



HANDBOOK

FOR

PENNSYLVANIA'S CONSERVATION DISTRICT DIRECTORS

A General Reference

**A Product of the Pennsylvania Conservation Partnership's
"Building for Tomorrow"
Leadership Development Program**



Prepared by



**PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Preface

District Directors are the backbone of the conservation district movement. The nearly 500 Pennsylvania residents who give of their time, knowledge and talents by serving on the district board and its committees advance the good work being done by districts and assist the citizens of their counties with means to conserve and enhance the natural resources of their communities.

This handbook is designed as a practical reference for district directors and their staffs. It by no means contains ALL of the information on the included subjects. It is intended to promote discussion and deliberation on a number of topics of interest to conservation districts. It is also a handy reference for basic information on the history, programs, and management aspects of districts and the network of support available to assist conservation districts in achieving their programmatic and operational goals.

This handbook was first conceived and developed by a group of district directors, district managers and partner agency personnel in 1996 as part of the “Building for Tomorrow” Leadership Development Program. We thank them and all of the individuals whose work and dedicated involvement over the years has made Pennsylvania’s conservation districts some of the strongest and most effective in the country.

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INTRODUCTION

What is a Conservation District?

 Conservation districts are unique units of government. They are local organizations with local ties to conservation efforts, but they are also legal subdivisions of state government. They receive monetary and other needed assistance from local, state, federal and private entities. This allows conservation districts to draw from many sources to carry out their responsibilities in their county.

Pennsylvania conservation districts are organized in accordance with Act 217, the Conservation District Law, and operate with the assistance of the State Conservation Commission and their county government. The law defines a conservation district as a “public body, corporate and politic, exercising public powers”, meaning that conservation districts are run by appointed members of the community who have different ideas and feelings but form a unified body to develop conservation programs for their county. As subdivisions of state government, districts have powers that influence and affect everyone in their county. Conservation districts are much like school districts: both are special purpose subdivisions of state government; both are run by governing bodies of local citizens; both have a great deal of latitude and authority in how they carry out their responsibilities; and both are representing local citizens and are responsible to them.

Conservation districts were created to promote the protection, maintenance, improvement and wise use of the land, water and other related resources within the Commonwealth. At a minimum, they act as a clearinghouse for natural resource information, community conservation concerns and local environmental efforts. Much of the effectiveness of conservation districts is due to their ability to successfully work with local, state, and federal agencies and organizations. They network well both within and among their county boundaries. Districts are equally comfortable being environmental mediators and peacemakers as they are environmental planners and program originators.

The guiding philosophy held by all conservation districts is that decisions about conservation issues should be made at the local level by citizens who understand the local environment. Districts are responsible for the implementation of many conservation programs as well as the final evaluation of the programs in their communities. Today’s conservation districts participate in programs that include erosion and sediment pollution control, stormwater management, mine land reclamation, nutrient management, waterway protection, agricultural land preservation, forestry and environmental education. Pennsylvania conservation districts serve a range of agricultural and non-agricultural interests.

An active, knowledgeable board of district directors and a professional, well-trained staff are the foundation of a successful conservation district. They are two halves of the whole that must work together to accomplish what’s needed. As a conservation district director, you are a very important member of a far-reaching team.

History of the Conservation District Movement in Pennsylvania

The serious erosion problems during the Dust Bowl Period of the 1930s were the inspiration for the modern soil conservation movement. In 1937, President Franklin D. Roosevelt initiated the creation of the conservation district system by introducing model legislation titled the “Standard Soil Conservation Law.”



On May 15, 1945, the Pennsylvania General Assembly passed the Soil Conservation District Act (Act 217) to provide for the protection of the soil resources of the Commonwealth. (A copy of Act 217 is included in Appendix 2.) It established the State Soil and Water Conservation Commission in the Pennsylvania Department of Agriculture and provided for the organization of county conservation districts. County governing bodies became authorized to declare their county a conservation district by a simple majority vote after receiving a petition from the public. Within those counties, a district board of directors was given responsibility for assisting farmers in implementing voluntary erosion control plans.

In November 1945, Potter County created the first conservation district in Pennsylvania under the new law, and by the end of that decade, 24 conservation districts existed in the Commonwealth. Conservation districts now exist in 66 of Pennsylvania's 67 counties, and in 1995, the remaining county, Philadelphia, was designated as an "Urban Conservation Partnership," similar in philosophy and function to a conservation district. The passage of Act 217 represented the beginning of Pennsylvania's serious commitment to the preservation of its soil and water resources, with the State Conservation Commission and conservation districts providing the central focus for these efforts. (See Appendix 3 for a list of Pennsylvania Conservation District Creation Dates.)

In 1971, concurrent with a nationwide recognition of the seriousness of environmental pollution, Pennsylvania created the Department of Environmental Resources (DER) to oversee most aspects of resource management and protection in the Commonwealth. As part of this administrative reordering, the DER assumed authority for the State Soil and Water Conservation Commission (renamed the State Conservation Commission) from the Department of Agriculture. With this change, the DER's Bureau of Soil and Water Conservation (later renamed the Bureau of Land and Water Conservation) became the administrative staff for the newly relocated Commission.

On June 28, 1995 another administrative reordering took place when Governor Tom Ridge signed H.B. 1400 (Act 18), The Conservation and Natural Resources Act, dividing the Department of Environmental Resources into two separate departments - the Department of Environmental Protection and the Department of Conservation and Natural Resources. Provisions of this legislation included creating an independent executive secretary for the State Conservation Commission and annually rotating the chairmanship of the State Conservation Commission between the Secretary of Agriculture and the Secretary of Environmental Protection.

Pennsylvania is committed to local control of conservation district programs. While in many other states conservation districts are an extension of state agencies or the USDA Natural Resources Conservation Service, Pennsylvania's conservation districts are most closely linked to county government. Counties provide a large portion of the funding for district operations and exercise influence over direction of district programs. This local involvement in natural resource management remains a cornerstone of conservation philosophy in Pennsylvania.

The powers that are granted by Act 217 to the board of directors of a conservation district are far-reaching and substantial. They allow for growth and development of the district programs and encourage collaborative efforts in resource management.

District directors also have extensive responsibilities not specifically enumerated in Act 217. Directors must be knowledgeable concerning local environmental problems, monitor conservation planning, promote compliance with environmental regulations, assign program priorities, supervise district staff,

lobby for needed assistance, and coordinate activities of outside agencies with district projects. These responsibilities are those of the Board and cannot be shared with professional staff. The staff acts under the authority of the Board. The material contained in this Handbook will help guide you in your role of district director and provide information on resources to help you perform your director responsibilities knowledgeably and confidently.

Transition from “Referral Agency” to “Professional Service Provider”

– The Evolution of the District and its Board



The earliest role of the conservation district was the identification and prioritization of the conservation needs of their county. The boards of volunteer directors worked closely with the federal and state resource management agencies to deliver services to their constituents. District board members promoted available programs and services, lobbied for needed assistance, provided critical educational programs and assured vital community links. For the most part, districts served as a "referral agency" in that they worked with their various partners to promote and secure needed assistance for landowners.

Over the decades, conservation districts have moved into a professional service delivery arena. There are currently districts in Pennsylvania that are administering multi-million dollar budgets that encompass cost-share programs, technical assistance, equipment operation, facilities ownership and management, educational facilities and programs, and sophisticated legislative liaison relationships. Many state natural resource management and water quality agencies are using conservation districts as efficient program delivery partners. In many cases, districts exceed the financial and technical capabilities of their local State and Federal partners.

The expansion and success of Pennsylvania's conservation districts have resulted from the development of their administrative and technical capabilities. These capabilities are embodied by the emergence of a class of conservation district professionals who serve at the discretion of the district boards. In districts that have successful programs, there is a common link between the efficient and effective use of these district professionals and the overall success of the district's programs.

The complexities of operating and maintaining extensive local conservation delivery programs, interacting with the growing sophistication of local, state and federal conservation issues, managing growing staff, and developing and implementing local policy are creating a demand for ever-increasing abilities and professionalism of district employees. The enhancement of these abilities and professionalism can help to both assure continued growth of conservation districts and maintain the essential relationship and connection between a district board and their staff.

Section 1

CONSERVATION DISTRICTS – FORM AND FUNCTION

District Directors

Pennsylvania's 66 conservation districts are managed by more than 475 directors who invest their time and talent in their communities' conservation efforts. It is the district directors' responsibility to plan and direct the district program; guide the district's professional staff; coordinate the help of governing agencies; and serve as a community clearinghouse for information services and environmental program assistance. District directors come from all walks of life and represent both agricultural and non-agricultural interests. They understand their county's unique natural features and concerns. Ultimately, the success of conservation districts depends on the efforts of each district's board of directors. Without their dedication to addressing local problems and overseeing programs, much of what has been accomplished by conservation districts would not have been possible.

"Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed it is the only thing that ever has." Margaret Mead

As a director of a conservation district, you are very important to your county's conservation efforts. You are a leader, decision maker, spokesperson and salesperson. Your fellow district board members count on you as an active member of the team to represent the people from your county as board decisions are made. You work toward accomplishing a perpetual goal of conserving your county's resources. Your challenge is great. How well you conduct the affairs of your district will be reflected in your district's accomplishments. Your opportunity to serve is unlimited! By better understanding your responsibilities and by becoming involved, you can make an important difference in your community and in your district.

District Directors – Nominations and Selection



The Conservation District Law states that each conservation district board of directors shall consist of one member of the county governing

board, not more than four or less than two farmers, and not less than two or more than four public members. The farmer-public director ratio is determined by the county governing body and the State Conservation Commission. The number of district directors may be increased to nine or decreased to five with the approval of the conservation district, the county governing body, and the Commission.

A "farmer director" is defined as an individual who is actively engaged in, and derives a major

portion of his/her income from, an agricultural enterprise. The spouse of a farmer and retired farmers also meet the qualifications of a farmer director. A "public director" is any individual who does not qualify as a farmer director.

District directors are appointed by county-wide nominating organizations that are designated by the State Conservation Commission. The county governing body annually notifies each nominating organization of the names and positions (farmer or public) of the district directors whose terms will be expiring. Each nominating organization nominates individuals to serve as director for each vacancy on the district board and report the names to the county governing body. The final list of nominations will be placed on file by the county and is open to public inspection. The county governing body will then make tentative appointments from the lists to fill the vacant positions and will notify the Commission of the appointments. If within 15 days after notifying

the Commission the county does not receive a statement noting that a prospective director does not qualify, the appointments shall become final.

In order to be recognized as a nominating organization, an organization must submit an application through the county conservation district to the State Conservation Commission. To be qualified for approval, an organization must be county-wide or must represent the interest of a designated region, and at least 30 percent of the members of the applying organization must reside in the county in which they will be making nominations. In the case of a multi-county organization, the Commission shall have the authority to approve a nominating organization, if the district so requests. Your conservation district manager can provide you with a list of currently approved nominating organizations in your county. You may want to insert it into Section 2 of this handbook.

Farmer and public directors serve a four-year term, with the appointment of directors scheduled so that no more than three directors' terms expire in any given year. A director that leaves office before their term expires is replaced from the county's list of nominees and the replacement serves for the rest of the existing term. Directors representing the county governing board serve one-year terms.

Conservation District Powers – Act 217

In order to discharge their many responsibilities, conservation districts, as subdivisions of state government, are given broad powers under the "Conservation District Law" of 1945, Act 217 of the Pennsylvania General Assembly, as amended.

The powers of conservation districts are presented here in an abbreviated and, at times, paraphrased format. For a full description of each power, refer to Act 217, The Conservation District Law included in Appendix 2.

Act 217 empowers conservation districts to:

1. Conduct surveys, investigations and research relating to the character of soil erosion and the preventive control measures needed.
2. Employ the personnel necessary to properly conduct the operations of the district and provide adequate and necessary insurance coverage for directors and employees.
3. Carry out preventative & control measures on any lands ... with written consent of the owner and occupier of such lands.
4. Cooperate or enter into agreements with, and to furnish financial or other aid to, any agency or occupier of lands in carrying on erosion control and prevention operations.
5. Acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property ... or interests therein.
6. Make available ... material or equipment as will assist with the effective conservation and utilization of soil resources; and for the prevention and control of soil erosion.
7. Construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in the Act.
8. Assist and advise owners and occupiers of land in developing and/or implementing plans for storm water management, water use, water management and water pollution control, soil erosion control and conservation of water and soil resources.
9. Assist and advise county and municipal governments in subdivision and land development reviews, storm water management plans, flood plain management, water use, water pollution control and other natural resource concerns.

