

III. District Boards and Duties

A. Composition

The soil and water conservation district board consists of five members. Four of the five are elected members. The elected members must be land representatives and resident taxpaying citizens for two years within the soil and water conservation district. The fifth member, who serves as the official board secretary, is an ex officio member appointed by the University of Missouri Extension.

B. Powers and Limitations

1. Powers of Districts and Supervisors

- a. The primary powers of supervisors are authorized by the Soil and Water Districts Law (RSMo Chapter 278).
- b. According to Chapter 278.120, the five members of the soil and water district board constitute a body with the legal power and authority to:
 - 1) Promote all reasonable measures for saving the soil and water within the soil and water district.
 - 2) Cooperate or enter into agreements with, and to aid any agency, government or land representative within the district in saving the soil and water within that district.
 - 3) Make available to any land representative within the district such services, materials, and equipment that will assist the land representative to carry on operations for saving the soil and water within that district.
 - 4) Accept grants, gifts, and contributions in money, services or materials from the United States or any of its agencies, and to use or expend such grants, gifts or contributions in carrying on soil and water district operations.
 - 5) Make or execute contracts and other legal instruments, necessary for saving the soil and water in that district, subject to the approval by the state Soil and Water Districts Commission.
 - 6) Accept, for the purpose of saving the soil and water in that district, contributions in money, services or materials from any source not restricted by the law, and to enter into agreements with land representatives as activities that will tend to prevent future waste of soil and water resources presently benefited by these contributions.

2. Limitations of Districts and Supervisors

- a. Chapter 278.130 stipulates the following limitations on the powers of the districts and supervisors.
- b. Districts must not:
 - 1) Have or exercise the right of eminent domain.
 - 2) Incur indebtedness beyond available funds (assets).
 - 3) Issue bonds.

- 4) Levy taxes.
- 5) Make or levy benefit assessments or any other kind of assessments.
- 6) Take contributions by extraction or persuasion.
- 7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work.
- 8) Engage in agricultural research or agricultural extension teaching except under the instruction of the University Of Missouri College Of Agriculture.

3. Liability in a Lawsuit

RSMo Section 278.120 states that the district "...shall be capable of suing and being sued." Because board supervisors are members of an agency of government whose powers and duties can only be exercised by a decision of the majority of the board when the board is officially in session, the members of the board and its employees act as agents of the board. In order to protect the individual members of the board, its agents, and the interests of the district, the board may purchase, with state grants, liability insurance necessary to indemnify board members and agents of the board for their official actions in the service of the soil and water conservation districts. Some soil and water conservation districts use the Missouri Public Entity Risk Management program (MoPERM). MoPERM offers low cost liability insurance coverage to Missouri public entities. There are also other companies that sell liability insurance. A district should select an insurance company that meets its individual needs.

The Decision to Sue

The district may sue an individual for a loss, which the district sustains. It is up to the district supervisors to make the determination whether a suit must be brought to recover losses of district property. RSMo Section 278.120 grants them this authority.

C. Officer Duties

1. Chairperson

- a. It is the chairperson's responsibility to take the lead in conducting the business meeting. The chairperson must become familiar with the proper rules of parliamentary procedure and insist that those rules are observed. A well respected source is Robert's Rules of Order.
- b. To ensure an organized and highly productive meeting, the chairperson must also:
 - 1) Plan and discuss the order of business on the agenda with district personnel before the meeting. The agenda along with the meeting announcement should be mailed at least one week prior to the meeting date, if possible.
 - 2) Preside at all meetings or arrange for the vice-chairperson to preside.
 - 3) Open and close all meetings on time and insist on regular attendance.

