comments, photos, videos, etc., should be appropriate for a professional environment and selected in good taste.
- Respect copyright laws and reference sources appropriately. Identify any copyrighted or borrowed material with citations and links.
- It is inappropriate to disclose or use the district's, a director's, an employee's, or a respective client's confidential or proprietary information in any form of online media.
- When representing the District in any SNSM activity, those authorized to use the District's SNSM should be aware that all actions are public and that the person(s) posting to the district's site(s) will be held fully responsible for any and all online activities.
- Those authorized to use the District's SNSM must respect the privacy of colleagues, directors, and the opinions of others.
- Avoid personal attacks, online fights, and hostile personalities.
- Ensure material is accurate, truthful, and without error.
- The district will ensure that comments on their site(s) are appropriate and do not contain misinformation or offensive communications.
- Content that could compromise the safety or security of the public or public systems, solicitations of commerce, or promotion or opposition of any person campaigning for election to a political office or promoting or opposing any ballot proposition shall not be posted to a District's SNSM site(s).
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, with regard to public assistance, national origin, physical or mental disability, or sexual orientation shall not be posted to District SNSM sites.
- Users may not post, like, share, or retweet a message or comment in support of or opposition to a political party, candidate in a partisan race, or partisan political group while on duty or in the workplace on the district's social media account(s), even if the district's social media account is private.
- Do not conduct any online activity that may violate applicable local, state, or federal laws or regulations.

## Security

SNSM has the potential for security-related issues. Most SNSM traffic is sent in clear text that is not encrypted. The following statements apply to SNSM security:



- To maintain security of the district's information, a SNSM user must use a unique username/password combination. Under no circumstances should username/password combinations be reused for different platforms or logins.
- Sensitive information such as usernames, passwords, social security numbers, and account numbers passed via SNSM can be read by parties other than the intended recipient(s). Therefore, transferring sensitive information over SNSM is prohibited.

## Escalation

In the event a virus, malware, or any other suspicious activity is observed on the user's machine, a user shall immediately contact the Commission for prompt assistance to determine the cause of the situation and possible mitigation.

## Records Management and Open Records

All SNSM communications are subject to the requirements of the Office of Records Management and the Child Internet Protection Act (CIPA). Information about this act and its requirements can be found on the [Federal Communications Commission \(FCC\)](#) website.

All content, comments and replies posted on any District's SNSM technology are subject to the Oklahoma Open Records Act. Information disseminated using SNSM technology is subject to being re-printed in newspapers, magazines, or online in any other online media format.

Social content created or received by District personnel may meet the definition of a "record" as defined by state statute when the content is made or received in connection with the transaction of the official business of the district and should be retained as required. This applies to content made or received whether during work hours or on personal time regardless of whether the communication device is publicly or privately owned.

## Monitoring

Users should have no expectation of privacy. District directors should monitor the District's SNSM content.

Any user found to have misused or abused a SNSM service or violated this policy may be subject to disciplinary action, up to and including termination of employment.

## Drug, Tobacco, and Alcohol-Free Workplace

Districts are a drug, tobacco, and alcohol-free workplace. All District employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of a controlled substance or alcohol, or being impaired by medical marijuana during scheduled work hours; while operating a state or district vehicle; on state or district property; or at the employee's workplace. All District employees are also prohibited from soliciting prescription medication from employees, vendors, or customers. Employees who are under the influence of, use or possess alcohol or controlled substances in the workplace or otherwise violate this policy will be subject to disciplinary action up to and including termination as well as any additional legal consequences.

The district prohibits the possession and use of medical marijuana during hours of employment; while operating a state or District vehicle; while on state or District property; or at the employee's workplace or assigned duty station and the district possesses the right to take action against an employee that violates this policy. Employees who violate this policy are subject to disciplinary action, up to and including termination.

## **Tobacco Free Workplace**

Tobacco use on state or district property or in state or district vehicles is forbidden. Employees who violate this policy are subject to disciplinary action, up to and including termination.

### **Definitions**

"Alcohol" - Any intoxicating beverage or liquor.

"Controlled Substance" - A controlled substance in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by regulations at 12 CFR 1300.11 through 1300.15. Controlled Substances include but are not limited to: marijuana, including marijuana consumed or possessed with a medical marijuana license, cocaine, opiates, phencyclidine (PCP), and amphetamines as well as the various derivative compounds. This may include legal drugs that are not prescribed for the employee's personal use by a licensed physician.

"Conviction" - A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

"Medical Marijuana License" - A license issued by the Oklahoma Department of Health which allows a person with this license to consume and possess marijuana legally within the State of Oklahoma subject to statutory restrictions and conditions. Only individuals with a medical marijuana license may legally use and possess marijuana in the State of Oklahoma.

"Tobacco Products" includes but is not limited to cigarettes, electronic cigarettes/vaporizers, pipes, smokeless tobacco, and any other tobacco product.

"Workplace" - Any and all properties owned or leased by the district including buildings, land, and vehicles; and physical sites not owned or leased by the district where employees of the district oversee and/or administer programs on behalf of the district or for one of its conservation partners.

## **Prohibitions and Reporting**

The legal use of prescribed drugs is permitted in the workplace or on the job only if they do not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or other individuals. Prescribed drugs do not include marijuana that is consumed and possessed legally with a valid medical marijuana license.

District employees shall not unlawfully manufacture, distribute, dispense, possess, use or be under the influence of alcohol or controlled substances during hours of employment, while operating a State or District vehicle, on State or District property, or at the employee's workplace or official workstation. Violations may lead to disciplinary actions up to and including immediate

termination. Violations may also lead to legal consequences including arrest and criminal penalties.

Under the Drug-Free Workplace Act, an employee must notify the Board of Directors within five (5) days of any criminal conviction for any drug or alcohol related activity.

Any administrator operating programs involved, in whole or in part, in the performance of a federal contract or grant will notify the appropriate federal agency within ten (10) days after receiving notice of the conviction of any employee who is involved in performance of the contract or grant for violation of any federal, state, or municipal drug or alcohol law provided the violation occurred in the workplace or during the employee's hours of employment.

## **Tobacco Use**

The use of tobacco products is prohibited throughout all indoor and outdoor areas of property owned, leased, loaned or under the control of the district, including parking lots. The tobacco free workplace policy applies to all persons on District occupied properties. Noncompliance by an employee may result in corrective or disciplinary action.

If not already provided, District will provide notice of the tobacco free office with appropriate signage, including signs at the entrances. District's that share a building or property with other offices will eliminate tobacco use in their District offices and from all the indoor and outdoor locations under the district's control.

## **Treatment**

Employees are encouraged to voluntarily seek treatment for tobacco, alcohol, or drug dependency. However, seeking treatment or rehabilitation help will not protect an employee from disciplinary action for violation of this policy.

Employees with drug or alcohol addiction that have not resulted in and are not the immediate subject of disciplinary action may request approval to take leave (paid or unpaid) to participate in a rehabilitation or treatment program.

