

District Funds are Public Funds

and other legal nuggets to know

Legal Nuggets Sign-in



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Legal Nuggets

- See this symbol?
- See if you can get the answer right!





**Today we'll be following
the blunders of**

Bovine County Conservation District . . .

**And Bovine County always
needed just a little more
help than the other districts
. . .**

**We'll see some of what they
need help with today.**



Understanding different types of state money

- Locally led
 - Locally collected funds (from tree sale, seed sale...)
- State appropriated
 - "Given" to districts by the State Legislature with a special purpose in mind
- Special purpose
 - Watershed Revolving Fund
- Federal funds
 - Federal grant money



Who can impact or take away their funds?

- Locally led – Oklahoma legislature
- State appropriated – Oklahoma legislature and OK Conservation Commission
 - Fiscal Responsibility
- Special purpose - Depends
- Federal funds - Depends



Use of funds

- ✓ Conservation Mission
- ✓ Conservation projects
- ✓ Maximizes public benefit

Bovine County CD used their funds to ...

- ✗ Purchase flowers for a funeral of a local community person
- ✗ Donate to a cancer nonprofit



Quorum



- On a board of 5, how many are required to have a quorum?



The majority – therefore 3 out of 5.

- If 3 out of 5 members are present, do votes have to be unanimous to pass?



Yes. §27A-3-3-102(B) states that "the concurrence of a majority in any matter within their duties shall be required for its determination."

Quorum



Government Entities -

- A majority of all members
- Include vacant positions
- Quorum required to conduct official business
- If no quorum -
 - Boards can discuss issues informally, without official decisions



Robert's Rules of Order

Oldham v. Drummond Bd of Education

- Allow for non-binding or preliminary decisions without a quorum, and are subject to later ratification

AGENDA



Clear & Concise

- Use professional language free of errors
- Easy to read layout, including font and colors
- Limit use of acronyms
- Verify titles and proper names are accurate



Always Include

- Meeting date
- Time
- Meeting location address

Language to Allow Action

- Agenda language that allows all necessary action by the board
- Wording can limit the board's ability to take appropriate action



Tips for Agendas

- Look at past agendas and minutes to see if there are re-occurring items that need to be covered
- Keep a board meeting folder
- Do not include "just in case" agenda items-
 - each item must be specific to the topic and possible actions



- Can items be considered out of order on agenda?



- ✓ Yes, but minutes must reflect the order of the meeting, noting what time each agenda item is taken up

- Can an agenda be revised less than 24 hours before the board meeting?

- ✗ No, all agenda revisions must be made more than 24 hours before any board meeting



Posting the Agenda

- Prominent public view at the district office, where it can be read from outside of the building
- On the district website
- At least 24 hours, not counting Saturdays, Sundays, & holidays, prior to each meeting



New Business

- Limited to items which were not known or could not have been reasonably foreseen before posting the agenda
- Does NOT include forgotten agenda items
- Executive sessions are never allowed as new business, or as a "just in case" regular agenda item

Bovine County Agenda



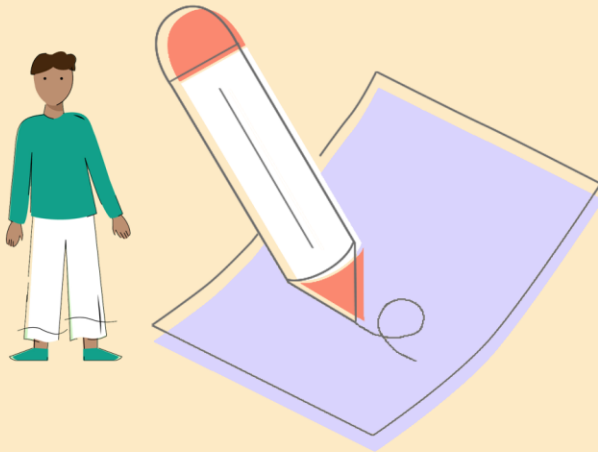
4. Consideration, Review and Possible Action Compilation for 2024
5. Consideration, Review and Possible Action on annual Dues for Bovine City Chamber of Commerce.
6. Consideration, Review and Possible Action on renewal of NACD Membership
7. Consideration, Review and Possible Action on renewal of The Hay Bale Company.
8. Consideration, Review and Possible Action on Credit Application for the Marshall Supply Company.
9. Consideration, Review and Possible Action on District Managers longevity Letter.
10. Consideration, Review and Possible Action on Watershed Structure Inspection Reports
 - Review watershed Inspections
 - Watershed Dam Actions Needed Plan

