

# Supervisor Handbook

## Conservation District & State Commission Manual



Revision Date; ~~10/13/2011~~ 04/11/19



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## **PRELUDE**

### ***MGL – Chapter 21, sections 18 – 25A***

#### **§ 18. Division of Conservation Services**

*The division of conservation services within the office of the secretary of the executive office of environmental affairs shall be under the administrative supervision of a director who shall be called the director of conservation services. The director shall be qualified by training, experience and executive ability, shall be appointed and may be removed by the secretary and shall not be subject to the provisions of chapter thirty-one. The division shall administer the provisions of this chapter relating to conservation districts and such other programs and duties as may be assigned to it by the secretary from time to time. It may receive and expend or dispense without further authorization such federal funds, services, grants or subventions as may be made available for the purposes of the division. The director shall appoint, with the approval of the secretary, subject to the provisions of chapter thirty-one, such experts, clerks and other employees from time to time, and for such periods, as he may determine to be necessary. The director shall also appoint, with the approval of the secretary, an executive secretary. The appointment and removal of said executive secretary shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one. The director may request from the state commission, established under the provisions of section nineteen, a list of no more than three candidates for such position.*

#### **§ 19. Commission for Conservation of Soil, Water & Related Resources**

*There shall be in the division a commission for conservation of soil, water and related resources, hereinafter called the state commission. Said commission shall consist of thirteen voting members. The thirteen voting members shall include four ex-officio and nine appointed members. The ex-officio members shall be the commissioners of the departments of food and agriculture, environmental protection, environmental management, and fish and game or their designees. The nine appointed members shall be appointed by said ex-officio members as follows:— the chairman or his designee of each of the six divisions of conservation districts, established by section twenty, one from a list of two names submitted by the executive committee of the State Grange, one from a list of two names submitted by the executive committee of the Massachusetts Farm Bureau Federation, and one from a list of two names submitted by the executive committee of the Massachusetts Association of Conservation Commissions. The state conservationist of the United States Soil Conservation Service, the state executive director of Agriculture Stabilization for Conservation Service and the dean of the college of food and natural resources at the*



*University of Massachusetts, Amherst shall offer their technical expertise to the commission from time to time as advisory members. Appointed members shall serve for terms of four years, except that the nine members of the state commission initially appointed shall be appointed for terms of one, two, three and four years, respectively, as the members ex-officio may designate and until qualification of their successors. Each appointed member of the state commission shall receive, subject to appropriation, fifty dollars for each day for his services. The state commission shall hold regular meetings on the second Thursday in the months of January, April, July, October, and in addition shall hold meetings at the call of the chairman or on the request of any seven members. The state commission shall annually elect a chairman who is not an ex-officio member and a secretary from among the voting members of the commission. A majority of the voting members of the state commission shall constitute a quorum, and the concurrence of a majority in a matter within their duties shall be required for its determination.*

*Appointed members may be removed by the state commission after notice in writing that said member has failed to attend at least three regular meetings in any one year. Vacancies on the commission shall be filled as provided for in this section.*

## **§ 20. Powers & duties of the State Commission**

*The state commission, unless otherwise specified, shall have the following powers and duties:—*

- (1) To encourage and assist educational work in the conservation and development of renewable natural resources, including soil, water, plant life, woodland, fish and wildlife, and recreation resources, the control and prevention of erosion, floodwater and sediment damages, and the conservation, development, utilization and disposal of water, through co-operation with all federal, state, county, local, public and private resource agencies.*
- (2) To advise the director in developing policies of the division of conservation services relating to the operation of conservation districts and to carry out policies and programs affecting conservation districts.*
- (3) To perform the functions hereinafter provided for, relating to the establishment, change of boundaries, or dissolution of conservation districts.*
- (4) To secure the co-operation and assistance of agencies of the United States, the commonwealth and its political subdivisions in promoting the organization and operation of conservation districts.*
- (5) To disseminate information concerning the activities and programs of conservation districts.*
- (6) To allot money appropriated for establishing and maintaining conservation districts and conservation district divisions and for the operation of their projects and programs.*

*(7) To develop annual budgets for the operation and maintenance of conservation districts, conservation district divisions, and the state commission for submission to the director.*

*(8) To establish program priorities and advise conservation districts and divisions on those programs which contribute to the conservation and best use of the natural resources of the commonwealth.*

*(9) To develop a natural resource plan for the commonwealth every five years commencing in January, nineteen hundred and eighty-five.*

*(10) To accept contributions, gifts or grants of money or property, whether real or personal, from any source, private or public, including but not limited to, the United States or its agencies, in order to promote the purpose of this chapter.*

*(11) To establish, with the approval of the majority of the chairmen of the conservation districts, six conservation district divisions. In establishing said divisions, the state commission may include one or more conservation districts.*

*(12) To encourage educational activities which promote the conservation and development of renewable natural resources, including soil, water, plant life, woodland, fish, wildlife, recreation resources, prevention of soil erosion, floodwater and sediment damages and the conservation, development, utilization and disposal of water through cooperation with appropriate federal, state, county, public and private agencies.*

*(13) To set fees for pamphlets, publications or services which shall not exceed the cost of providing such pamphlets, publications or services and to promote uniform fees set by district supervisors.*

*(14) To disseminate information regarding amendments to the general and special laws of the commonwealth, proposed changes in laws and rules and regulations which affect or shall affect businesses in the commonwealth; and, to establish educational outreach programs for the purpose of assisting small business to implement required changes in legislation.*

## **§ 21. Conservation Districts; formation, change of boundaries or dissolution of district; procedure**

*Whenever the state commission receives a petition signed by at least one hundred land occupiers, herein defined as owners, lessees or tenants in possession, residing within an area proposed for the establishment of a conservation district, or whenever the state commission receives a petition for a change in the boundaries of an existing district from the governing body of the district or districts affected or from a majority of the land occupiers who would be affected by such change of boundaries, or whenever the state commission receives a petition for the*

*dissolution of a district signed by at least one hundred land occupiers residing within the district, the following procedure shall be complied with:*

*(1) Upon the receipt of such petition, the state commission shall as soon as possible set a date for a public hearing upon the question of the establishment of the district, the change in the boundaries of an existing district, or the dissolution of the district, as the case may be, and shall cause notice to be given of such hearing at least ten days prior to the date set therefor, by publication in a newspaper having general circulation in the area affected. Such hearing shall be held by the state commission within the affected area. All interested parties shall have the right to attend such hearing and to be heard.*

*(2) If the state commission determines after such hearing that a majority of the land occupiers who would be affected by the organization of the district, the change in the boundaries of the district, or the dissolution of the district, as the case may be, are in favor of the proposal contained in the petition, and that such proposal is in the best interests of the district or in the public interest, the state commission shall record such determinations; and thereupon the district shall be established, the boundaries of the district changed, or the district dissolved, as may be appropriate.*

*(3) If a conservation district is dissolved, the supervisors shall forthwith proceed to terminate the affairs of the district and shall dispose of all property belonging to the district as directed by the director. Any sums remaining on hand after payment of district obligations shall be paid into the state treasury and shall be subject for a period of three years to claims against the district or the supervisors acting in their official capacity to the extent that such claims are found valid.*

## **§ 22. Conservation districts; supervisors of districts**

*Within sixty days after the state commission has established a conservation district it shall appoint a board of no less than five no more than seven district supervisors who shall be individual land occupiers residing on or owning land within the district. Supervisors originally appointed hereunder shall serve for terms of one, two, and three years, respectively. Successors shall serve for terms of three years. Successors for full terms of three years shall be elected or removed for cause by the land occupiers in the district. The state commission shall give public notice of each such election by publication in a newspaper published in the district or having a general circulation therein at least ten days prior thereto. The state commission shall prescribe regulations for the conduct of such elections, which elections shall be conducted by the chairman of the state commission or his designated representative. The person receiving the highest number of votes for any office to be filled at such election shall be declared elected. All supervisors shall serve until the qualification of their respective successors. Vacancies shall be filled by the state commission for the unexpired term. District supervisors shall be paid at a rate established by the director, with the concurrence of the state commission for each day of actual service rendered and their necessary traveling and other expenses, subject to appropriation.*

## **§ 23. Conservation Districts; supervisors as governing body**

*The supervisors of a conservation district shall be the governing body thereof. They shall designate from their membership a chairman and may from time to time change such designation. They may delegate to one or more of their members such powers and duties as they shall deem proper. They shall furnish the director and the state commission, upon request copies of such rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ, and such other information as may be required.*

*The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, for the keeping of records of all proceedings and orders issued or adopted, and for an annual audit of the accounts of receipts and disbursements.*

*The supervisors may invite the governing body of any political subdivision of the commonwealth, or any department, board or commission thereof, to designate a representative to advise and consult with them on questions of programs and policies which may affect the property, water supply, natural resources conservation or other interests of such political subdivision or agency thereof.*

## **§ 24. Conservation districts; supervisors' powers and duties**

*The supervisors of a conservation district shall also have the following powers and duties:*

*(1) To conduct surveys, investigations and research relating to the conservation and development of natural resources, the control and prevention of soil erosion, the prevention of erosion, floodwater and sediment damages, and the conservation, development utilization and disposal of water, and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; provided, that in order to avoid duplication of research activities no district shall initiate any research program except in co-operation with the proper authorities of the commonwealth or its departments, boards or commissions, or with the United States or any of its agencies.*

*(2) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and measures for the purposes mentioned in paragraph (1), on lands owned or controlled by the commonwealth or any of its departments, boards or commissions, with the co-operation of the department, board or commission administering and having jurisdiction thereof, and on any other lands within the district at the request or with the consent of the occupier of such land or upon obtaining the necessary rights or interests therein.*

*(3) To co-operate or enter into agreements with, and within the limits of funds available to the district, including appropriations duly made by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of measures for any of the purposes*

*mentioned in paragraphs (1) and (2), subject to such conditions as the supervisors may deem necessary.*

*(4) To acquire and to make available, on such terms as they shall prescribe to land occupiers within the district, necessary machinery, equipment and materials to assist such land occupiers to carry on operations upon their lands for any of the purposes mentioned in paragraphs (1) and (2).*

*(4A) To: (i) acquire by purchase, exchange, gift, grant, bequest or otherwise, any ownership interests and rights in real property located within the boundaries of the district and in personal property; (ii) hold such real and personal property interest in the name of the conservation district; (iii) subject to law and the nature of such interest, maintain, administer and improve any such property so acquired; (iv) receive income from such property and to expend any such income to carrying out the purposes and provisions of the conservation district as provided under sections 21 to 25, inclusive; and (v) sell, lease or dispose of such property or interests therein; provided, however, that interests in real property and personal property shall be acquired for conservation purposes and shall not be used or disposed of except in furtherance of such conservation purposes; provided further, that upon acquisition by a conservation district, such ownership interest and restricted purpose in real property shall be recorded in the name of the district in the registry of deeds or land court for the jurisdiction wherein the property is located; and provided further, that all such property, including any income realized from such property or upon sale thereof, shall be exempt from taxation for state, county and municipal purposes and from betterments and special assessments.*

*(5) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized by sections eighteen to twenty-five, inclusive.*

*(6) To develop comprehensive plans for any of the purposes mentioned in paragraphs (1) and (2) which shall specify in such detail as may be practicable the acts, procedures, performances and avoidances which are necessary or desirable for accomplishing such plans, including the specification of engineering operations, methods of cultivation, growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish plans and information and bring them to the attention of occupiers of lands within the conservation district.*

*(7) To accept contributions or appropriations in money, services, materials, or otherwise, for carrying on their operations, from federal agencies, or from the commonwealth, or any political subdivision thereof, or from any person, firm or corporation.*

*(8) To sue and be sued in the name of the conservation district; to have a common seal which shall be judicially noticed; to have perpetual succession unless terminated as herein provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of their powers; to make, and from time to*

*time amend or repeal, rules and regulations to carry into effect the purposes and powers of the district.*

*(9) As a condition to extending any benefits under sections eighteen to twenty-five, inclusive, to, or performing work upon, any lands not owned or controlled by the commonwealth or any of its departments, boards or commissions, the supervisors may establish reasonable fees with the approval of the commission, and may ask for contributions in money, services, materials or otherwise to any operations conferring such benefits, and may ask land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as the supervisors deem appropriate.*

*(10) To periodically review the natural resource management and management policies of state owned land within their respective districts and to advise the state commission from time to time as to their findings, if any.*

*(11) To adopt by-laws following a public hearing governing the operation of their districts, subject to the approval of the state commission.*

*(12) To elect by majority vote, a representative to the conservation district division in which the district is located.*

## **§ 25. Conservation districts; inter-district cooperation**

*The supervisors of any two or more districts may co-operate and enter into agreements with one another in the exercise of any or all powers conferred by sections eighteen to twenty-five, inclusive.*

## **§ 25A. Conservation district divisions**

*Conservation district divisions established pursuant to section twenty may exercise any and all powers set forth in sections twenty-one to twenty-five, inclusive.*

## **Chapter 1**

### ***INTRODUCTION***

#### **1.00 Revision Date for this Chapter**

#### **1.01 PURPOSE OF THE SUPERVISOR HANDBOOK – CONSERVATION DISTRICT/STATE COMMISSION MANUAL (Hereafter referred to as manual)**

This manual was prepared as a technical reference for district supervisors, division representatives, state commission members and district staff. It explains the legal and organizational structure by which the state commission, conservation districts, conservation district divisions and district supervisors function in accord with the current State Commission policies and procedures, Massachusetts General Laws Ch. 21, Sec. 18-25A, and other pertinent legislation.

This manual is also used to guide district supervisors in carrying out their responsibilities; to train new supervisors to understand just what they are expected to do and how to do it; and to explain the relationships of individual districts to: conservation district divisions, the Commission for Soil, Water and Related Resources, state and federal agencies, and other organizations and groups.

#### **1.02 OBTAINING COPIES OF THE MANUAL**

Each conservation district office should have at least one copy of this technical reference manual. The Executive Secretary of the State Commission may provide a copy to each district and division office and to each state commission member.

Additional copies may be obtained by contacting the Executive Secretary of the State Commission.

#### **1.03 CHANGES AND ADDITIONS TO THE MANUAL**

Information contained herein is current as of the date of publication. Since laws, rules and regulations and State Commission policies and procedures are constantly changing, the State Commission will make a continuing effort to keep this manual up-to-date.

Proposed changes must be sent in writing to the State Commission. The Chairman will refer the proposal to the Policy Committee for review and recommendation. The Policy Committee will make its recommendations back to the State Commission and the State Commission must approve any changes to the Manual. The State Commission may also make changes directly to the Manual.

## 1.04 DEFINITIONS

As used in this manual, the following definitions apply:

- (1) **The Act** - The enabling legislation, Massachusetts General Laws Chapter 21, Sections 18-25A, which established conservation districts in Massachusetts. The latest amendment was Chapter 354, Acts of 1984.
- (2) **Board** - The governing body of a conservation district composed of five to seven elected or appointed supervisors.
- (3) **Cooperator** - A land occupier, public body or governmental unit who has signed a Cooperator Agreement with a district.
- (4) **Cooperator Agreement** - An agreement executed between the cooperator and the district which spells out what each party agrees to do to further soil and water conservation on land owned or operated by the Cooperator.
- (5) **DCS** - The Massachusetts Division of Conservation Services in the Executive Office of Energy and Environmental Affairs which is responsible for the provisions of Chapter 21 relating to the State Commission, Conservation Districts, and Divisions.
- (6) **Director** - The Director of the Massachusetts Division of Conservation Services.
- (7) **District** - A conservation district covering a designated region which has been duly established under Massachusetts General Laws, Chapter 21, Section 21.
- (8) **Division** - One of the six groupings of one or more districts into a Division as established by the State Commission and as provided by Massachusetts General Laws Chapter 21, Section 25A.
- (9) **Executive Secretary** - The person who provides staff assistance to the Chairperson of the State Commission, its members, and to conservation districts and divisions.
- (10) **Land Occupier** - Owners, lessees or tenants in possession who reside within the area of the District.
- (11) **MACD** - The Massachusetts Association of Conservation Districts, a private, non-profit, non-governmental association of all districts within the Commonwealth.
- (12) **NACD** - The National Association of Conservation Districts, a private, non-profit, non-governmental association of all districts and state associations within the United States and its possessions.



- (13)**Natural Resources** - As defined in MGL Chap. 21, Sec. 20 (1), natural resources includes "ocean, shellfish and inland fisheries; wild birds, including song and insectivorous birds; wild mammals and game; sea and fresh water fish of every description; forests and all cultivated flora, together with public shade and ornamental trees and shrubs; land, soil and soil resources, lakes, ponds, streams, coastal, underground and surface waters; minerals and natural deposits."
- (14)**NRCS** - The Natural Resources Conservation Service, an agency of the U. S. Department of Agriculture, provides technical assistance to districts in soil and water conservation.
- (15)**State Commission** - The Commission for Conservation of Soil, Water and Related Resources, established by MGL Ch. 21, Sec. 19.
- (16)**Supervisor** - A member of the governing body of a district who has been duly elected or appointed in accordance with the provisions of the enabling legislation.

## Chapter 2

### *HISTORY OF DISTRICTS*

#### **2.00 Revision Date for this Chapter**

#### **2.01 DUST BOWL DAYS**

Districts were formed in response to conditions that existed over eighty years ago. Soil erosion as a menace to the Nation's agriculture first received formal congressional recognition in 1929 when Congress adopted the Buchanan Amendment to the Agricultural Appropriation Bill for fiscal year 1930. The amendment provided \$160,000 to be used by the Secretary of Agriculture for soil erosion investigations. Soil erosion experiment stations were set up under the direction of the Bureau of Chemistry and Soils in cooperation with the Bureau of Agricultural Engineering. These investigations continued for the next several years under the direction of the Secretary of Agriculture.