## **Alcohol and Drug Testing**

The district reserves the right to test employees for drug or alcohol use in the manner permitted by Standards for Workplace Drug and Alcohol Testing Act, [40 O.S. § 551 et seq.](#) Any employee may be required to submit to an alcohol or drug test for any reason(s) described in [40 O.S. § 554](#). The district will pay the costs of any required testing. The time during which the employee is being transported and tested will be considered work time.

Circumstances which may result in an employee being required to take an alcohol or drug test for cause include, but are not limited to:

- Drugs or alcohol on or about the employee's person or vicinity.
- Employee conduct which suggests impairment or influence of drugs or alcohol.
- A report of drug or alcohol use in the workplace or during employee work hours.
- Information that the employee has tampered with drug or alcohol testing at any time.
- Negative performance patterns.

- Excessive or unexplained absenteeism or tardiness.

The district may require an employee to submit to post-accident alcohol or drug testing if the employee or another person is injured, or if District property or equipment has been damaged during work hours and/or at the workplace. A positive drug or alcohol test following a work-related injury may prevent the employee from being eligible for workers' compensation.

The district may employ any testing method or collection procedure authorized by the State Board of Health or permitted by [40 O.S. § 557](#). Refusal to undergo testing or a positive test result may result in discipline up to and including termination. However, employees shall be given the opportunity to explain a positive test result, in confidence. Employees may request a copy of test results from the district or from the testing facility.

## **Safety-Sensitive Employees**

Any District employees that are required to have a commercial driver's license (CDL) are considered safety-sensitive employees by state and federal law (See 49 CFR § 391.81 et seq.) Watershed Aides are considered safety-sensitive employees. If a safety-sensitive employee tests positive for marijuana, even if such employee has a valid medical marijuana license issued by the State of Oklahoma, the employee will be removed from performing their safety-sensitive functions and appropriate disciplinary action will be taken.

## **Records**

Records of all drug and alcohol test results and related information maintained by the district are the property of the district. It is the position of the district that such records are confidential and not subject to release under the Open Records Act. The district will maintain the records as confidential with the following statutory exceptions:

Upon request by the employee, the district will make the records available for inspection and copying by the employee.

The district or the employee may admit the records as evidence in a proceeding before a court or administrative agency if either the district or the employee is a named party to the proceeding.

Records will be released in compliance with a valid judicial or administrative order.

Records will be released to the district employees who require access in the administration of the Standards for Workplace Drug and Alcohol Testing Act.

## **Workplace Violence Policy**

The district maintains a safe and secure workplace free from violence, harassment, intimidation, bullying, and other disruptive behavior for all District employees and patrons. The district prohibits violence or threats of violence. Any District employee who believes they have been subjected to conduct that violates this policy is encouraged to promptly confer with their District Chair or if the grievance relates to the Board Chair, then the employee should discuss the problem with another District Director. Employees who violate this policy are subject to discipline, up to and including termination and District Directors that violate this policy may be removed by the Oklahoma Conservation Commission pursuant to [27A O.S. §3-3-202\(D\)](#).

## **Definitions**

“Workplace violence” means any act or threat of physical aggression by any individual that occurs at the work site. Its intended target may be another individual or objects combined with a reasonable potential for physical or psychological trauma to victims and/or witnesses.

“Weapon” means any pistol, revolver, shotgun, or rifle, whether loaded or unloaded, knife, club, or any device that can be potentially used to commit harassing behavior, threat of violence, or violence.

“Carry” means to carry upon or about one’s person, or in a purse or other container belonging to the person.

“District or state property” means any structure, building, or office space owned or leased by the district or state.

“Bullying” means repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more employees or District Directors against another or others, at the place of work, during the course of business, or in the course of employment.

## **Harassment, Violence, and Bullying**

All District Directors, employees and patrons shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats and acts of violence, both direct and indirect, shall be reported as soon as possible to the employee’s supervisor, if they do not have an employee supervisor then with the District Board Chair. This includes threats by employees and District Directors, as well as threats by customers, vendors, solicitors, or other members of the public. All suspicious individuals or activities shall be reported immediately to the local Police Department (911) or the local Sheriff’s Office. When reporting a threat of violence, the employee should be as specific and detailed as possible.

The district will promptly and thoroughly investigate all reports of actual violence or threats of violence and of suspicious individuals or activities. The identity of the individual making a report will be protected to the extent practical. In order to maintain workplace safety and the integrity of its investigation, the district may suspend employees, either with or without pay, or suspend a District Director’s from their duties pending the outcome of the investigation.

The district will not tolerate bullying. Bullying may be intentional or unintentional. Prohibited conduct includes the following:

- Verbal bullying (slandering, ridiculing, or maligning a person or their family);
- Name calling which is hurtful, insulting or humiliating; abusive and offensive remarks;
- Physical bullying (pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault, damage to a person’s work area or property);

- Gesture bullying (non-verbal threatening gestures or glances which can convey threatening messages); and/or
- Power bullying (making excessive demands, such as assigning work that is impossible to perform or is clearly unnecessary; making demeaning demands, such as assigning work that is clearly below the employee's ability or experience or assigning no work at all; intruding or invading into the employee's personal life; or socially or physically excluding or disregarding a person in work-related activities).

The district encourages employees to bring disputes or differences with other individuals to the attention of their supervisor or the District Board Chair before the situation escalates into potential violence.

## **Weapons & Prohibited Materials**

No District Director or employee shall carry firearms, weapons, or other dangerous or hazardous devices or substances on District or State property, in District or state vehicles, or while performing duties for the district or state unless the employee is authorized and required to carry or transport a weapon or prohibited material in the course of their assigned and described job duties.

## **Oklahoma Self-Defense Act**

Notwithstanding any license obtained under the Oklahoma Self-Defense Act, it is unlawful to carry any concealed or unconcealed handgun into any "structure, building, or office space which is owned by the state for the purpose of conducting business with the public" pursuant to state law. It is the policy of the district that no employee shall carry a weapon on District or State property or while performing duties for the district unless the employee is authorized and required to carry or transport a weapon or other prohibited material in the course of their assigned and described job duties.

## **Removal from Duty**

Employees may be removed from duty to diffuse a potential "violence in the workplace" situation by placing the employee on administrative ("cooling off") leave. An employee's time on administrative leave under this section shall not exceed thirty-two (32) hours in a 12-month period.

## **Protective or Restraining Orders**

Employees who have obtained or who have applied for a protective order or restraining order shall immediately notify their District Board Chair to facilitate the enforcement of the order.

