

Training modules are available on the SWCD Intranet to help board members learn about their responsibilities and provide general information about Soil and Water Conservation Districts.

A. Board Meeting Requirements

1. Board Member Voting Eligibility

All board members are eligible to vote on all matters of the district except in certain instances. In general, board members are required to abstain from voting on any issues where they may have a conflict of interest. For example, board members are required to abstain from issues involving cost-share contracts, change orders and contract payments for their own farm or any other farm where they are the operator. A board member must also abstain from cost-share issues where they are the contractor or provide materials through their personal business. In addition, a board member cannot vote on any issues that could provide a monetary benefit to them or to their immediate family members.

2. Nepotism

- a. Nepotism is defined as patronage or favoritism that is based on family relationships in business. According to the Missouri Constitution, nepotism occurs when any public officer or employee in this state, who by virtue of his office or employment, names or appoints to public office or employment, any relative within the fourth degree of consanguinity or affinity. It forbids appointments of relatives within the fourth degree. Fourth degree relations include first cousins, great aunts/uncles, grandnieces/nephews, great-great grandchildren and great-great grandparents of an individual or their spouse.
- b. An official who abstains from the hiring process when a relative is under consideration for employment is not in violation. If the relative is hired, the board member must abstain from all personnel discussions and decisions.

3. Quorum

- a. RSMo. 278.110 states that “(a) majority of the board of the soil and water supervisors shall constitute a quorum but the concurrence of a majority of the whole board shall be required for the determination of any matter within their duties.”
- b. A majority of the supervisors (three) constitute a quorum. No action can be taken on an issue unless there is a minimum of three votes cast in favor of passing the issue. The presiding officer must vote on all motions except those issues where a conflict of interest may exist. No official action can be taken in the absence of a quorum.

4. The Missouri Sunshine Law – Open Meeting Requirements

- a. RSMo 610.028, states that “Each public governmental body shall provide a reasonable written policy” regarding the release of public information in accordance with the Sunshine Law. Districts must maintain a written policy that meets these requirements and be able to produce it upon request.
- b. The State’s most current open meetings and records law booklet, containing the actual law, as well as example policies can be obtained from the Office of the Attorney General, P.O. Box 899, Jefferson City, Missouri, 65102 or at the following website <https://ago.mo.gov/missouri-law/sunshine-law>.

5. Cost-Share Privacy

RSMo 261.130 includes information that is protected and must not be considered a public record and shall not be subject to disclosure to the public (261.130 2.). The protected information includes landowners' personal information and conservation practices. Since this information is protected, soil and water conservation district (SWCD) board members and staff cannot discuss this information in a public setting, such as in SWCD board meetings, tours, field days or annual meetings unless allowed by the landowner.

a. Board Meetings

- 1) When discussing landowner information, conservation practices, and conservation plans for the state cost-share and/or federal programs during board meetings, the SWCD board must go into closed session.
- 2) When the SWCD goes into closed session the board will cite the following: "to discuss legal, confidential, or privileged matters under section 610.021(1) which are otherwise protected from disclosure by law."
- 3) When in closed session the SWCD can discuss landowner names, conservation practices, conservation plans and farm/field locations as needed. Once the board has completed their discussion in closed session, the board will vote to end the closed session.
- 4) When back in open session, the board will vote to approve the cost-share contracts, change orders and contract payments, and also federal conservation plans. When approving these documents in open session, only the contract number and cost-share amount can be mentioned. The board must attach a report to their minutes of approved cost-share contracts, change orders and contract payments that only list the contract number and cost-share amount. When the SWCD board approves conservation plans, landowner names cannot be listed in the minutes. A general statement such as "the SWCD board approved conservation plans", should be shown in your minutes.

B. Running the Board Meeting

Although the district law is not specific as to the number of meetings each board must conduct, regular monthly meetings are recommended to resolve district issues in a timely manner.

1. Meeting Agendas

A good meeting agenda is necessary for a successful board meeting (refer to the "Tentative Agenda" in the Appendix). If supervisors do not receive an agenda prior to the meeting, they will arrive unprepared for the discussion. Agendas mailed out prior to the board meetings also serve as meeting reminders. In addition to supervisors, the district should send agendas to district coordinators and NRCS personnel. Items not listed on the

agenda may be discussed under new business, then brought up for vote at a future meeting when listed on the agenda. This allows any interested party to be present to voice their support or opposition on the issue.