Then - in the early 1930's during the "Great Depression", the Midwest suffered its greatest drought period. It appeared that the vast wheat fields throughout the Great Plains would dry up and blow away. Farmers were forced to leave their desert-like farms and find employment elsewhere. Topsoil was turning the skies black as the ever constant wind blew sand and dust eastward. This area was aptly named the "Dust Bowl".

#### **2.02 CONGRESSIONAL ACTION**

This soon became a national issue and Congress began to debate the causes and seek ways to prevent its recurrence. On August 25, 1933, the Soil Erosion Service (SES) was established as a temporary organization in the U. S. Department of Interior and charged with finding solutions to the problem of soil erosion. Five million dollars were allotted for soil erosion prevention work on public and private lands.

On September 19, 1933, Hugh H. Bennett transferred from the U. S. Department of Agriculture to the U. S. Department of Interior as Director of the SES and began setting up its organization. During its first few years, the agency set up demonstration projects, developed many of our modern techniques for surveying soils and provided methods for determining what kinds of crops the land was capable of sustaining. All types of soil conservation practices were studied, experiments performed and solutions found. Numerous ways were devised and perfected to prevent the erosion of the soil.

On May 11, 1934, the first great dust storm of that year, originating in the Great Plains, swept fine soil particles over Washington, D. C. and 300 miles out into the Atlantic Ocean. A second dust storm on March 6, 1935, again swept clouds of topsoil,

blown from the fields of Kansas, Colorado, Texas and Oklahoma, over Washington, D. C. and other eastern cities and out over the ocean. Within two months, Congress passed the enabling act (P. L. 46, 74th Congress) establishing the Soil Conservation Service (SCS). This act directed the Secretary of Agriculture to establish an agency, to be known as the Soil Conservation Service, to exercise the powers conferred on him by the act. On this same day (April 27, 1935), the Secretary of Agriculture issued Departmental Memorandum 673 which established the SCS in the USDA, stipulated that the new agency include the activities formerly conducted under the Soil Erosion Service, and designated Hugh H. Bennett as the first Chief of the NRCS.

### **2.03 ESTABLISHING LOCAL CONSERVATION DISTRICTS**

By late 1936, it became apparent that, despite the availability of assistance from the SCS to establish soil conservation measures to control erosion and sediment, little was being done by the landowners to take the necessary corrective actions. Farmers were not being reached with this new knowledge nor were they implementing the new conservation techniques such as contour farming, terracing, strip-cropping, and grassed waterways.

President Franklin D. Roosevelt, recognizing this lack of cooperation by landowners and realizing that the SCS could not force them to implement soil conservation measures, determined that an organization was needed at the local level that was empowered to carry out and promote a soil and water conservation program. This local organization could determine local conservation needs, find ways to solve local problems, and encourage their solution by individual landowners within the community. On February 27, 1937, President Roosevelt addressed a letter to the governors of all the states urging the passage of state legislation to effect a soil conservation districts program. He enclosed a copy of "A Standard State Soil Conservation Districts Law" prepared by USDA at the suggestion of representatives of several states. The states complied with surprising enthusiasm. The first state-wide soil conservation districts law enacted in the United States was approved by the Governor of Arkansas four days later, on March 3, 1937.

The first soil conservation district in the United States was organized on August 4, 1937. This North Carolina district embraced parts of Anson and Union Counties and was named the "Brown Creek Soil Conservation District." Alabama became the first state to have all its farmland included within a soil conservation district on April 24, 1941.

Across the United States, nearly 3,000 conservation districts—almost one in every county—are helping local people to conserve land, water, forests, wildlife and related natural resources.

Known in various parts of the country as “soil and water conservation districts,” “resource conservation districts,” “natural resource districts,” “land conservation committees” and similar names, they share a single mission: to coordinate

assistance from all available sources—public and private, local, state and federal—in an effort to develop locally-driven solutions to natural resource concerns.

More than 17,000 citizens serve in elected or appointed positions on conservation districts' governing boards. The districts work directly with millions of cooperating land managers nationwide to manage and protect natural resources.

Among other things, conservation districts help<sup>1</sup>:

- implement farm, ranch and forestland conservation practices to protect soil productivity, water quality and quantity, air quality and wildlife habitat;
- conserve and restore wetlands, which purify water and provide habitat for birds, fish and numerous other animals;
- protect groundwater resources;
- assist communities and homeowners to plant trees and other land cover to hold soil in place, clean the air, provide cover for wildlife and beautify neighborhoods;
- help developers control soil erosion and protect water and air quality during construction; and
- reach out to communities and schools to teach the value of natural resources and encourage conservation efforts.

Because conservation districts are established under state laws, they vary in what they are called and how they are funded. What we refer to as "conservation districts" are referred to by several other names under various state laws. Examples of states with other names follow:

- Land Conservation Departments
  - *Wisconsin*
- Natural Resource Conservation Districts
  - *Arizona*
- Natural Resources Districts
  - *Nebraska*
- Resource Conservation Districts
  - *California*
- Soil Conservation Districts
  - *Idaho, North Dakota, Utah, Maryland, New Jersey, Puerto Rico, Tennessee*
- Soil & Water Conservation Districts
  - *Alabama, Alaska, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maine, Minnesota, Mississippi, Missouri, New Mexico, New York, North Carolina, Ohio, Oregon, South Carolina, Texas, Virginia and the Pacific Basin*

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<sup>1</sup> This and other references taken from the National Association of Conservation Districts web page <http://www.nacdnet.org/>

## 2.04 MASSACHUSETTS CONSERVATION DISTRICTS

In 1945, the Massachusetts General Court passed Chap. 531 - Acts of 1945 which provided for the formation of a state soil conservation committee, for the formation of soil conservation districts to prevent and control soil erosion and to provide for the conservation of soil and soil related resources of the Commonwealth. By the passage of this act, Massachusetts became the 47th state to pass enabling legislation making it possible for conservation districts to be organized as local units of government.

Districts were organized along county lines, except Worcester County which was divided into three districts, in the following order:

### DISTRICT NAME      DATE ORGANIZED

- |               |                 |
|---------------|-----------------|
| 1. Essex      | May 14, 1946    |
| 2. Plymouth   | Nov. 7, 1946    |
| 3. Franklin   | Feb. 12, 1947   |
| 4. Middlesex  | March 10, 1947  |
| 5. Cape Cod   | Sept. 18, 1947  |
| 6. Dukes      | Sept. 18, 1947  |
| 7. Nantucket  | May 24, 1949    |
| 8. Suffolk    | Jan. 8, 1981    |
| 9. Hampden    | March 28, 1946  |
| 10. Bristol   | March 28, 1946  |
| 11. Norfolk   | March 28, 1946  |
| 12. Hampshire | March 28, 1946  |
| 13. Berkshire | March 28, 1946  |
| 14. Worcester | August 22, 1996 |

On August 22, 1996, the three Worcester Districts were consolidated into one district now called the Worcester County Conservation District. Prior to that, those districts were originally organized on the following dates;

N.E. Worcester	Dec. 11, 1945
N.W. Worcester	Dec. 11, 1945
So. Worcester	May 8, 1946

In 1947, Chapter 73 amended Chapter 531 to establish district boards of three supervisors who had to be land occupiers or owners of agricultural land. Names of potential supervisors were to be submitted by petitioners, the trustees for county aid to agriculture, or the trustees of county agricultural schools. Chapter 517, Acts of 1949, also amended Chapter 531 as it related to moneys appropriated by the General Court. This amendment allowed state appropriated funds to be used for general expenses as the state committee determined necessary for the continuance of soil conservation programs.

Chapter 244, Acts of 1954, allowed the number of supervisors to be increased to three or five under the same requirements as listed in Chapter 531. The next year, Chapter 307 of the Acts of 1955, reorganized the State Soil Conservation Committee and placed it in the Massachusetts Department of Agriculture under the control of the Board of Agriculture. Under this act, the State Soil Conservation Committee would now be composed of the Commissioner of Agriculture as Chairman, the Director of the Extension at the University of Massachusetts, the Director of the Experiment Station and four others, appointed by the Governor from the Farm Bureau and State Grange and one who was a district supervisor.

Again the next year, the original act was amended by Chapter 513 of the Acts of 1956 to allow districts to become involved in flood protection and the prevention of sediment damages.

In 1963, Chapter 664 abolished the State Soil Conservation Committee in the Massachusetts Department of Agriculture and established a Division of Conservation Services and a Committee for Conservation of Soil, Water and Related Resources in the Massachusetts Department of Natural Resources.

The latest amendment was Chapter 354 of the Acts of 1984. This chapter made the following changes:

1. Directed the Director to appoint an Executive Secretary from a list of no more than three candidates furnished by the State Commission.
2. Changed the name of the State Committee to the "Commission for Conservation of Soil, Water and Related Resources."
3. Established the Commission as having thirteen voting members to include four ex-officio members, nine appointed members and three advisory members.
4. Allowed conservation districts to establish reasonable fees, with the approval of the State Commission.
5. Authorized conservations districts to periodically review the natural resource management and management policies of state-owned land within the district and to advise the State Commission of any findings.
6. Authorized the State Commission to establish six Conservation District Divisions.
7. Directed the State Commission to develop a natural resource plan for the Commonwealth every five years commencing in January, 1985.
8. Authorized conservation district Divisions to exercise any and all powers set forth in Section twenty-one to twenty-five, inclusive.

## **2.05 CHANGES IN DISTRICT FUNCTIONS**

The roles of conservation districts, their legal definition, and their relationship with state and federal agencies have changed over the years and will continue to change to adapt to local conditions and concerns.

In the early days, assistance offered by districts was primarily for land drainage, construction of ponds, and land clearing operations, including removal of rocks and stone walls. Originally, assistance was farm-oriented but the changing patterns of land use and lifestyles over the years have led to new environmental concerns and challenges that require a wider focus.

This shift is also reflected in the name of districts' partner agency, which in the 1990's changed from the Soil Conservation Service (SCS) to the Natural Resources Conservation Service (NRCS). Farm Bill programs, which provide the focus for NRCS activities, have also changed and broadened to include forestry and energy issues. Changes in USDA National Farm Bill Policy since the 2002 Farm Bill provide for NRCS to contract directly with landowners to deliver USDA program to landowners independent of the Conservation District Cooperator Agreement process.

Districts have since become involved in a wide range of issues that are no longer primarily soil-based, but are related to the conservation of all our natural resources. Request for help have increased, particular from units of government and urban citizens. District now may find themselves working in a forest, a salt marsh, a stream, or along urban streets and in parks.

They have become involved in open space and resource planning , subdivision review, wildlife and fisheries habitat, renewable energy, urban forestry and environmental education.

Agriculture in Massachusetts has also changed, with new ideas and issues such as aquaculture, invasive species, community farming, and many new and interesting crops, livestock species and technologies.

These changes bring many challenges but also provide opportunities for conservation districts to play meaningful roles in addressing them.

## **2.06 DISTRICT TREE AND BULB PROGRAM**

In the early 1950's, the State Nurseries were abolished and districts started a Tree Program to provide seedlings to promote reforestation and to improve wildlife habitat. This program has expanded in many districts and now provides a service to the public whereby an economical source of trees, shrubs and specialty plants is available to the general public.

Many districts have undertaken a bulb program to beautify the landscape and to raise additional funds to carry out district programs. Additionally, some districts sell composting bins, bat houses, conservation seed mixtures and more.

## **2.07 TOWN CONSERVATION ACT OF 1957**

The Town Conservation Act of 1957 established town conservation commissions and charged them with developing and protecting the community's natural resources on the local level.

Massachusetts General Laws Chapter 43B, amended the State Constitution to grant power to towns and cities to administer state regulations and establish governance within their political bounds. As towns moved toward an even more local administration of natural resource regulations and treatments in general, county government diminished.



## Chapter 3

### STATE COMMISSION

#### **3.00 Revision Date for this Chapter**

#### **3.01 PURPOSE OF THE STATE COMMISSION**

The federal legislation which encouraged the formation of conservation districts also suggested there be a committee, council or commission established at the state level to coordinate the work of districts, serve in an advisory capacity to districts, determine state policies, and allocate state monies to individual districts.

In Massachusetts, this is the "Commission for Conservation of Soil, Water and Related Resources" (or commonly called the State Commission) located in Massachusetts Division of Conservation Services, Executive Office of Energy and Environmental Affairs.

#### **3.02 MEMBERS**

The State Commission is composed of thirteen voting (four ex-officio and nine appointed) members and three non-voting advisory members.

#### **3.02-1 EX-OFFICIO MEMBERS**

1. Commissioner, Massachusetts Department of Agricultural Resources or designee.
2. Commissioner, Massachusetts Department of Environmental Protection or designee.
3. Commissioner, Massachusetts Department of Conservation & Recreation or designee.
4. Commissioner, Massachusetts Department of Fisheries and Wildlife or designee.

#### **3.02-2 APPOINTED MEMBERS**

1. Chairperson, Division I or designee.
2. Chairperson, Division II or designee.
3. Chairperson, Division III or designee.
4. Chairperson, Division IV or designee.

5. Chairperson, Division V or designee.
6. Chairperson, Division VI or designee.
7. Representative, Massachusetts State Grange.
8. Representative, Massachusetts Farm Bureau Federation
9. Representative, Massachusetts Association of Conservation Commissions.

The last three members are appointed by the ex-officio members from a list of two names submitted by the executive committee of each organization.

### **3.02-3 ADVISORY MEMBERS**

The Advisory Members shall offer their technical expertise to the State Commission from time to time as non-voting advisory members.

These Advisory Members are:

1. The State Conservationist of the Natural Resources Conservation Service for Massachusetts.
2. The State Executive Director of the Farm Services Agency for Massachusetts.
3. The Dean, College of Natural Sciences, Amherst.

### **3.02-4 DIVISION REPRESENTATION**

The division official representative on the State Commission is the Chairperson of that division. When the division chairperson changes for any reason, the division must notify the State Commission Chairperson and the Executive Secretary of the change and provide the name, address, telephone number and district affiliation of the new division chairperson.

If a division chairperson cannot attend a State Commission meeting, a designee may be appointed to represent the division at that meeting. The following procedure will be used:

- (1) The designee will carry a letter to the State Commission at the time of the meeting, stating that they are the division chairperson's designee and has full voting powers for that particular meeting.
- (2) If this is not possible or feasible due to unforeseen circumstances, a telephone call is to be made by the division chairperson to the State Commission chairperson or the Executive Secretary advising them of the change and that a letter will be forthcoming confirming the telephone conversation.

(3)The letter shall contain the following: (a) name of the official designee; (b) name of the division; (c) date of the state commission meeting; (d) signature of division chairperson; and (e) permission for the designee to represent the division and vote on any matter that comes before the state commission.

### **3.03 OFFICERS**

Each year, in the month of April, the State Commission elects a Chairperson and a Secretary from among the voting members of the commission. The chairperson must be one of the appointed members. An advisory member cannot serve as an officer of the State Commission.

### **3.04 QUORUM**

A simple majority of the voting members shall constitute a quorum. The concurrence of this majority in any business being voted on is required for enactment.

### **3.05 TERMS OF OFFICE**

Each appointed member will serve for four years. In case of the resignation or other withdrawal of an appointed member, the organization shall submit a list of two names to the ex-officio members of the State Commission for selection of a replacement to fill the unexpired term.

Appointed members may be removed from office by the State Commission after notice in writing that said member has failed to attend at least three regular meetings in any one year.

### **3.06 DUTIES OF THE STATE COMMISSION**

The State Commission has certain duties as specified in G. L. Chap. 21, Sec. 20, Subsections (1) - (14). These duties are:

(1)To encourage and assist educational work in the conservation and development of renewable natural resources, including soil, water, plant life, woodland, fish and wildlife and recreation resources, the control and prevention of erosion, floodwater and sediment damages, and the conservation, development, utilization and disposal of water, through cooperation with all federal, state, county, local, public and private resource agencies.

(2)To advise the Director in developing policies of the Massachusetts Division of Conservation Services relating to the operation of conservation districts and to carry out the policies and programs of the State Commission.

- (3) To perform the functions hereinafter provided for, relating to the establishment, change of boundaries, or dissolution of conservation districts.
- (4) To secure the cooperation and assistance of agencies of the United States, the Commonwealth and its political subdivisions in promoting the organization and operation of conservation districts.
- (5) To disseminate information concerning the activities and programs of conservation districts.
- (6) To allot money appropriated for establishing and maintaining conservation districts and conservation district divisions and for the operation of their projects and programs.
- (7) To develop annual budgets for the operation and maintenance of conservation districts, conservation district divisions, and the State Commission for submission to the Director, Massachusetts Division of Conservation Services.
- (8) To establish program priorities and advise conservation districts and divisions on those programs which contribute to the conservation and best use of the natural resources of the Commonwealth.
- (9) To develop a natural resource plan for the Commonwealth every five years commencing in January, 1985.
- (10) To accept contributions, gifts, or grants of money or property, whether real or personal, from any source, private or public, including but not limited to, the United States or its agencies, in order to promote the programs of Sec. 20 of the General Laws.
- (11) To establish, with the approval of the majority of the chairmen of the conservation districts, six conservation district divisions. In establishing said divisions, the State Commission may include one or more conservation districts.
- (12) To encourage educational activities which promote the conservation and development of renewable natural resources, including soil, water, plant life, woodland, fish and wildlife, recreation resources, prevention of soil erosion, floodwater and sediment damages and the conservation, development, utilization and disposal of water through cooperation with appropriate federal, state, county, public and private agencies.
- (13) To set fees for pamphlets, publications or services which shall not exceed the cost of providing such pamphlets, publications or services and to promote uniform fees set by district supervisors.
- (14) To disseminate information regarding amendments to the general and special laws of the commonwealth, proposed changes in laws and rules and regulations which affect or shall affect businesses in the commonwealth; and, to establish educational

outreach programs for the purpose of assisting small business to implement required changes in legislation.