## **Responsibilities**

Employees shall alert a supervisor, District Board Chair, and/or law enforcement, if appropriate, to report any concerns about safety or security; report incidents or potential violent incidents, and to report cooperation with an investigation process. The District Board shall encourage employees to report and log all incidents and threats, and report all violent, or potentially violent incidents, even if there are no injuries. A report can be made by submitting a written statement of the incident to the Board Chair or other Board designated person. The Board Chair or other Board designated person will immediately notify the targeted employee and take all reasonable actions possible to prevent an incident in accordance with District policy. The Board Chair or other Board designated

person will also provide for prompt medical evaluation and treatment when warranted after each incident; promptly report violent incidents to the local police department; discuss the circumstances of any incidents of assault with the employee; provide an opportunity for employees to share information about ways to avoid such problems in the future.

## **Grievance Process**

Any employee with the district who believes they have been subjected to conduct that violates this policy is encouraged to promptly confer with their supervisor or District Board Chair. However, filing groundless and malicious complaints is an abuse of this policy, and it is prohibited and subject to discipline. For more information, see the [Grievances](#) section.

## **Retaliation**

No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for filing or responding to a bona fide complaint of discrimination or harassment; appearing as a witness in the investigation of a complaint; or serving as an investigator. Retaliation or attempted retaliation is a violation of this policy and will be subject to discipline up to and including termination.

## **Disciplinary tools and termination**

### **Employment Status “At-Will”**

Employment with the District is “at-will.” This means that the employee may terminate their employment at any time with or without notice or cause. It also means that the District can terminate an employee’s employment, at any time, with or without notice or cause. While the District utilizes disciplinary tools to help correct and grow its employees, it is not bound or obligated to use the disciplinary tools before terminating employment. Again, in the District’s sole discretion, an employee may be terminated at any time, with or without notice or cause. In addition, the District may alter an employee’s employment status, employment hours, schedule, or job description at its own discretion with or without notice or cause.

### **Disciplinary Tools**

The District has approved the use of these disciplinary tools to help the District to identify and address employee and employment related problems. Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance or violation of the District’s policies, practices, or procedures. These disciplinary tools may be applied to any and all employee conduct that the District, in its sole discretion, determines must be addressed by discipline. The District will attempt to consider all relevant factors before making decisions regarding discipline.

All documentation and correspondence related to discipline should be maintained by a director designated by the board.

### **Informal Discipline.**

Informal discipline includes verbal warnings, informal discussions, corrective interviews, and oral reprimands. An informal disciplinary action is meant to bring potential problems to an employee’s attention before they escalate. Informal discipline may be given to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior. In administering



informal discipline, an employee should be told, as a minimum, of the nature of the problem which is cause for the discipline and steps which must be taken to resolve the problem and the consequences of repeated infractions or continuing deficient performance or behavior. Documentation of the informal discipline should be prepared and maintained by the supervisor and the director designated by the Board. The documentation should include the date of the informal discipline, who was present, what was discussed, what corrective action by the employee should occur, and by when.

### **Formal Discipline.**

Formal discipline includes written reprimands, suspensions, demotions, and discharge. An employee may receive formal discipline to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. Absent aggravating conditions, formal discipline is normally administered after informal discipline has failed to produce acceptable results. Formal discipline documentation shall include a record of any other informal or formal discipline which was used in the decision to administer formal discipline. Documentation of the formal discipline should be maintained by whomever conducted the formal discipline, as well as the director designated by the board.

- **Written Reprimand.** A written reprimand is more serious than a verbal warning. Supervisors/Board may administer a written reprimand to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. A written reprimand shall include, as a minimum, the date of the written reprimand; the statute, rule, policy, practice or procedure regarding work performance or behavior which was unacceptable; a statement of the act or incident which is cause or reason for the written reprimand; steps which can be taken to resolve the problem or behavior; a citation of any other informal or formal discipline which was used in the decision to administer the written reprimand; and consequences of repeated infractions or continuing deficient performance or behavior. The employee shall be provided an opportunity to respond in writing to the written reprimand. Any response shall be attached to the written reprimand. The written reprimand and any response shall be filed in the employee's District personnel record with a copy also maintained separately by the Board of Directors.
- **Suspension, Demotion or Termination.** While the Board can terminate for any and no cause, the Board may decide to suspend or demote an employee rather than terminating them in an effort to correct their behavior(s). The Board chair or the director designated by the board is authorized to suspend an employee until a Special or Emergency Meeting can be scheduled to discuss and vote on the suspension which can include termination. Documentation of suspension, demotion, or termination shall be filed in the employee's District personnel record with a copy also maintained separately for the Board of Directors by the director designated by the board. If the board takes action to suspend an employee, the board should immediately contact the Commission to receive assistance in the formalization of the suspension process.

## Termination Process

### Special Meeting and Executive Session

The Board should schedule a Special Meeting with termination being the only item on the agenda. The termination agenda item should include an Executive Session. The director designated by the Board should contact the Commission for assistance in the filing of the meeting and the preparation of the agenda/agenda item. As the only agenda item, the Board may execute the Executive Session to discuss the termination and they may invite the employee into the Executive Session at any time. If more immediate response is necessary, contact the Commission immediately.

### Resignation Option

In the executive session, the Board may offer the employee the option to resign, or the employee may ask to resign. Any resignation must be in writing and include the employee's signature, the date the resignation letter was signed and the effective date of the resignation.

### Official Vote

No vote to accept resignation or to terminate an employee may be made in Executive Session. The Board must return to regular session to vote on any personnel actions resulting from the Executive Session discussion. Once a final action is voted and approved the Board can move to adjourn the meeting. If the Board accepted an employee's resignation or decided to terminate an employee then the Board needs to immediately take steps to ensure the return of all government property, including usernames and passwords.

## Termination Tools

### Termination Checklist

\_\_\_\_\_ **Schedule Special Meeting to terminate.** A special meeting with only one agenda item minimizes unnecessary worry and upset to the employee. It also allows the Board to take active steps right after the meeting to take possession of government property. The Board should contact the Commission for assistance in filing the special meeting and preparing the agenda/agenda item. If more immediate response is necessary, contact the Commission immediately.

\_\_\_\_\_ **Preparing for Termination.** Many times the Board will have coached and documented an employee's work performance over time and provided frequent feedback, thus there is no point in rehashing your dissatisfaction when you fire the employee. It accomplishes nothing and can be perceived as cruel. Yet, the employee may ask the Board why. So, **have an answer prepared that is honest and correctly summarizes the situation without detail or placing blame.** You want the employee to maintain their dignity during an employment termination. So, the Board might say something like, "We have already discussed your performance issues. We are terminating your employment because your performance does not meet the standards we expect from this position. We wish you well in your future endeavors and trust you will locate a position that is a better fit for you."

\_\_\_\_\_ **Finality.** Be clear that it is the intent of the Board to vote on termination. This is not the time for debate and argument. Employees do not always believe they are being fired or that

they deserve to be fired. Do not allow the employee to believe there is any opportunity to affect the Board's decision. Again, do not spend lots of time articulating behaviors or reasons, stick to your short, prepared statement. Approach the employee with kindness, concern, and respect, but your words should be straightforward. Wishy-washy words and body language can lead to grief if the employee believes they have one last chance to affect the Board's decision. Being straightforward on your intent is kinder than misleading the employee.