10. Conduct educational programs relating to soil and water conservation and publish educational materials relating to soil and water conservation.
11. Accept, upon approval by the State Conservation Commission, any authority delegated by municipal or county governments, the Commonwealth or Federal Government.
12. Sue and be sued in the name of the district.
13. Require contributions in money, services, materials or otherwise as a condition to extending benefits under this act.
14. Be exempt from provisions applied to other public bodies with respect to the acquisition, operation or disposition of property.
15. Accept contributions with the consent and approval of the State Conservation Commission.
16. Sponsor projects under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended, the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended and other federal programs.
17. Enter public or private property to make such inspections as are necessary to determine compliance with the 'The Clean Streams Law,' the 'Dam Safety and Encroachments Act,' and any rules, regulations, permits or orders issued thereunder, to the extent that such inspection authority has been delegated to a district by the department.
18. Establish a program of assistance to environmental advisory councils.
19. No agent or employee of a conservation district engaged in planning, design, construction or review of soil and water conservation projects under the authority of

this act shall be considered to be engaged in the practice of landscape architecture.

A conservation district does NOT have the powers of taxation, police or eminent domain that are normally associated with a subdivision of state government.

Conservation District Functions

In broad terms, conservation districts are concerned with the management of land and water resources. Like everyone, districts exist in a world bounded by laws. The primary powers of districts are generated by Act 217. Other laws (such as the Clean Streams Law), the rules and regulations of the Department of Environmental Protection and memorandums of understanding involve districts in land and water matters. Conservation districts are expected to provide definite goals and objectives, both short-range and long-range, related to the development, use, management and conservation of natural resources within their county.

Some of the major functions of conservation districts are:

1. **Conservation** -- Strive to have desired conservation practices properly installed on public and private lands wherever they are needed. This includes practices on rural, suburban and urban lands.
2. **Coordination** -- Coordinate the work of the cooperating agencies as it applies to the district's program and assist with the natural resource programs of other organizations.
3. **Promotion** -- Promote, by all available means, the concepts of proper resource planning, management and conservation.
4. **Motivation** -- Work with local citizens and organizations in developing programs, motivating key persons, and encouraging citizen action in matters concerning the use and/or abuse of the soil and water resources.
5. **Information** -- Provide basic and interpretive information on natural resources to public and private interests. Publicize district activities.

6. **Administration** -- Function in an orderly and efficient manner, using the powers given to the district by law to obtain the necessary resources, financial or otherwise, in order to effectively carry out the short-range and long-range programs of the district.
7. **Planning** -- Develop annual, long-range and strategic plans for the conservation of the district's natural resources.

Conservation District Responsibilities

Conservation districts have the main responsibility of protecting the natural resources in their county, but the State Conservation Commission and the law require that conservation districts also complete more specific, administrative responsibilities. Your district board and staff are asked to fulfill these responsibilities and provide the information on programs that make your conservation district an effective force for conservation in your county.

Each district is required to prepare and/or submit the following to the State Conservation Commission:

1. Annual Reports
2. Budgets
3. Annual Audit
4. Goals and Objectives
5. Long-range Plans
6. Memoranda of Understanding
7. Quarterly Reports and Claims
8. Financial Reports
9. Teamsheets
10. Job Descriptions for Staff

Each district should:

1. Assure that all directors are protected with surety bonds and that insurance is provided for officers and employees as required by law.
2. Administer the oath of office to newly appointed district directors prior to the first district meeting of the year.

3. Maintain complete and correct minutes of meetings and records of district business.
4. Invite and urge representatives of other conservation-related agencies to attend and participate in district meetings. The agencies should be included in the discussion of projects and problems pertinent to their field of work. Conservation practices applicable to specific areas should be emphasized, and work priorities established with each appropriate agency.
5. Advertise and hold open meetings in accordance with the Sunshine Law.
6. Keep a clear and accurate record of the district's use of public funds and of policies and actions taken by the district.
7. Hire and supervise the staff needed to support district operations. (Hire staff according to current employment regulations and policies.)
8. Develop personnel and operations policies.
9. Develop and execute a sound conservation program for each calendar year. Directors, staff and cooperating agency representatives should participate in preparing the program. Assign tasks to responsible parties and set target dates.
10. Evaluate district programs frequently.
11. Publicize the activities of the district through local news media, newsletters, brochures, posters, etc.
12. Promote conservation through contests, exhibits, demonstrations, meetings, service clubs, tours and special projects.

Conservation District Programs

Each conservation district is involved in a variety of programs that are developed to fit the district's specific needs. Some of the main programs in which Pennsylvania conservation districts participate are listed below. Your district may not participate in all of these programs and may alter the programs to specifically fit local concerns and conservation issues.

Acid Mine Drainage Abatement and Mine Land Reclamation -- The Acid Mine Drainage Abatement Program was developed to prevent contaminants from abandoned mines from entering waterways. These contaminants kill vegetation and other living organisms in and around the waterways. Conservation districts often organize and help to administer acid mine drainage abatement projects in their area and may be actively involved in three programs for abandoned mine reclamation. These are the Landowner Reclamation Program (LRP), the Rural Abandoned Mine Program (RAMP) and the Bureau of Abandoned Mine Reclamation (BAMR) programs. The main role of conservation districts for all of these programs is to be an information source for landowners in the district. Some conservation districts take on more responsibilities such as prioritizing sites, monitoring sites and supervising operations.



Agricultural Conservation Programs -- Soil and water conservation on agricultural lands are the

foundation of Pennsylvania's conservation districts, and districts still hold agricultural conservation as one of their most important roles. Programs such as the Chesapeake Bay Program and the Agricultural Conservation Technician (ACT) Program provide funds to conservation districts for the employment of technicians to help farmers install Best Management Practices (BMPs) on their land and to cost-share the expense of BMP design and installation. Working closely with conservation partners such as the USDA Natural Resources Conservation Service, district staff provides field assistance, facilitates BMP design and coordinates cost-share funds reimbursements to farmers.

Agricultural Land Preservation -- Preserving farmland has traditionally been a high priority of conservation districts. Unfortunately, this important resource is experiencing increased pressure from commercial development and urban and suburban sprawl. Amendments to the state's Agricultural Security Area Law allow conserva-

tion districts to be involved in administering the Farmland Preservation Program. This legislation allows the purchase of conservation easements that prevent the development or improvement of land for any purpose other than agricultural production. Conservation districts work with county agricultural land preservation boards to fulfill requirements enabling qualified landowners to sell the development rights on their agricultural land.

Biosolids -- In May 1997, new regulations took effect in Pennsylvania regarding the land application of sewage sludge and septage (biosolids). The new regulations allow the Department of Environmental Protection to delegate certain responsibilities within the program to county conservation districts with State Conservation Commission approval. These responsibilities may include: providing information and written materials, conducting educational sessions, investigating complaints and conducting site inspections. A pilot program for district participation was conducted in 1996 and 1997 and proved to be successful. Since then, the program has been offered to all conservation districts.

Coastal Zone Management -- The Coastal Zone Management Program at Lake Erie and the Delaware Estuary coastal areas provide assistance for coastal improvement projects. Conservation districts in these areas are helping to develop Pennsylvania's Coastal Nonpoint Pollution Program by initiating public participation activities and reviewing proposed components of the program. They also assist landowners in carrying out conservation practices which are needed to implement program plans. Conservation districts provide effective environmental education to citizens of these areas.

Dam Safety and Encroachments -- The Dam Safety and Encroachments Act provides for the delegation to county conservation districts by the Department of Environmental Protection for one or more of its regulatory functions including the power to permit, inspect, and monitor specific categories of water obstructions and encroachments. Conservation districts may also be

expected to provide information and written materials to the general public and industry, and to conduct training and informational sessions with interested parties concerning permit requirements of The Dam Safety and Encroachments Act and other regulations.

Dirt and Gravel Roads -- In April 1997, the Pennsylvania General Assembly amended the Transportation Revenue Bill and included in the law an annual appropriation earmarked for dirt and gravel road maintenance. This



program directs funds to the State Conservation Commission for apportionment at the county level to local municipalities and/or state agencies with jurisdiction over dirt and gravel road maintenance. The Commission annually disperses the funds to the conservation districts that use written criteria to apportion the funds at the local level. The conservation districts create Quality Assurance Boards to define and administer the grants program and oversee the disbursement of grant funds.

Environmental Advisory Councils (EACs) -- Act 148 of 1973 permits the creation of environmental advisory councils, which are local citizen groups that have the responsibility for advising governmental agencies on environmental issues. The State Conservation Commission was given the responsibility for developing a program of assistance to environmental advisory councils. On Sept. 1, 1993, authorities for the administration of the Environmental Advisory Program were transferred from the State Conservation Commission to the Office of Public Liaison in the Pennsylvania Department of Environmental Resources (now Department of Environmental Protection). It is recommended that conservation districts work closely with environmental advisory councils in an effort to have a united environmental program in the county.

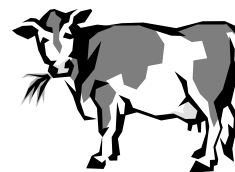
Environmental Education -- Promoting adult and student environmental education is one of



the central functions of Pennsylvania's conservation districts. Fostering an appreciation of our natural resources among school students remains a high priority for most districts. Conservation districts use different techniques to promote environmental education. The Envirothon is a major environmental education program that was developed by Pennsylvania's conservation districts. The program is designed to help students become environmentally knowledgeable citizens. Competitions are held at the local, state and national level. Conservation districts also use poster, essay, speech and soil judging contests; field trips; school presentations; and conservation camps to stimulate interest and learning in environmental issues for young people. Adult groups are also provided with conservation education opportunities. Tours, field days, workshops and seminars for landowners, municipal officials, engineers and other adult groups are annual events for most conservation districts.

Floodplain Monitoring -- Floodplain monitoring is a crucial activity for Pennsylvania's 2,500 municipalities, but is often neglected by many communities. In 1997, the state's Department of Community Economic Development asked the State Conservation Commission whether or not conservation districts would be willing to assist in monitoring floodplain activities. Eight conservation districts participated in a one-year pilot program (Phase 1) to: meet with municipalities to review ordinances; provide municipalities with a local source of assistance on floodplain matters; and present training for municipal officials on floodplain issues and services. Phase 2 followed with nearly one-third of the conservation districts participating.

Nutrient Management Program -- Pennsylvania's Nutrient Management Act provides for the establishment of a program to address agricultural nonpoint source pollution on large animal operations. The law requires these farms to develop and implement nutrient management plans and provides



incentives to encourage smaller animal operations to also do so. The legislation allows for conservation districts to participate in the administration and enforcement of the provisions of the act. The legislature, as well as the supporting farm organizations and agencies, has entrusted the conservation districts with the fundamental responsibilities under this act.

Soil Erosion Programs -- All conservation districts are involved in the Erosion and Sediment Pollution Control Program, and many also administer the National Pollutant Discharge Elimination System on behalf of the Department of Environmental Protection. These programs are aimed at preventing excessive soil loss and the resulting sediment pollution from earthmoving activities such as construction sites, logging and agricultural lands. Conservation districts may accept varying levels of responsibility from providing information and education to ensuring compliance with the Department's Chapter 102 regulations on erosion control.

Stormwater Management -- Stormwater management involves controlling the water that runs off the surface of the land from rain, melting ice or snow. Land development often increases the amount and the rate of this runoff. Each county in Pennsylvania is required by law to develop stormwater plans for each of the watersheds within its boundary. Conservation districts may participate in this program in a variety of ways. They may simply be responsible for answering runoff complaints that result from earthmoving activities or they may actually be in charge of developing stormwater management plans.



Watershed Programs -- Districts have the responsibility of assisting with determining the necessary and desirable watershed projects to abate severe flood damage, provide additional recreational opportunities, meet future industrial and residential water supply needs, and improve wildlife habitats. Conservation districts encourage and support the formation of citizen

watershed associations that can provide local leadership to identify and plan programs for improvement of water resources within the boundaries of a watershed.

District Meetings

Meetings are fundamental to accomplishing conservation district business. District board meetings are the means by which the majority of a district's business is conducted, policies are established, programs are developed, issues are addressed, finances are monitored, and progress is reviewed. Board meetings also serve social, educational, inspirational and communication purposes.

To accomplish all of the business before a conservation district, it is important that a district meet at least monthly. Meetings need to be advertised in accordance with the Sunshine Law (see Section 4, Legal Concerns, for more information on the Sunshine Law.). The district secretary should send a copy of the meeting agenda and the minutes of the previous meeting to the directors and cooperating agencies in advance of each meeting. It's always helpful to follow the meeting agenda. The agenda keeps the meeting on track and lets people know what the meeting is about. It should list the business pertinent to that month's meeting.