Consequences & Real Cases

- **Agenda:** Fraternal Order of Police v. City of Norman (2021) - result – paragraph at end of agendas, put together by district attorney's council
- **Agenda:** Hirschfeld v. OK Turnpike Authority (2023) - trial court ruled that agenda was not specific enough
- **Notice:** Hillary v. State (Criminal 1981) - fined \$300
- **Executive Session:** Rabin v. Bartlesville Redevelopment Trust (2013) - Anyone can challenge
- **Executive Session:** Wilson v. City of Tecumseh – Court of criminal appeals rules the agenda item was too vague in regards to employee bonuses
- **Meetings/location:** Rogers v. Excise Bd. Of Greer County (1984) - not on holidays and convenient to public



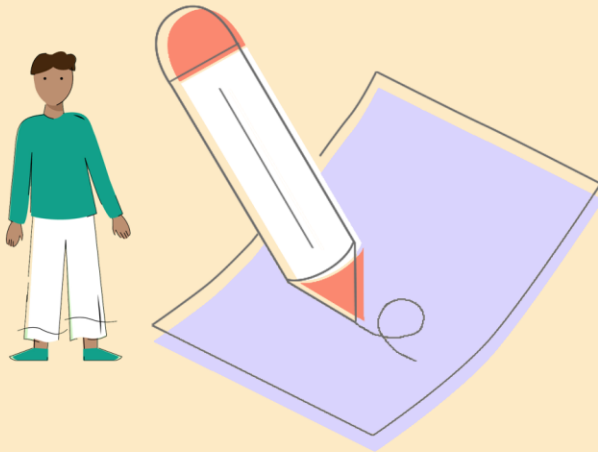
How to Write Effective Meeting Minutes



Essentials

- Meeting date
- Time
- Meeting location address
- Page heading with date, district name, and page number
- List with members present and absent
- List of any other attendees by name, title, and affiliation
- Names and titles of all people who received copies of minutes

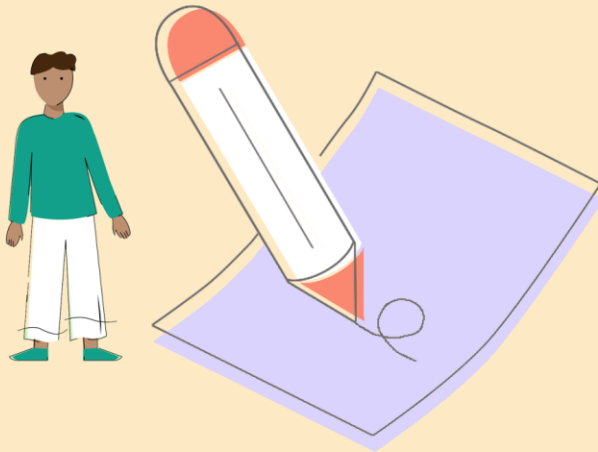
How to Write Effective Meeting Minutes



Essentials

- Summarize high points
- Clearly written motions, and who made them, and who seconded
- Recorded votes for each member
- Limit using acronyms
- Verify accuracy of titles and proper names
- Verify accuracy of dates and match dates to agenda
- Check minutes for errors
- Do not include items not relevant to the meeting

How to Write Effective Meeting Minutes



Agenda Items in the Minutes

- Short title in bold text
- Summarize discussion's high points
- Clear statement of motions

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS
BOVINE COUNTY CONSERVATION DISTRICT
2711 East Angus Drive, Suite 1 (USDA Office)
BOVINE CITY, OKLAHOMA
THURSDAY, JUNE 20, 2024 – 9:00 A.M.