- 4) Call meetings to order. Ask for the typed agendas to be distributed. Recognize visitors and others present at the meetings.
- 5) Handle discussion in an orderly manner:
 - a) Give everyone a chance to speak – one at a time.
 - b) Tactfully keep all speakers on subject and insist that they follow the rules of order.
 - c) Give “for” and “against” supervisors’ equal opportunities to speak.
 - d) Encourage all supervisors to participate in the discussion.
- 6) Provide additional facts or information to the discussion as necessary.
- 7) State each motion before it is discussed and voted upon. Put all motions to a vote and announce the outcome.
- 8) Suggest motions but do not make them.
- 9) The chairperson has the authority to vote on all motions.
- 10) Appoint committees, assign their responsibilities and ask for their reports when due.
- 11) Only sign checks that are completely filled out. Never sign a blank check.
- 12) Ensure all new supervisors are properly informed of and understand their duties.
- 13) Set a good example by observing proper parliamentary procedure.
- 14) When attending meetings on behalf of the district, make every effort to represent the opinions of the board and not personal opinions.
- 15) Validate the accuracy of the minutes by signing and dating the minutes along with the secretary.
- 16) At the close of term of office, turn over to the successor all of the chairperson’s files and explain the chairperson’s responsibilities.

2. **Vice-Chairperson**

- a. Conducts duties of the chairperson when needed and assumes other duties at the chairperson’s request.
- b. In case of resignation, death of the chairperson, or removal from residence or ownership in the territory, assume the duties of the former chairperson until the board is reorganized.
- c. Consult with and advise the chairperson on matters of program and policy.
- d. When attending meetings on behalf of the district, make every effort to represent the opinions of the board and not personal opinions.
- e. Guide and direct activities of various committees as needed.
- f. Only sign checks that are completely filled out. Never sign a blank check.
- g. The vice-chairperson has the authority to make, second, and vote on all motions.

h. Sign and validate minutes for all meetings the vice-chairperson presides over.

3. **Secretary**

- a. Notify members of each meeting and ensure the meeting is posted in accordance with the Sunshine Law (the district program specialist can provide valuable assistance).
- b. Provide the chairperson with a list of business items that should be placed on the agenda.
- c. Responsible for recording minutes of each meeting (including closed sessions), but may delegate, with the concurrence of the board, the responsibility to district staff.
- d. Maintain a record of approved minutes from each meeting (including closed sessions).
- e. Validate the accuracy of the minutes by signing and dating the minutes along with the chairperson.
- f. Keep a record of all committees.
- g. Initiate correspondence on behalf of the board as the need arises.
- h. When attending meetings on behalf of the district, make every effort to represent the opinions of the board and not personal opinions.
- i. Only sign checks that are completely filled out. Never sign a blank check.
- j. The secretary has the authority to make, second, and vote on all motions.

4. **Treasurer**

- a. To ensure complete and accurate financial records are maintained and all checks issued are legitimate district expenditures.
- b. To ensure that receipts are issued for all monies received, that monies received are deposited, and bills paid are authorized and approved by the board.
- c. Monthly review of the Treasurer's Report with the board.
- d. Ensure that all bills authorized for payment by the board are recorded in the minutes of the meeting (this can be accomplished by attaching the Treasurer's Report to the minutes and indicating board approval).
- e. Sign checks that are completely filled out. Never sign a blank check.
- f. When attending meetings on behalf of the district, make every effort to represent the opinions of the board and not personal opinions.
- g. The treasurer has the authority to make, second, and vote on all motions.
- h. Problem indicators for Treasurers (refer to Section VII – Financial).
 - 1) Large number of outstanding checks.
 - 2) Salary checks not consistent with two-week payroll.
 - 3) Bills not being paid on time. Several delinquent notices.

- 4) Carelessness in bookkeeping and general office duties (check stubs not filled out properly, bank reconciliations not performed accurately).
 - 5) Any signed blank checks.
- i. Review and reconcile bank statements for all district asset accounts with another board member or staff on a monthly basis.

- 1) Checking account

- a) Balance Checkbook

Compare cancelled checks, and electronic transfers to check stubs (matching dates, payee, and amounts). Perform bank reconciliation and compare reconciled balance to checkbook register and Treasurer's Report, generated from the department provided system. (Must match – also a large number of outstanding checks should not be present.) Review all disbursements from cancelled checks.