Meetings should be started on time and should be conducted in an orderly, business-like manner by the chairman or acting chairman. A quorum (majority of the voting members) must be present in order to conduct any official district business. Introduce all guests at the start of the meeting. During the meeting, all those present should be recognized and encouraged to participate. Each agency representative should have time to give a report for his/her agency and make suggestions relative to district activities. Actual decisions, however, must be made only by the directors. District meetings should be devoted to such items as progress reports of committees, reports of cooperating agencies, analyzing program progress, special problems and the analysis of new programs to further conservation and

conservation education. District staff should prepare written reports that are highlighted or expanded upon during the meeting at the request of the directors. Remember to review the annual goals and objectives to make sure that all planned activities are being carried out.

The success of any district depends on how well it functions as a team. Meetings should not involve trivial matters that can be handled by the staff in the line of routine work. Neither should sessions become involved in details that a committee might handle more easily among its own members. Side conversations should be avoided. Only one item of business should be discussed at a time, and only correspondence that pertains to the district board should be read. The chairman should make every effort to keep the meetings orderly and moving.

Under the Sunshine Law, district meetings must be open to the public. You must give public notice of your meetings by advertising the location and time of your district's meetings prior to their date. Be aware of the open meeting rule and the public notice rule of the Sunshine Law.

It is a responsibility as well as an honor to be an officer on a conservation district board. Each officer should prepare in advance for district meeting responsibilities. The increasing amount of business coming before district boards necessitates well-planned and orderly meetings by everyone involved. Information pertinent to discussions and decisions planned for an upcoming meeting should be distributed before the meeting to allow the district directors ample time to review the materials and make informed decisions at the board meeting. Have an open and honest discussion between directors and staff to determine the type and amount of information that should be provided before a district meeting.

Attendance at District Meetings

All directors should strive for regular attendance at district meetings and at any important functions that impact your district's conservation efforts. Attendance at district meetings is essential to the

operation of your conservation district and the district's programs. There will be times when circumstances prevent you from attending a meeting, but try to keep these occasions at a minimum. If something comes up and you cannot attend a number of meetings, consider resigning from the board or becoming an associate director so a person who can attend meetings regularly may be appointed as a director. The district can also decide to change the date and/or time of the monthly meeting. Act 217, the Conservation District Law, states that a director who is absent from regular district meetings three or more times during a year without due cause may be replaced by the county governing board. Inform the district office in advance if you cannot attend a board meeting. Having to reschedule (and readvertise) a district meeting is better than holding a meeting where no official business can be conducted because there is no quorum present.

Parliamentary Procedure



To keep a conservation district meeting orderly and business-like, it is suggested that parliamentary procedure or Robert's Rules of Order be used. Parliamentary procedure

is a tool for a group to attain the goals of the meeting and can be used to keep the meeting running smoothly. It should not be used to obstruct business.

Correctly used, parliamentary procedure is a tool to accomplish group goals and objectives efficiently, fairly and harmoniously. It is a flexible procedure involving the use of common sense and courtesy to handle the business at hand. There should only be one person speaking at a time, and participants have equal rights. The majority rules, but the minority has the right to differ.

Some tips when using parliamentary procedure include:

1. Introduce complicated ideas with discussion; introduce simple ideas with motions.

2. The Chairman cannot ignore a motion. He must put a motion to vote if it has been seconded.
3. A motion should not be discussed or voted on until it has been seconded and restated by the Chairman.
4. A “call of question” is essentially a motion. The Chair must determine if he feels there has been sufficient discussion, and if so, can ask for a vote on the motion being discussed.
5. Amendments to the motion should be seconded. After discussion, the Chair restates the amended motion and the group votes on the motion as amended. If a motion has to be amended more than twice, it is probably a poor motion.
6. A motion is seconded when action is desired. A person does not necessarily have to endorse a motion to second the motion. Discussion on a subject should follow a motion’s second.
7. The Chairman does not vote except when the vote is taken by ballot, by role call, or to break a tie.

Associate Directors

Associate directors are officially appointed by the district board. Associate directors do not vote on board decisions, but their knowledge and experience can be great assets for decision-making information and in assisting with conservation district programs. They may be given as much power and responsibility as regular directors; however, legal responsibility remains with the board of regular directors. Associate directors increase the number of people working on district programs and make it possible to establish an effective committee structure to oversee various programs and operational functions.

When appointing associate directors, consideration should be given to selecting people from all walks of life, such as sportsmen, civic leaders, bankers, teachers, clergymen, businessmen, housewives and farmers. Associate directors should be selected in order to expand the

scope of district activities and programs with their individual skills, interests and experiences. Associate directors may also be selected on the basis of representing areas of the county not represented by district directors or in other ways suited to your district’s needs. Districts may often have specific jobs that require particular training and expertise and may seek individuals to fill those needs as associate directors. Districts may also ask retired directors or professional people who are still active and interested to serve in such a position. There is no limit on the number of associate directors a district may have.

Being an associate director provides excellent training for men and women who are potential directors. Generally, it takes a director several months to become acquainted with all of the district’s programs and activities. Being an associate director provides individuals the opportunity to test their talents and determine for themselves the kind of contributions they can make to the district program. As is the case with directors, associate directors may be paid mileage and out-of-pocket expenses as authorized by the board.

District Committees

An effective committee structure is an important means for efficiently and effectively accomplishing the work of the conservation district board. It enables better use of board member time and resources, and it provides a safeguard against overcentralization (i.e. everybody having to keep up with everything) and long, cumbersome board meetings. Committees can also serve to acquaint new board members with program specifics, keep former board members involved and serve as a means to recruit and train potential future directors.

“Any committee is only as good as the most knowledgeable, determined and vigorous person on it. There must be somebody who provides the flame.”
Lady Bird Johnson

It's the rare board that would not benefit from outside skills and expertise. Some conservation districts choose to invite community residents with specific contacts and knowledge to serve on committees. This is an excellent way to bring their specific talents and perspectives to the district and can be a way for those busy professionals to serve an organization with the type of environmental goals and values that they hold personally. It can also be a way to obtain outside expertise (from bankers, media experts, attorneys, financial advisors, etc.) that the district can't afford to buy.

Committee chairs should be directors, but all committee members need not be. Appropriate staff support is essential in today's conservation district environment. Representatives of district partner agencies and organizations can also provide important technical knowledge. Associate directors and volunteers recruited for their expertise can enable the board to access needed skills or contacts, get broader input on issues and decisions, and fulfill more governance responsibilities without expanding the board.

If a quorum of district directors serves on a single committee, the meetings of that committee must be advertised and open to the public as required by the Sunshine Law.

It's not always a good idea to ask for volunteers to serve on committees. The volunteers may not have the needed expertise for the committee's purpose or may have a side agenda for wanting to hear the committee's business. Committees should be appointed by the Chair (with possible consultation by the district manager). Effective committees can be one of the most important working forces at the heart of a conservation district. Committee work can and should be a rewarding experience to both the individuals on the committee and the district. It is the responsibility of the board to define committee purpose, limitations and responsibilities. The purpose and objectives of each committee must be clear and concise and the work they do must add to the efficiency and effectiveness of the conservation district. The work accomplished by

the committees should directly impact the achievement of the district's goals and mission.

Board members who are committee chairs should present their committee's reports at monthly board meetings. Remember that committees are advisory to the conservation district board. Committees make recommendations. Boards make decisions. Some committees will be "standing" committees that meet on a regular basis and propose programmatic or procedural guidance. Other committees will be "ad hoc" committees that are created for a limited purpose or specific event.

Typical standing committees created by conservation districts include:

- Finance Committee
- Personnel Committee
- Public Relations/Marketing Committee
- Education and Outreach Committee
- Board Development Committee

Typical ad hoc committees created by conservation districts include:

- Annual Banquet Committee
- Awards Committee
- Strategic Planning Committee

There is no such thing as an ideal committee. Board chairs should strive to put people on committees that work well together. Contrary to popular opinion, busy people *should* be put on committees. They are often the individuals in the district who have high energy levels, like to be involved and know how to use their time efficiently. Some districts may view committees as troublesome, but efficient committees are well worth the effort.

Volunteers and Interns

Most people involved in your district are volunteering their time and energy as directors, associate directors, and committee members or in other roles. For these volunteers to feel their

service is worth contributing, it is important that they see concrete achievements. To attain these concrete achievements, it is necessary for volunteers to be supervised and coordinated so that they have the knowledge and understanding of what is requested from them. When volunteers understand their position and where it fits into the scope of the district's operations, they will feel a sense of accomplishment and may be willing to help on future projects.

In many ways, supervising volunteers is similar to supervising paid staff. Develop position descriptions for volunteers just as you would for paid employees. They don't have to be complicated, and they can help you focus on concrete needs for the position and assure volunteers that you need someone to do a real job. The position description also acts as a written agreement, legally protecting the volunteer and the district. After writing position descriptions, the board should develop recruitment, orientation, training and evaluation programs for volunteers. You may want to have a volunteer coordinator to help carry out these duties.

Do everything you can to make volunteers feel comfortable and fulfilled in the service they are rendering to conservation. Volunteers are motivated by a variety of factors such as self-expression, philanthropy and many others. Try to help them fulfill these motivations. Treat volunteers as co-workers: provide good working conditions, promote them to greater responsibilities, give them a part in planning, and let them know how much you appreciate their assistance to the district. Directors and other conservation district volunteers serve without monetary compensation for their time, but if they incur other expenses in their service to your district, try to reimburse them.

Interns are students trying to develop "hands on" skills and experience for their future. Colleges are starting to require students in certain majors to complete an internship in order to graduate. If you know you are going to need an employee for a few months to complete a special project, an intern could be your solution. Interns can be a

source of new ideas as well as inexpensive labor. The intern may also become an asset to you in the future as a volunteer or staff member. You must develop a job description for a potential intern and designate if it is a paid or nonpaid position. Notify local colleges of your requirements for an intern and ask for their assistance in finding a student who qualifies.

District Public Relations and Outreach

As a public organization, it is important that a conservation district reaches out and develops good public relations with

"With public sentiment, nothing can fail. Without it, nothing can succeed."
Abraham Lincoln

the citizens of the county. The objectives of a public relations program are to inform the public of activities and policies and to gain public input and support for those activities and policies. A good public relations program also helps to establish and strengthen communications internally to assure that the public is treated fairly and impartially. To achieve these objectives, the district could have a staff person or volunteer trained and responsible for handling various sections of the public relations and outreach program.

The district should also try to create a solid image and promote that image with consistency whenever describing what the district does. Both staff and directors should look for opportunities to present the district's image and goals. There are many things that your district can do to reach out and create better public knowledge of what the district is all about--conducting tours, developing brochures and newsletters, and presenting displays and demonstrations are just a few examples. Use different types of media to get your message across to your different audiences.

Pay attention to details and make public outreach an overarching policy of all district programs and activities. Treat people warmly and politely both over the phone and in your correspondence; follow through on district commitments;

recognize and support cultural differences; and give appropriate praise and recognition to agencies, associations, and other groups with which you work. Remember that our customers and our partners are the reasons we accomplish the things we do.

There are three basic steps a district can take to mount an effective information, education, and public relations program:

1. Formulate a district policy. Brainstorm about what audiences in your county the district needs to reach and the messages they need to hear.
2. Establish a committee and include people who are knowledgeable on what outreach avenues are available and may have the most influence on the district's varying clients.
3. Establish goals for the committee and explore how they can interact with the goals of the district's technical programs. Good public relations are limited only by your imagination and your desire to work for the resulting recognition and support.

Try to establish friendly, mutually helpful relationships with media representatives. If you convince them of the importance of your program, they will convince the public. It is best to develop a contact with a media representative who has the power to get your district's word out. When working with media, know what you want to communicate, be knowledgeable, concise and focused.

Refer to your conservation district's copy of the County Conservation District Public Relations Program of October 1993 which was developed by the PACD Public Relations Committee for specific guidelines and suggestions on promoting your district's programs.

Section 2

YOUR DISTRICT SECTION

It's Your Director Handbook

This section of the handbook is for any information that your district board, your district staff, or you want to include to make this manual more user friendly and useful for *you, the director!*

Individualize this section with input from your district board and staff. Consider including items from the list below, some of which may also be included in your District's Annual Program and Budget Book. Space permitting, you may even want to add additional items or even additional sections in this handbook with information on committee work, special projects, etc., that may be of particular use or interest to you.