1. Call Meeting to Order – Chair
2. Discussion of and Possible Action on the Minutes of the Regular Meeting held. **May 16, 2024**
3. Discussion of and Possible Action on the Minutes of the Special Meeting **May 17, 2024**
4. Discussion of and Possible Action on Financial Statements Ending **May 31, 2024**, Attachment A (including bank statements, savings account, and certificate of deposit and allocation)
5. Discussion and Possible Action on remaining balance of allocated operating expenses.
6. Discussion and Possible Action on Ratifying ATT bill payment.
7. Discussion and Possible Action on bills owed by District.
 - Payroll (Donna Dairy & Diana Bull) – **June 2024**
 - **June 2024** OCC Pre-Claim (Donna Dairy & Diana Bull)
 - Coop's – Fuel for the month of **May**
 - AT&T (District)
 - Henmaker's
 - Newspapers-Legal Notice of Election- (Bovine World, Cows AKA, Town Squire) and LRP Meeting Notice (Bovine World)
 - Rent – (Cowpie Mini storage, Pounder Building, Blue Thumb (Bobby Moomouth))
 - Beef Broadband - (WQ/BT)
 - Quarterly Director Pay
8. Discussion and Possible Action on Reimbursements Ending **May 31, 2024**
 - Regular Monthly Claim
 - State Cost Share PY25
 - Emergency Drought
 - Election Expense Claim
9. Discussion and Possible Action of State Cost PY26
 - Approval and Signing of Cooperator Agreements
10. Discussion and Possible Action on NEW JPO for July 1, 2024, to September 30, 2025
 - Review of Draft

**AGENDA
REGULAR MEETING
BOARD OF DIRECTORS**

BOVINE COUNTY CONSERVATION DISTRICT
2711 East Angus Drive, Suite 1 (USDA Office)
Bovine City, Oklahoma

November 6, 2024 – 1:00 P.M.



1. Call Meeting to Order and roll call – Chair
2. Financial Business:
 - a. Consideration of and Possible Action on Financial Statements, Review of Checkbook and Bank Statements for the month Ending **October 31, 2024**
 - b. Consideration of and Possible Action TS-40 reimbursement claims for the Month of **October 2024.**
 - c. Consideration of and Possible Action on bills owed by the district.

10. Consideration and Possible Action on Compilation for 2024

11. Correspondence:

- a. E-Resource - NACD
- b. Gro Intelligence Weekly
- c. Conservation Clips – NACD News
- d. GovDelivery – Oklahoma Conservation Commission (OCC)

12. Reports:

- a. Conservation District Directors
- b. Conservation District Manager – Gladys Chomper
- c. Conservation District Watershed Aide – Diana Dairy
- d. NRCS- District Conservationist –

13. Public Comments

14. Adjournment

Next Scheduled Meeting – December 6, 2024, at 1:00 p.m. (2711 East Angus Drive Drive, Suite 1) **Posted: Monday, November 1, 2024 @ 4:29 p.m.** By:

Diana Dairy, District Manager.

MINUTES

CALL TO ORDER

The meeting was called to order at 1:27 p.m. by (Bobby Bovine, Board Chair. Roll call Moomouth, Custard, Grazer, Chomper, and Randolph were all present. Mr. Bovine noted that this is a regularly scheduled meeting and held in compliance with the Oklahoma Open Meeting Act, Title 25 of the Oklahoma Statutes, Sections 301 and following, as amended. Notice of this meeting is on file with the county clerk's office. The agenda for this meeting was posted on Monday, September 30, 2024 @ 4:29 p.m. at the front entrance of the District Office, 2711 East Angus Drive, Suite 1, Bovine City, OK with the meeting location 2721 East Angus Drive, Suite, Bovine City, OK.