In addition to the above, the State Commission will carry out the following policies that it has established:

- (1) Study any new laws or amendments to the old laws, note the changes, and develop ways to implement those changes.
- (2) Review and update existing guidelines pertaining to conservation districts and divisions.
- (3) Assure that all policies recommended to the Director by the State Commission which pertain to districts shall be made compatible with Divisional policies and vice versa.
- (4) Annually review its existing policies and pertinent legislation and recommend necessary changes as needed to meet current conditions.
- (5) Work to promote and strengthen conservation districts and divisions in the Commonwealth of Massachusetts, through its power and duties enumerated in MGL Ch. 21, Sec. 20.

### **3.07 COMPENSATION**

Each appointed member shall receive fifty dollars, subject to appropriations, for each day for services as a commission member. Ex-officio and advisory members' expenses are borne by their agencies.

All state commission members, except ex-officio and advisory members, must fill out a payroll form yearly and file it with the Executive Secretary before payment can be made for attending commission meetings. In addition, if required, each appointed member must fill out yearly a form supplied by the Commonwealth's Ethics Commission and return it to the Ethics Commission. Failure to complete and return this form subjects the member to potential fines and penalties of the Ethics Commission.

### **3.08 MEETINGS**

The State Commission meets regularly on the second Thursday in the months of January, April, July and October. Special meetings may be called at any time by the chairperson or on the request of any seven members.

Quarterly meetings will be held at various location throughout the state.

The April meeting each year has been designated by the commission as the Anniversary Meeting of the State Commission.

All districts are to be notified as to the time and place of upcoming State Commission meetings by their division representative on the State Commission. The division representatives are also responsible for distributing the State Commission meeting agenda, and seeking input of district supervisors, reporting back to them with the results of each meeting. All district supervisors are welcome to attend and participate through their division representative.

### **3.09 MEETING MINUTES**

The Secretary of the State Commission is responsible for taking, transcribing, duplicating and distribution of the minutes of all State Commission meetings. With the concurrence of the Chairperson, and if funds are available, the Secretary may hire someone to take and prepare the minutes of an upcoming State Commission meeting. However, it remains the Secretary's responsibility to see that minutes are prepared and distributed within one month following a meeting.

The Secretary shall provide the Executive Secretary, within one month following a meeting, with one clean copy of the minutes for duplication and distribution to State Commission members, district administrators, and other interested parties. The Executive Secretary shall distribute the minutes, along with the agenda and other pertinent materials for the next meeting, at least one month prior to the upcoming meeting.

**All districts will receive** copies of the State Commission meetings and agendas from the Executive Secretary.

Requests for copies of State Commission minutes are to be addressed to, or forwarded to, the Executive Secretary. Each such request will be handled as required by the appropriate law.

### **3.10 EXECUTIVE SECRETARY**

The Executive Secretary to the State Commission is appointed by the Director, with the approval of the Secretary of Energy and Environmental Affairs. The director may request from the State Commission a list of no more than three candidates for the position.

The Executive Secretary provides staff assistance to the State Commission, particularly to the Chairman. The Executive Secretary:

- 1.administers the day-to-day operations of the State Commission in meeting the duties set forth in MGL Ch. 21, Sec. 18-25A, including such functions as keeping books and records, maintaining communications, and providing quarterly activity reports to the Director and the State Commission.
- 2.attend all State Commission meetings, providing for timely preparation and distribution of meeting agendas, minutes of meetings, and appropriate reports or documents.

3. represents the State Commission, in the absence of the chairman, at all board meetings of the MACD, and any other meetings where State Commission representation is important, keeping the State Commission informed of proceedings and group relations.
4. acts as liaison between the State Commission, districts, divisions, and other state and federal agencies and private organizations.
5. maintains awareness of district, and state committee programs and activities in other states and on the national level through the NACD.
6. keeps the State Commission informed of district programs and activities; and, in cooperation with MACD and districts, prepares an annual report of accomplishments of the State Commission and districts.
7. assists the State Commission, with the cooperation of the Director, in the development of the state budget as related to district operations, and under the direction of the State Commission, assists in the distribution and accountability of state funds.
8. monitors legislative activities related to natural resource concerns, providing legislative briefs and updates to the State Commission and districts.
9. assists in development and implementation of policy and programs of the State Commission, such as those required by MGL Ch. 21, Sec. 20 and those adopted by the State Commission in pursuit of their objectives.
10. provides training and program assistance to districts in cases of state or regional significance, or as requested or required.
11. assists in the development and coordination of conservation education programs and activities of the State Commission and districts, working cooperatively with the State Department of Education, and other groups associated with conservation/environmental education.
12. conducts information and education activities to promote and further the objectives of the State Commission and districts, including internal and external communications, public information, public relations, community/adult education, mass media and multi-media work.
13. performs related duties as required by the State Commission or the Director.

The Executive Secretary will prepare a written report on the activities of the previous quarter and send it to the State Commission members with the regular meeting packet containing the agenda for the upcoming meeting and supporting materials.

### **3.11 COMMITTEES**

The State Commission may establish whatever committees it deems are necessary to carry out its functions. Committees may be established by the State Commission Chairperson or by a vote of the Commission members.

#### **3.11-1 COMMITTEE OPERATING POLICIES**

1. The Chairperson of the State Commission shall appoint no less than two commission members to each committee, one of whom shall serve as chairperson of the committee. At the time of appointment, the State Commission Chairperson shall also charge each committee with its responsibilities.
2. The Chairperson of each committee shall select the additional membership of the committee necessary to accomplish the charge of the committee. These additional committee members need not be State Commission members.
3. Committee chairpersons and members of each committee will continue to serve as chairperson and members until relieved of their duties by the State Commission Chairperson.
4. Each committee chairperson shall send a confirmation list of those serving on their committee to the Chairperson, State Commission and to the Executive Secretary by July 1 of each year.
5. All committees will meet at least once between the State Commission quarterly meetings and more often if needed. Committee chairpersons are responsible for calling meetings of their committees. The Executive Secretary will be notified of each committee meeting and be invited to attend. Meetings of the committees and subcommittees in most cases are subject to the Open Meetings Law and therefore must be advertised beforehand.
6. Committee chairpersons may appoint sub-committees as needed. A committee member shall serve as chairperson of the sub-committee, with other members selected from outside of the committee if desired.
7. Committee meeting minutes and agendas will be sent to all committee members and the Executive Secretary. The Executive Secretary will distribute copies of the approved minutes of all meetings held since the last State Commission meeting to the commission members at the next State Commission meeting.



### **3.11 2 ENVIROTHON COMMITTEE**

A standing subcommittee of the State Commission is the Envirothon. The Envirothon Policy document provided in **Appendix A** outlines the additional policies and operational procedures to be followed by this committee.

### **3.12 RULES OF ORDER**

It is the policy of the State Commission to use the "Roberts Rules as the official Rules of Order for State Commission meetings.

### **3.13 STATE COMMISSION BY-LAWS**

The State Commission has determined that no by-laws are necessary or needed for conduct of commission business.

### **3.14 OFFICIAL RECORDS**

Official records of the State Commission, including its committees, shall be sent to the State Archives for safekeeping. It is the responsibility of the Executive Secretary to assure that all necessary records are transmitted.

### **3.15 APPLICATION OF THE STATE ETHICS LAWS TO THE COMMISSION MEMBERSHIP**

The Commission for Conservation of Soil, Water & Related Resources members are considered special state employees and therefore are governed by the Massachusetts Conflict of Interest Law. Among other things, this law prohibits Commissioners from:

- Asking for or accepting anything in exchange for doing their jobs
- Accepting any gift worth \$50 or more from anyone with whom they have official dealings
- Hiring, promoting or otherwise participating in the employment of their immediate family or spouse's immediate family
- Taking any official action that will affect the financial interests of their immediate family or spouse's immediate family
- Taking any official action affecting their own financial interests
- Representing anyone but their public employer, in any matter in which the public employer has an interest
- Disclosing confidential information, data, or material that has been

gained or  
learned as a public employee

- Taking any action that could create an appearance of impropriety
- Using their official positions to obtain unwarranted privileges or special treatment for themselves or anyone else
- Using public resources for political or private purposes

For more information on the Conflict of Interest Law, please see <http://www.mass.gov/ethics>. G.L. c. 268A, The Conflict of Interest Law As Amended by c. 28, Acts of 2009

## **Chapter 4**

### ***CONSERVATION DISTRICTS***

#### **4.00 Revision Date for this Chapter**

#### **4.01 ESTABLISHING A CONSERVATION DISTRICT**

Section 21 of MGL Chapter 21 outlines the procedure for establishing a district under the enabling legislation. Briefly, these steps are:

- (1) Persons interested in forming a new district circulates a petition and obtains at least one hundred signatures of land owners, lessees or tenants in possession who live within the proposed district area.
- (2) The interested persons submit the petition to the State Commission.
- (3) State Commission schedules and holds, as soon as possible, a public hearing within the proposed district area. All interested parties have the right to attend and be heard.
- (4) At least ten days before the hearing, the State Commission publishes a notice of the public hearing in a newspaper covering the proposed area.
- (5) After the hearing, the State Commission determines whether a majority of the land occupiers who would be affected by the new district are in favor of establishing the new district and that this proposal is in the best interest of the district or in the public interest. If this determination is made and recorded in the minutes, the district is established. If the determination cannot be made, no conservation district is formed.
- (6) Within sixty days after establishing a district, the State Commission appoints a board of five to seven district supervisors who live in or own land in the district.

#### **4.02 CHANGING A DISTRICT BOUNDARY**

Sometimes it is advantageous to change a district boundary to combine two or more existing districts or to separate a large district area into several smaller areas. This procedure is:

- (1) The board(s) of the district or districts affected or a majority of land occupiers who would be affected by the change petitions the State Commission to change the district boundaries.
- (2) The State Commission schedules and holds, as soon as possible, a public hearing within the affected area. All interested parties have the right to attend and be heard.

- (3) At least ten days before the hearing, the State Commission publishes a notice of the public hearing in a newspaper covering the proposed area.
- (4) After the hearing, the State Commission determines whether a majority of the land occupiers who would be affected by the boundary changes are in favor of the proposal and that this proposal is in the best interest of the district or in the public interest. If this determination is made and recorded in the minutes, the boundaries are changed. If this determination cannot be made, district boundaries are unchanged.

#### **4.03 DISSOLVING A CONSERVATION DISTRICT**

Sometimes it becomes necessary to dissolve an existing conservation district. When this occurs, the procedure is:

- (1) Persons who desire that the district be dissolved circulates a petition and obtains at least one hundred signatures of land owners, lessees or tenants in possession who reside within the district.
- (2) These persons submit the petition to the State Commission.
- (3) The State Commission schedules and holds, as soon as possible, a public hearing within the district. All interested parties have the right to attend and be heard.
- (4) At least ten days before the hearing, the State Commission publishes a notice of the public hearing in a newspaper covering the district area.
- (5) After the hearing, the State Commission determines whether a majority of the land occupiers who would be affected by the dissolving of the district are in favor of the proposal and that such proposal is in the best interest of the district or in the public interest. If this determination is made and recorded in the minutes, the district is dissolved. If this determination cannot be made, the district is not dissolved.
- (6) Immediately after a district is dissolved, the supervisors terminate the affairs of the district and dispose of any and all property belonging to the district. Any district funds remaining after payment of outstanding bills are paid to the state treasury. The state treasury will, for three years, use these funds to pay any just and valid claims against the district. Any remaining funds then revert to the State General Fund.

#### **4.04 COOPERATION BETWEEN DISTRICTS**

Section 25 of the enabling legislation allows the supervisors of any two or more districts to cooperate and to enter into agreements with one another in the exercise of any or all powers conferred by Sections eighteen to twenty-five, inclusive.

## **4.05 POWERS AND DUTIES OF THE DISTRICT BOARD**

The basic powers and duties of the district board are to:

### **4.05-1 SET ITS OPERATIONAL POLICIES AND PROCEDURES**

In setting its policies, the Board states what will be done and how much money is required to carry it out, determines the amount and quality of service which the district will provide, and determines priorities for assistance. Policy making means not only deciding what will be done, but also how it will be done and to what extent it will be done.

Each Board may establish definite policies and procedures which it will follow in conducting district business. These policies and procedures must be defined, approved, recorded by an official act of the Board and filed in the district records which are available for public review. With set procedures for district operations, the Board will be able to review what is being done, ascertain that district policies are being carried out, determine whether goals and objectives are being achieved, and whether work is being done in the most effective and efficient manner.

### **4.05-2 ESTABLISH COMMITTEES**

Each Board may establish whatever permanent and ad hoc committees it deems are necessary in order to carry out its functions. A supervisor shall be the chairperson of each committee. Other members may be other supervisors, associate or junior supervisors, or any other knowledgeable person who agrees to serve on the committee. The district chairperson appoints the committee chairperson and as many other members as are needed and provides complete instructions to each committee as to what they are to do, how they are to do it, and how they should report their work.

Amongst the committees a district may establish are;

#### ***A. NOMINATING COMMITTEE***

Each year, this committee prepares a slate of nominees to fill the vacancy of each supervisor whose term is expiring. Also, this committee prepares a list of candidates for the State Commission to use in filling a vacancy on the board occurring during the year.

#### ***B. LONG RANGE PROGRAM COMMITTEE***

Each district must have a well thought out and current Long Range Program to guide district activities for the next three years. This committee is charged with reviewing the

Long Range Program each year and recommending to the Board changes and revisions to keep the program current and up-to-date. For specific procedures, see Chapter 9.01-1.

### ***C. ANNUAL WORK PLAN COMMITTEE***

This committee, using the Long Range Program as a guide, develops a draft Annual Work Plan for the review and approval by the Board. The committee chairperson also reviews the Annual Work Plan at least quarterly with the full board and is charged with keeping the plan current and up-to-date. For specific procedures, see Chapter 9.01-2.

### ***D. ANNUAL REPORT COMMITTEE***

An Annual Report is prepared and published each year to inform cooperators, cooperating agencies, the State Commission and others of the many and varied projects of the district and to list the accomplishments made during the previous year. This committee develops a draft Annual Report for the Board's review and approval and arranges to have it published and distributed. For specific procedures, see Chapter 9.01-3.

### ***E. LEGISLATIVE COMMITTEE***

Many state and federal legislative bills and laws affecting districts are enacted each year. The Legislative Committee keeps current on bills that could impact the district and recommends to the Board whether or not to actively support a particular bill.

Districts, as units of state government, may not lobby for or against a particular piece of legislation. However, this does not mean that a district cannot testify before a legislative committee on matters within their expertise or present the district's position to legislators.

Legislative Committee members need to get to know the legislators within their district so the legislators will know who to turn to for information and advice on soil and water conservation matters.

Some other committees, either established as permanent or ad hoc committees, are:

### ***F. EDUCATION COMMITTEE***

The Education Committee works closely with school administrators in the district to provide them with information and publications on soil and water conservation for use in science, biology, or other natural science classes; assists in setting up and using

outdoor classrooms; assists in promoting participation in the Envirothon program; locates and recommends to the Board, students to be appointed as junior supervisors; locates outstanding teachers to be nominated for the Allis-Chalmers Teacher Awards; works with Boy and Girl Scouts, 4-H groups and others in soil and water conservation projects; and fosters special educational projects in the school systems such as poster and essay contests, school fairs, and school career days.

#### ***G. INFORMATION COMMITTEE***

This committee is charged with carrying out the district information program to publicize the activities of the district and keep the need for the conservation of land, water and related natural resources before the public.

Some committee responsibilities can be: publish a district newsletter; appear on radio and TV shows, particularly about the district tree program; establish a "Speakers Bureau" of qualified people to speak on conservation matters at civic clubs, garden clubs, or any other organized meeting; write news articles for the local papers on current district projects; conduct tours for cooperators, legislators, state and federal agency personnel and others of watershed projects, special conservation projects or natural disasters; and hold workshops and seminars on soil and water conservation and management.

#### ***H. AGRICULTURAL COMMITTEE***

This committee reviews cooperator's requests for assistance and recommends priorities to the Board; works with cooperating agencies to encourage farmers to undertake needed conservation measures; and represents the Board with agricultural related agencies and groups such as the ANRCS County Development Group, Agricultural Districts under the Agricultural Preservation Restriction Act, Farm Bureau, and the Grange.

#### ***I. FORESTRY COMMITTEE***

This committee works primarily with forest land owners and cooperators in a manner similar to that of the Agricultural Committee.

#### ***J. URBAN COMMITTEE***

This committee works closely with the various units of government in the district that are concerned with urban lands. Members of the committee represent the district with the regional planning agencies; act as liaison with town conservation commissions; and maintain relations with community parks and recreation

departments, county and state department of public works, and other similar groups.

#### ***K. SMALL WATERSHED PROJECTS (PL-566) COMMITTEE***

State legislation requires that a local organization be a sponsor of each watershed project to be planned and installed under Public Law 566. This committee, composed of persons residing within the watershed project area if possible, works with the other sponsors and state and federal agencies to develop a feasible and environmentally sound plan which represents the true wishes of the persons residing in or affected by the watershed project. The committee recommends to the Board the actions that, as watershed sponsors, the Board needs to take.

#### ***L. RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) COMMITTEE***

Districts are co-sponsors of all RC&D Area projects. The RC&D Council, composed of representatives from each sponsoring organization, manages and coordinates the work of agencies within the project area. The chairperson of this committee represents the district on the council and keeps the Board informed of activities within the RC&D area.