Suggested Items to Include

- Your district's mission statement and vision statement
- Your district's strategic plan or long-range plan
- The district's goals and objectives and budget for the current year
- Major program policies
- A list of the district's approved nominating organizations
- A district calendar showing the dates (or approximate dates) of annual district events such as the seedling sale, awards banquet, Envirothon, etc.
- Your district "Team Sheets" – a listing of the contact information for directors, staff and agency partners
- The current district committee list
- Your annual "District Program and Budget Book." It contains a lot of reference information that can be of use to you, including contact information for the Pennsylvania Association of Conservation Districts, the State Conservation Commission and various state and federal agencies and special interest groups. It also contains a calendar of major statewide conservation district events.
- Copies of laws of particular interest to you or your district responsibilities (Sunshine Law, Ethics Act, Nutrient Management Act etc.)
- Any other information that will be helpful for meetings

Annual Updates

DON'T FORGET! At least once a year, review the items you keep in this section of your handbook and be sure that you have the most up-to-date resources that you need to make decisions and find information.

CONSERVATION DISTRICT

NAME

**2004
CONSERVATION DISTRICT
PROGRAM
AND
BUDGET BOOK**

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Section 3

DIRECTOR RESPONSIBILITIES

Governance vs. Support – An Introduction to Director Responsibilities

Conservation district boards serve two main roles: governance and support. These two important roles encompass different tasks.



In the role of “Supporters,” board members work to ensure the success of the conservation district. They raise money and pursue funding, bring contacts and recognition to the district, provide

special skills (such as in legal, financial or business matters) and act as district ambassadors within the community.

As “Governors,” on the other hand, district directors are responsible for the protection of the public interest. Governance roles for conservation district directors include selecting the district’s management staff and assessing their performance, reviewing and authorizing contracts and commitments, ensuring compliance with legal and contractual requirements, ensuring the sound handling of finances and the use of internal financial controls and evaluating the effectiveness of the conservation district’s programs.

The board roles of Supporters and Governors distinguish district directors from the district’s management staff. Neither role can, nor should, be abdicated. As part of the district team, the district board is unique. In their supporting role, they stand with their staff ready to serve the community and ensure that their staff has the resources needed to get the job done. In their governing role, the board stands outside of district operations and holds the district accountable to the public interest.

Good governance and good support by the board rely upon contributions and cooperation from everyone on the district team. Both roles depend upon sound, enlightened decision-making. District directors need to be knowledgeable about the district’s status and needs if they are to make decisions that advance the district’s mission and make the best use of the district’s financial, human and material resources. It is often the responsibility of the district staff and partner agencies to provide the directors with accurate, unbiased information (including possible options and outcomes) needed to make decisions.

Unfortunately, many boards say that the information they receive often hinders rather than facilitates their governance and support. They point out that they are overwhelmed with large quantities of irrelevant information, that they don’t get enough information, or that they receive information too late to devote serious attention to it. The district staff is the gatekeepers of information about district programs and operations. They need to provide the necessary information for board decisions with the appropriate amount of detail to show how the decision affects district services, is related to the district’s budget and furthers the district’s mission. On the other side of the coin, district directors need to tell district staff the type and amount of information they find most useful in making informed decisions.

Establishing and maintaining an effective information exchange system is the joint responsibility of the board and staff. To address this issue, boards should discuss the following questions and then provide their district staff with the answers: (1) What specific information does the board need to do its job?; (2) How often and how long before a district meeting does the board, or its committees, want to receive this information?; and (3) In what format does the board want the information delivered?

Responsibilities of District Directors

As a member of the board of directors of a conservation district, you have the responsibility for the conservation of the natural resources in your county. In order for you to be a vital force in the conservation movement, you need to be familiar with your district's resources. You must be generally acquainted with the people and resource conservation problems of your district and sufficiently concerned to search for and provide solutions to these problems.

District director responsibilities include the following, some of which have been discussed in earlier sections of this Handbook:

1. Be familiar with Pennsylvania's Conservation District Law. Know the powers, authorities, responsibilities and limitations placed upon districts by the law. (See Section 1 and Appendix 2.)
2. Attend all regular and special meetings of the district board.
3. Accept the responsibilities of any office to which you are appointed within the district board. Serve on committees and present reports on committee accomplishments and activities.
4. Help to enroll landowners as cooperators with the district and encourage citizens to participate in district programs.
5. Attend regional, state and national conservation district meetings and other meetings on behalf of the district to stay current with conservation issues and programs. When attending meetings on behalf of your district, make an effort to represent the feeling of your board as a whole, not just your personal feelings.
6. Pursue every avenue for additional funds to support district programs.
7. Stay informed on conservation issues in your county and be familiar with all laws, policies, and programs important to your district.
8. Develop a working relationship with county commissioners, state and national legislators, agency officials, and representatives of organizations that do or could cooperate with the conservation district.
9. Be thoroughly familiar with district programs and activities.
10. Be positive, innovative and action-oriented.

Board/Staff Relationships

District Staff Development



The earliest conservation district employees appeared as clerical assistants to the USDA Soil Conservation Service (SCS), now known as the USDA Natural

Resources Conservation Service (NRCS). The SCS provided conservation planning and technical assistance to the agricultural and general community and the earliest district staff were secured through local funds to provide needed clerical support. In areas where sufficient resources were available, and the local sentiment was to accelerate services by the SCS, district staff were hired to serve as technicians to assist in the field (ex: rod-man to help with surveying). For the most part, day-to-day supervision of these district individuals was assigned to the SCS District Conservationist, since they were the individuals who were using this service provided by the conservation district.

The appearance of district employees with duties beyond clerical support was the first time conservation districts and their boards had a full-time physical presence in the community. The district employee was now available to attend outside meetings and represent district views when it was not physically possible for the board members to do so. This district presence in the community was - and still is - physically tied to the individuals hired by the district.

Also for the first time, the district board was presented - through the presence of district employees - with full-time sets of eyes and ears able to bring back local resource issues to the

members of the board. Many of the issues brought to the district boards by their employees were other than the traditional agricultural issues historically dealt with by conservation districts. These district-based perspectives and issues began the growth of Pennsylvania's conservation districts in directions that often resulted in the cultivation of new partnerships and associations. They also led to new program areas. In essence, the full-time employees gave the conservation district boards a full-time contact for the community that was truly independent and locally controlled. District staff would soon assume the role of interacting with legislators, funders, agencies and communities along with the board.

District employees have developed the abilities to efficiently and effectively represent the needs and opinions of their respective districts. One of the more obvious results of the increased capability of these newly emerging district professionals was the securing of more and more programs, projects and grant dollars. This in turn resulted in a growing number of district staff. As the ability of the conservation districts to administer a cost effective and locally acceptable program increased, many agencies and organizations began to look to districts for similar program deliveries.

The Need for Strong Board-Staff Foundations

As district programs became bigger and more sophisticated over time, conservation district boards of directors moved into a policy setting role versus a day-to-day administrative role. District boards went from approving such items as stamps and stationary purchases to establishing policy on how to set spending guidelines for multiple grants, programs and staff. A real need emerged for securing a professional manager to make the day-to-day operational decisions within a defined scope of authority and in line with the philosophy of the conservation district board.

Professional district managers became the day-to-day decision makers for the conservation district and had to pay special detail to operating within the policies set by their boards of directors. The

challenges for the district directors were to find individuals that had the skills and abilities as well as the *philosophy and values* that best represented the district board. Where district directors were successful, district programs grew by leaps and bounds.

“A boat doesn’t go forward if each one is rowing their own way.”
Swahili proverb

The challenge for district professionals has always been to condense and communicate information on increasing numbers of programs and issues for their boards in order to facilitate the policies and decisions needed. For the vast majority of conservation districts, the results have been dramatic increases in programs and responsibilities. The approach by districts is usually more aggressive and creative due to the local need to get a problem addressed. New and expanded partnering opportunities have directed resources through the districts to accomplish goals that were difficult in the past. This creates even more growth for the districts and further intensifies the need to assure that district directors and district staff hold similar values and philosophies on local conservation issues.

The facilitation of emerging new relationships with the districts' traditional partners is often left to the district manager who now has a greater grasp than the district board on the many intricacies of the programs in question. It is vital to keep in mind that district employees are - or should be - driven by the same principles, values and goals as those of the district directors. Both district directors and district staffs are representative of the local area.

District staff positions usually attract individuals because of the mission of the district and not the dollars. For the scope of programs administered by districts, both monetary and career ladder futures are not industry equivalent. The large proportion of district staffs are extremely dedicated to the mission of conservation districts, as are their boards, and have created a new class of professional. Accomplishing the tasks set before them by their boards often involves

flexible hours and for that matter a flexible life for district staff. The full-time representation of the conservation district within the community becomes a lifestyle for many that often requires night meetings, weekends and overnight travel.

As a group or class of individuals, today's conservation district professionals are invaluable to the successful functioning of their district boards and they wield as much influence over the future of conservation programs in America as any other single group.

Conservation district staffs act in the dual role of being the gatekeepers of important programmatic information needed by district boards and of being the district's representatives in the community. They carry the responsibility of analyzing the natural resource needs of the county, the effectiveness of the district programs in the community, and the current trends and forecasts in the conservation public service arena. They need to digest this information and present it in an unbiased format to the district directors. The directors need this information in order to make informed decisions affecting district policies and programs. Once the board of directors decides on the level and direction of district involvement in a particular environmental issue, it again becomes the responsibility of the professional district staff to accomplish the district involvement in a degree and manner that is true to the wishes and philosophy of the district board.

Hiring and Supervision

“Teamwork is the ability to work together toward a common vision; the ability to direct individual accomplishment toward organizational objectives. It is the fuel that allows common people to attain uncommon results.”
Andrew Carnegie

One of the responsibilities of your position as a director is the oversight of the hiring and supervising of the staff that is needed for your district's operations. The staff implements

the district's policies and programs that are developed by the district board.

District personnel who are hired with district funds should be accountable to and supervised by the district board or other designated district employees. Day-to-day supervision by the board is normally not feasible or necessary; however, a designated director or directors should periodically review the performance of the district staff, usually in tandem with the district manager. This will provide the employees with insight as to the direction the board wishes to be taken in managing the district program. It will also result in greater understanding by the board of the performance of their staff and of the problems they face. Annual performance evaluations should be conducted on all members of your district's staff to review the adequacy of performance, clarify expectations, identify continued professional development needs and to share concerns.

Your district board should consider assigning a personnel committee chaired by a district director to work directly with staff. A personnel committee works closely with district staff to maintain an awareness of employee concerns, be aware of potential problems as they develop, provide encouragement, initiate evaluations, and make recommendations to the board on salaries, benefits and other personnel actions. District managers can be responsible for the daily management of other district employees, but a personnel committee will maintain a strong tie between the district board and the district staff. Such a committee is also important to handle grievances some employees may have against others.

The district board is responsible for developing a written personnel policy -- a document that is very important to the district. Many conservation districts develop a policy similar to their county's personnel policy. Whatever the format, the policy should identify what is expected from each employee and can include information such as a job description for each position, the staff's training policies, a statement of hours of

employment, vacation, holidays, annual leave, sick leave, parental leave, compensatory leave, benefits, probationary periods, resignation and termination notices, causes for discharge and a statement of general work ethics. Compensation, including salary and benefits for district personnel must be established by the district board. Numerous factors should be considered when establishing a compensation policy. Some of these factors include education, training, experience, the complexity of the job, the number of other employees supervised and the degree of responsibility.

Your board should also develop a written grievance policy.

Employee recruitment, training and performance standards all need to be considered. Make sure that your district adheres to equal employment opportunity and other laws that must be followed by any employer. There are also legally required employee programs including Social Security, unemployment insurance, workers compensation, and federal income tax that your district board should discuss. It may sound trivial, but it's also important to give your staff a comfortable working environment. Staff turnover can be very costly in time and dollars so hang on to good people.

Refer to your district's copy of revised version of the National Association of Conservation District's Personnel Management Reference Book for specific information on employee supervision considerations.

District Planning

Planning helps to establish a direction for your conservation district to follow and is an essential part of every director's job. The primary responsibility of the board of directors is to develop and carry out a program that will result in the conservation and protection of land, water, and related natural resources. To develop and maintain effective district programs, directors must:

- (1) identify local conservation needs;
- (2) set goals;
- (3) develop long range, annual and strategic plans to achieve these goals;
- (4) develop procedures to ensure implementation of district plans; and
- (5) evaluate the effectiveness of district programs.

Planning allows your board to set priorities for organizing your financial, human and material resources to accomplish objectives in a certain time period. When planning is not done, many resources are lost or underutilized due to unproductive and uncoordinated efforts.