\_\_\_\_\_ **Resignation.** The Board may give the employee the option to resign instead of being terminated. If resignation is the voted and accepted action by the Board, have the employee write out a short resignation letter that includes their signature, the date of signature, and the effective date of the resignation. A copy of the resignation letter should be immediately forwarded to the Commission. If the employee chooses to resign, they still have the right to file for unemployment.

\_\_\_\_\_ **Termination Letter.** If the Board votes to terminate, give the employee a prepared written termination letter. The letter should be brief regarding the termination and should let the person know that a human resources letter will be coming that details the status of their benefits upon termination. This includes life insurance, health coverage, retirement plan and expense account plans. A copy of the signed termination letter provided to the employee should be immediately forwarded to the Commission.

\_\_\_\_\_ **Return of property.** Exiting employees are required to turn in all government (District, State and Federal) books and materials, keys, ID badges, computers, cell phones and any other government-owned items. Ask the employee to hand over their key, door pass, badge, cell phone, laptop, and any other government-owned equipment or supplies after the vote to accept resignation or termination. It is best to accompany the employee to their work area to collect the rest of the government-owned items and to get their personal property before you escort the employee to their car. Prior to the special meeting, the Board should request that the employee bring all government equipment, computers, and documents that the employee has at home back to the office. If an employee fails to bring the items to the office, the Board should make solid arrangements to get the government equipment and files back as soon as possible.

\_\_\_\_\_ **Passwords.** Employees should provide their supervisors or the Board with usernames, passwords and other information pertaining to accessing computer files or online accounts, District social networking accounts and telephone messages, if applicable. The Board should take actions to change these passwords as soon as possible.

\_\_\_\_\_ **Notify Your Network Administrator.** As soon as the Board knows that an employee is leaving, notify your Network Administrator or other appropriate staff person of the date and time on which to terminate the employee's access to computer, email, and so forth. During the Special Meeting might be the best time for this to be done. Make arrangements for how these accounts will be routed to ascertain that the agency will not lose IMPORTANT INFORMATION. Additionally, disable the employee's building entry keycard, if applicable.

\_\_\_\_\_ **Account Security.** As soon as possible the Board needs to remove employee from all bank accounts, charge accounts, online accounts, and any other government accounts.

\_\_\_\_\_ **Employee Final Paperwork.** Contact the Commission to calculate final pay and leave payment and for off boarding checklist. Ensure that the Board has a current mailing address and contact information for the employee that the final check and later the W2 can be mailed.

## Sample Termination Letter

### *Conservation District Letterhead*

Date

Employee Name  
Employee Address

Mr./Mrs./Ms. \_\_\_\_\_:

As an employee of a conservation district, your position constitutes an at-will employment relationship.

Your employment as the [Job Title] for the \_\_\_\_\_ Conservation District (District) is terminated effective [Time] on [Date]. You will receive compensation through the end of the above-mentioned time and date.

Please be aware that you shall not access and must immediately return any and all government equipment, computers, cell phones, computer systems, social media pages, or any other government communication devices or platforms upon receipt of this notice. If you have any documents, photos, papers, or electronic information that contains user Id's and passwords or other files that are government property, you are required to return them to the District immediately. The Board will coordinate with you to retrieve any missing items documents, equipment, and user/password information.

If you have any questions regarding your insurance benefits, please contact the Oklahoma Conservation Commission's HR Management Specialist at 405-522-4729.

Respectfully,  
*Board Chair Signature*  
Chairman, Board of Directors

## Duty to investigate complaints

### External Complaints

*Internal complaints by employees shall be addressed through the grievance process contained in the Grievances section.*

As set out in the handbook's code of conduct, employees and boards must represent districts in a positive, professional manner; not behave in a way that reflects poorly on the district or

conservation in Oklahoma. Therefore, if a district receives a verbal or written complaint from any external source (individual, partner, organization...), the district board of directors has the responsibility to investigate the allegation and/or complaint and take appropriate action(s). If a complaint is received or becomes known by the Commission on a district employee(s) or board member(s), the district will be immediately notified and, the board shall ensure that the Commission is updated on the board's investigation process, findings, determinations, and actions taken.

## **Investigation Process**

All investigations of external complaints should be completed within thirty (30) days of receipt of the complaint, if possible.

Upon receipt of an external complaint, the chair of the board shall immediately select a board member to head the investigation process.

### **Preparation.**

The designated investigator shall:

- Conduct an immediate review of the allegations and identify missing or needed information;
- Look at the circumstances surrounding the allegations; the place, date, location, time, and duration of the incident in question; and any prior incidents or allegations;
- Identify the Complainant, Respondent, and any relevant witnesses for interviews;
- Determine whether a site visit is necessary; and
- Identify any documents, emails, or phone records that are relevant to the allegation(s).

### **Interviews.**

The designated investigator shall:

- Set the tone by encouraging the complete story;
- Gather all relevant information relating to the allegation(s), including impressions, dialogue, and behavior;
- Keep accurate and complete notes; and
- Identify and interview any additional witnesses mentioned during the interview(s). Re-interview Complainant, if necessary.

### **Findings & Recommendations.**

The designated investigator shall prepare and report the findings and recommendations to the full board of directors for their determination and consideration.

The board shall ensure that all parties to the complaint are informed of the final determination and actions, if any. (Training, mediation, progressive discipline, etc....)

The board shall also send a summary of their findings, determinations, and actions to the Commission's Human Resources Officer within two (2) days of the board meeting where the findings, determination, and actions were taken.

## **Commission Review of Actions (Malfeasance, Misfeasance, and Nonfeasance)**

If, upon review of the board's actions, the Commission finds that the board failed to properly investigate or take appropriate remedial actions, the Commission, if deemed necessary, may:

- Send a Letter of Reprimand to the Board; and/or
- Seek to remove a board member(s); and/or
- Restrict district funding until appropriate investigative and remedial actions are taken.

# **District Operations & Programs**

## **General Information**

The Conservation District Act grants conservation districts the authority to make available services and equipment to landowners for the purpose of conserving renewable natural resources. 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.

In many cases, districts provide services and equipment to cooperators that are not available elsewhere. Each district should develop a local program of services and equipment that is specific to its' producers' needs; common district services may include rental of equipment, sale of grass seed, Bermuda grass sprigging, and sale of irrigation supplies. The following information provides a general outline and basic considerations of various services and programs.

## **Sources of Locally Earned Funds**

### **Rental of Equipment**

Many districts choose to purchase and maintain various pieces of equipment for rental to producers. Rental equipment should be properly insured at all times. District boards should act annually to set appropriate rental rates.

If the district chooses to have a rental program, it should protect itself in every way possible against liability lawsuits in the rental of district equipment. Districts should draft a rental agreement which includes a hold harmless clause and should obtain the renter signature on the agreement prior to any rental period commencing. The district should also make clear in its rental policies what damage a user may be liable for should repairs be needed. A thorough inspection of the equipment should be undertaken with the renter prior to the rental period and upon the equipment's return.