#### ***M. LOCAL WORKING GROUPS***

Conservation districts create and lead Local Working Groups, chartered under the State Technical Committee by the U.S. Farm Bill, to bring together all interested parties and stakeholders within each district to obtain the broadest public participation to assess local conservation needs; to prepare a natural resources inventory for each district; to identify and prioritize conservation needs; to set goals and to identify programs & resources to apply to these conservation needs; to develop district-wide action plans and proposals; to articulate the district's natural resources inventory and prioritized needs to NRCS through the State Technical Committee; to implement action plans at the local level in cooperation with federal, state and local partners; and to measure performance against documented and prioritized conservation needs and plans. Local Working Groups harness grassroots support for planning, designing and implementing sound conservation practices that improve water quality, soil and plant health, wildlife habitat and the full range of natural resource enhancements. Local Working Groups enhance productivity, viability and sustainability of farmers, foresters, aquaculturists, growers and producers while strengthening and preserving the natural resources of Massachusetts communities.



### **4.05-3 APPOINT ASSOCIATE SUPERVISORS AND JUNIOR**

#### **SUPERVISORS**

To assist the Board, associate supervisors and junior supervisors may be appointed (See Chapter 6.07 and 6.08).

### **4.05-4 HIRE EMPLOYEES**

A district may hire employees as necessary to carry out district programs and as funds allow.

District employees are not considered employees of the Commonwealth and can include Administrative Assistants, secretaries, engineers, administrators, soil scientists or any other profession which is needed. District employees are paid out of district funds at a rate determined by the Board. The district is responsible for all administrative matters related to employment such as tax withholding, social security taxes, insurance, and any records related thereto.

The Board sets the hourly rate, hours of employment, location of position, and vacation time.

Travel costs associated with the employee's work or training are paid at a rate determined by the Board. They may grant, from time-to-time, raises and bonuses based on employee performance.

Before hiring an employee, the district must establish a definite description of the duties that the employee is to perform and the manner in which these duties are to be carried out. Each board is an equal opportunity employer and a person is selected without regard to race, color, religion, sex or national origin. The Board should have in place a complete Personnel Policy prior to hiring any employee.

Most districts hire an Administrative Assistant to handle the day-to-day routine matters of the district. This person relieves the supervisors, particularly the chairperson, of many time consuming routine chores and allows the Board to concentrate on establishing district policy and carrying out the District Annual Work Plan. Oftentimes, this person serves as secretary to the Board, keeps all records, minutes of meetings and reports, manages the tree program, and types and files correspondence and district reports.

An employee of a district may be removed for just cause as determined justifiable by the Board.

Some reasons for removal could be: continued absence from work, failure to perform assigned tasks, conviction of any criminal act while an employee of the board, or committing acts which are against the set policies of the Board.

## **4.05-5 ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH PUBLIC**

### **AGENCIES**

In order for districts to carry out all the work that needs to be done, the districts must cooperate with, and obtain assistance from, many public agencies. One way to assure continued cooperation and form a basis for requesting assistance is for the district to have a memorandum of understanding with that agency. Such memos are required for the district to receive assistance from the U. S. Department of Agriculture and its agencies, particularly the Natural Resources Conservation Service.

Each Board must carefully review its programs and the need for assistance from public agencies and enter into memorandums of understanding with those agencies that will be assisting the district. Federal agencies usually have a standard approved format that is used.

For others, the district should maintain close contact with and develop arrangements for requesting assistance in areas of the agencies expertise. These arrangements range from an informal telephone call to a formal request in writing to the agency head.

At least every four years, the district is to review its working arrangements with cooperating agencies and reaffirm or update the working arrangements outlined in the memos.

## **4.05-6 REVIEW AND APPROVE REQUESTS OF LAND OCCUPIERS TO**

### **BECOME COOPERATORS**

To further the conservation of soil, water and related resources within a district, districts enter into agreements with land occupiers. It is the duty of the Board to review each request of a land occupier to become a cooperator before it is approved. Each district sets its own criteria for a land occupier to become a cooperator. Some things that need to be considered are: type of operation (farm, non-farm, unit of government); type of assistance expected or needed; history of carrying out conservation work; severity of the problem; and personal knowledge about the land occupier. In some instances, a supervisor may want to visit the land occupier or prospective cooperator or ask them to appear before the Board.

The Board shall establish criteria for setting priorities and granting assistance so all cooperators are treated equally and fairly. All requests for assistance shall be brought before the Board for approval and establishing priority.

Based upon the review of the request, the Board decides whether or not to accept the land occupier as a cooperator. The results of the vote shall be recorded in the minutes. If the request is approved, the Board so notifies the land occupier.

#### **4.05-7 SET PRIORITIES FOR NRCS ASSISTANCE TO COOPERATORS**

One of the major sources of assistance to cooperators through the district is furnished by the NRCS. However, there are usually more requests than there is assistance available. Therefore, the Board must set priorities for this limited assistance.

#### **4.05-8 CANCEL COOPERATOR AGREEMENTS**

Over the years, districts have accepted many land occupiers as cooperators. Meanwhile, many cooperators have sold their land, gone out of farming, died, or for some other reason no longer need the services of the district. When this happens, the district shall cancel the agreement by official action at a district meeting. If possible, the cooperator should be notified that the agreement was canceled.

#### **4.05-9 SPONSOR WORK PROGRAMS**

A program that can be used for district assistance is the Internship Program with local colleges and universities whereby students work without cost to the district and receive academic credit for the work experience.

To sponsor such a program, the district must provide continued supervision to the students, prepare and assure that a detailed work program is followed, and periodically review the accomplishments made.

#### **4.05-10 EXPEND FUNDS**

Any Board has the authority to expend funds, regardless of source, for specific district purposes or undertakings that are necessary for the conduct of its affairs. The Board is the sole authority as to what its funds are spent for and how much is spent. Since all funds are considered public monies, Board members are responsible for assuring that all expenditures are correct and proper.

The treasurer, before payment, must assure that the bill is a just debt of the district, that there is an itemized bill made out to the district, that the services or materials provided were necessary for the conduct of district affairs, and that payment has been authorized by an official action of the Board.

#### **4.05-11 ESTABLISH A PETTY CASH FUND**

A district may authorize the treasurer to establish and maintain a petty cash fund, not to exceed two hundred dollars. This petty cash fund is used to pay for such materials, supplies or services which are furnished to the district and which call for payment in cash or are of

such small amounts as to preclude payment in the usual manner. The petty cash fund is usually used for such things as: pay for postage due mail, purchase stamps, and obtain emergency office supplies.

A district may wish to establish a maximum amount that may be spent from the petty cash fund for any one item, such as ten or fifteen dollars. Any purchases made must be supported by a properly itemized bill made out to the district and marked "paid" by the supplier.

#### **4.05-12 ACQUIRE REAL AND PERSONAL PROPERTY**

A district may not purchase, receive or own real property (land or an interest therein) since there is no legislative authorization to do so.

A district may acquire such personal property it deems necessary to carry out district activities. This could include computers, cameras, file cabinets, desks, vehicles, or other such equipment. In addition, a district may, under an agreement, loan such equipment to a cooperating agency for its use in assisting the district.

#### **4.05-13 RENT OR LEASE REAL AND PERSONAL PROPERTY**

A district may rent or lease real or personal property. This includes office space, office equipment, vehicles, machinery and equipment or other items necessary to carry out district activities.

#### **4.05-14 SECURE INSURANCE ON REAL OR PERSONAL PROPERTY**

A district that acquires any personal property must secure adequate insurance to protect the district in case of loss or damage by reason of fire, theft or other misfortune. If buildings are rented or machinery and equipment are acquired, the district must also secure adequate liability and property damage insurance. For motor vehicles, bodily injury and loss of property insurance is required.

The determination of what is "adequate" insurance shall be made by the Board.

#### **4.05-15 JOIN ASSOCIATIONS AND ORGANIZATIONS**

Districts are encouraged to join and participate in the activities of conservation related associations and organizations. The Board decides which associations or organizations to join and authorizes the treasurer to pay dues and associated costs such as registration fees, travel expenses to attend meetings and conferences, and purchase of informational materials.

Each district is encouraged to join the Massachusetts Association of Conservation Districts and the National Association of Conservation Districts. These two associations' major objectives are to further the conservation movement in the Commonwealth and nation and to support and promote the activities of individual districts.

#### **4.05-16 ATTEND MEETINGS AND CONFERENCES**

Any Board can authorize its supervisors to attend meetings and conferences on conservation matters, no matter where such meetings or conference are held. Amounts provided for expenses are set for each meeting or conference at the discretion of the Board. All reasonable expenses may be paid, including, but not limited to: transportation, lodging, registration fees, meals, taxis and incidental expenses. Such authorization is to be recorded in district minutes.

#### **4.05-17 DEVELOP AND CARRY OUT AN INFORMATION PROGRAM**

An information program should be prepared by the Information Committee in conjunction with the preparation of the district Annual Work Plan and included as a part of the plan. Advice and counsel can be obtained from the UMassExtension and the NRCS. Some things to consider are: Newsletters, radio spots, news releases, poster and essay contests in schools, fair booths, tours and field days.

One part of the information program should be the broad distribution of various educational materials. Districts can prepare and print their own materials or purchase such materials, or request free materials from public agencies. Particular emphasis should be placed on obtaining and providing educational materials to school teachers and students.

#### **4.05-18 HOLD TOURS, FIELD DAYS, SEMINARS AND OTHER**

##### **CONSERVATION EVENTS**

Districts can hold, sponsor or co-sponsor such tours, field days, seminars or other events as they deem necessary. Such events are to be included in the Annual Work Plan.

#### **4.05-19 PUBLICIZE SOIL STEWARDSHIP WEEK**

Each year, one week is designated as Soil Stewardship Week where special emphasis is given to promoting soil conservation through local churches and other events and activities. The NACD has a broad selection of materials that can be purchased and used. NACD will provide, upon request, information on what is available, prices, and shipping information.

#### **4.05-20 PROVIDE AN ANNUAL TRAINING PROGRAM**

It is the responsibility of the conservation districts to ensure that leadership training is provided to each new supervisor within one (1) year of their election. And that each supervisor attends at least one (1) training session annually as described in 6.10.

#### **4.05-21 SPONSOR STATE LEGISLATION**

Districts have the right to sponsor state legislation on any conservation matter. A district also may present testimony before legislative committees on any matter it may wish to and to present, either orally or in writing, its opinions at public hearings held by local, state and federal agencies. To prepare state legislation, a district may hire legal assistance to assure that the proposed legislation is in the proper form for filing.

Usually the Legislative Committee recommends the need for new legislation to the Board.

#### **4.05-22 KEEP LEGISLATORS INFORMED**

As state governmental entities, conservation districts have a responsibility to keep state and federal legislators fully informed of matters affecting the legislators' districts and their constituents; conservation projects, services and technical assistance planned and completed within their legislative districts; key natural resources, important conservation challenges and potential opportunities within their districts; conservation services and technical assistance problems and interruptions that would adversely impact their constituents; as well as any information, projects and plans that would affect the legislators' districts and constituents, so that they may be prepared beforehand to deal with these issues and their consequences.

In keeping with this requirement to keep legislators fully informed, the conservation district should send periodic updates to all state and federal legislators within the district, including newsletters, highlight reports, press releases, annual reports and any other documentation of activities, plans, projects and accomplishments.

Individual supervisors should develop personal working relations with legislators and their staffs, so they know who to contact for information and assistance with conservation matters.

Legislators should be invited to project kick-offs and wrap-ups, as well as all major district events throughout the year, including the district's annual meeting.

Districts should consider hosting a legislative breakfast or lunch each year for all state and federal legislators and staff. Cooperating state and federal agencies, and other key parties interested in soil, water and natural resources conservation should be invited. The purpose of such an event is to present what the district has done, is doing, and is planning for the coming year.

District should also consider involving state and federal legislators and staff directly in Local Working Group meetings.

Districts should consider granting special recognition to any legislator who has been particularly active in, or provided assistance to, district activities, projects and plans. This recognition could be a plaque, a Certificate of Appreciation or naming the legislator as the district "Conservationist of the Year." Such recognition should be given at the District Annual Meeting accompanied by appropriate publicity.

**Districts**, as state governmental entities, are prohibited from lobbying state and federal legislators. Legislative lobbying is defined in M.G.L. Chapter 3 Section 39. In part the definition reads: "*Legislative lobbying, any act to promote, oppose, influence or attempt to influence legislation, or to promote, oppose or influence the governor's approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or non-action with respect to any legislation ...*" (For an official version of the lobbying law, the Secretary of the Commonwealth recommends that you refer directly to M.G.L. Chapter 3, Sections 39 – 50 in an official edition of the Massachusetts General Laws.)

#### **4.05-23 REQUEST LEGAL ASSISTANCE**

Often district need legal assistance, either in the form of legal services or for interpretations of law. Districts have access to the General Counsel of the Executive Office of Energy and Environmental Affairs for such services. If legal assistance is needed, the district should contact the Executive Secretary for the procedure to be used to request such assistance.

If immediate legal assistance is needed, a district may consider hiring its own attorney, after consultation with the Executive Secretary, and pay for said services from district funds.

#### **4.05-24 PROMOTE THE MASSACHUSETTS ENVIROTHON**

Each district should consider promoting the Massachusetts Envirothon program in its area as part of its education program. Information about the year's contest, current issue, workshops and event information can be promoted and distributed by the district to area high schools. For details, contact the Executive Secretary or the Massachusetts Envirothon Steering Committee. Districts can also look for information at [www.maenvirothon.org](http://www.maenvirothon.org).

#### **4.05-25 SPONSOR YOUTHS TO CONSERVATION CAMPS**

District often sponsor high school youths to summer conservation camps, such as the one held at the Ashland 4-H Camp Middlesex. A district is to establish definite criteria to use in

selecting those to attend. The criteria is then furnished to all high schools for nominations. From these nominations, the district makes its selection of the youths to attend.

#### **4.05-26 SPONSOR CONSERVATION CONTESTS IN SCHOOLS**

To interest youths in conservation and the environment, districts can sponsor various conservation contests in local schools, usually in the elementary grades. Such contests could be an essay contest, poster contest or science project. Appropriate prizes would be awarded with one or more to each school and a grand prize for the best in the district.

#### **4.05-27 AWARD CONSERVATION GRANTS**

Districts may award conservation grants to private, non-profit groups or units of government for conservation related projects. Grants could be for such things as: land acquisition and improvements; publishing directories or maps of conservation lands; purchase equipment; and preparation of a natural resource plan. The district would announce the grant program, provide criteria for eligible projects, and set a closing day by which applications have to be submitted.

#### **4.06 RULES OF PROCEDURES**

Districts are to operate under Robert's Rules of Order, which are universally accepted as the most effective rules of parliamentary procedure. Such rules are designed to provide a more business-like atmosphere to the meeting, keep discussion under control and reduce the number of decisions. If a district board has not already formally adopted these as its official rules, they should promptly do so and follow at all meetings.

#### **4.07 DELEGATION OF POWERS**

Districts have the power to delegate to one or more of the supervisors such of their powers and duties as they shall deem proper. This permits the supervisors to distribute the work of running the district and allows for the appointment of committees to do the work which must be done. (MGL Ch. 21, Sec. 23)

#### **4.08 INFORMATION TO STATE COMMISSION**

Districts shall furnish the State Commission and the Director, copies of such rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ and such other information as may be requested. (MGL Ch. 21, Sec. 23)



#### **4.09 CONSULTATION WITH STATE POLITICAL SUBDIVISIONS AND AGENCIES**

Districts may invite the governing body of any political subdivision of the Commonwealth or any department, board or commission thereof to designate a representative to advise and consult with them in program policy matters, where the rights or interests of such subdivision or agency might be concerned or affected. The affected political subdivision should be represented in the formation of any plans which might affect them. (MGL Ch. 21, Sec. 23)

#### **4.10 BULK MAIL PERMITS**

Districts should consider obtaining a bulk mailing permit which permits the district to make large mailings of newsletters, questionnaires or tree order forms at a lesser cost. For details on obtaining and using a bulk mailing permit, contact the local post office.

#### **4.11 TAX EXEMPTION NUMBERS**

District, as state governmental units, are exempt from paying certain taxes. However, before claiming this exemption, a district must apply for a tax exemption number. For the procedure to use in acquiring this number and which taxes are exempt, request assistance and information from the Executive Secretary.

#### **4.12 DISTRICT BY-LAWS**

Districts may prepare and adopt district by-laws that are written specifically for the operations of that district. Such by-laws outline the operating policies and procedures adopted by the board and would assure that all matters coming before the board are handled equitably and efficiently, without discrimination against anyone or any organization.

Any by-laws developed must be reviewed and checked against the policies and procedures presented in this reference manual to ascertain that they are not in conflict with state law or State Commission policies and procedures. The proposed by-laws must be presented for a public hearing and approved by a vote of the State Commission before they are adopted.

# Chapter 5

## ***CONSERVATION DISTRICT DIVISIONS***

### **5.00 Revision Date for this Chapter**

### **5.01 POWERS OF A DIVISION**

Section 25A of MGL, Ch. 21 empowers divisions with any and all of the powers of districts as set forth in Sections 21 to 25 inclusive.

The chairperson of each division is the division's official representative on the state commission.

It is therefore important that divisions meet at least annually to elect a chairperson. It is possible that divisions may limit their activities to this one function. Divisions that wish to become more active and expend funds, hire employees, develop programs, etc, must follow the rules for the operation of conservation districts laid out in chapter 4 and the appropriate funding rules in chapter 8 and the reporting rules for districts contained in chapter 9.

### **5.02 Establishing Conservation District Divisions**

Section 20(11) of MGL, Ch. 21 authorizes the State Commission to establish, with the approval of the majority of the chairpersons of the districts, six conservation district divisions. Each division, at the discretion of the State Commission, may include one or more conservation districts.