2. **Order of Business**

- a. Call meeting to order.
- b. Introduce visitors.
- c. Approve minutes of the previous board meeting.
- d. Approve Treasurer's Report from the previous month(s).
- e. Make committee appointments, as necessary.
- f. Discussion of old or unfinished business.
- g. Discussion of new business.
- h. Approval of uncommon expenditures of the district for future purchases.
- i. Approval/denial of cost-share contracts, change orders and contract payments.
- j. Approval of new cooperators.
- k. Approval of Conservation Plans.
- l. Correspondence.
- m. District employee reports.
- n. Other reports.
- o. Closed session, if necessary and only if intent to go into closed session was cited on publicly posted meeting notice, including specific subsection from Missouri Revised statutes, RsMO 610.021.
- p. Plans for next meeting.
- q. Adjournment, stating time adjourned.

C. Minutes

1. **Board Meeting Minutes**

- a. Board meeting minutes serve as the official record of the transactions and proceedings of the board of supervisors and are a permanent record; thus, they must be complete and accurate.
- b. Copies of the draft minutes must be sent to the supervisors as soon as possible after the board meeting so the supervisors will have an opportunity to read them at home and correct any errors while the material is still fresh in their minds. This will also save time at the next board meeting.
- c. References to people in the minutes must be complete. A statement in the minutes, "John made a motion..." or "Bill gave a report..." is not sufficient for identification of the individual referred to in the minutes. The appropriate statement would be

“vice-chair John Doe made a motion...” or “NRCS technician Bill Smith reported on...”

- d Minutes must have enough information about the items discussed to enable readers to fully understand the issues and what actions were taken. If an item is discussed but no action is taken, report in the minutes that no action was taken. If action is taken, make sure that it is properly recorded in the minutes. If the motion passes the minutes must state it was a unanimous vote, or if not unanimous, list the votes for and against the motion.
- e. Copies of the approved minutes and attachments must be sent to the following:
 - a) All supervisors.
 - b) Anyone else interested in district activities upon request (as defined by the Sunshine Law – Open Meetings).

2. **Content of Board Meeting Minutes**

- a. Official district minutes must contain the relevant items listed below:
 - 1) Date of meeting.
 - 2) Meeting location.
 - 3) Type of meeting (regular or special).
 - 4) Time meeting called to order.
 - 5) Name of supervisors present.
 - 6) Name of supervisors absent.
 - 7) Name of others present and what organizations they represent.
 - 8) Name of presiding officer.
 - 9) Approval of minutes of previous meeting.
 - 10) Treasurer’s report (must be an attachment from the DNR provided software program):
 - a) Time period covered.
 - b) Balances.
 - c) Listing of income received.
 - d) Listing of disbursements.
 - e) Approval of the treasurer’s report.
 - 11) Appointments to committees, delegates, etc.
 - 12) Motions, including:
 - a) The name of the maker, seconded, discussion, amendments to motion (name of maker, seconded, outcome of vote), motion passed or defeated.
 - b) The motion written in full.

- c) The votes cast both yea and nay.
- 13) Verbal or written reports provided to the board (written reports must be attached as presented):
 - a) Committee reports.
 - b) District employees' reports.
 - c) NRCS report.
 - d) Cooperative Extension Service report.
- 14) Discussion of old business.
- 15) Discussion of new business.
- 16) Approval of new, uncommon expenditures
- 17) Approval/denial of cost-share (includes, amount approved/denied and contract number). These reports should be run in MoSWIMS and attached as contracts approved, change orders approved and contract payments approved.
- 18) Acceptance of new cooperators.
- 19) Approval of conservation plans.
- 20) Correspondence (program office correspondence must be noted in the minutes).
- 21) Closed session, only if intent to go into closed session was cited on publicly posted meeting notice, including specific subsection from Missouri Revised statutes, RsMO 610.021.
- 22) Plans for next meeting.
- 23) Adjournment (list time of adjournment).
- 24) Minutes must be signed by the board secretary (must be a board member) and presiding officer of the meeting to validate that minutes accurately represent the proceedings of the meeting.

D. Policy Handbook

- a. All cost-share and personnel policy issues approved by a district board need to be placed in the proper policy books for future reference.
- b. For assistance in development of district policies, a sample personnel handbook, with sample policies from the Missouri Office of Administration, is available on the SWCD Intranet for all districts to utilize.