It is important that people outside of the conservation district be brought into the planning process. The conservation problems and needs of your county should be assessed by the directors and interested citizens and organizations as the first step in your planning process. Landowners and operators, as well as county and local officials, citizen groups, environmental and sportsmen's organizations and others should be invited to assist the district. This will enhance the validity and effectiveness of the district's plans and programs. After assessing the county's resource problems and needs and comparing them to the district's current programs, broad strategic goals should be developed to address the identified needs and to form a direction for the district to follow in the future. These goals should be achievable, motivational, measurable and concrete, but flexible.

There are three main types of planning that a conservation district should employ: long-range planning, interim or strategic planning, and annual planning. Long-range planning provides the foundation for overall conservation district operations. These plans define the broad goals of the conservation district for the future. A long-range plan is developed every five to ten years to serve as a broad outline of your conservation district's response to long-term shifts in land use, population patterns, and improvements in



technology. A long-range plan includes a vision statement, goals, general action statements and a list of stakeholders.

Strategic or interim

planning is a process used to make concrete plans for the future, document those plans, and adopt a formal method to execute those plans and evaluate their success. A strategic plan reaches two to five years into the future. It is focused, detailed, and clear about what is to be done, who is/are involved, when each step is to be performed, and how the success of the plan will be evaluated. Interim plans include: a mission statement, goals, activities and strategies. It can also be a source of annual goals and objectives for the district. Examples of strategic plans that have been completed by districts have been posted on the State Conservation Commission's web site at www.pascc.state.pa.us.

"A good plan today is better than a perfect plan tomorrow."
Author unknown

The annual plan should spell out *in detail* what the district expects to accomplish during the coming year to advance the district's interim and long-range objectives and goals. The annual plan should spell out what is to be done, how action is to be taken to accomplish the goals, who is to carry out the action or be responsible for its completion, and when the action is to be accomplished. It's important that goals be measurable. How else will you know when you've reached them? Care should be taken to avoid non-specific phrases such as "strive to continue to support." If the district wants to express support for an agency or a program, adopt a position statement. Don't clutter your goals and objectives with items that can't be measured.

Each year, your conservation district should evaluate the success it had in reaching the goals and objectives it planned and capture the "whys" of what worked and what didn't. This evaluation is very important! By analyzing the results of your efforts, you can get a better idea of how to develop a more successful plan for the following year. Don't plan for the sake of having a plan on

a piece of paper. Invest the time in creating a meaningful plan and evaluating its usefulness.

District Evaluations

As a conservation district grows, directors and staff need to pay attention to organizational development. Using the right type of evaluation can be an important management tool in strengthening conservation district operations. They can help you to:

- Identify potential problems while they can still be resolved;
- Motivate staff by giving well-deserved praise and recognition;
- Encourage everyone on the district team by measuring progress toward goals; and
- Assess what's working and what's not, so you can learn from what's happened and adjust accordingly.

Remember that effective evaluations require measurable goals. District boards should set goals with staff annually and should assure that progress toward meeting those goals is monitored on an ongoing basis. Checking progress and making necessary adjustments leads to more efficient use of your district's resources.

"If what you are doing is not moving you towards your goals, then it's moving you away from your goals."
Brian Tracy

Evaluating Individuals

Annual performance reviews for individual staff are important to the successful operation of a conservation district. A conservation district should be hard-pressed to find valid reasons for not instituting a goal-setting and goal-monitoring process and dedicating an hour-long meeting once a year with each employee to ensure that the mutual needs of the employee and the district are being met.



Performance reviews can help supervisors become more honest in their relationships with their subordinates

“Not everything that is faced can be changed. But nothing can be changed until it is faced.”
James Baldwin

and feel better about themselves in their supervisory roles. Staff is assured a means to discuss what’s expected of them, and note their personal strengths and areas for development, along with providing an opportunity to create a more solid sense of connection with their supervisor.

Avoiding performance reviews and performance issues can decrease morale, decrease the credibility of management and the district board, decrease the district’s overall program and operational effectiveness and expose the conservation district to legal challenges brought by disgruntled employees.

If your conservation district has staff on the county’s payroll, you should be following the county’s evaluation process. Ask if the process can be amended to address specific district programs and procedures.

If your conservation district has staff that is paid directly by the district, you shouldn’t be worried about having to establish a cumbersome evaluation process. It is important, though, that you take the time to design a legally valid performance review process. (Use your county’s process or other legally valid processes as a template.) Invest the time and resources into having your evaluation process reviewed by an employment expert or employment law attorney.

The law requires that performance evaluations be: job-related; based on a thorough analysis of the job; standardized for all employees; not biased against any race, color, sex, religion, or nationality; and performed by people who have an adequate knowledge of the job. Be sure the process includes adequate recourse for an employee who feels he or she has been dealt with unfairly. The entire process, including an appeals

process, should be described in a district personnel policy that is given to each employee when they are hired.

Design a standard form for your performance appraisals. Include the name of the employee, date the performance form was completed, dates specifying the time interval over which the employee is being evaluated, performance dimensions (include responsibilities from the job description), any assigned goals from the strategic and/or annual plan, along with needed skills, (such as communications, administration, etc.), a rating system (e.g., poor, average, good, excellent), space for commentary for each dimension, a section for overall commentary, a final section for action plans to address improvements, and lines for signatures of the supervisor and employee. Signatures may either specify that the employee accepts the appraisal or has seen it, depending on the wording on the form.

Schedule an employee’s first review to take place six months after the employee starts. Initiate an annual performance review by telling the employee that you’re scheduling their review. It shouldn’t come as a surprise. Remind them of what’s involved in the process.

If appropriate, have the employee suggest any updates to their job description based on program requirements and needs and provide written input to the appraisal. The supervisor and employee can exchange your written feedback during the review meeting.

The supervisor’s input should be entered into the performance review form by making references to the job description and specific goals for the position. Record major accomplishments, exhibited strengths and weaknesses, and suggested actions and training for development to improve performance. Use examples of behaviors wherever you can in the appraisal to help avoid counting on hearsay. Always address behaviors, not characteristics or personalities. The best way to follow this guideline is to consider what you saw with your eyes. Be sure to address only the

behaviors of that employee, rather than behaviors of other employees.

Hold the performance appraisal meeting. State the meeting's goals of exchanging feedback and coming to action plans, where necessary. In the meeting, the employee should speak first and give their input. The supervisor should then respond with his or her own input. Discuss areas of disagreement with honesty and try to avoid defensiveness. Discuss behaviors, not personalities. Come to terms on actions, where possible. Try to end the meeting on a positive note.

Update and finalize the performance appraisal form. Add any agreed-to commentary. The supervisor should sign and date the form and ask the employee to do the same.

It's important to note that if the supervisor has been doing a good job of supervising, then nothing should come as a surprise to the employee during the performance appraisal process. Any real performance issues should have been discussed when they occurred.

Don't forget to conduct an annual evaluation of the district manager. This is an important responsibility of the district board and just may be the most important evaluation the district conducts. There are several benefits derived from evaluating the district manager, including the fact that the process:

- Ensures the Board is meeting its duty to effectively lead the organization;
- Ensures organizational goals are being met;
- Ensures continued development of the District Manager to more effectively conduct his or her role;
- Ensures a formal and documented evaluation process that meets standards of fairness and practicality;
- Ensures the District Manager values his or her role, is benefiting from it and therefore

is more likely to stay (finding good District Managers is increasingly difficult);

- Leaves written record of the Board's impression of the District Manager's performance in case this record is needed for future verification, e.g., for salary increases, probationary activities, firing, etc.

The most important aspect of evaluating the district manager is committing to getting the evaluation done. Don't worry about the specifics of the process as much as assuring that the process takes place. Evaluate the manager by referencing his or her progress towards last year's organizational goals and the responsibilities included in their job description. Establish the manager's goals by referencing the goals and objectives produced from the district's annual and strategic planning activities.

A committee of the board, not one board member, should carry out the evaluation of the district manager. The committee might be the executive committee, the personnel committee or an ad hoc committee comprised of directors best acquainted with the district's goals and the manager's job responsibilities. Be sure the process is fully documented and the manager is aware of an appeals process in case he or she feels they have been treated unfairly in the evaluation process.

Manager evaluations should be conducted consistently (i.e. annually) and should be based on job responsibilities and behaviors, not personality characteristics.

Evaluating Teams

The Local District Team

The local district team has evolved over the years. Historically, the team was comprised of directors, associate directors, staff and a few key agency representatives. Most conservation districts have expanded their team to add county and municipal representatives, more partner agencies, watershed organizations, subject experts, representatives of

program users and additional natural resource agencies and organizations.

Whether your local district team is traditional in size or has expanded along with the programs and services your district offers, it's important that you periodically stop and assess whether the district is still doing what needs to be done and you're doing it the best way that you can.

Every conservation district in Pennsylvania is required to submit annual goals and objectives to the State Conservation Commission by January 31. Constantly monitoring your district's progress in meeting the goals you have set for yourself is a good form of evaluation.

Many conservation districts were accustomed to using a program evaluation process sponsored nationally by the Goodyear Corporation. Although "Goodyear Evaluations" are no longer used, your Conservation District Field Representative can show you how the process worked or can help you establish a new format to evaluate the effectiveness of your district program. Goals have little meaning if they don't serve to further the mission of the district and no progress measurements are ever made to see if the goals are appropriate and attainable.

The Board-Staff Team

The Board-Staff team is the core of the modern conservation district. Expressed expectations, clear and useful lines of communications and honest feedback and support are essential to an efficient conservation district.

The "Building For Tomorrow" leadership development program has offered "District Team Visits" in which a team of district representatives, upon invitation, spends a couple of days with the members of a district team and produces a written report documenting their observations. The visits aren't an evaluation per se, but the resulting report prepared for the district can be the basis for further internal dialogue and evaluation on the part of the district team.

Staff-Board retreats are another opportunity for honest evaluation by the district team. Retreats and planning meetings offer a good opportunity for district staff to explain program specifics and trends. Combining staff information about district programs with director knowledge of community needs and program acceptance offers a way to evaluate whether the directors and staff are "on the same page" concerning the future purpose and direction of the district.

The Conservation District Board Team

Another district "team" that needs to be evaluated is the conservation district board of directors.

Governing boards, like those of conservation districts, use employee performance evaluations to assure that staff is using resources effectively and that services are being delivered at the expected level of quality. However, far too many boards fail to evaluate their own level of contribution to the overall effectiveness of their organization.

"The quality of a leader is reflected in the standards they set for themselves."
Ray Kroc, founder of McDonalds

District boards direct the conservation district through their policy setting function, their fiduciary responsibilities and their overall vision for the district. Board self-assessment can provide valuable information for the board's use as it seeks to refine its performance and whenever it undergoes a change in membership or the district takes on new or different programs or responsibilities.

Regular self-assessments by the board will assist the board to operate at its maximum effectiveness, identify board training needs and assure that the board is adding all the value it can to the conservation district that it governs.

At the request of a number of conservation districts, the "Building For Tomorrow" leadership development committee has compiled a sampling of self-evaluation tools for non-profit boards that may be useful to your conservation district

board's self-evaluation efforts. Copies of the sample self-evaluations were provided to each conservation district office and can also be obtained through your Conservation District Field Representative. A sample board self-evaluation is included in the Appendix 4.

Evaluating Systems

Alexander Graham Bell invented the telephone in 1876 and person-to-person communications have



never been the same. There is no more efficient form of communication than face-to-face communication. During face-to-face communication, we cannot only hear the words that are being said, but we can see the facial

expressions and body language of the person saying them.

Under Pennsylvania's Conservation District Law, boards have very defined roles and legal responsibilities. These responsibilities cannot be delegated to district staff. The staff acts under the authority of the board. It is clear that the responsibility for the district program, its legal obligations and the people (staff) that help carry out those obligations falls squarely upon the district board members. The individuals that make up the district staff have a challenge to carry out the directions and objectives of the district board within the confines of the philosophies and policies of the board. The board is challenged to clearly state those philosophies and policies to the staff.

It is absolutely essential that for any organization to function, its members must know each other. How else can we evaluate the opinions and information that each of us brings to the table? While each of us learns in differing manners, so too we each communicate differently. Board members need to know how to evaluate the information and actions of their staff. Staff members need to know the needs and opinions of their Board. The only proven method of achieving this understanding is for interaction on a number of levels. One-on-one visits, district

retreats, social activities and even traveling together to meetings and activities all offer opportunities for district directors and district staff to establish important lines of communications.

At least annually, every conservation district should examine their current means of internal communication. Are the appropriate written staff reports received by the board of directors in the format and time frame most useful to the individual directors? Are the appropriate staff members attending board meetings when necessary? Does district staff feel that the directors understand the requirements of their program? Is everybody being able to give and receive the information they need?

Knowing precisely what is expected of each district team member in their various roles within the district is the best method of empowering individuals to achieve expectations and avoid

misunderstandings. As district programs grow in scope and complexity, those expectations also grow in both scope and complexity. It is important that the district address each member's roles to maintain parity with those changes.