At the May 22, 1985 State Commission meeting, it was voted to establish six conservation district divisions, as follows:

Division I - Cape Cod Conservation District

Dukes Conservation District

Nantucket Conservation District

Division II - Bristol Conservation District

Norfolk Conservation District

Plymouth County Conservation District

Division III - Essex Conservation District

Middlesex Conservation District

Suffolk Conservation District

Division IV - Worcester County Conservation District<sup>2</sup>

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<sup>2</sup> The Worcester Conservation District Division was created on August 22, 1996 after Southern Worcester County Conservation District, Northeast Worcester County Conservation District and

Division V - Franklin Conservation District  
Hampden Conservation District  
Hampshire Conservation District

Division VI - Berkshire Conservation District

### **5.03 DISSOLVING CONSERVATION DISTRICT DIVISIONS**

If it becomes necessary to dissolve a Conservation District Division, the following procedure shall be used:

- (1) Division representative(s) desiring to dissolve a division makes a motion at a regularly scheduled meeting that the division be dissolved.
- (2) Upon a unanimous affirmative vote by all division representatives, the Secretary of the Division notifies the Chairperson of the State Commission, that the Division wishes to be dissolved. If the vote is not unanimous, the Division will not be dissolved.
- (3) The State Commission Chairperson notifies each district chairperson that the Division wishes to dissolve and asks for a vote by the district as to whether or not the district is in favor of the division dissolving.
- (4) Upon receipt of a majority affirmative votes of all districts, the State Commission Chairperson brings the matter before the State Commission at the next regularly scheduled meeting for a vote to dissolve the division. Upon a majority vote, the division is dissolved. If a majority of the districts vote not to allow the division to dissolve, the division will not be dissolved.
- (5) Immediately after a Division is dissolved, the Division Representatives terminate the affairs of the Division and dispose of any and all property belonging to the Division. Any division funds remaining after payment of outstanding bills are paid to the State Treasury. The State Treasury would, for three years, use these funds to pay any just and valid claims against the division. Any remaining funds would then revert to the State General Fund.

### **5.04 CONSERVATION DISTRICT REPRESENTATIVES**

Section 24(12) of the MGL, Ch. 21 requires that a representative to the Division in which the district is located be elected by the district board by majority vote to represent the district at the division level. This person must be a district supervisor.

Each district shall have one vote at all division board meetings which will be cast by the district's official representative. If the representative cannot attend, the district chairperson may designate another supervisor as official representative for that board meeting. Other supervisors are invited to attend and participate in the meeting when recognized by the division chairperson.

## **5.05 OFFICERS OF THE DIVISION**

A Chairperson shall be elected annually. The Chairperson shall be a district representative.

## **5.06 MEMBERSHIP ON THE STATE COMMISSION**

Each of the six division chairpersons represents their division on the State Commission. In case that a chairperson cannot attend a State Commission meeting, a designee from among the remaining division representatives or, where they are not available, the supervisors of the districts within the division is appointed following the procedures outlined in Chapter 3.03-2.

The Executive Secretary and the State Commission chairperson are to be promptly notified when the division chairperson changes so that the division can be represented at the next State Commission meeting.

## **5.07 MEETINGS**

Each division board will meet at least annually. Special meetings may be called by the Division Chairperson or by a majority of Division Representatives at any time. Minutes of each divisional meeting shall be sent to each district in the division, the Executive Secretary, and the Chairperson, State Commission. Division meetings are subject to the requirements contained in the Open Meetings Law.

## **Chapter 6**

### ***DISTRICT SUPERVISORS***

#### **6.00 Revision Date for this Chapter**

#### **6.01 QUALIFICATIONS OF A DISTRICT SUPERVISOR**

In the early years when the sole emphasis of districts was to assist farmers, supervisors were then usually farmers. In more recent years, however, there has been a developing trend for other types of people to become supervisors; in fact, a supervisor may come from almost any walk of life or from any profession.

One thing all supervisors must have in common is a deep interest in the field of conservation, a belief in their obligation to help in this effort, and the dedication to conscientiously perform their duties as supervisors.

The only legal requirement for someone to become a supervisor is that the person be a land occupier residing in or owning land within the district.

To provide representation throughout the district, it is suggested that an effort be made to have supervisors elected from different areas of the district. This can be accomplished by locating persons who: live in different areas of the district; who realize the value of conservation to their community; who have an interest in soil and water conservation; and who will devote the time necessary to function efficiently as a supervisor. One way for someone to determine if they would like to serve would be to serve as an associate supervisor. This would give them a chance to attend board meetings and participate in district activities.

#### **6.02 ELECTION OF SUPERVISORS**

A conservation district is governed by a five to seven member board of supervisors. When a five supervisor board votes to expand to a seven supervisor board, the two additional positions will be filled at the district's next Annual Meeting, with terms of office of one and of two years. The district must inform the Executive Secretary that the legal notice for that meeting shall announce three vacancies to be filled by election.

Each supervisor, the year after expansion and thereafter, is elected to a three year term of office by the land occupiers of the respective district, with one or more supervisors elected at the Annual Meeting. For fulfilling unexpired terms, see Section 6.05-1.



\_\_\_\_\_ (Candidate for Reelection)

\_\_\_\_\_ (Candidate for Reelection)

\_\_\_\_\_ (Nominated from Floor)

\_\_\_\_\_ (Nominated from Floor)

\_\_\_\_\_ (Nominated from Floor)

(7)The Chairperson of the State Commission or designated representative acts as the Election Official and conducts the election. This person will read the public notice and Section 22 of the enabling legislation to familiarize those attending with the election procedure.

(8)The Election Official announces the voting eligibility requirements, reads the legal notice from the paper and calls upon the Nominating Committee Chairperson to make the committee's report. When this is completed, the Election Official calls for nominations from the floor.

To be eligible to vote, a person must be a resident, land-owner, occupier or a town served by the district which is holding the election and must be of legal voting age as defined by the Commonwealth. The term "resident or occupier" shall imply primary or secondary residency. The term "landowner" shall imply to anyone who owns land and/or buildings in the district.

The Election Official and/or the district may require proof of eligibility of anyone before voting, if deemed necessary.

(9)After nominations have been closed, secret ballots are cast by those eligible voters attending for their choice of the nominees. All ballots cast will be saved in case election results are challenged.

(10)The Election Official appoints a teller committee of three attendees (non-voting and non-district wherever possible) to count the ballots and report to the Election Official the results of the balloting.

(11)The nominee receiving the highest number of votes for any office to be filled is declared elected.

(12)In the event of only one nominee, a motion can be made to instruct the Secretary of the District to cast one ballot in favor of the nominee.

(13)The Election Official then swears in the newly elected supervisors. The following Oath of Office shall be used:

"I, (name), hereby accept the office of Supervisor of the (name of district) Conservation District, pursuant to Chapter 21 of the Massachusetts General Laws,

Sections 18 to 25A, as amended, for a term of three years and agree to faithfully perform the duties of that office."

- (14)The Election Official sends the names of the elected supervisors, along with a biographical sketch, to the Executive Secretary.
- (15)The Executive Secretary sends three copies of the "Certificate Of Election" to the district administrator for signature by the newly elected supervisors. All newly elected supervisors, including incumbents who have been re-elected, must sign the certificate, have their signature notarized, and return two copies to the district secretary, who will in turn, place one copy in the district files and send the other to the Executive Secretary for filing. A copy must be on file with the Executive Secretary within thirty days following election before a supervisor's vote is legal.

In addition to the Certificate of Election, other informational material and required documents will be mailed by the Executive Seretary to the newly elected supervisor including a "Certificate of Receipt of Open Meeting Law Materials," and the State Ethics Commission "Introduction to the Conflicts of Interest Law."

### **6.03 FILLING VACANCIES**

Vacancies for supervisor shall be filled by the State Commission for the unexpired term. (MGL Chap. 21, Sec. 22)

If a vacancy occurs, the following procedure will be followed:

- (1)The Board notifies the Executive Secretary of the State Commission as soon as the vacancy occurs.
- (2)Within thirty days, the Nominating Committee prepares a list of candidates and submits it to the board. The board then submits to the Executive Secretary a list of one to two names of candidates for each vacant position, along with their addresses, telephone numbers, and biographical sketches outlining each candidate's qualifications.
- (3)At the next meeting of the State Commission following receipt of the list of candidates, the Executive Secretary presents the slate of candidates to the State Commission which selects the candidate to fill the unexpired term.
- (4)The Executive Secretary promptly notifies the appropriate board of the candidate selected, sending one copy of the letter to the successful person.
- (5)The Executive Secretary sends three copies of the "Certificate of election" to the appropriate district administrator for signature by the newly appointed supervisors. Each newly appointed supervisor must sign the certificate, have their signature notarized, and return two copies to the district administrator, who will in turn, place one copy in the district files and send the other to



the Executive Secretary for filing. A copy must be on file with the Executive Secretary within thirty days following appointment before the supervisor's vote is legal.

(6)The Chairperson of the State Commission or designated representative attends the next regular meeting of the district to swear in the newly appointed supervisor.

## **6.04 OFFICERS OF THE DISTRICT**

At the first regular meeting following the annual election, the supervisors will elect officers for the ensuing year. These officers shall be Chairperson, Vice-Chairperson, Secretary, and Treasurer (or Secretary-Treasurer), each to serve for one year.

### **6.04-1 CHAIRPERSON**

The chairperson shall be a member of the board. The chairperson provides leadership in all district activities and conducts all regular or special meetings.

The chairperson attends, or appoints a representative to attend, meetings with town committees, agencies or other groups when district representation is needed.

### **6.04-2 VICE-CHAIRPERSON**

The Vice-chairperson shall be a member of the board and serves as chairperson in the absence of the chairperson.

### **6.04-3 SECRETARY**

The Secretary may be a member of the board, an associate supervisor, or an employee of the district. The Secretary distributes agendas and notifies members of all meetings; prepares correspondence; takes, duplicates, and distributes minutes of meetings; files all pertinent materials; and keeps other records necessary for transacting district business.

### **6.04-4 TREASURER**

The Treasurer may be a member of the board, an associate supervisor, or an employee of the district. The Treasurer keeps all financial records, pays all due and just obligations, reports at regular meetings the monthly receipts and expenditures, prepares financial reports and the Annual Audit, and notifies the board of any budgetary concerns.

## **6.04-5 FILLING VACANCIES OF OFFICERS**

If, for any reason a vacancy occurs, the remaining supervisors elects, at the next regular meeting, an appropriate person to fill the vacant office.

## **6.05 ASSOCIATE SUPERVISORS**

To assist the board in the many different and time consuming duties which they must perform, it is recommended that the board appoint associate supervisors. Associates are non-voting members of the board. They can speak at any meeting, serve on committees, serve as secretary or treasurer, and represent the district as directed by the chairperson.

Their qualifications are the same as for supervisors. Serving as an associate is a good way to train persons to assume the position of supervisor at a later date. It also allows someone with limited time to participate in district activities. Sometimes a supervisor resigns or does not seek re-election. In those cases, it is suggested that these persons be appointed associate supervisors in order to make use of their experience and knowledge gained over the years.

## **6.06 JUNIOR SUPERVISORS**

Junior supervisors are usually high school or college students with a demonstrated interest in soil and water conservation. They would usually be 4-H or FFA members, active in school environmental clubs or majoring in biology or other physical science.

Junior supervisors may attend board meetings as non-voting members, participate in all district activities, and undertake special projects to further the conservation movement in the district. Things junior supervisors could do are: organize conservation clubs in their schools; assist supervisors to teach conservation to elementary school classes; plan and carry out conservation demonstration areas on school lands; and work with school officials to plan and set up outdoor classrooms on school grounds for teaching conservation and natural science.

## **6.07 TERMS OF OFFICE**

### **6.07-1 SUPERVISORS**

A supervisor is elected to a three year term at the district annual meeting. If a supervisor resigns before the term has expired, the State Commission fills the vacancy for the unexpired term as outlined in Chapter 6.05.

A nominating committee may nominate a supervisor whose term is expiring for re-election, for as many times as the person agrees to serve.

### **6.07-2 ASSOCIATE SUPERVISORS**

Associate supervisors are appointed for terms of two years and may be re-appointed for as many terms as the person agrees to serve and the board asks them to serve.

### **6.07-3 JUNIOR SUPERVISORS**

Junior supervisors are appointed for a term of one year and may be reappointed at the discretion of the board.

### **6.08 REMOVAL FROM OFFICE**

A supervisor may be removed from office for cause by the land occupiers in the district. Such cause could be neglect of duty, absence from three or more consecutive regular meetings without legitimate reasons, failure to perform accepted assignments, or malfeasance in office.

Before taking formal action, the board should ask, in writing, the supervisor to resign. In the event the person does not resign, the board may hold a special district-wide meeting of land occupiers to remove the supervisor. The following procedure will be used:

- (1)The board notifies the State Commission and the Executive Secretary twenty-one days prior to the special meeting.
- (2)The Executive Secretary, acting for the State Commission, gives public notice of such a meeting by publishing a public notice in a newspaper published in the district or having general circulation throughout the district.
- (3)The State Commission Chairperson or designated representative conducts the meeting. Following a motion made by the chairperson of the local board, the supervisor will be removed if a majority of those land occupiers present so vote. Less than a majority, the supervisor will continue on the board for the remainder of the three years.
- (4)A resulting vacancy will be filled by the State Commission as described in Chapter 6.05.

Another method would be to make the removal of the supervisor one item of business at the next Annual Meeting. If a majority of land occupiers present vote to remove the supervisor, then the vacant position could then be filled during the election as any other vacancy.

## 6.09 SUPERVISOR TRAINING

An effective supervisor must know what to do and how to do it. The district board has the responsibility to ensure that every newly elected supervisor successfully completes basic district official training within one year of his/her election or appointment. The district holds the same responsibility to ensure that staff and volunteers are trained to maintain the highest standards of constituent service that is demanded of conservation districts. Districts are expected to retain training records for supervisors and staff.

Roles and responsibilities of conservation districts evolve over time. New laws are enacted by the U.S. Congress and the General Court of Massachusetts, and new policies, procedures and regulations are adopted by the State Commission and the Administration. To remain current in this environment, each supervisor must attend at least one training session annually, and staff and volunteers should be encouraged to attend professional development training each year.

Qualified training may be delivered through a wide variety of sources and venues, such as

- (1) formal and informal programs
- (2) on-line and distance learning modules
- (3) presentations, briefings and lectures
- (4) technical workshops and seminars
- (5) quarterly and annual State Commission and MACD meetings
- (6) regional and national conservation conferences
- (7) monthly district meetings

Training may be sponsored by the district, MACD, the State Commission, MDAR, EEA, NRCS, NACD, or other competent public and private entities on topics which relate to natural resources, conservation, wildlife, planning, energy, agriculture, forestry, public finance, business and accounting skills, leadership, legislative engagement, laws, policies, regulations and a host of other issues related to the operation of conservation districts. Relevancy of specific training is determined by the district board.

Assistance for district official training programs may be obtained from MACD and the State Commission. MACD offers a nationally certified training program for supervisors and staff, created in partnership with the State Commission. These training modules are accessible on line. They can also be presented by MACD, in partnership with the State Commission, at local and regional leadership seminars. Access to specialized training on regulatory topics, new laws, or evolving policies may be offered from time to time by the Commonwealth. The Executive Secretary of the State Commission will strive to pro-actively inform districts and MACD of such opportunities as they arise.

## **6.10 POWERS OF A SUPERVISOR**

Supervisors are granted several broad powers and other duties and responsibilities under the district enabling act (MGL Ch.21, Sections 23-24-25). Certain of these powers and duties are clearly defined in the act and others are implied. Some of the powers, specifically assigned to supervisors in the act, are:

### **6.10-1 SURVEYS, INVESTIGATIONS AND RESEARCH**

Supervisors have the power to conduct surveys, make investigations and enter into research relating to the conservation and development of natural resources; the control and prevention of soil erosion; the prevention of erosion, floodwater and sediment damages; the conservation, development, utilization and disposal of water; and the prevention and control measures needed to solve conservation problems. Information collected is disseminated and results are published. All such surveys, investigations and research are considered public property and available to everyone. (MGL Ch. 21, Section 24(1))

### **6.10-2 EROSION CONTROL PRACTICES**

Supervisors have the power to carry out preventive and control measures within the district on any lands, including those lands owned by the Commonwealth. Measures installed are at the request of, or with the consent of, the occupier of those lands. (MGL Ch. 21, Section 24(2))

### **6.10-3 COOPERATION AND AGREEMENTS TO FURNISH AID**

Supervisors, within the limits of their resources, have the power to cooperate with or to enter into agreements with any agency, governmental or otherwise, or occupiers of lands within the district, to furnish aid for the purpose of carrying out the district program. This permits the supervisors to enter into agreements concerning the work to be done with land occupiers and others. These agreements will stipulate the assistance to be furnished by the district, the terms under which it will be supplied, and the obligations of both the district and the cooperating party. (MGL Ch. 21, Section 24 (3)).