MINUTES OF PREVIOUS MEETINGS

After reviewing the Sept 4, 2024 minutes, Ms. Grazer made a motion to approve the minutes and to be approved as written. It was seconded by Mr. Chomper to accept the minutes from the regular scheduled meeting on September 4, 2024, as written. Aye votes: Moomouth, Custard, Grazer, Chomper and Randolph. Nay votes: None. Motion carried.

Consequences & Real Cases

- AG Opinion 12-24:
Minutes must not be deceptively vague or misleading
- Ensure you have the important information in the minutes
- You are building a record for those that come after you !



Executive Session

- Only for specific reasons, as listed in the Open Meetings Act
- Must be listed on the agenda, including specific authorization and clear statement of topic
- NRCS Conservation Plans qualify for executive session
 - Because they are a federal document containing personal identification information
- Use the new process that doesn't require keeping written minutes!



Open Meetings Act - Executive Session

Section 307(A)

- Discussing business about salaried employees (Hiring, appointment, discipline, etc.)
- Negotiations concerning employees
- Discussing purchase or appraisal of real property
- Confidential communication between public body and its attorney (if the public body and attorney agree that disclosure will seriously impair the processing of the claim or pending investigation)



AGENDA
Monthly Regular Meeting
BOVINE COUNTY CONSERVATION DISTRICT

BOARD OF DIRECTORS
BOVINE COUNTY CONSERVATION DISTRICT
2711 East Angus Drive, Suite 1
BOVINE, OK 71234
Noon (12:00 p.m.)
Monday February 10, 2025



1. Meeting Called to Order
2. Consideration of possible action on minutes for the January 13, 2025, board meeting
3. **Executive Session: Employee Evaluation**
4. Consideration of possible action on payroll for – approval January worksheet and timesheet for NRCS Technician/PCD equipment manager, Katy Cow & District Secretary, Beau Heifer.
5. Discussion and Possible Action on the following Financial Packet for period ending January 31, 2025.
 - i. Bank statement, financial statement
 - ii. Bills to be approved
 - iii. Income/expense sheet
 - iv. Allocation breakdown
 - v. Claim for reimbursement
6. Discussion and possible action on Monthly Directors Crop Report
7. Discussion and possible action on Equipment Update – Katy Cow
8. Discussion and possible action on EDAP ED3 updates
9. Discussion and possible action on Team 21 Leader Report – Bobby Beeftown
10. Discussion and possible action on Monthly Observation-
11. Discussion and possible action on Correspondence/New Business:
12. Adjourn

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.

AGENDA

BOVINE COUNTY CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING

2711 East Angus Drive, Suite 1 BOVINE CITY, OK 71234

JANUARY 8, 2025 AT 11 AM



1. MEETING CALLED TO ORDER
2. DISCUSSION/POSSIBLE APPROVAL OF MINUTES
3. DISCUSSION/POSSIBLE APPROVAL OF FINANCIAL STATEMENT FOR DECEMBER 2024
4. DISCUSSION/POSSIBLE ACTION ON DISTRICT EMPLOYEE'S TIMESHEETS, NRCS TIMESHEET AND LEAVE
5. DISCUSSION/POSSIBLE ACTION ON REIMBURSEMENT CLAIM AND PAYMENT OF BILLS
6. DISCUSSION/POSSIBLE ACTION ON THE FOLLOWING DISTRICT OPERATIONS ITEMS
 - A. 10 Minute Guide - #25 Tort Claims
 - B. Employee Evaluation
7. COST-SHARE PROGRAMS
 - A. Cost Share 26 status
8. EDUCATION
 - A. Director's Report
9. NRCS REPORT
10. NEW BUSINESS
11. PUBLIC COMMENTS