- b) Expenditures

Check documentation and/or receipts. Petty Cash derived from local funds deposited to and drawn from the account must be traceable to entries in the Local Petty Cash Ledger, and documented in the department provided system. All expenditures must have proper documentation. Salary payments must be documented on time sheets, payroll ledgers, Employee Earnings Records and cancelled checks. All of the above expenditures must be legitimate and approved district expenses (refer to "State Funds and Applicable Expenses" form which can be found in the Appendix).

- c) Deposits

Balance deposits made for the month with receipt log for district income.

- 2) Other Asset Accounts (CD's, savings, money markets)

- a) Trace all withdrawals to recipients (savings account to checking account, etc.).
- b) Trace all deposits to applicable documentation.

5. Board Member

- a. Assume duties and carry out tasks assigned by the chairperson.
- b. Assist other board officers as requested.
- c. Suggest compromises and help search for closure on matters important to business.
- d. Be familiar with district operations to be able to work closely with all other board members and district staff.
- e. Ensure and maintain confidentiality of board/committee matters.
- f. Prepare to serve in one or more of the other board offices.
- g. When attending meetings on behalf of the district, make every effort to represent the opinions of the board and not personal opinions.

- h. Only sign checks that are completely filled out. Never sign a blank check.
- i. A board member has the authority to make, second and vote on all motions.

D. Additional Duties of the Board

1. Working Agreements

- a. In order to carry out their programs and responsibilities, districts are authorized to enter into agreements with other governmental agencies and with private entities.
- b. Each of these agreements is formalized with a “Memorandum or Supplemental Memorandum of Understanding” (MOU) or “Cooperative Working Agreement” signed by representatives of the agencies or groups involved.
- c. Each MOU, Working Agreement, etc. must be reviewed annually. They remain binding until cancelled by any of the parties involved, as per the terms of the specific agreement.
- d. The following are several working agreements which a district may have signed. These must be kept together in the district files:
 - 1) Cooperative Working Agreement between the SWCD, NRCS and the Soil and Water Districts Commission, which details the individual responsibilities and duties of the district, NRCS and the Commission (refer to “Cooperative Working Agreement” in the Appendix).
 - 2) MOU between the SWCD and the county Farm Service Agency (FSA).
 - 3) MOU between the SWCD and the U.S. Army Corps of Engineers.
 - 4) MOU between the SWCD and the Missouri Conservation Commission.
 - 5) MOU between the SWCD and the county’s planning and zoning commission.

2. Policy Development Guidelines

- a. The district must clarify and/or establish policies and procedures to govern its relations with other agencies and to guide all who work within the district. This is the supervisors’ responsibility. A sample personnel handbook is available on the SWCD Intranet.
- b. Action on matters of policy must appear in the minutes of district board meetings. Major operating policies must be listed by date of effectiveness in the district board’s policy in an easy reference guide or special policy folder.
- c. Listed below are a few of the areas of SWCD involvement in which district boards may establish some form of policy:
 - 1) Providing financial and technical assistance to cooperators to improve water quality through reductions of sediment, nutrients and pesticide best management practices.
 - 2) Administration of the district’s cost-share program, which may include establishing policies more stringent than the Commission’s policies.
 - 3) Notification of landowners and operators who have complaints against them.

- 4) Conducting investigations.
- 5) Working with cooperators out of federal program compliance.
- 6) Receiving sign-ups for cost-share assistance.
- 7) Prioritize who receives cost-share assistance.
- 8) Certifying cost-share practices.
- 9) Needs assessment development.
- 10) Reviewing of personnel policies.
- 11) Reviewing policies regarding use of rental equipment.
- 12) Reviewing policies regarding use of local funds.
- 13) Sunshine Law requirements.

E. Reimbursement of Expenses for Board Supervisors

The District Law, Chapter 278.110 states that “a soil and water supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his duties as a member of this board.”

Reimbursement to supervisors for in-state travel, pre-approved out-of-state travel, and other business related expenses is provided by the state through the Administrative Grant. The district may also elect to use locally raised funds for reimbursement of supervisors.