### **6.10-4 ACQUIRE AND MAKE AVAILABLE PERSONAL PROPERTY**

Supervisors have the right to acquire and make available to land occupiers within the district the necessary machinery, equipment and materials to assist the land occupier to carry out a soil and water conservation program and to specify the terms under which this assistance is made available. The district may purchase, if funds are available, or accept as gifts or lease or rent such machinery, equipment or materials necessary to carry out the district program. (MGL Ch. 21, Section 24 (4))

## **6.10-5 STRUCTURES**

Supervisors may construct, improve, operate and maintain any structures necessary or convenient for the performance of any of the operations authorized by MGL Ch. 21, Sections 18-25A, inclusive. These structures include buildings to house the offices of the district. (MGL Ch. 21, Section 24(5))

## **6.10-6 COMPREHENSIVE PLANS**

Supervisors can develop and publish comprehensive plans for the conservation of soil and its resources and for the control and prevention of soil erosion. These plans may contain information necessary to carry out a successful program and should indicate what must be done if soil conservation is to be achieved. (MGL Ch. 21, Section 24 (6))

## **6.10-7 ACCEPT CONTRIBUTIONS**

Supervisors can accept contributions or appropriations in money, services, materials, or otherwise, from federal agencies or from the Commonwealth or any of its agencies or subdivisions, or from any person, firm or corporation. This permits the district, as a public body, to receive assistance from any source and in any form to help carry out the district program. (MGL Ch. 21, Section 24 (7))

## **6.10-8 District as an entity**

### **6.10-8a *SUE AND BE SUED***

Supervisors have the authority to bring suit and to be sued in the name of the district. As public officials governing a public body, supervisors act in the name of the district. Therefore, they cannot be held personally liable for the official acts of the district. However, all supervisors must assure that their actions are in accord with the actions passed by the board as recorded in the meeting minutes. (MGL Ch. 21, Section 24 (8))

### **6.10-8b SEAL**

Supervisors have the power to have a common seal which shall be judicially noticed. The secretary of the board will maintain the seal. (MGL Ch. 21, Section 24 (8))

### **6.10-8c CONTRACTS**

Supervisors can make and execute contracts and other instruments necessary and convenient to the exercise of their powers. This gives the district the right to enter into contracts with

private contractors, public agencies and others for any works that are necessary to carry out the district Annual Work Plan. (MGL Ch. 21, Section 24(8))

### **6.10-8d RULES AND REGULATIONS**

Supervisors may make, amend or repeal rules and regulations necessary to permit them to carry out the purposes and powers of the district. These will mainly be the policies and administrative procedures for carrying on the district's work. Any rules and regulations shall be the result of official action of the board and duly recorded in the minutes. (MGL Ch. 21, Section 24 (8))

### **6.10-9 FEES AND AGREEMENTS**

#### **6.10-9a ESTABLISH FEES**

Supervisors may, with the approval of the State Commission, charge reasonable fees for any services or benefits extended under Chapter 21 Sections 18 through 25, inclusive, except that no fee may be charged for work on lands owned or controlled by the commonwealth or any of its departments, boards or commission; or for work provided by federal or state employees. (MGL Ch. 21 Section 24(9))

#### **6.10-9b CONTRIBUTIONS BECAUSE OF BENEFITS EXTENDED**

Supervisors may ask for contributions in money, services, materials or otherwise, from land occupiers upon whose lands work is performed. This does not apply to lands owned or administered by the commonwealth or any of its agencies. Any work performed by the district on any land is carried out with the consent of the landowner. The details of any land occupier's contributions should be included in the agreement between the land occupier and the district. (MGL Ch. 21, Section 24 (9))

#### **6.10-9c AGREEMENTS COVERING THE USE OF LAND**

Supervisors may ask land occupiers to enter into and perform such agreements or covenants covering the permanent use of lands upon which the district performs work. This includes requiring the land occupier to agree to maintain any works which the district helps install. (MGL Ch. 21, Section 24 (9))

### **6.10-10 REVIEW OF STATE-OWNED LANDS**

Supervisors are to periodically review the natural resource management and the management policies for all state owned land with their district. This review should coincide with the

development or update of the state's five-year natural resource plan by the State Commission. Findings are to be reported to the State Commission as they arise, but at least every five years, commencing in January 1985. (MGL Ch. 21, Section 24(10))

### **6.10-11 DISTRICT BY-LAWS**

Supervisors have the authority to adopt by-laws to govern the operation of the district. After the proposed by-laws are approved by the board, the board shall submit the by-laws to the State Commission for review and approval. Following this approval, the board will hold a public hearing for all land occupiers in the district. At least ten days prior to the public hearing, the Executive Secretary, acting for the State Commission, will give public notice of the public hearing to land occupiers by publishing a public notice in a newspaper published in the district or having a general circulation throughout the district. (MGL Ch. 21, Section 24(11))

### **6.10-12 DISTRICT DIVISIONS**

Each district has one representative on the division board in the division in which the district is located. The supervisors will elect one supervisor, by majority vote, to be that representative. This supervisor will represent the district at all district division meetings and vote according to district dictates. (MGL Ch. 21, Section 24(12))

### **6.10-13 COOPERATION BETWEEN DISTRICTS**

Supervisors of any two or more districts may cooperate and enter into agreements with one another where necessary to carry out their work. Many times there are regional problems or opportunities affecting several districts and it can be advantageous for the districts to work together toward a common goal. (MGL Ch. 21, Section 25)

### **6.10-14 DELEGATION OF POWERS**

Supervisors have the power to delegate to one or more of their members such of their powers and duties as they shall deem proper. This permits the supervisors to distribute the work of running the district and allows for the appointment of committees to do the work which must be done. (MGL Ch. 21, Section 23)

### **6.10-15 CONSULTATION WITH STATE POLITICAL SUBDIVISION AND AGENCIES**

Supervisors may invite the governing body of any political subdivision of the commonwealth or any department, board or commission thereof, to designate a representative to advise and consult with them in program and policy matters, where the rights or interest of such subdivisions or agency might be concerned or affected. The affected political



subdivision should be represented in the formation of any plans which might affect them.  
(MGL Ch. 21, Section 23)

## **6.11 COMPENSATION**

Supervisors shall be paid at a rate determined by the Director, with the concurrence of the State Commission, for each day of actual service rendered and their necessary traveling and other expenses, subject to appropriations. (MGL Ch. 21, Section 22)

## CHAPTER 7

### ***CONDUCTING DISTRICT AND DIVISION MEETINGS***

#### **7.00 Revision Date for this Chapter**

#### **7.01 MEETINGS**

The District Board shall meet regularly on a monthly basis in a public building or other place which is open to the general public. The Division Board will meet at least annually and more often if necessary. Anyone wishing to attend will be welcome. They will be heard if they desire to speak and are recognized by the Chairperson in accordance with the district meeting rules and the provisions of the Open Meeting Law.

Special meetings of the district and division may be called with proper notice at any time by the chairperson or at the request of the majority of the members.

#### **7.02 OPEN MEETING LAW**

District and division meetings fall under the statute (**OPEN MEETING LAW, G.L. c. 30A, §§ 18-25**) requiring open meetings. The requirements for notice of said meetings as set forth in the statute must be complied with by each district and division.

#### **940 CMR 29.00: Open Meetings - 29.03: Notice Posting Requirements**

##### **Requirements Applicable to All Public Bodies**

- (a) Except in an emergency, public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays, in accordance with M.G.L. c. 30A, §20. In an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting
- (b) Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. The date and time that the notice is posted shall be conspicuously recorded thereon or therewith.
- (c) Notices posted under an alternative posting method authorized by 940 CMR 29.03(2)-(5) shall include the same content as required by 940 CMR 29.03(1)(b). If such an alternative posting method is adopted, the municipal clerk, in the case of a municipality, or the body, in all other cases, shall file with the Attorney General written notice of adoption of the alternative method, including the website address where applicable, and any change thereto, and the most current notice posting

method on file with the Attorney General shall be consistently used

**Requirements Specific to Regional or District Public Bodies.**

(a) Notice shall be filed and posted in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

(b) As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.

Please see the Open Meeting Law Guide put out by the Attorney General's Office – Appendix B

**7.03 QUORUM**

A majority of board members shall constitute a quorum and the agreement of a majority shall be necessary before official actions of the board shall take place on any matter under consideration by the board.

**7.04 AGENDA**

The district chairperson shall prepare an agenda for each regular and special meeting and send it, at least one week prior to the meeting date, to each supervisor, associate supervisor, junior supervisor, appropriate NRCS field office and the Executive Secretary. The division chairperson shall prepare an agenda for each regular and special meeting and send it, at least one week prior to the meeting date, to each division representative, chairperson of each district in the division and the Executive Secretary. This agenda will also serve as the official notification of the meeting to the interested parties.

**7.05 CONDUCT OF MEETINGS**

The board shall adopt an order of business to follow in conducting their meetings so that meetings will be carried out in an orderly and efficient manner. The agenda shall follow this adopted order of business.

A suggested order of business is:

- (1) Call to order by the Chairperson.
- (2) Determination of a quorum.
- (3) Minutes of last meeting read by the Secretary.

- (4) Adoption of minutes of last meeting.
- (5) Old Business:
  - (a) Financial report by the Treasurer.
  - (b) Committee reports.
  - (c) Reports of actions taken as a result of previous decisions by the board.
  - (d) Reports of cooperating agencies.
  - (e) Other.
- (6) New Business:
  - (a) Requests for district or division assistance.
  - (b) New cooperator agreements and priority determinations (districts only).
  - (c) New policies.
  - (d) New Programs.
  - (e) Other.
- (7) Adjournment.

## **7.06 MINUTES OF DISTRICT AND DIVISION MEETINGS**

"The supervisors shall provide ....., for the keeping of records of all proceedings and orders issued or adopted, ....." (MGL Ch. 21, Sec. 23).

- a) A District or Division Secretary is responsible for creating and maintaining accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
- (b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.
- (c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the district at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety. The following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

Copies of the minutes should be sent to:

-- All board members.

-- Executive Secretary.

-- Chairperson, State Commission.

– copies can be made available to others upon request.

All minutes will be kept in a permanent file in the district or division office. It is suggested that the minutes be filed in a three ring binder. This allows for easy review and keeps the minutes in one place.

## **7.07 RULES OF ORDER**

As noted in Chapter 4.06 district and division meetings shall be conducted following Robert's Rules of Order.

## **7.08 ANNUAL MEETING**

Each district will hold an Annual Meeting to which district cooperators, other agency personnel and the general public are invited. This meeting is used to elect one or more supervisors and to inform attendees of the activities of the district during the past year. The date of the Annual Meeting is set at the discretion of the board, but a fall meeting, at the same time each year, is suggested. This allows the Board to hold an election for new supervisors, to report on activities and finances for the entire previous year, and to present awards such as "Outstanding Cooperator". The Annual Report should be completed and distributed at this meeting. Many

districts include a field trip to see conservation work or special features in the district as part of their Annual Meeting. This is an excellent way to gain publicity and get more people, particularly non-farm people, to attend. The supervisors must make sure that the tour and meeting are publicized through the local media.

A suggested agenda for the Annual Meeting is:

- Welcome - District Chairperson.
- Introduction of Noted Guests and Supervisors - District Chairperson.
- Purpose and Duties of a District - A supervisor.
- Report of Nominating Committee - Committee Chairperson.
- Election of Supervisor(s) - All District land occupiers in the audience.
- Swearing in of Elected Supervisor(s) - State Commission Chairperson or designee.
- Awards (if any presented) - District Chairperson.
- Program.
- Adjournment.
- Refreshments (if provided).

The Annual Meeting should never be more than two hours long and start no later than 8:00 p.m. If a tour is held, supervisors should consider combining a dinner (usually paid for by attendees) with the annual meeting, which would then immediately follow the meal.

## **7.09 Conservation District Records Retention**

As subdivisions of state government, conservation districts are subject to public records retention rules. These rules specify what records need to be kept, and for how long, and the required process for disposing of those that can be discarded. But first, there is a formal process in place to get rid of any of these items in accordance with the Records Destruction Schedule developed by the Records Conservation Board.(RCB)

Complete information outlining the process can be found on their website:

<http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>

The RCB maintains a complete list of the kinds of records that state entities generally possess (meeting minutes, personnel, financial, technical data, etc.) and stipulates the

number of years or months any of these records must be kept. Even if you're microfilming or scanning documents, you must utilize this process before you throw the originals away.

In addition to being required, the advantage of putting this in place is to have a clear resolution process for old records. If anyone were to challenge your district for throwing away an old record, you would have the needed proof that the destruction was done properly and in accordance with the RCB requirements. It also helps you to establish a process for filing and tracking future documents which will make it easier to discard them once the retention period has expired.

See appendix D for sample copy of RCB *“FORM RCB-2 – APPLICATION FOR DESTRUCTION PERMISSION”*

## **CHAPTER 8**

### ***DISTRICT AND DIVISION FUNDING***

#### **8.00 Revision Date for this Chapter**

#### **8.01 FISCAL YEAR**

The fiscal year for conservation districts and divisions is from July 1 to June 30 annually. All district and division financial records are to be closed at end of business on June 30 each year.

#### **8.02 SOURCES OF FUNDS**

Section 24, Subsection (7) of MGL Ch. 21 allows districts and divisions to “accept contributions of money, services, materials or otherwise, for carrying on their operations, from federal agencies, or from the commonwealth, or any political subdivision thereof, or from any person, firm or corporation.” Subsection (9) authorizes district and division supervisors to “establish reasonable fees with the approval of the commission.” and to ask “for contributions in money, services, materials or otherwise” as a condition for extending benefits under Sections 18 through 25 of MGL Ch 21 on any lands not owned or controlled by the commonwealth or any of its departments, boards or commissions.

In Massachusetts at present, districts may receive funds from the following sources:

#### **8.02-1 STATE APPROPRIATIONS**

Annually, the Division of Conservation Services shall include in its budget request an amount of money requested by the State Commission to assist districts and divisions in carrying out their operations. When the budget is approved, these funds are then allocated to individual districts or divisions by the State Commission under MGL Ch. 21, Section 20(6).

The State Commission, acting on budget requests submitted by each district and division, allots such funds as are appropriated by the Legislature for administrative expenses and special projects/special needs.

#### **8.02-2 DISTRICT AND DIVISION GENERATED FUNDS**

Most districts and divisions have adopted additional ways to earn funds to carry out their conservation operations. Districts and Divisions may employ any legal means to raise monies for their purposes.



### **8.02-3 FEES AND CONTRIBUTIONS**

MGL Ch. 21, Section 24(9) allows districts and divisions to charge reasonable fees for services provided by district or division employees or consultants. Fees should cover any costs incurred by the district or the division and help offset other administrative costs as well. Any funds remaining after paying for services rendered may be used for any district or division activity.

### **8.02-4 GRANTS**

Districts and divisions may apply for grants from state and federal agencies, private organizations and foundations or any other group that provides funds for conservation purposes.

There are resources available that list private organizations and foundations that have grant programs, what they will make grants for and to whom to submit an application. Many granting foundations are little known and provide grants in a limited geographical area. Most will only grant funds for special projects with definite goals and end products and most will not grant funds just for administrative expenses.

### **8.03 USE OF FUNDS**

A district or division may use any funds under its control for any conservation related purpose as approved by a vote of the board. This includes state funds, district or division generated funds, fees and contributions, grants and any other funds obtained by the boards. State funds or grant funds for special projects and special needs are only to be used to carry out that specific project. State appropriated and allocated administrative funds are used to finance administrative costs, and may be supplemented by other funds as needed.

### **8.04 ABILITY TO EARN INTEREST**

District and division funds may be invested in interest bearing certificates or accounts. Interest earned may be used for district or division programs at the discretion of the board.

### **8.05 ACCOUNTABILITY**

All funds received by district and divisions, no matter the source, are considered public monies. Supervisors and representatives of districts and divisions are accountable for all funds received and spent by their boards. They must make sure that all expenditures are legal and correct. Detailed records must be kept of all monies received and disbursed. All funds received from any source, whether the Commonwealth, federal agencies or those raised by the district or the division must be audited each year in accordance with Section 23 of MGL Ch 21. Since district

and division generated funds are considered state funds, they are also subject to audit by the State Auditor.

With the exception of petty cash expenditures, all payments shall be made by check. The authorization of expenditures shall be approved by a majority of supervisors or district representatives at a district or division meeting and so recorded in the minutes. All district and division bank and financial accounts shall have at least two signatories. It is recommended that these include the Chairperson and the Treasurer. Each district and division should issue board approved financial management policy defining who may sign and issue checks and financial instruments. Any check over \$2,000 requires at least two authorized signatures.

Each month, the treasurer shall reconcile bank statements with the checkbook and treasurer's records, prepare a report of expenditures and disbursements, and make a written report at the regular district or division meeting. This report shall be attached to the district or division minutes and shall include all funds under the control of the district or the division.

## **8.06 BUDGET REQUESTS**

In order to receive state funds, each district and division must prepare an annual budget request and submit it to the State Commission through the Executive Secretary by September 1 each year for consideration by the State Commission.

The State Commission shall annually develop a budget for the operation and maintenance of conservation districts, conservation districts divisions, and the State Commission for submission to the Director, Massachusetts Division of Conservation Services by October 20.

To keep the State Commission informed of funding, the Director of Conservation Services shall:

- a. Provide the State Commission with a copy of the Division's budget submitted to the EEA Secretary
- b. Keep the State Commission informed of any changes made during the legislative process.
- c. Provide the State Commission with a copy of the final appropriation made by the Legislature of the amount of funds appropriated for the State Commission, the Conservation District and the District Divisions.

The State Commission shall make the final decision on allotting state appropriated funds to conservation districts and divisions.

### **8.06-1 ADMINISTRATIVE FUNDS**

Administrative funds are to be requested by district and division for specific items and denoted by subsidiary account numbers. A copy of current account numbers may be obtained annually from the Executive Secretary of the State Commission.

The Executive Secretary shall provide all necessary forms for districts or divisions to use to request administrative funds and to submit district and division budgets.

The district or division board should carefully estimate the amount of funds needed in each category for the next fiscal year. The estimate should be based on various elements under each category, with each element identified as to what it is, the number of units, and the cost per unit. To assist in estimating amounts needed, districts and divisions should keep records of the amounts expended for the past several years for each category and use this as a guide for the coming year. The total of all subsidiary accounts would be the total amount requested for administrative funds.

## **8.06-2 SPECIAL PROJECTS AND SPECIAL NEEDS**

### ***8.06-2(a) Special Project and Special Need Request***

The State Commission usually reserves a portion of state appropriated funds for special projects to be carried out by districts/or divisions or to meet some special need of a district/or division. In preparing the district's and division's budget request, the board should consider requesting funds for several special projects. These proposals must be submitted to the State Commission through the Executive Secretary by September 1 each year. After careful review, the State Commission accepts and funds those Special Projects and Special Needs that meet its criteria.

Funds received for a special project must be kept separate from administrative and locally generated funds. Any funds spent for the project are to be charged to that project, and districts and divisions are not to use these funds for any other purpose. At the end of the project, any unexpended funds may be transferred to the administrative account.