### **Herbicide/Pesticide Spraying**

Spraying herbicides and pesticides may be written within the scope of district employees' job duties. Conservation district employees that apply restricted use herbicides or pesticides in the course of their official job duties should test to become certified as a non-commercial applicator.

The non-commercial applicator certification requires the successful completion of at least two examinations: the "core" exam consisting of knowledge required in all categories of certification, and at least one category exam. Conservation district employees need to take the right-of-way category exam to be properly certified to perform their official job duties.

If the district offers any spraying services for hire or compensation, regardless of whether the application is of restricted use or general use products, the application is considered commercial spraying and districts must be commercially licensed with a certified applicator in each of the categories in which they work.

If the district is only applying general use pesticides at no charge to any customer, then no applicator certification or licensing is required.



The Oklahoma Department of Agriculture, Food, & Forestry (ODAFF) provides [information on testing and licensing requirements](#) on their website. All testing is completed online and must be scheduled in advance. OSU Extension also provides [information and study materials](#) on their website; the local county Extension office may also have materials available.

For any questions regarding applicator licensing, testing, education, or other requirements, contact ODAFF.

## Seed Sales

Many districts choose to serve as a retail seed dealer for a seed distributor. This enables the district to provide producers with custom planned seed mixes as well as a source for purchasing the seed. Districts who are only a retail seed sales point must obtain a retail seed license from ODAFF; this license expires June 30 of each year and must be renewed annually. Additionally, the district must have an affidavit on file with ODAFF stating that they only sell seed which has been labeled by another firm who has paid the required inspection fees.

Districts may choose to act as a seed wholesaler if they grow and sell their own seed. Wholesalers must obtain a wholesale/retail seed license from ODAFF; this license expires June 30 of each year and must be renewed annually. In addition, if growing and selling their own seed, districts are required to pay an inspection fee of eight cents (\$0.08) per hundred-pound weight and must have all seed inspected to guarantee the contents. Upon receipt of the laboratory inspection report, the district must attach a tag on the seed guaranteeing the contents of the bag.

Districts are responsible for knowing and complying with all Oklahoma Seed Law and Regulations. Failure to follow all laws and regulations may result in the license being revoked by ODAFF.

If you have questions regarding seed sales, licensing, inspection, or other seed related matters, contact ODAFF.

## 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.

If the district chooses to sell gopher bait of any type, the district must know and follow all rules and regulations, including licensing requirements, regarding its sale and use.

If selling gopher bait, the district must keep accurate records, including quantity sold and to whom. The Commission recommends including the following statement on any gopher bait invoice and obtaining a signature from the purchaser at the time of sale:

*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 concerning its use.*

## Commission Assisted Programs

### Locally Led Cost-Share Program

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.

Funds for the program are allocated to districts based on appropriations from the Oklahoma Legislature. General guidelines are provided by the Conservation Programs Division of the Commission each program year. From the general guidelines, each district then designs and administers its own local program by selection of which conservation practices to offer, establishing cost-share rates, setting sign-up periods, and completing application rankings. Conservation districts are also responsible for assisting approved producers throughout the process, from paperwork completion to final payment. Technical assistance for the program is provided by the USDA Natural Resources Conservation Service (NRCS).

Additional information about the administration of the program can be found in the current [Program Year Guidelines and the Program Rules & Forms](#) listed on the OCC website. For additional questions or assistance regarding the program, contact the Conservation Programs Division.

### Upstream Flood Control

Each fiscal year the Commission budgets funds for watershed operation and maintenance (O&M); these funds are made available to districts that are the primary project sponsors and where other funding is unavailable. Expenditures are tracked by district, site number, and type of work.

The Commission has watershed technicians on staff who oversee watershed O&M statewide; the Commission also partners with several districts to provide trained watershed aides at the local level. The Commission maintains specialized equipment for use by the watershed technicians and watershed aides; this equipment is often housed locally at a conservation district.

Requests from a conservation district for O&M funds, equipment, watershed crew assistance, or wildlife services must be properly submitted to the Conservation Programs division of the Commission prior to any work being done.

#### Requests for Watershed Operation and Maintenance Funds or Assistance

1. All requests must be made by completing [Form OCC-8H, Project Application for Watershed Operation and Maintenance](#).
2. Attach the current inspection form(s) to Form OCC-8H.
3. If the request is for chemicals to spray watershed sites, you must attach a copy of your applicator's license.
4. 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 exceeding \$5,000**

Projects that have a cost of \$5000 or over must be processed through the OMES Central Purchasing Division, Construction and Properties. Please contact the Conservation Programs Division at the Commission for additional guidance in requesting contract work.

### **Requests for an Increase in a Previously Approved Project**

The Commission understands project requests are estimates and that the project cost may increase. If an increase is needed:

1. Send a copy of the previously approved Form OCC-8H indicating the project number for which you are requesting an increase.
2. State the cause of the needed increase.
3. 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**

1. All watershed O&M must be listed on a separate reimbursement claim form.
2. 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**

1. 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.
2. Attach the current inspection form.
3. Return the completed form and the appropriate attachments to the Conservation Programs Division in the Commission office.

You will be notified by the Commission when your request has been forwarded to the USDA APHIS Oklahoma Wildlife Services Office.

### **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.

### **Pollution Complaints**

If the conservation district is contacted by someone wishing to file a pollution complaint, the

complainant should be advised to contact the state's Pollution Complaint Hotline (800.522.0206) maintained by the Oklahoma Department of Environmental Quality. Complaints may also be filed online via the [ODEQ](#) website.

## 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 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 or to participate in cost-share. A district may require a cooperator agreement to be on file for other purposes as well (i.e., equipment rental). 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 and the cooperator.

## 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 the cooperator is deceased, the Cooperator Agreement is automatically terminated. 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, 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.

Cooperator Agreements should be maintained in a manner which keeps them easily accessible.

## Legal Counsel (Attorney General Opinions)

Section 3-3-103(B) 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 the district attorney is not able to represent districts, districts may call upon the Attorney General of the state for such legal services as they may require or 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 other 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, the districts should 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 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. (2005 OK AG 35)
- 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. (1983 OK AG 96)
- 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 conservation district as well as their immediate family is prohibited by law from selling, directly or indirectly, goods and services to the conservation district on which they serve.

## Public Information & Outreach

### Printed or Electronic Material

Districts are encouraged to utilize the conservation partnership when public information items are needed for education and outreach. Possible sources include the Commission, NRCS, NACD, OACD, ODWC, and SWCS; districts may utilize other sources but should always strive to ensure the information being provided is accurate.

Many of the sources listed above provide both electronic and printed materials covering a variety of conservation topics and tailored to a wide range of age groups.

If the district desires assistance with communication material, contact the Commission's Public Information Officer.