“Success on any major scale requires you to accept responsibility ... in the final analysis, the one quality that all successful people have ... is the ability to take on responsibility.”
Michael Korda

A district's system of internal operations is another factor that needs to be evaluated periodically. Important procedures – whether they will be used daily or only in specific situations – should be identified and studied so that guidelines can be created for each procedure and captured in written policies. The following section provides suggestions and ideas on district policies.

District Policies

One of the primary responsibilities of every conservation district board is to provide guidance and leadership to the district directors, district

staff and volunteers. Written policies are an important management tool to capture the products of the board's decision-making actions and provide guidelines and directions for the daily operations of a conservation district.

In these times of increased visibility and responsibility for conservation districts, it is more important than ever that district boards and staff conduct district business in ways that are efficient, professional and above-reproach. Conservation districts must be aware that they are public entities and are responsible for implementing approaches to district operations that abide by state and federal law.

Section 9 of Act 217, The Conservation District Law, lists the many powers of Pennsylvania Conservation Districts. One of those powers is "... to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act to carry into effect its purpose and powers." Through Act 217, conservation districts are vested with the authority to adopt policies and procedures for the effective operation of their organizations.

Too often policies are created to make sure a bad decision made in a crisis is never repeated. Proactive policymaking is recommended for situations that are common to your conservation district or may result due to the programs you administer. Conservation districts that practice proactive policymaking can save themselves a great deal of anguish in a crisis situation that demands instant response.

Making policy does not have to be onerous. Although district policies should always be written to conform to legal, moral and ethical mandates, most policies dealing with how a conservation district conducts business on a day-to-day basis can be developed through a series of simple questions:

1. For which district situations, issues, programs or procedures do we need a policy establishing clear guidelines and procedures?

2. Do we have any legal or programmatic guidance on how these issues, programs or procedures should be handled?
3. What do we intend this policy to do?/ What outcomes do we expect to see?/ What is the purpose of this policy?

All conservation district policies (as well as position statements) should be officially adopted at a monthly district meeting. Personnel policies should be reviewed by an employment law attorney. Once developed into a final draft, a proposed policy should be distributed and discussed at a district meeting. The official adoption of the policy should be done at the following district meeting to allow the district directors time to contemplate the intent and consequences of the policy and to allow for any possible public input into the policy as proposed.

Conservation Districts should keep all officially adopted policies in a Policy Manual. A copy of the manual should be provided to every district director and every member of the staff. Copies of specific policies should be available to the public in situations covered by the policies. For example, copies of a policy on public input and media coverage should be available at monthly district meetings.



Just as important as creating a policy manual, a conservation district needs to maintain and review the policy manual it creates. One of the first policies you may want to consider is a policy on how policies are created, adopted and reviewed. Be sure that the district's policies are still in line with district program responsibilities as well as current legal and regulatory requirements.

The final factor in successfully creating and using policies to help manage how the conservation district does business is training. It is not enough to create policies and just keep them on the shelf. District policies should be reviewed with all new (and existing) district staff and directors as part of an established orientation process. Remember, too, that investigations into some business situations and issues (such as accusations of

sexual harassment) actually look at whether or not training is held – sometimes on an annual basis – to deter the situation or issue being investigated. If such training is not conducted, the conservation district can be held partially liable for the actions.

Why Create Policies?

- More Efficient Internal Operations
- Professional Public Image
- Help with Orientation of New Directors & Staff
- Time Savings
- Legal Requirements
- Contractual Requirements
- Reduce the Possibility of District Being Seen as Arbitrary, Biased or Unfair
- Capture Board Decisions

What Types of Policies Should Districts Consider?

- Personnel
- Use of Vehicles, Equipment, Electronic Communications
- Staff Appearance and Conduct
- Board Functioning
- Fiscal Matters
- Dealing with the Public

Some Things To Remember About Creating Policies

- Be Proactive, Not Reactive
- Policies Should be Written
- Policies Should be Officially Adopted at District Meetings
- Create & Distribute a Policy Manual
- Have Copies of Policies Available when Appropriate
- Have a Policy on Policies (Maintenance & Review)
- Training on Policies
- **HAVE THEM REVIEWED FOR LEGAL ACCURACY**

District Finances

[The information provided in this section is meant to encourage discussion and deliberation. Conservation districts should use this information as a guide only. Tailor it to your needs, coordinate with county policies (where possible) and seek advice from appropriate professional and legal counsel before taking action.]

How the district handles its finances is also something that needs to be understood and evaluated by the board of directors. Adequate and appropriate internal financial controls are essential to not only the financial well being of the conservation district, but the overall professional image of the district. Internal financial controls are a conservation district's system of internal checks and balances. They may include two-signature checks, the separation of financial duties within the district and unannounced inspections of the district's financial accounts.

Internal financial controls are established to reduce the potential for misuse – intended or unintended – of the district's assets or misstatements of account balances. Most people are aware that internal controls help deter fraud within an organization and some may resent following control activities because they create an environment of mistrust. It is important to remember that internal financial controls *benefit* employees as well as the district because controls protect honest employees from being falsely accused of fraud or misuse of district assets.

Your district's auditor can provide you specific input on your district's internal financial controls.

Funding

All district funds are public monies. District directors are accountable for all expenditures. Detailed records should be kept of all monies received and disbursed. All expenditures should be approved by a majority of the directors at a regular or special district board meeting. The State Conservation Commission requires an



annual audit, the results of which must be submitted by October 1st of every year.

It is suggested that your board have a finance committee to oversee all financial aspects of the district and help the board make informed decisions. You should communicate with your county governing body regarding your district's financial activities. Many districts' funds are included in their county's annual audits.

The first step in conservation district funding is to define your district's need for funds. This is best done in conjunction with the development of your annual plan. You should assess funds from federal, state or county appropriated funds, grants and local income-making projects. Many cooperative agreements (and grants) require conservation districts to provide matching funds. Occasionally, services or materials can be substituted for matching funds.

State funds for conservation districts are typically provided through the State Conservation Commission from various sources and are designated for certain assistance areas. The Conservation District Fund Allocation Program (CDFAP) is a cost-share program through which state funds are allocated by the State Conservation Commission and provided to conservation districts. The funds are designated for use in staff employment, administrative assistance, financing Commission-mandated activities, and specific program elements. The Commission will annually allocate the available funds to these categories and will provide for the fair and equitable distribution of the funds to conservation districts.

Conservation districts receive a substantial portion of their funding from their county government. There are many reasons for the county to support your district. In addition to the many benefits provided to individual landowners and other private citizens, the conservation district can help county and local governments with soil and other resource information needed for land use planning, highway and drainage design, storm water management and erosion and sediment pollution control. Federal funding has also been

made available to districts for special programs and projects.

Many conservation districts initiate fund-raising projects that relate directly to their county or their programs. Examples include tree seedling sales, T-shirt sales, auctions, and associate membership programs. A number of districts have also established a fee schedule for services such as educational programs, erosion control plan review and nutrient management plan development.

Grants are another source of funds for some conservation district programs. Grants are funds that are awarded to an agency or organization on a competitive basis for a fixed period of time, usually for a specific purpose. Educational programs and demonstration projects are common examples of projects that can be financed through grants.

Funding is an important aspect of successful conservation programs and should receive serious thought and effort as to how it will be obtained and used. Funding oversight is a major responsibility of district directors. Every avenue for additional funds should be pursued to accomplish your district's goals and objectives.

Audits

As district visibility has increased and the impact of district board decisions has grown, it has not been unusual for conservation districts to have their accountability for the use of public funds questioned. As a result, the State Conservation Commission requested the Department of Environmental Protection to work with the State Comptrollers Office to develop minimum audit requirements for districts. Meaningful audits will help insure that districts properly manage public funds. The State Conservation Commission adopted the following audit and audit related recommendations at the Commission's November 9, 1999 business meeting.

A good audit process can also improve day-to-day operations, be a helpful management tool, and be used to support funding requests. It will help districts comply with laws, policies, established procedures, and sound management practices.

Guidelines for County Conservation District Annual Audits

The following applies to all Conservation District “Financial Statement” audits required by the State Conservation Commission.

Audit Standards and Requirements

- District audits must include **all** funds received, maintained and expended by the district.
- District audits will be conducted by or under the supervision of a Certified Public Accountant (CPA) and completed in accordance with generally accepted auditing standards and the standards applicable to “Financial Statement” audits contained in the latest revision of *Government Auditing Standards* issued by the Comptroller General of the United States.
- A copy of the District audit along with all **findings and management letters** must be submitted by the required deadline to the State Conservation Commission (c/o the DEP Bureau of Watershed Management, Division of Conservation District Support and Nutrient Management), the County Commissioner’s Office and to the County Controller’s Office (if one exists).

Additional Recommendations

- Each district is strongly encouraged to have their auditor attend a monthly board meeting to present the findings of the completed audit. Directors are strongly encouraged to take advantage of this opportunity to ask questions of the auditor concerning the audit and its findings. This meeting may also be a good time to have the auditor review some basic fiscal procedures with the board, such as presenting a review and evaluation of the monthly financial reports. **Directors need to understand the annual audit report and the monthly financial reports that are presented to them.**

- The majority of districts are using computerized accounting software to help maintain their financial records. If your district is not, the Commission strongly encourages you to consider doing so. Your auditor and or field representative can provide information on software that other districts are successfully using.

Audit Deadlines and Sanctions

- The Commission deadline for submitting yearly audits is October 1st of the year following the close of the calendar year being audited. For example, audit statements for calendar year 2000 are due to the Commission on October 1, 2001. If a district cannot meet the October 1st deadline they must submit a deadline extension request. **The request must be submitted on district letterhead and include the reason for requesting the extension and the expected audit submission date.** The requested extension date cannot be later than December 31st of the same year. The extension request must be postmarked or faxed to the Commission (c/o the DEP Bureau of Watershed Management, Division of Conservation District Support and Nutrient Management) by the close of business September 15. Based on the information provided, Commission staff will act on the request (approve/disapprove). If the October 1 deadline is missed without the District receiving an extension, or the approved extension date expires without the submission of the required audit, the district will forfeit the General Administrative Assistance portion of the Conservation District Fund Allocation Program for the current fiscal year.
- In addition, a district’s obligation to submit an audit consistent with these guidelines continues beyond forfeiture of the general administrative assistance. Commission staff will continue to track and report unsatisfied obligations for possible additional sanctions as determined by the Commission.

Budgets

An important part of district finances is developing budgets to allocate conservation district funds and other resources. Your district budget should be prepared annually in conjunction with the district annual plan. Your district's budget should include projected expenses and revenue, the proposed budget with the prior year's actual expenditures and income, and the recommended allocation for the coming year for each line item. To keep track of your budget status, the board treasurer should report on income, expenses and other budget status information at monthly board meetings.

The State Conservation Commission should receive a copy of your budget and your annual report each year to remain up-to-date on your district's needs and programs. An annual audit of district funds is required.

Funds obtained by conservation districts are classified as public funds, regardless of how they are obtained. As public officials, conservation district directors are accountable for funds, property, and equipment belonging to the district. You are accountable to the people in your county and the agencies with which you work. The trust of these people is a valuable asset. Do not abuse this trust. Print annual financial statements and reports of your accomplishments that will allow them to see what the conservation district has done and what was spent doing it. If the citizens of your county and the organizations with which you work with have access to this information, they will be more familiar with the role of your conservation district and more likely to trust the board to act in their behalf.

Fiscal Accountability



Conservation districts are public agencies created by state law. They are not separate entities that answer only to themselves.

District directors are appointed by the county board. In accepting appointment to their office, directors assume the responsibility of working to conserve the natural resources of their county. In doing this, they are accountable to the public at large as well as more specifically to the county board, the State Conservation Commission, and to the various local, state, and federal agencies that provide the district with financial or other types of resources.

Section 4

LEGAL CONCERNS

Important Disclaimer Regarding Legal Issues



The information provided in this section is meant to encourage discussion and deliberation. Conservation districts should use this information as a guide only. Tailor it to your needs, coordinate with county policies (where possible) and seek advice from appropriate professional and legal counsel before taking action.

Personal Liability Protection

What does the Conservation District Law say?

Government employees and officials can be subject to lawsuits, whether the lawsuits are valid or not. Section 9 of the Conservation District Law (Act 217) provides that the directors of a conservation district have the power “to ... be sued in the name of the district.” While the outcome of any lawsuit is based upon the interpretation of the law and the specific facts in any given situation, district staff and district directors should be aware of their rights and responsibilities regarding lawsuits that name them as parties.