### **8.06-2(b) Status Reports**

The State Commission requires that a written status and fiscal report on each Special Project or Special Needs be submitted to the State Commission through the Executive Secretary by April 1 for the duration of the project. Failure to submit status and fiscal reports shall render the district or the division ineligible for Special Project or Special Needs funds for two years and thereafter, until the reports are received. Completed reports must be submitted at the end of each Special Project or Special Needs to the State Commission chair through the Executive Secretary. This report shows what was done, how it was done, how much it cost, who benefited, and the benefits of the project. This same information should also be included in the district Annual Report.

### **8.06-2(c) Request Outline**

A suggested outline for a Special Project or Special Needs request is:

- (1) Name of Special Project or Special Needs.
- (2) Purpose/Objective.
- (3) District or Division Name, address and contact person.
- (4) Description of project or need.
- (5) Benefits expected from project or need.
- (6) Cooperation with others.
- (7) Estimated Costs.
- (8) Expected completion date.
- (9) Endorsements by other agencies and groups.

It is necessary to prepare a concise request which clearly states why the State Commission should fund it and why the project is worthwhile. This proposal is what the State Commission uses to judge the project and to make a decision on whether or not to fund it.

**8.06-2(d) Funding Special Projects and Special Needs**

The State Commission may give a higher priority to districts and divisions that have successfully carried out projects in the past and lower priority to districts that have not completed any projects for which they have received funds. Funding of Special Projects and Special Needs will be on a matching basis. The requesting district or division will contribute at least 50% of the total project cost. In meeting that 50/50 matching requirement, district and divisions may include in-kind contribution, grants, donation, partner funds, et cetera.

**8.07 AUDITS**

Section 23 of MGL Ch. 21 states that "Supervisors shall provide..... for an annual audit of the accounts of receipts and disbursements." In addition, under MGL Ch. 11, Sec. 12, the State Auditor has authority to make audits of "all departments, offices, commissions, institutions and activities of the commonwealth, including those of districts and authorities created by the General Court." Also, under MGL Ch. 7, Sec. 3, the Executive Office of Administration and Finance is charged with the responsibility of "developing, coordinating, administering, and controlling the financial policies and programs of the Commonwealth." Therefore, districts and divisions are subject to audit by the State Auditor and/or the Executive Office of Administration and Finance.

In addition, districts and divisions are subject to Executive Order #195 (signed by the Governor on April 27, 1981) which requires that contracts and agreements for the purchase of services or materials of any kind include a provision allowing audits by the state Office of Administration of Finance, the State Auditor and the Governor.

All such contracts shall include, at a minimum, the following: "The Governor or his designee, the Secretary of Administration and Finance, and the State Auditor or his designee shall have the right at reasonable times and upon reasonable notice to examine the books, records, and other compilations of data of (vendor) which pertain to the performance of the provisions and requirements of (this contract or agreement)."

Each district and division shall perform an audit of all district/division accounts immediately after the end of the fiscal year.

A copy of the audit report must be sent to the State Commission through the Executive Secretary by September 15 of each year and one copy filed in the local records. All audit reports are public records and open to public review.

## **8.08 SURETY BOND**

Blanket Surety Bonds for not less than the total cash assets shall be provided by the district or division for all officers and employees who are entrusted with funds and/or property. In addition, blanket Liability Insurance shall be obtained by each district and division.

Proof of bonding (MGL Chap. 21, Sec. 23(2)) must be submitted by each district and division to the State Commission through the Executive Secretary no later than January 1 of each year. It is the policy of the State Commission that this proof, along with the current audit, must be on file with the Executive Secretary before any state funds for any purpose are released to the district or division.

## **8.09 FINANCIAL RECORDS**

Each treasurer shall follow recognized accounting procedures in keeping the financial records of the district or division. The treasurer shall prepare written monthly reports on the status of all district or division funds, report the status at each regular meetings, and provide the report to the secretary for inclusion with the official minutes. Also, the treasurer shall prepare any special financial reports as requested by the board or the State Commission. The treasurer shall also take the lead in preparing the annual budget request and making sure that the annual audit is promptly completed and submitted to the State Commission through the Executive Secretary along with a copy of the surety bond.

### **8.09-1 ADMINISTRATIVE ACCOUNT RECORDS**

Administrative account records are to be maintained by the subsidiary account numbers used in the budget request. The board, at the time of approving a bill for payment, shall specify against which account the bill is to be charged. Only those bills which are appropriate to charge to the administrative account shall be so charged.

### **8.09-2 DISTRICT ACCOUNT RECORDS**

As with the Administrative Account Records, the district and division account records shall be maintained by the subsidiary account numbers used to record the Administrative Accounts.

### **8.09-3 SPECIAL PROJECT FUNDS**

The State Commission provides funds to districts and divisions to carry out approved special projects. These funds are to be kept separate from any other funds and only costs to carry out the special project are to be charged against that project. If a district or division has two or more special projects, funds for each project are to be kept separate.

At the end of each special project, the treasurer shall prepare an accounting of the total costs of the project. This information will be needed for the completion report. Any funds remaining after the completion of the project may be transferred to the Administrative Account.

## Chapter 9

### ***DISTRICT AND DIVISION REPORTS***

#### **9.00 Revision Date for this Chapter**

#### **9.01 DISTRICT REPORTS**

Each district has several reports which they must prepare or update each year. These reports are: District Long Range Plan, District Annual Work Plan, District Annual Report, and Special Project and Special Needs Annual Status or Completion Reports.

In addition, the district "shall furnish the Director and the State Commission, upon request, copies of such rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information as may be required" (MGL Ch. 21, Sec. 23).

#### **9.01-1 DISTRICT LONG RANGE PLAN**

The basic memorandum of understanding with the U. S. Department of Agriculture requires that a district have a Long Range Plan in effect before assistance is provided by any agency of the department.

The main purpose of the District Long Range Plan is to provide guidance to, and outline broad objectives for, the district to follow in the years ahead. Usually, a Long Range Plan looks three to five years ahead, is open-ended and is updated annually. It contains the districts long term objectives, information on the present conditions within the district, the problems that need to be solved, and what the district will do to help solve those problems.

#### **9.01-1(a) ANNUAL UPDATING**

Before beginning the annual update, the Long Range Plan Committee should obtain a copy of the state's natural resource plan (Fading Choices - Rising Issues) and carefully review those items suggested in the plan that district should undertake or complete. The board then selects those items that are appropriate for including in the district's Long Range Plan.

Next, the committee should solicit further suggestions from the cooperating agencies, private organizations and groups, and other public agencies for suggested items to include in the plan.

The Long Range Plan Committee also (1) reviews the current Long Range Plan, (2) collects information on the current amounts and condition of natural resources, (3)

reviews data collected for, and about, the district, (4) determines the major problems, kinds and amounts of assistance needed, (5) reviews district policies and long range objectives, and (6) collects any other data the board wishes to consider.

Next, the Committee updates all items to make the plan current; adding, deleting or revising as necessary. Pen and ink changes are adequate for an annual update.

The plan should be completely revised, printed and distributed about every five years or as needed depending on changes made during the annual updates. The revised plan should follow the format of the current plan.

All updates must be completed by February of each year so as to be ready for the development of the district's Annual Work Plan.

#### **9.01-1(b) DISTRIBUTION**

No major distribution is required of the changes made in an annual update. Supervisors will be aware of the changes since they were the ones who selected the changes.

The major revised and published version should receive a broad distribution. All persons, agencies, and groups interested in and who will assist the district should receive a copy. Some of the people receiving copies would be:

- Each supervisor, associate supervisor and junior supervisor.
- Secretary, EOEEA.
- Chairperson, State Commission.
- Director, Massachusetts Division of Conservation Services.
- President, MACD.
- Each cooperating agency at the county level.
- Regional Planning Agencies.
- Chairperson, RC&D Council (if appropriate).

#### **9.01-2 DISTRICT ANNUAL WORK PLAN**

The District Annual Work Plan is a recording of the district's goals, objectives and activities planned for the coming year. Specific activities are taken from the District Long Range Plan which meet the needs for that year.



The Annual Work Plan helps the supervisors and cooperating agencies to schedule and coordinate activities so that the conservation job is efficiently and effectively completed.

**9.01-2(a) PREPARATION OF ANNUAL WORK PLAN**

At the April board meeting, the Chairman of the Annual Work Plan Committee reviews the District Long Range Plan with the board to select those objectives which they want to carry out during the coming year. Based on these objectives, the board then selects, for each objective, tentative goals and actions needed to meet those objectives. Next, the Annual Work Plan Committee determines what will be done, when it will be done, who will have leadership and who will help. District special projects are included in the Annual Work Plan.

Representatives of cooperating agencies should be invited to attend the May board meeting. At this meeting, the board determines the extent of agency participation in carrying out the objectives and actions and obtains any additional suggestions from the agencies as to possible district goals for the coming year. Especially, the board requests from the NRCS district conservationist such items as the amount and types of assistance that will be available to the district, special programs of NRCS that would affect district operations, and NRCS objectives for the coming year.

In addition, the Committee contacts their county commissioners, town boards, regional planning agencies, and other organizations and groups interested in conservation to obtain their problems, needs, and possible assistance to the district in carrying out its program.

By the June meeting, the committee should have developed a draft Annual Work Plan for review and approval. At the June meeting, the board should officially adopt the Annual Work Plan for the coming fiscal year.

**9.01-2(b) REVIEW OF ANNUAL WORK PLAN**

At least once every three months, the board should review their Annual Work Plan goals and objectives to see how they are being met and what corrective actions, if any, are needed to meet the stated goals and objectives.

If some particular objective is falling behind, the board should determine what needs to be done to bring the objective back on schedule. Special attention should be paid to the Special Projects to make sure that they are completed on time and that the project objectives are met.

**9.01-2(c) REPORT OUTLINE**

To be an effective and usable document, the Annual Work Plan must clearly show (1) what is to be done, (2) who will be responsible for seeing it gets done, (3) who will help, (4) when it is scheduled to be done, and (5) when it was actually completed.

The following format should be used:

\_\_\_\_ (name) \_\_\_\_\_ District Annual Work Plan

July 1, 19\_\_ to June 30, 19\_\_

Item	Project Responsibility	Date	Date
<u>Activity</u>	<u>of</u>	<u>Scheduled</u>	<u>Completed</u>

**9.01-2(d) DISTRIBUTION OF ANNUAL WORK PLAN**

All persons, agencies, and groups who are interested in and will assist the district during the coming year should receive a copy. At the May board meeting, the Board should prepare a distribution list and make sure that all interested parties receive a copy.

Copies should be furnished at least to those listed under Chapter 8.02-2

**9.01-3 DISTRICT ANNUAL REPORT**

The Annual Report informs the district's cooperators, cooperating agencies and others of the many and varied projects that the Board has undertaken and lists the accomplishments made during the previous year.

**9.01-3(a) PREPARATION**

The Annual Report Committee should begin collecting material and ideas for the Annual Report no later than the first of April in order to have the report published by July 1. The report should cover the ending fiscal year.

The committee should request the cooperating agencies to provide them with a list and description of the agencies' accomplishments in assisting the district. They should review the meeting minutes and collect a list of things done during the year, combining like activities and accomplishments.

**9.01-3(b) REPORT OUTLINE**

There is no established format for a district to follow in preparing their annual report. However, the report should be attractive, easy to read, and contain at least the following information:

- I. Title (Name of Report)  
Name and Address of District  
Year covered by the report

II. Board of Supervisors:

Name:

Address:

Telephone number:

Office:  
Date term expires:

III. Cooperating Agencies:

Name of person:  
Agency:  
Title:  
Address:  
Telephone number:

(List the Federal and state agency people servicing the district. Include the regional planning agencies, county commissioners and private organizations if they contributed to district activities.)

IV. District Activities:

- A. District Board regular meetings -- when held and number held during the year. Special meetings -- when, where, and for what purposes.
- B. Previous Annual Meeting -- date, location, attendance and program.
- C. District Program -- objectives for the past year.
- D. Educational Activities -- brief description of each activity, giving who with, purpose, date, attendance and results.
- E. Tours -- date, itinerary, purpose, number attending, cooperating agencies.
- F. Exhibits -- where held, when, what subjects, and estimated number of people viewing the exhibit.
- G. Newsletters -- number, dates, amount sent out each issue, main subjects.
- H. News Articles -- number published, papers publishing articles, subjects.
- I. Radio and TV Programs -- number names of radio or TV stations, dates, subjects.
- J. Any other.

V. District Accomplishments:

- A. Cooperators -- number assisted, types of assistance provided.
- B. New cooperators -- number added that year.
- C. Amount of land under cooperative agreement -- acres and percent of district.
- D. Soil Surveys - status of progress, areas published.

E. Community assistance -- numbers, types of assistance and brief examples of assistance.  
F. Special Projects -- list of projects, with purpose and results of each.

G. Special Needs -- number, types and topics.

H. Any other items of interest.

## VI. Financial Statement

### 9.01-3(c) **DISTRIBUTION**

The District Annual Work Plan should be broadly distributed to gain the greatest recognition and publicity for the district. It is suggested that the report be sent to:

- All district cooperators
- Each regional cooperating agency person assisting the district
- State agency department heads
- State Commission members
- MACD President
- Federal agency heads in Massachusetts
- Community planning boards, selectmen and conservation commission chairs within the district
- State legislators within the district
- News media throughout the district
- Private organizations and groups (Audobon, Sierra Club, Farm Bureau, Grange, etc.)
- Selected school classes
- Other district board chairpersons

### 9.01-4 **SPECIAL PROJECT AND SPECIAL NEEDS STATUS AND**

#### **COMPLETION REPORTS**

Any district which has a Special Project or Special Needs must prepare a report outlining its status by April 1 of each year and a Completion Report following completion of the project.

### 9.01-4(a) **PREPARATION**

By April 1 of each year and at the completion of the Special Project or Special Needs, the district committee charged with overseeing the Special Project or Special Needs must prepare a progress or completion report for that project or need. The committee should determine the status of the project or need, amount of funds spent to date, progress on the project or need, and expected results if the project or need is not completed and when it will be completed.

The committee should prepare the report in as much detail as necessary to let those concerned with the project or need know the status and/or results.

**9.01-4(b) REPORT OUTLINE**

Districts should use the following outline for presenting the status and/or completion of a Special Project and Special Needs:

- I. District name and address.
- II. Title of Special Project or Special Need.
- III. Objectives of the project or need.
- IV. District contact person.
- V. Funding -- total and spent to date.
- VI. Procedures used.
- VII. Results.
- VIII. Work remaining, if any.
- IX. Completion date (proposed or actual).

**9.01-4(c) DISTRIBUTION**

Annual status reports are to be sent to State Commission members, the Executive Secretary and the Chairperson of the State Commission Budget Committee.

Each completion report should be given a distribution commensurate with its contents. If a project has far-reaching application to many districts or state-wide, then copies of the completion report should be sent to all districts, agencies and others concerned.

As a minimum, the Completion Report should be sent to:

-- Executive Secretary.

- State Commission members.
- Director, DCS.
- Agencies cooperating on the project.

# **CHAPTER 10**

## ***ASSISTANCE AVAILABLE THROUGH DISTRICTS***

### **10.00 Revision Date for this Chapter**

### **10.01 WHO IS ELIGIBLE FOR ASSISTANCE**

Any land occupier, whether a farmer, local unit of government or a non-farm landowner and who resides on or owns land within the district is eligible to receive assistance from the district. The district, as a public body, cannot discriminate against any person requesting assistance because of race, age, color, religion, national origin, gender, sexual orientation, veteran status or disability.

### **10.02 HOW TO REQUEST ASSISTANCE**

Each district board sets their own criteria for all persons to follow in requesting assistance.

It is suggested that each board require a written request to the district chairperson stating: name and address; problem for which assistance is requested; type of assistance needed; and expected results of the assistance. This type of written request should provide enough information for the board to act on the request.

### **10.03 REQUIREMENTS FOR ASSISTANCE**

Before a board provides assistance, they should require that the person or unit of government become a district cooperator. In becoming a cooperator, the landowner agrees to comply with certain principles of conservation on their own land and to operate and properly maintain measures installed with district assistance. The district in turn agrees to provide the assistance.

### **10.04 DISTRICT AGREEMENT FORMS**

All districts have a Cooperators Agreement Form which spells out clearly what the landowner agrees to do and what the district will do. The State Commission has not established a standard agreement form, but has left it up to each district to devise a form suitable to their needs. Sample agreement forms are shown in Appendix M.

### **10.05 DISTRICT PRIORITIES**

Each district may receive more requests for assistance than there is time and personnel to service those requests. To service the most urgent requests and to meet the goals of the district, the

board must establish criteria for setting priorities and evaluating the request against those priorities. These priorities should be carefully spelled out in the district records, in the district Annual Work Plan, and in the District Annual Report for all to see. Only through this method can the district assure that all requests are treated equally and no person is discriminated against for any reason.

The district chairperson brings each request before the board and, based on the established criteria, sets a priority for servicing the request. Then, based on this priority, the request would be turned over to a supervisor or a cooperating agency to provide the requested service.

## **10.06 WHO WILL PROVIDE THE ASSISTANCE**

Districts have three major sources from which they can provide assistance:

### **10.06-1 SUPERVISORS**

The board can request one of the supervisors to furnish the assistance or make a preliminary review of the situation and report back to the board with recommendations for further action.

### **10.06-2 DISTRICT EMPLOYEES**

Those districts that have a staff can turn over many of the requests to them to follow-up and to service the request. Those technical requests that are beyond the expertise of the district staff are turned over to one of the cooperating agencies.

### **10.06-3 COOPERATING AGENCIES**

Most of the assistance provided to cooperators is made available by other state and federal agencies who cooperate with the district. Any district may request assistance from any public agency who can provide the expertise needed to assist district cooperators and to carry out the district program. The agencies who usually cooperate with the district and kinds of assistance available are outline in Chapter 11.