### Awards and Promotional Items

The Commission maintains a service award program for district directors and district personnel. Certificates and additional award tokens are provided by the Commission & OACD on a years of service basis and are awarded at area and state meetings.

The NACD Marketplace specializes in similar awards and also offers a wide range of award plaques and promotional items if the district has specific award and promotional needs.

Districts may also use local vendors for awards and promotional items. As with all purchasing considerations, promotional and award items should be purchased with discretion utilizing the "lowest and best" principle with adherence to purchasing thresholds.

### Displays

Displays for use at outreach events are periodically available through the Commission. Request for a display must be made well in advance and availability is always on a first come-first-serve basis with Commission use taking priority. Assistance designing exhibits and displays is also

available through the Commission. Contact the Commission's Public Information Officer for more information.

## **Conservation Contests**

The [OACD](#) website outlines the annual conservation awards for entry by conservation districts, cooperators, youth, and industry. Contact your local Oklahoma Association of Conservation Districts Employees representative or OACD for additional information regarding the contests.

## **Newsletter**

Conservation districts may publish newsletters monthly, bimonthly, or quarterly. The Commission recommends publishing any newsletter electronically to save on printing and postage costs. If a district chooses to have a newsletter printed, contact area printers or vo-tech schools to inquire about printing the newsletter locally.

Districts should consider acquiring sponsors to cover the cost of the publication, although this is a legal expenditure of district-earned funds.

## **News Articles**

Districts should submit articles regarding district activities and other conservation related matters to their local newspapers and other news outlets, including online media. If no district employee or director feels qualified to write an article, contact the Commission's Public Information Officer for assistance. Be prepared to provide the PIO with all necessary pertinent information and at least a first draft to help smooth the process.

Articles should be submitted to news media well in advance of the desired publication date.

## **Advertisements**

Advertisements about conservation can be an excellent way to promote district programs and activities. Districts may want to consider both online and traditional print advertising. Districts should be prepared to provide photos and a general idea of the ad message to the ad designer.

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.

## **Scholarships**

Several partner organizations offer scholarship opportunities for students of conservation district staff and directors. Contact OACD and OACDE for more information regarding opportunities available and application requirements.

## **Youth Boards**

Conservation districts have a unique opportunity to help young people learn about and contribute to government operations and the conservation program through the voluntary formation of a conservation district youth board. Youth board members should be considered and approved by the district board. 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.

Along with participating in the district's regular events and projects, 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. Projects for youth boards may include:

- Assist in developing outdoor learning areas
- Prepare articles and presentations, for local media, schools, and other outreach events.
- Distribute conservation materials at public events
- Assist with district conservation tours and with district sponsored educational exhibits and events Assist with/conduct district tree sales programs and organize Arbor Day activities
- Organize the district's Soil Stewardship Week activities
- Replace or beautify district boundary signs or other district landscaping.

# District Plans & Reports

## General Information

The Conservation District Act requires that each district prepare and keep current a Long Range Plan and an Annual Work Plan (Joint Plan of Operations) outlining the district's goals and objectives and the action items necessary to carry out these ideas. These 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. Each district is also required to prepare an Annual Report that documents the activities and accomplishments 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 electronically to the District Services Division. Once approved, the Commission will furnish copies, as required, to the Governor and to the Oklahoma Legislature.

To ensure that districts meet these requirements, these plans and reports are required to be submitted to the Conservation Commission at specified times. The District Services Division will provide specific guidance, instructions, and timeframes for completion of these items. The following are general guidelines the plans must follow.

## Long Range Plan

The Oklahoma Conservation Commission has set a policy that the Long Range Plan (LRP) will be kept current by five (5) year updates. **Final Long Range Plans are due in the Commission office on or before June 30 every fifth year.** The District Services Division will provide a timeline for completion of all required steps in the Long Range Planning Process; however, 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.
- Scheduled and held a public meeting in accordance with guidelines.
- Taken official board action on the resulting final document.
- Submitted the final document electronically to the Commission for approval.

## Development

The Commission will provide guidance for the planning and development process, including specific items that are required to be in the LRP. However, the district should be prepared to consider its mission, vision, and long and short-term goals, as well as assessing outside trends and resources. The district should 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 Joint 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. 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. Locally Led meetings may also be helpful in soliciting and receiving input from community members and local producers.

## Format

The Commission will provide guidelines for formatting and layout; however, concise, and substantive information should be the focus. Each LRP must contain, in addition to any specified requirements set forth by the Commission, the following information:

- District history and background
- District mission and vision
- Inventory of renewable natural resources and socio-economic data
- Assessment of current trends and organizational needs
- Long-term goals
- Objectives (performance measures relating to long-term goals)
- Actions, strategies, and timetables for goal and objective completion

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

Once all information is gathered, a draft should be completed using Commission specified layout guidelines, approved by the local district board of directors, and then forwarded electronically as a PDF, suitable for printing, to the Commission office for review and approval. The draft is to contain all revisions inserted and approved by the local board and the Commission. Upon approval of the draft document by the Commission, the district must hold a public meeting on the LRP draft.

## Due Notice of Public Meeting

Notice of public meeting must be printed as a legal notice 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 twenty (20) days must elapse between the first publication and the date of the public hearing.

A copy of the newspaper proof of publication must be forwarded to the Commission.

The Public Meeting may be held prior to or following the district's regular monthly meeting but must still follow Open Meeting Act requirements. If a quorum of board members will be present at the public meeting, a special meeting notice may need to be filed. Consult with the District Services Division for additional guidance.

## Public Meeting Procedure

1. Call the meeting to order.
2. Introduce district board members who are in attendance.
3. Announce the purpose of the meeting.
4. Ask those present if they would like to identify themselves. The district personnel must record the attendance of each person identified.
5. Distribute copies of the district's LRP to those present.
6. Give a concise summary of the LRP proposed by the district.
7. Call for comments and questions. The district board and/or employees should answer the questions to the best of their knowledge.
8. 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.
9. 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 following the public meeting it is ready for final submission to the Commission. If there are changes to be made in the LRP, the changes should be incorporated and sent to the Commission office for additional review.

## Printing and Distribution

The Commission recommends the final Long Range Plan be formatted as a PDF, suitable for electronic distribution and printing, when necessary. The number of copies to be distributed and their format will be determined by the district's contact list. The district is required to forward an electronic PDF copy of the final LRP to the Commission no later than June 30 of the year of adoption and maintain one in the district office. Entities to consider distribution to might include: Oklahoma Association of Conservation Districts, Natural Resources Conservation Service, Farm Service Agency, County Extension Director, Sub-state Planning District, , schools, colleges, universities, community libraries, state and federal legislators, the County Clerk, and any other appropriate agencies, organizations, or special districts and groups within the boundaries of the conservation district that deal primarily with renewable natural resources.

## Joint Plan of Operations

Final Conservation District Joint Plan of Operations (JPO), also known as the Annual Work Plan, are due in the Commission office on or before June 30 each year.