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AGENDA
BOVINE COUNTY CONSERVATION DISTRICT
REGULAR MONTHLY MEETING

2711 East Angus Drive, Suite 1
BOVINE CITY, OK 71234

October 8, 2024, 1:00 PM

1. Meeting called to order-

2. Items for Discussion/Possible Action:

September 10, 2024, Regular Meeting Minutes

3. Items for discussion /Possible Action:

- a. Financial Statement for June, July, August, September
- b. Payment of district bills
- c. Operations & Maintenance (O-M) Allocation
- d. Reimbursement Claim including Employee payroll & Timesheets

4. Items for discussion/Possible Action:

Claims for: ∅

5. Items for Discussion/Possible Action:

a. Cow | **Creek #1-lease ends Oct 31- update on status**

b. 89 Energy Agreement update-

c. Feral Cow 31 | **update-**

d. Watershed Monthly Report- Randolph

e. Request for heavy duty shredder- Grazer

6. Reports-

District Directors

Resource Conservationist

District Employees- see **Exhibits** page for written reports for Grazer & Randolph

7. Proposed Executive Session- NRCS GSI Contracts


8. Proposed Executive Session- Employee Reviews

Bovine County CD recently made the following decisions.

Which of these decisions are legal?



 A Bovine County CD Board member's daughter owns a local nursery and contracted with the district for a plant sale.

 The Bovine County CD Board hired a board member's father to be the district manager.

 Jackie, who serves on the Bovine County CD Board, was recently elected to be County Commissioner.

What Conservation Districts CAN'T do

- Board member or relatives selling or contracting services with district
- Hiring relatives
- Serving in any other elected state or county position
 - EXCEPT school board positions
- Other appointed positions -
 - Typically can continue to serve on a conservation district board
 - UNLESS it prevents you from attending district board meetings





- Tort Claims Act
- General Liability Insurance Coverage
- Other Insurances – property, collision, fire, theft
- Workers Compensation

Governmental Tort Claims Act

- Allows the Government, including political subdivisions like Conservation Districts, to be sued for torts (51 O.S. § 152(11)(I))
- **Tort** = *legal wrong* where an employee violates a duty imposed by general law that causes a loss to a person or entity
- Only applies to employees who commit a tort while acting within their scope of employment



General Liability Insurance Coverage

- Oklahoma Admin. Code 260:70
- Coverage provided by the State of Oklahoma's Risk Management
- Provides coverage for damages for torts committed while acting within the scope of employment



Separately acquired insurance

- **Assets – Equipment, tools, electronics**
 - Requires separately acquired insurance coverage by districts
- **Vehicle – Collision**
 - Requires separately acquired insurance coverage by districts
- **Building – theft & property**
 - If leasing space, the building owner's insurance typically covers theft & property damage (check with your building)
 - If building owned – separately acquired insurance required



Insurance – Worker's Compensation

- Conservation Commission provides workers' compensation insurance for:
 - All district employees
 - District employees that the Commission is aware of
 - I-9 and payroll worksheet/earnings record
- Independent Contractors are NOT covered



- Does the State of Oklahoma provide insurance coverage for District vehicle collisions?



No, vehicle insurance must be separately acquired by the district

- Does the State of Oklahoma provide general liability insurance to districts?



Yes



Rapid Fire

Legal Nuggets



Investments



Can districts invest their funds?

If so, where?

✓ Yes, but only in government insured programs.



Obtaining Loans and Grants



- Can Districts obtain loans through Bank of Oklahoma?

 No, districts cannot use banks

Filing fees



- Do Conservation Districts have to pay filing fees at the county court house?

 No.

- Do Conservation Districts have to pay for copies at the county court house?

 No.

Raffles



- Can Conservation Districts hold raffles?



No – the Oklahoma Constitution prohibits lotteries, which include raffles.

Ratification Process



- If a board meeting does not have a quorum, but the district still has bills to pay prior to the next board meeting, should the board use the ratification process?



- Yes.
 - If a board meeting does not have a quorum, but the district still has payment requirements, the ratification process must be used.
 - A designated board member may review and approve the item if payment is required prior to a board meeting with quorum. It should be listed on the next board meeting agenda for ratification by the board.