## **10.07 TYPES OF ASSISTANCE AVAILABLE**

There are no established limits on the amounts or types of assistance that can be requested from a district. However, the district can only provide assistance which relates to the conservation of soil, water, and related natural resources. It is up to each board to interpret and decide which requests fall within their areas of responsibility.

Some of the more usual types of assistance are:



### **10.07-1 CONSERVATION PLANNING**

The main role of a district is to encourage and assist landowners to plan, apply and maintain appropriate land use and conservation treatment measures on their land to solve soil, water and related resource problems. This is accomplished through the development and implementation of a conservation plan for the land involved.

### **10.07-2 APPLICATION OF PLANNED MEASURES**

No conservation plan is any good unless the decisions made in the plan are carried out. Supervisors should encourage cooperators to promptly carry out the conservation measures decided upon and provide them with the technical assistance needed. The district requests the NRCS, its own staff, or staff from cooperating agencies to furnish the technical assistance for the survey, design, construction layout and inspection of conservation practices.

Based on the measures in the conservation plan, technicians assists the landowner to apply the appropriate measure, check the measure after it is installed, and update the plan if conditions have changed since the plan was prepared.

### **10.07-3 OPEN SPACE PLANNING**

Districts can arrange for technical assistance from various cooperating agencies to assist communities to prepare an Open Space Plan.

### **10.07-4 OUTDOOR CLASSROOMS**

One way to gain public support for conservation is to teach children from an early age about the importance of conservation. This can be accomplished, to some extent, by the establishment of outdoor classrooms at or near local schools where "hands on" conservation can be taught. The District Education Committee can work with local school officials to locate, plan and install local outdoor classrooms. Technical assistance can be provided by the cooperating agencies.

### **10.07-5 FOREST MANAGEMENT**

With over two-thirds of the commonwealth in forest (mostly in small ownerships), Forestry Management is needed to realize the most returns from the woodlands without causing damage or destroying the forests. The Massachusetts Division of Forests and Parks can assist woodland owners to prepare Forestry Management plans on their woodland.

## **10.07-6 WETLANDS IDENTIFICATION**

Many town conservation commissions are turning to districts for assistance in meeting their responsibilities under the Inland Wetlands Restriction Act, particularly in the identification of whether or not an area is considered a wetland under the act. If the town conservation commission is a district cooperator, the Board should establish priority for assistance and then arrange for proper assistance from one or more of the cooperating agencies.

## **10.07-7 SOILS INFORMATION**

Districts receive many requests for information and interpretations of soils data from town agencies, students, consultants, other state and federal agencies, developers, and many others. Districts should establish priorities on furnishing this assistance using the technical help of the NRCS. Often, it is necessary to collect and explain soils information in response to a request. District boards can request that NRCS train their staff to answer most requests of this type.

## **10.07-8 SUBDIVISION PLANNING AND REVIEW**

Town boards may request a district to review and comment on a subdivision proposal submitted to the Board for approval. Appropriate personnel would review the proposal for such items as erosion and sediment control, floodwater disposal, soils limitations for intended uses, and vegetative plantings and provide comments to the district. The district would then review the comments and transmit them, with any additional comments and suggestions it may wish to make, to the town board, with a copy to the developer. It remains the responsibility of the town board to require any changes in the plans or place an order of conditions so that the developer may receive approval.

## **10.08 PAYMENT FOR SERVICES**

MGL Ch. 21, Sec. 24, Subsection (9) empowers the district to charge reasonable fees or ask for contributions in order to receive assistance from the district staff. However, the board cannot charge for any services that NRCS or other cooperating public agency provides at the request of the district.

## **10.09 DISTRICT SPECIAL PROGRAMS**

### **10.09-1 TREE AND SHRUB PROGRAM**

The District Tree and Shrub Program, initiated in 1952 to promote reforestation, has expanded in many districts. This program provides a service to the public by which an economical

source of seedlings and other plants is available for forest and Christmas Tree farm plantings, landscape beautification and wildlife improvement.

A district buys large lots of selected varieties of trees, shrubs, ground cover and bushes at wholesale prices and sells them in small lots at retail prices. Supervisors donate their time to manage the program, repackage the plants based on the orders received and supply them to everyone placing an order. Since the plants must be ordered months ahead of delivery date, not all plants are sold. Many districts provide these extra plants to schools for planting on the grounds by school children, to conservation commissions for planting on town lands, or other worthwhile projects.

Any profits made from the program are used to further district activities. These profits enable a district to undertake many worthy projects which they could not do if they had to depend only on state funds.

### **10.09-2 DISTRICT CONSERVATION AWARDS**

All districts should consider giving out District Conservation Awards to provide recognition for outstanding conservation accomplishments carried out by a cooperator of the district. Prior to the district annual meeting, the board selects an "Outstanding Cooperator" based on the cooperator's continued progress in completing the measures in the conservation plan. This progress should not be measured in terms of magnitude of the project or funds expended, but on the overall conservation merits.

In addition to the Outstanding Cooperator, the board could select the "Outstanding Conservation Commission", the "Outstanding Conservation Teacher" or the "Outstanding Conservationist" for an award. A legislator from the district who has assisted the district in conservation efforts should be considered for an "Outstanding Conservationist" award in recognition of services to the district.

Oftentimes a particular company or industry has contributed substantially to the district's efforts. Cooperating Agency personnel who have worked closely and effectively with the district should be considered for some type of special recognition. Districts should not forget their own supervisors when considering awards.

Awards may be a suitably engraved plaque, a cash award or both, and should be presented at the district annual meeting.

### **10.09-3 SPONSORSHIP OF SMALL WATERSHED PROJECTS**

Under Massachusetts state law, districts can sponsor Small Watershed Projects planned and installed under Public Law 566 which are wholly or partly within the district boundaries. As sponsors, they are responsible for representing the people in the watershed in selecting

objectives and alternatives which most nearly meet the local people's needs and objectives.

NRCS will provide the technical studies needed to prepare a watershed plan and guide the board in carrying out their responsibilities as a sponsor of a project. For additional information on the district role, the board should contact the local NRCS district conservationist.

# CHAPTER 11

## ***RELATIONSHIP TO OTHER ORGANIZATIONS AND AGENCIES***

### **11.00 Revision Date for this Chapter**

### **11.01 DIVISION OF CONSERVATION SERVICES (DCS)**

The DCS, established under Chapter 664, was created to provide administrative support to the State Commission, districts and divisions and to help them carry out their responsibilities under MGL Ch. 21, Sec. 18-25A.

The DCS's functions and responsibilities to the following are:

#### **11.01-1 STATE COMMISSION**

The DCS provides clerical personnel to prepare State Commission correspondence and for preparing and distributing minutes of regular and special meetings. The Director attends, in an advisory capacity, all State Commission meetings and arranges for holding the meetings. The budget of the State Commission, including state funds for individual districts and divisions, is included in the DCS budget which is submitted to the Secretary of EOEEA for inclusion in EOEEA's budget. Following allocation of state funds by the State Commission, the Executive Secretary processes and distributes funds to the individual districts and divisions for administrative use and for special projects, as decided upon by the State Commission.

The State Commission advises the Director in developing policies of the DCS relating to the operations of districts and divisions (MGL Ch. 21, Sec.20. Subsec. (2)). Annually, the DCS reports on the accomplishments of the State Commission and the highlights of district and division programs.

#### **11.01-2 CONSERVATION DISTRICTS AND DIVISIONS**

The DCS was created to furnish assistance to conservation districts and divisions to enable them to carry out a program of soil and water conservation. The Director is responsible for advising districts and divisions in their administrative functions.

The Director or other DCS personnel attend district and division meetings and assists with preparing district and division long range plans and annual work plans. They attend district annual meetings and the MACD annual meeting and, if requested, represents the State Commission at election of district supervisors.

The DCS is responsible for publishing educational material such as manuals for supervisors, arranging for training workshops for new supervisors, coordinating district sponsored PL-566 watershed projects, and participating in meetings between districts and watershed associations, town advisory groups, and other groups cooperating with districts.

## **11.02 NATURAL RESOURCES CONSERVATION SERVICE (NRCS)**

The Natural Resources Conservation Service of the U. S. Department of Agriculture provides districts with technical and other assistance in the conservation and protection of soil, water and related resources.

NRCS maintains working agreements with districts including;

- The Mutual Agreement between the United States Department of Agriculture and the Commonwealth of Massachusetts and the “any Massachusetts” Conservation District signed in November 1996. (Tier I)
- Cooperative Working Agreement between the Natural Resources Conservation Service United State Dept. of Agriculture and the Commonwealth of Massachusetts Executive Office of Environmental Affairs and the “any Massachusetts” Conservation District. (Tier II)
- Acknowledgement of Section 1619 Compliance

\*See appendix C for samples of each agreements

### **11.02-1 TECHNICAL ASSISTANCE**

When a request is received from a landowner seeking technical assistance for planning and implementing conservation measures, it is approved by the board and is usually referred to a NRCS technician to provide the needed assistance. The technician surveys the situation, plans the needed conservation measures with the landowner, designs needed measures and inspects it after completion to assure that the installed measure meets the plans and specifications.

### **11.02-2 SOIL SURVEYS**

Soil surveys are made by NRCS to: (1) determine the key characteristics of the soil; (2) classify and name the soils according to the international system; (3) interpret them according to their capability for use; and (4) show the distribution of different soils on maps.

Soil Scientists determine the texture, structure, chemical composition, and other physical properties of the individual layers of soil and note depth of the soils, slope, stoniness, changes because of erosion, and other features that affect the soils response to management and use.

NRCS has completed the Soil Survey for Massachusetts. Many districts have published soil survey reports which are available for distribution. Field working sheets are available at local NRCS offices for all unpublished areas in the Commonwealth.

### **11.02-3 WATERSHED PROJECTS (PL-566)**

The Watershed Protection and Flood Prevention Act (Public Law 566) authorizes the Secretary of Agriculture to give technical and financial assistance to local organizations in planning and carrying out watershed projects for flood prevention, agricultural water management, recreation, municipal and industrial water supply, and fish and wildlife development. This program is administered by the NRCS.

### **11.02-4 RESOURCE CONSERVATION AND DEVELOPMENT (RC&D)**

NRCS may provide an RC&D Coordinator, a secretary and office space for an RC&D office within each of the three RC&D Areas in Massachusetts. Also, NRCS provides technical assistance to help local sponsors to install project measures. Districts are involved as sponsors of RC&D area plans and individual measures.

A Resource Conservation and Development (RC&D) project is a locally initiated and sponsored project to carry out a program of land conservation and utilization in an area where acceleration of the current conservation activities, plus the uses of new authorities, will provide additional economic opportunities to the people.

The primary objectives of RC&D projects are: (1) the orderly development, improvement, and utilization of natural resources of the project area so as to provide employment and other economic opportunities to the people of the area; (2) opportunity for local leadership to coordinate and utilize facilities and techniques locally available as well as those available from on-going agricultural programs; (3) the extension of this program project-by-project, as local leadership is able to plan and carry out activities necessary for the development, improvement, conservation and wise use of natural resources. The program enhances economic, environmental and social well-being.

RC&D projects are sponsored by districts and other county legislative bodies. NRCS provides a RC&D Coordinator to maintain liaison with RC&D sponsors, the RC&D Council and all RC&D Committees. The Coordinator should be requested to provide a board with information on district responsibilities and prerogatives. If a district is not in an RC&D area, the board should request the local NRCS district conservationist to explain the RC&D program and advise them on the feasibility of creating a RC&D project or joining an existing project.

### **11.03 MASSACHUSETTS ASSOCIATION OF CONSERVATION DISTRICTS (MACD)**

The MACD is a private, non-profit, non-governmental association of the 14 districts in the state. Conservation district supervisors found that the efforts of all districts, when banded together,

were more effective than the fragmented exercises of each district acting separately. Working together toward a common goal enabled them to achieve greater recognition from, and access to, both the legislature and governmental agencies as well as from people in the private sector.

The MACD has no legal status and operates under its own constitution and by-laws (See Appendix L.)

The MACD administers the Accelerated Conservation Planning Program (ACPP) This program provides administrative and technical staff assistance to USDA Service Centers around the Commonwealth.

In 2004, the USDA Natural Resources Conservation Service (NRCS), Massachusetts Department of Agricultural Resources (MDAR) and the Massachusetts Association of Conservation Districts (MACD) joined forces to improve the delivery of federal and state conservation programs and services to Massachusetts farmers and other landowners by establishing the Accelerated Conservation Planning Project (ACPP). Since then, the ACPP has grown into a vibrant and successful partnership that has made significant contributions to accelerating conservation planning in the commonwealth.

ACPP planning and administrative staff, who are MACD employees, help MDAR and NRCS provide more comprehensive farmer assistance by being versed in the full array of state and federal government services available and providing direct assistance to farmers. ACPP staff have helped improve communication between the agencies and enhance knowledge of all government farm conservation programs.

Several state programs depend on NRCS assistance to farmers. For example, to be eligible for the Agricultural Environmental Enhancement Program (AEEP), a farmer must have an updated NRCS conservation plan, and to apply for the Agricultural Preservation Restriction (APR) Program a farmer needs a particular set of soils and land use maps that can be produced by MACD staff. In the past, however, a heavy workload for federal conservation programs had limited the availability of NRCS field staff to respond to MDAR customers. The ACPP partnership has helped to resolve this problem. Here are some examples of ACPP accomplishments:

- With the number of NRCS-certified conservation planners in the state almost doubled since ACPP started, conservation planning and implementation of federal and state program contracts have been accelerated.
- When MDAR customers request customized maps for state program applications, trained ACPP employees in five of the seven NRCS field offices are able to provide them within days.
- The eight ACPP staff members are a valuable addition to the number of field personnel available to service walk-in customers at USDA service centers on a daily basis.
- Since NRCS does not have administrative assistants in its Massachusetts field offices, ACPP administrators frequently make the difference in whether the smaller offices can remain open to the public during business hours while other staff members are in the field.



ACPP staff members are recognized by farmers as providing excellent customer service in planning and program implementation and brief technical assistance. NRCS training and experience has further strengthened the ACPP staff's ability to provide high quality conservation technical assistance.

#### **11.04 NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS (NACD)**

The National Association of Conservation Districts (NACD) is the nonprofit organization that represents America's 3,000 conservation districts and the 17,000 men and women who serve on their governing boards. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. Districts work with millions of cooperating landowners and operators to help them manage and protect land and water resources on all private lands and many public lands in the United States.

**NACD's mission is to serve conservation districts by providing national leadership and a unified voice for natural resource conservation.**

Among the goals of the organization are to:

- Represent districts as their national voice on conservation issues;
- Provide useful information to conservation districts and their state associations;
- Build partnerships with federal and state agencies and other organizations in order to carry out district priorities and programs;
- Analyze programs and policy issues that have an impact on local districts; and
- Offer needed and cost-effective services to districts.

The association was founded on the philosophy that conservation decisions should be made at the local level with technical and funding assistance from federal, state and local governments and the private sector. As the national voice for all conservation districts, NACD supports voluntary, incentive-driven natural resource conservation programs that benefit all citizens.

NACD maintains relationships with organizations and government agencies; publishes information about districts; works with leaders in agriculture, conservation, environment, education, industry and other fields; and provides services to its districts. NACD is primarily financed through voluntary contributions of its member districts and state associations.

The association's philosophy is that conservation decisions should be made by local people with technical and funding assistance from federal, state and local governments and the private sector. The association's programs and activities aim to advance the resource conservation cause of local districts and the millions of cooperating landowners and land managers they serve.

#### **11.05 FARM SERVICES AGENCY (FSA)**

The Farm Services Agency, an agency of the U. S. Department of Agriculture, is the agency that provides cost-share funds to landowners to implement soil and water conservation measures on their land. Generally, local FSA offices are located in the same building with NRCS offices.

### **11.05-1 FSA COUNTY COMMITTEES**

Landowners within a local community who are themselves participating in FSA programs annually elect from among their number an FSA Community Committee of not more than three members, who in turn elect a county committee of three members to serve for three years. There is an FSA State Committee, made up of five landowners appointed by the Secretary of Agriculture. The Associate Director of the UMass Extension is an ex-officio member of this state committee. The County Committee, under the supervision of the State Committee, administers the FSA program in the county.

### **11.06 UMass EXTENSION**

UMass Extension addresses public concerns of high priority for the Commonwealth. Part of the national Cooperative Extension System, it sponsors statewide programs in Agriculture and Landscape, Natural Resources & Environmental Conservation, Nutrition Education and the Massachusetts 4-H Youth Development Program. These programs, often in partnerships with other organizations, offer research and educational opportunities including workshops, conferences, distance education, training events, consultations, and applied research.

### **11.07 MASSACHUSETTS ASSOCIATION OF CONSERVATION COMMISSIONS (MACC)**

The Massachusetts Association of Conservation Commissions is a non-profit, volunteer association of the town conservation commissions. It was formed in 1960 and automatically admits as members all commissions duly established under MGL Ch. 40, Sec. 8C. MACC is supported by annual dues from the member commissions. The MACC assists Town Conservation Commissions (TCC's) with advice, information, workshops and forums. Further information on the MACC and TCC's is available on their website.

### **11.08 OTHER AGENCIES**

There are many other agencies which can provide help to districts and to which districts, in turn, can provide help. Some of these are:

- Mass. Dept. Of Conservation & Recreation
- Mass. Division of Fisheries and Wildlife
- Mass. Dept. Of Environmental Protection

- Mass Highways
- Mass. Department of Agricultural Resources
- U. S. Environmental Protection Agency
- U. S. Forest Service
- Mass. Department of Education
- Regional Planning Agencies

Districts should establish and maintain working relations with the area and regional offices of these agencies and groups.

# Appendix