The planning period for each JPO is July 1 of the current year through September 30 of the following year, a time period that encompasses both the state and federal fiscal years. This plan is developed in conjunction with the local Natural Resources Conservation Service field office and should directly correlate with the district's current LRP.

The District Services Division will provide a timeline for completion of the JPO; however, prior to June 30 each year 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.
- Submitted the final document electronically to the Commission for approval.

## Development

The Commission will provide guidance for the planning and development process, including specific items that are required to be in the JPO. The JPO is the working document that directs the day-to-day programs and activities of the district; it provides the actions and strategies to meet the goals and objectives in the LRP. The district should work with their NRCS partners to develop an annual work plan that directs how the district and the NRCS field office will meet their established goals. When developing your JPO, consider the state cost-share program, education and outreach, 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, NRCS, and other interested individuals, groups, entities, or agencies (local, state, or federal).

JPOs 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 and should take into consideration past performance of similar goals. The information should be reflective of the conservation district's needs and should correlate to the goals and objectives in the current LRP.

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 and how it will be funded.
- Assignment of responsibilities for carrying out the plan's actions.
- A schedule of time and place that work will be done.

## Format

The Commission will provide guidelines for content; the format of the JPO is not as important as the content and function of the document. Each JPO must contain, in addition to any specified requirements set forth by the Commission, 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. List any cooperative working agreements the district has in place.
- Natural Resource Priorities and Program Area (natural resource programs or district programs)
- Goals – long term for the resource priority and program area; these should be clear and concise statements that provide measurable, attainable, relevant, and trackable results.
- Objective(s) and Actions for each goal – these should be clear and concise statements that define how the goal will be accomplished. Actions should include:
  - Number (i.e., a quantitative figure that indicates the frequency or amount of the action)
  - Who (i.e., the person responsible for completion of the action)
  - Start and End Dates
  - Estimated Funding and Funding Source
  - Notes/Progress

Additional information that may be included to enhance the JPO might include:

- District Spotlight - narrative describing the districts achievements from the previous year.
- 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.

Once all information is gathered, a draft should be completed using the Commission's specified content guidelines, then forwarded electronically as a PDF, suitable for printing, to the Commission office for review. Upon inclusion of the recommended revisions, the local board should review and approve the final JPO, which should then be forwarded electronically as a PDF, suitable for printing, to the Commission. The district will be notified when the JPO has been approved by the Commission.

## **Printing and Distribution**

The Commission recommends that the final JPO be formatted as a PDF, suitable for electronic distribution and printing, when necessary. The number of copies to be distributed and their format will be determined by the district's contact list. The district is required to forward an electronic PDF copy of the final JPO to the Commission no later than June 30 each year and maintain one in the district office. Entities to consider distribution to might include: Oklahoma Association of Conservation Districts, Natural Resources Conservation Service, Farm Service Agency, County Extension Director, Sub-state Planning District, schools, colleges, universities, community libraries, state and federal legislators, the County Clerk, and any other appropriate agencies, organizations, or special districts and groups within the boundaries of the conservation district that deal primarily with renewable natural resources.

## **Documentation**

At a minimum of one board meeting quarterly, the JPO 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 on or before September 1 of each year.

## **Development**

The Annual Report should provide information concerning conservation district programs and projects undertaken in the previous fiscal year. The Joint Plan of Operations may be helpful in determining what items should be included in the report. When developing your Annual Report 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. Also consider including NRCS partner activities – contracts completed, dollars obligated, etc.

A good Annual Report should provide:

- Who the district is (staff, board members, building location, etc.)
- How the district functions (board meetings, partners, etc.)
- What the district does (summaries of programs and activities, what services are offered, etc.)

## **Format**

The Commission will not provide any specific guidelines for formatting and layout; generally, the Annual Report should be presented in a newsletter style format with clear and concise text accompanied by photos, graphs, maps, etc. that are of good quality. Annual Reports should be at least 4 pages long but may be longer as needed to outline the district's programs and activities of the previous fiscal year.

Annual Reports should be available electronically in a PDF format that is suitable for printing.

## **Printing and Distribution**

The district's Annual Report must be approved by the board of directors. The Commission recommends the final Annual Report be formatted as a PDF, suitable for electronic distribution and printing, when necessary. The district is required to forward an electronic PDF copy of the final Annual Report to the Commission no later than September 1 each year and maintain one in the district office. Additional copies of the Annual Report may be distributed to interested parties as determined by the district.



# **District Records**

## **Open Records Act**

The Oklahoma Open Records Act (51 O. S. 1991, §§ 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, disciplinary actions, employee evaluations, 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
- Employee or board members home addresses, personal phone numbers or emails

## **Copying and Search Fees**

Under the Oklahoma Open Records Act, conservation districts may charge up to twenty-five cents (25¢) 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.

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 Records**

By law, a majority of 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 the

district activities regardless of the nature of the activity. Good records also help provide an historical record of the district.

## District Responsibilities

The district board must adopt a policy designating the individual responsible for releasing material in the files and the district's schedule of open record fees. 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 designated individual will have the authority to decide which records can and should be released under the Act. A request from the inquiring party must at a minimum include their name, contact information, and specify the information being requested. If a district has a website, then the district should post their open records request process and schedule of fees. For more information regarding what records may or may not be released, refer to the [Open Records Act](#) section, the Open Records Act, or contact the Oklahoma Conservation Commission.

## Record Organization and Maintenance

The district's digital and physical records should be maintained in the manner that best suits office personnel needs, taking into consideration that anyone who comes into the district office should be able to easily find and access records by subject. The district may create a reference file to assist in the location and access of these records.

## Records Disposition

The Records Disposition Schedule located at the end of this Chapter was created on the advice of the Oklahoma Department of Libraries to provide conservation districts with a guide to retaining and disposing of district files. Records should be surveyed annually and disposed of if appropriate. Digital files must be retained according to the same schedule as physical files; the district should make backups of digital records as needed. Discretion should be used for material not listed; contact the District Services Division for additional guidance.

## Historical Records

Records of historical value should be retained in the District office as outlined in the Records Disposition Schedule or, if not required to be retained, may be donated to interested parties upon approval of the District Board. If records are lent or donated, a record of the transaction should be kept. Contact the District Services Division for additional guidance on transferring or donating historical records.