Delegated Programs

The Conservation District Law requires the Commonwealth to defend and indemnify district directors, associate directors and employees for duties performed as part of delegated programs to the same extent as would be provided for Commonwealth employees. “Defend” means to provide an attorney if the person is sued, and “indemnify” means to pay any costs or damage awards required by a court or a settlement.

The general rule for this liability protection is: if you are acting reasonably within the scope of your duties under the signed delegation agreement, you will get liability protection from the Commonwealth. However, the protection does not apply to willful, malicious, fraudulent or criminal actions. “Willful” means the person knows *or should know* the action is not lawful.

It is important that the district’s annual plan of work and the employee job descriptions and

performance standards thoroughly cover the district’s responsibilities related to delegated authority in state programs. DEP and State Conservation Commission policies, procedures and guidance play an important role in this regard, because they frequently describe what is authorized or required by law. Conservation district directors and staff that perform duties or make decisions in delegated programs should be following this guidance.

What does this mean? Take these examples:

- A district director votes to approve a nutrient management plan for a farm. The farm has odors that a neighbor attributes to health problems, and the farm later has a major spill of manure into a creek that causes pollution. There are lawsuits against the District and the director. In these cases, the director was acting within his/her normal responsibilities under a program delegated to the district. The Commonwealth would defend any suits against the director, and pay any damages ordered by a court (a very unlikely scenario).
- A district manager ignores a Right to Know Law request for public records relating to a nutrient management plan, including a formal appeal under the law, and a court issues a fine under that law. Because the State Conservation Commission has published a policy and guidance governing Right to Know Law procedures, the manager is clearly willfully acting outside the scope of his/her normal responsibilities and would likely not be defended or indemnified by the Commonwealth.

Districts should follow their delegation agreements and the associated guidance and policies provided by DEP and the State Conservation Commission. Doing this ensures protection by DEP if a lawsuit is brought against you personally.

Non-delegated Programs

For all non-delegated programs or activities, directors and district staff have general liability protection under a state law called the Political Subdivision Tort Claims Act. It gives the same protection described above under the Conservation District Law—the person must be acting reasonably within the scope of his/her duties—except that the protection is provided by the District.

Under the law, the director or employee has the right to request legal assistance and indemnity from the District if they were sued for actions related to their District responsibilities. Directors and managers have a special defense to lawsuits—they can assert that their decision was within their policy-making discretion.

Districts should have a process in place to address lawsuits arising out of non-delegated programs. Normally, a district would retain a solicitor for defense of any such lawsuits. In addition, the solicitor can advise on proper amounts of insurance coverage.

If you are sued

1. Notify your district solicitor immediately.
2. Delegated program: Immediately notify the State Conservation Commission and depending on the program, either the DEP or Department of Agriculture legal offices. This begins the process of evaluating the case to see if you qualify for assistance by the Commonwealth. In the unlikely instance that you are sued for work done for the district, one of these offices will likely defend you in that suit.
3. Non-delegated program: Work with your solicitor in the defense of that lawsuit. Also, check your insurance policy because there may be notification requirements in the policy.

Personnel Issues

Included in the responsibilities of being a conservation district director is hiring the necessary staff

“Be willing to make decisions. That’s the most important quality in a good leader.”

General George S. Patton

to support your conservation district’s programs. Conservation districts employ approximately 500 individuals statewide. With this total increasing annually, personnel management is a rising concern. Because employing staff requires directors to take on the role of an employer/supervisor, you need to be aware of the employment laws that protect against discrimination and provide equal opportunity for employment.

Listed below are some of the employment laws that affect employment including hiring, firing, promotion and compensation. Also review Section 3 (Board/Staff Relationships) in this Handbook for additional information on hiring and supervision of district staff.

Americans with Disabilities Act of 1990
Civil Rights Act of 1964
Immigration Reform and Control Act of 1986
Pregnancy Discrimination Act
Family and Medical Leave Act
Fair Labor Standards Act
Equal Pay Act
Pennsylvania Minimum Wage Act
Pennsylvania Wage Payment and Collection Law

In the spring of 2002, the “Building For Tomorrow” leadership development program sponsored a series of workshops on employment law as it pertains to conservation districts. The handouts from those sessions were provided to every conservation district office, whether or not they sent participants to the workshops. The handouts are a good place to find background information on a number of employment issues, including hiring, firing and proper pay procedures.

Employment Law

This section contains excerpts from materials prepared by Brian Jackson, attorney with the firm of McNees, Wallace and Nurick, for presentation in 2002 regional training sessions entitled “Operating with Proper Policies and Procedures.”

The Employment Basics: Hiring, Firing and Proper Pay Procedures

Review Your Hiring Procedures

The best offense is a good defense. In that regard, perhaps the most pragmatic advice that we can dispense relates to intake procedures. Where potential employee problems can be spotted at the applicant stage, the potential cost (again in terms of legal liability and workplace disharmony) can be minimized or eliminated. We suggest that employers undertake a periodic review of their hiring and interview procedures, including but not limited to the following:

- Advertisements
- Job Applications
- The Interview Process
- Pre-Employment Inquiries Under the ADA
- Drug Testing
- References and Background Checks

Adopt Proper Termination Practices and Procedures

Proper termination procedures go hand in hand with good intake procedures. As an initial matter, it is important that an employer does not rush to judgment in a termination decision. We recommend considering the following issues prior to reaching a decision to terminate:

- Do I have ALL the facts recorded accurately?
- Have I documented all facts and actions?
- Have I assembled the records?
- Have I reviewed the employee's performance records; attendance records; performance review records and appraisals; and discipline and warning records?
- Is my decision based on facts rather than inference, suspicion and emotion?
- Has the employee fully understood the job requirements and behavioral statements to which he/she is held?
- Does the employee know exactly where he/she has fallen short in job performance or behavioral standards?
- Has the employee received at least one warning of a possible dismissal and did the employee understand the warning?

NOTE: Where serious misconduct is involved, immediate suspension pending investigation may be justified (for example drinking and drunkenness on duty, theft, immoral or indecent conduct, fighting).

- Has the employee had sufficient time and opportunity to correct the behavior that led to the consideration of discharge?

- Has the employee had a full opportunity to present his/her point of view?
- Have personal difficulties or mitigating circumstances been taken into account?
- Is dismissal consistent with past practices?
- Would the action be considered justifiable treatment of the employee if he/she claims discrimination or unjust dismissal?
- Am I prepared to handle this dismissal tactfully and objectively?
- Have I made arrangements to notify the employee in private and scheduled the dismissal meeting for a time that will eliminate or minimize the employee's personal contact with other employees before he/she leaves the premises?
- Have I arranged for the final paycheck and am I prepared to explain the amount?
- Do I know what group insurance the employee has and am I able to explain what will happen to it after dismissal?
- Have I decided what restricted statements will be made to other employees concerning this person's discharge?
- Are there any concerns that the employee will act violently when advised of the termination? Should I consider taking appropriate measures to eliminate this risk?

The handouts from the 2002 "Operating with Proper Policies and Procedures" workshops have been provided to ALL Pennsylvania conservation districts whether or not they attended the training. If you cannot find your copy, please contact the Leadership Development Program for another copy. The handout contains valuable information on the following:

- *Fair Labor Standards Act*
- *Equal Pay Act*
- *The Pennsylvania Minimum Wage Act*
- *Pennsylvania Wage Payment and Collection Law*
- *Exemptions under the Fair Labor Standards Act*
- *Independent Contractors*
- *"Hours Worked"*

Neither this handbook nor the handouts from the 2002 employment law workshops can give you all the answers you need for legal situations regarding personnel issues.
ALWAYS CONSULT AN EMPLOYMENT LAW ATTORNEY WHEN YOUR DISTRICT IS ADOPTING PERSONNEL POLICIES OR TAKING PERSONNEL ACTIONS.

Compensation Issues: Complying with Wage and Hour Laws

Minimum wage and overtime may appear to be easy concepts, but they're not. Failure to properly determine whether an individual is an employee or independent contractor, exempt or non-exempt, can result in significant liability. Additionally, even when someone is accurately classified, certain payroll practices may be problematic. Our best advice on issues of compensation is to develop a basic understanding and know when to ask questions. The stakes are too high to guess

Grievance Policy

It should be the policy of all districts that employees be treated fairly and equitably in all respects. A grievance policy allows employees to voice their concerns and ensures that they will



receive a response from their employer. Those employees who feel they have not been treated fairly and equitably should have the right to present

their grievances to the appropriate officials for consideration. Employees should have the right to present their grievances on their own behalf or through representatives of their choice. A system should be developed that will permit employees to present formal and informal complaints, and the filing of grievances should not be considered as reflecting unfavorably on an employee's performance or loyalty.

The following procedure is an example of a way to process formal and informal grievances:

1. Whenever possible, grievances should be resolved informally. The employee and the directors designated to hear grievances can often come to a resolution within a reasonable period of time (two weeks suggested). Complaints that the directors do

not have the authority to resolve should be referred to the district board.

2. Unsuccessful attempts at an informal resolution of a complaint should be followed by a formal grievance. The employee should prepare a written statement that states the grievance, describes the remedial action being sought, and provides all information available in support of the complaint.
3. Upon receipt of a written grievance the designated directors should make all reasonable attempts to resolve the complaint. If the grievance is not resolved, it should be forwarded to the chair of the district board or their designee, within seven days of receipt, along with a statement of efforts made to resolve the problem.
4. The district board should make its decision on the grievance within 15 days of receipt or if not possible, at the next scheduled board meeting.
5. If the employee is on the county payroll, it is imperative that the county governing body be a part of the grievance procedures. Most counties have employment policies covering such situations.

Liability Minimization

Liability minimization need not be a burden for a conservation district or a district director. The secret is to know your job. All directors should know their job responsibilities and duties. They can be found in the Conservation District Law, your district's annual plan of work, your director position description (if you have one) and in this handbook. Other ways to minimize your liability include:

Act in Good Faith -- As a director, the law does not require you to make "perfect decisions". It does require you to act in good faith. Good faith means an honest and sincere intention to fulfill your obligation and a total absence of any intention to seek or give an unfair advantage. The

primary measure of good faith is consistency. If you read the law and know your duties and responsibilities as a director and apply the law consistently and equally toward all people, then you have acted in good faith.

Be Consistent by Adopting Policies -- The board can be more consistent in making its decisions by adopting written policies. A policy statement would contain such things as: the purpose for the assistance requested, qualifications for a person to become eligible, and priorities determining the order of the assistance. Policies are made by the board to benefit the public in general. Exceptions to the policy, which are made to benefit specific individuals, may cause problems.

Retain Complete and Accurate Records -- The district must keep a complete record of its meetings in the form of minutes. Minutes must be approved and maintained permanently in the records of the district. Other district records should be maintained appropriately. With certain very limited exceptions, all district records are open to the public for inspection. Keeping an accurate and clear record of your district's use of public funds and of policies and actions taken by your district board is imperative should legal complications arise. Full and accurate records are important to protect you, your staff and your district.

Insurance

It's important that your district have insurance coverage for a number of different situations. Check with your county government to see what type of coverage they can afford to you. If you are not part of any insurance coverage maintained by the county, your board will need to consider *at least* the following types of insurance coverage:

- Surety bonds must be provided for anyone who is entrusted with funds or property of the district, keeps records, or prepares annual reports or audits. The bond should be of a size that is enough to cover the largest amount of funds in the district accounts at any one time during the year.

- Your district should also consider insurance on all district property, i.e. office equipment, automobiles, and buildings.
- Errors and omissions insurance protects business professionals whose clients could claim damages as a result of the business professional's faulty performance. Some districts often purchase liability insurance for events and activities such as tours and field days that may not be part of a delegation agreement.

Conservation districts vary in the type of insurance they purchase and provide. Each conservation district will have different insurance needs and will have to determine what type of coverage is necessary to protect itself and its property.

Ethics and Conflicts of Interest

Pennsylvania's Public Official and Employee Ethics Act (Act 170 or 1978) assures the

"Leadership is a combination of strategy and character. If you must be without one, be without the strategy."
General H. Norman Schwarzkopf

Commonwealth's citizens that the financial interests of public officials, including nominees and candidates, do not conflict with the public trust. The Act promotes full financial

disclosure of officials and employees, provides minimal standards for conduct regarding conflicts of interest and possible financial impropriety, and establishes the State Ethics Commission to promote, administer, and facilitate enforcement of the Act.

Conservation district directors are considered to be public officials and, as such, are subject to the provisions of The Public Official and Employee Ethics Law. The law provides that public office is a public trust and any effort to gain personal financial gain through public office is a violation of that trust. The provisions of the act require that conservation district directors annually file a statement of financial interest. Completing a statement is not optional. It is required by law.