## Records Disposition Schedule

Records Disposition Schedule	
OKLAHOMA CONSERVATION COMMISSION	
Commission Policies	Until Superseded
History	Permanent
District Law/Rules/Regulations	Permanent
District Handbook	Permanent

<b>DISTRICT ADMINISTRATION</b>	
History	Permanent
Organization	Permanent
Certificate of Incorporation	Permanent
Name Change	Permanent
Map of District	Permanent
District Law/Rules/Regulations	Permanent
<b>BOARDS OF DIRECTORS</b>	
Records of Director's Terms	Permanent
Director's Information Sheets (OCC-3B, OCC-3F)	2 years after expiration of term
Loyalty Oath and Oath of Office	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
<b>RESOURCE AGENCIES AND GROUPS</b>	
<i>Examples include:</i> Memorandums of Understanding and work programs with Local Agencies, County Commissioners, County Extension Service, etc.	
<b>STATE AGENCIES AND PROGRAMS</b>	
Until no longer needed for administrative purposes	
Examples include: Memorandums of Understanding and work programs with:	
Agriculture Department	Forestry Division
Commissioners of Land Office	Highway Department
Water Resources Board	Oklahoma Conservation Commission
<b>FEDERAL AGENCIES AND PROGRAMS</b>	
Until no longer needed for administrative purposes	
<i>Examples include:</i> FSA, NRCS, EPA, etc.	
<b>BOARD MEETINGS</b>	
Schedule of Meetings and Meetings Changes (OCC-4A, 4B)	1 year
Statement of Approval of Minutes	Permanent
Agenda	Permanent
Open Meeting Law	Permanent
Minutes/Financial Statement/Exhibits	Permanent
Pending Board Meeting Material	Until no longer needed for administrative purposes

<b>DISTRICT ADMINISTRATION</b>	
Correspondence	Hold until action is taken; file in subject file
Open Records Act	Permanent
Request for Information	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 Until sold	Until sold
<b>FINANCIAL MANAGEMENT</b>	
Audit/Compilation Report (1 copy)	Permanent
Annual Net Worth Statement (OCC-5K)	1 year after audit if no legal action is pending
Statements of Need/Budget Request	2 years
Budget and Allocation Information	1 year after audit if no legal action is pending
Allocation, Receipts & Expenditures Ledger	7 years
Claims for Reimbursement (OSF-3) and backup documents	1 year after audit if no legal action is pending
Directors Meeting Expense (OCC-5I)	1 year after audit if no legal action is pending
Travel Claims (OCC-5F)	1 year after audit if no legal action is pending
District Invoices	1 year after audit if no legal action is pending
Bank Statements/Canceled Checks/Checkbook Stubs	1 year after audit if no legal action is pending
Reconciliation Information (OCC-5A)	1 year after audit if no legal action is pending
Savings Account Records	1 year after audit if no legal action is pending
Certificates of Deposit	1 year after audit if no legal action is pending
Claims for Salary Reimbursement (OSF-3)	2 years after audit if no legal action pending

Payroll Pre-Claim (OCC-5C, OCC-5M)	2 years after audit if no legal action pending
Daily Activity Timesheet/Leave Record (OCC-5B)	2 years after audit if no legal action pending
District Employee Payroll Worksheet (OCC-5D)	2 years after audit if no legal action pending
Employee Yearly Earning Record (OCC-5E)	Permanent
<b>TAXES</b>	
Social Security 218 Agreement	Permanent
Federal Withholding	5 years after audit if no legal action is pending
State Withholding	5 years after audit if no legal action is pending
Worker's Compensation – Employees and Contractors	5 years after audit if no legal action is pending
Sales Tax Collected and Returned	5 years after audit if no legal action is pending
Sales Tax Permits	5 years after audit if no legal action is pending
Unemployment Insurance	5 years after audit if no legal action is pending
<b>PROCUREMENT AND INVENTORY</b>	
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	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 Marketplace Catalog	Until superseded
Service Contracts and Agreements	Until no longer needed for administrative purposes
<b>PERSONNEL MANAGEMENT</b>	
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)	1 year after termination
Insurance - Health & Life	1 year after termination
Loyalty Oath	1 year after termination
W-4 Forms	5 years
Fair Labor Standards Act	Until superseded
<b>DISTRICT SERVICES AND PROGRAMS</b>	
Gopher Bait	3 years
Equipment Rental	3 years
Spraying, Herbicides/Pesticides	3 years
Seed Sales & Equipment Rental Tickets	3 years
Grass Seed Analysis	3 years
Rental Agreement for District Equipment	3 years
Seed License	Until superseded
State Seed Law	Until superseded
Drip Irrigation	3 years
Pollution Complaints	3 years
<b>WATERSHEDS</b>	
	Weed out duplicate and unnecessary material.
Permanent Records Include:	Schedule of Damages
Correspondence	Maps
Work Plan	Condemnation Suits
Invitations to Bid and Construction	Dam Breach Emergency Plans
Drawings	Project Maps
Easements and Easements Register	Sale of Land
Operation and Maintenance Agreements (OCC-8H, 8I)	As Built Plans
Annual Inspection Reports	5 years, providing no maintenance problems or legal action pending, then transfer to Permanent files
<b>LOCALLY LED COST-SHARE</b>	
Unsuccessful applicant files	Retain until end of program year
Successful applicant files.	Retain 3 years after end of program year, then transfer maps, plans, engineering, and notes to producer's permanent file
<b>REVOLVING FUND</b>	
	Permanent until completed, then transfer to Permanent files
<i>Example includes:</i> Requests for Appraisal/Revolving Funds	
<b>INFORMATION</b>	
	Until no longer needed for administrative purposes
<i>Examples include:</i> News Releases, Advertisements, Newsletters	

District Newsletter	Permanent
<b>CONTESTS AND AWARDS</b>	3 years, retain list of awardees permanently
<i>Examples include:</i> Conservation District Week, Soil Stewardship Week, Bankers' Awards, Environmental Conservation Awards, Governor's Conservation Award, OACD Service Awards, OACD Essay, Poster and Speech Contest, Land Judging	
<b>CONSERVATION EDUCATION</b>	Until no longer needed for administrative purposes
<i>Examples include:</i> Outdoor Classroom Sites, Teacher's Guide, Scholarships, Mini-grants, Publications, Pictures/Mats, Brochures, Film Catalogs	
<b>DISTRICT COOPERATOR AGREEMENTS</b>	Permanent until superseded
<b>PLANS AND REPORTS</b>	5 years or longer, then transfer to Permanent files
<i>Examples include:</i> Long Range Plan Public Hearing, Annual Audit/Net Worth Statement (OCC-5J & audit report, OCC-5K), Joint Plan of Operations, Annual Report, Conservation Tillage Report, Survey Information/Inventories, A-95 Reviews, OCC Biennial Report, OCC Multi-Year Plan	
<b>CONSERVATION LAWS</b>	Until superseded
<i>Examples include:</i> Conservation District Act, Abandoned Mine Reclamation Act	
<b>CALENDAR/DUE DATES</b>	Until superseded
<b>FORMS</b>	Until superseded
<b>ASSOCIATIONS</b>	Until superseded
<i>Examples include:</i> OACD, OACDE, NACD, SWCS	
<b>CONSERVANCY DISTRICTS</b>	<b>While not the responsibility of the District, if these files are in the district office, they should be retained</b>
History	Permanent
Organization	Permanent
Certificate of Incorporation	Permanent
Name Change	Permanent
Map of Conservancy District	Permanent
Law/Rules/Regulations	Permanent