Important Definitions

“Public Official” includes any person (*such as a conservation district director*) appointed by a governmental body (such as the board of county commissioners or the county council)

“Public Employee” includes any individual employed by the Commonwealth or a political subdivision (*like a conservation district*) who is responsible for taking or recommending official action of a non-ministerial nature with regard to:

- Contracting or procurement;
- Administering or monitoring grants or subsidies;
- Planning or zoning;
- Inspecting, licensing, regulating, or auditing any person; or
- Any other activity where the official action has an economic impact of greater than a *de minimis* nature on the interests of any person.

Restricted Activities

The Public Official and Employee Ethics Act enumerates “Restricted Activities” in which parties subject to the Act may not engage. Those most frequently encountered are:

Conflict of Interest: No public official or public employee shall engage in conduct that constitutes a “conflict of interest,” broadly defined as use of the authority of one’s office, employment, or confidential information received through official duties for the substantial (more than “*de minimis*”) private pecuniary benefit of himself, a member of his immediate family, or a business of which he or a member of his immediate family is associated.

Seeking Improper Influence: No one shall offer an official, employee, candidate, nominee, or member of his immediate family or business with

which he or his family is associated anything of monetary value with the understanding that any official action or judgment of the official would be influenced thereby.

Accepting Improper Influence: No official or employee, or member of his immediate family or business with which he or his family is associated, shall solicit or accept anything of monetary value based on an understanding that they would be influenced in the discharge of their public duties thereby.

Contracts: No public official, public employee, or his spouse, child, or any business in which he or any of his immediate family is associated shall enter into any contract valued at \$500 or more with the governmental body with which the official or employee is associated, or any subcontract valued at \$500 or more with a party that has contracted with the official or employee’s governmental body unless the contract was awarded publicly, with full public notice and disclosure. In such a case, the official or employee shall not have any supervisory or overall responsibility for the administration of the contract. Any contract made in violation of this provision may be voided by a court of competent jurisdiction if a suit is commenced within 90 days of the making of the contract or subcontract.

Former Official or Employee: No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

Voting Conflicts: Unless otherwise provided for in the Pennsylvania Constitution or other law, any public official, who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest, shall abstain from voting and publicly disclose in writing to the person responsible for preparing minutes the nature of the conflict. If this abstention results in an inability of the body to take action, then the conflicted member may be permitted to vote if the disclosures are made. Also, in three-member

governing bodies, if the abstention of a member results in a tie vote, the member may break the tie provided proper disclosure is made.

State Ethics Commission

The Public Official and Employee Ethics Act also created the State Ethics Commission. Perhaps the most important power of the Commission is issuing orders and findings pursuant to ethics investigations. The Commission may hold hearings, take testimony, issue subpoenas, and compel the attendance of witnesses. Should the Commission find a violation of the Act that results in financial gain, it can order restitution plus interest to the appropriate governing body and make recommendations to law enforcement officials for criminal prosecution. Investigations must be made within five years of the alleged occurrence of a violation of the Act.

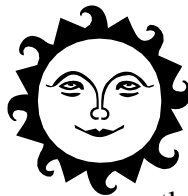
Penalties for violation of the Act are serious. Anyone who engages in a conflict of interest or who offers, seeks, or solicits improper influence commits a felony and, upon conviction, may pay a fine of not more than \$10,000 and/or may be imprisoned for not more than five years. Anyone who engages in any other restricted activity or violates the financial disclosure provisions of the Act commits a misdemeanor and could be fined up to \$1,000 and/or may be imprisoned for not more than one year. Furthermore, anyone found to have made financial gain as a result of a violation of the Act “shall pay a sum of money equal to three times the amount of the financial gain resulting from such violation into the State Treasury or the treasury of the political subdivision.” 65 Pa. C.S. §1109(c).

The Act also provides for remedies for anyone harmed by a person who engages in wrongful use of the Act by filing a frivolous complaint, including fees and costs, defamation damages, actual pecuniary damages, and damages for emotional distress.

For additional information about the Public Official and Employee Ethics Act visit the Ethics Commission’s website at <http://www.ethics.state.pa.us>.

Pennsylvania Sunshine Law

The Pennsylvania Sunshine Law requires that all official actions and deliberations by a quorum of members of a government agency, including



conservation district boards of directors, take place at meetings that are open to the public. In addition, certain procedures must be followed. The openness and the procedures keep residents more informed and allow for increased public confidence in our governing bodies.

When does the Sunshine Law come into play?

Looking at the basic requirement in the first sentence above, the law applies when these elements or “triggers” are met:

1. *Quorum*: whenever a majority of the voting members of the board meets. (If a district committee includes a quorum of the board members, the committee meetings fall under the requirements of the Sunshine Law.)
2. *Official Action* : when the board establishes policy, makes decisions on district business, conducts votes, and makes recommendations per statute. This includes “deliberation”-- board discussions of district business held for the purpose of taking official action.
3. *Agency*: this means the conservation district, and any committee established by the district authorized to either take *official action* or render advice on matters of *agency business*.
4. *Agency Business*: means (a) preparing or enacting policy or rules, (b) the creation of liability by contract or otherwise, or (c) the adjudication or rights, duties and responsibilities. This does not include mere *administrative action*.

5. *Administrative Action:* when the district is simply executing policies, contracts or other decisions of the board.

What is required?

1. *Public notice:* At the beginning of each year, the district must give public notice of the schedule of its regular meetings throughout the year. The notice must be published or circulated in the municipality where its principal office is, or where the meeting will occur. A minimum of 24 hours notice is required for special, unscheduled meetings, or rescheduled meetings.
2. *Conduct of the meeting/public participation:* The district can adopt its own rules for conducting meetings, but there must be a reasonable opportunity for public comment. For instance, it can limit public comments to current business, or only allow comments at the beginning of the meeting. It must allow recording devices. All votes must be made in public and recorded.
3. *Minutes:* The district must take minutes of the meetings, and they must be open for examination and inspection by citizens of the Commonwealth.
4. *Executive sessions:* The board can hold executive sessions, without meeting any of these requirements, in certain limited circumstances.



Questions and Answers about Pennsylvania's Sunshine Law and Conservation Districts

1. Does the Sunshine Law affect conservation districts??

Yes. Conservation districts are defined as "a public body corporate and politic exercising public powers of the Commonwealth as an agency thereof" by Section 5(2) of the Conservation District Law. As such, they must follow the provisions of the Sunshine Law in conducting their business.

2. For what reasons can a conservation district board go into executive session?

- to discuss personnel matters including hiring, promoting, evaluating, disciplining or dismissing of employees
- to hold information, strategy or negotiations related to collective bargaining agreements or arbitrations
- to consider the purchase/lease of real estate
- to consult with an attorney regarding litigation or potential litigation
- to discuss district business that would lead to disclosure of confidential information including investigations of possible violations of law and quasi judicial deliberation.

For more information, see Appendix 5.

Pennsylvania's Right to Know Law

The Commonwealth of Pennsylvania's Right-to-Know Law (65 P. S. §§ 66.1 et seq., as amended) provides citizens the right of access to public records, and sets forth the conditions under which a document maintained by a Commonwealth agency is deemed a public record. It also imposes time limits within which an agency must respond to requests for public records, and provides an appeal process whereby the requester may file an exception when a request for information is denied in whole or part.

A flow chart illustrating the process to follow when the district receives a request for information under the Right to Know Law and a model district policy on public access to information are both included in this handbook as Appendix 6 and 7. A Sample District Record Request Form and Schedule of Fees can be found in Appendices 8 and 9.

Questions and Answers for Conservation Districts

Question: What does the Right to Know Law say?

The Right to Know Law requires government agencies such as conservation districts to make "public records" available to the public. Certain procedures are required. The State Conservation Commission has an approved policy, dated March 7, 2003, for districts to use to satisfy these requirements.

Question: Why do Conservation Districts have to adopt a formal procedure?

Recent changes to the law establish strict timelines and procedural requirements. Failure to follow them can lead to penalties imposed by a court.

Question: What if we cannot find the document requested?

The law requires only that the District make available those records in its possession. It does not require Districts to create records (e.g., compile a summary of information from various documents). However, Districts should be careful to make a good-faith effort to locate the records requested (or obtain a copy of lost documents) if they are likely to be maintained at the District.

Question: Can a District charge fees for the expenses involved in obtaining records?

The law allows Districts to charge fees (1) to cover "reasonable" costs incurred for complying with the request, and (2) for enhanced electronic access. Districts may not charge fees for determining whether a record is a "public record."

For more information, see Appendix 10.



Section 5

SOURCES OF ASSISTANCE FOR CONSERVATION DISTRICTS AND DIRECTORS

Introduction

Although the responsibilities of a conservation district director may seem daunting to some, it must also be remembered that there are a number of agencies, associations and individuals that stand at the ready to assist you with information, guidance, examples, history and experience. Technical expertise; communication networks; historical perspectives; the “big picture” of conservation districts in Pennsylvania; operational and organizational ideas; and stories of past successes, failures and innovations are at hand to provide help when you need it.

“None of us is
as smart as all
of us.” Author
Unknown

This section contains some basic information about support systems for you and your conservation district and opportunities to enhance your personal effectiveness as a district director.

ALLIANCES AND SUPPORT

State Conservation Commission



The Pennsylvania State Conservation Commission (SCC) is an 11-member commission that has a

primary function of providing oversight and support to the state’s 66 county conservation districts for the implementation of conservation programs in an efficient and responsible manner.

The Commission also administers and enforces the Pennsylvania Nutrient Management Act Program through state staff and county conservation districts, and oversees and supports local administration through conservation districts of the state Dirt and Gravel Roads Maintenance Program (a pollution prevention program), and several leadership development and public outreach and education programs.

Established by law on May 15, 1945, the agency works cooperatively with local, state and federal

government agencies, numerous industry and professional associations and nonprofit organizations. The Commission is designated by the General Assembly of the Commonwealth of Pennsylvania to provide for the conservation of the soil, water, and related resources of the Commonwealth. Staffs from both the Department of Agriculture and the Department of Environmental Protection are available to assist the Commission.

Commission members include the secretary of the PA Department of Agriculture, the secretary of the PA Department of Environmental Protection, the dean of the Pennsylvania State University College of Agricultural Sciences, and four active farmers and two non-farmers appointed by the governor with the advice and consent of a majority of the state Senate. The Commission’s two non-voting associate members are the state conservationist for the Pennsylvania office of the USDA Natural Resources Conservation Service, and the director of the Pennsylvania State University Cooperative Extension Services.

The chairmanship of the Commission alternates annually (on a state fiscal year basis, July 1 to June 30) between the secretary of the Department of Agriculture (PDA) and the secretary of the

Department of Environmental Protection (DEP). The vice chairman is elected annually from the appointed members.

For more information on the State Conservation Commission, Commission programs and Commission meetings, visit the Commission's web site at www.pascc.state.pa.us.


In addition to the usual powers and duties of an administrative department, the State Conservation Commission has the following duties, powers, and authorities:

1. To give general guidance and assistance in developing conservation district long-range and annual programs and to approve and coordinate conservation district programs.
2. To secure the cooperation and assistance of any governmental agency and to be the agency through which governmental aid in erosion control can be extended to private lands.
3. To delegate to a member or staff any power or duty it deems proper.
4. To request special reports, surveys or studies from any agency of the Commonwealth and The Pennsylvania State University.
5. To receive such funds, services or materials as may be appropriated, granted or donated to it and use such resources for carrying out the provisions of the Conservation District Law:
 - a. The actual and necessary expenses of all appointed members of the Commission.
 - b. The apportionment among the conservation districts of any funds allotted from state or federal sources.
 - c. The allocation of the state cost-share funds for certain conservation-related projects.
 - d. Requiring the retention of necessary records.
6. To disseminate information concerning the activities and programs of conservation districts.
7. To encourage and assist in the creation of conservation districts and designate county organizations for the purpose of nominating district directors.
8. To offer such assistance as may be appropriate to district directors and staff:
 - a. Approve and coordinate the programs or projects of conservation districts.
 - b. Keep the directors of each conservation district informed of activities and successful experiences in other districts. (Field representatives should meet with all newly appointed directors to discuss their responsibilities.)
 - c. Disseminate information concerning the activities and programs of conservation districts and the State Conservation Commission.
 - d. Be responsible for the oversight of expenditures of conservation district funds which are allocated from state and federal sources.
9. Approve applications for PL-566 Watershed Protection and Flood Prevention Projects and Resource Conservation and Development Programs and determine priorities for planning.
10. Promulgate rules and set policies necessary to fulfill the responsibilities of Act 217 and to ascertain compliance with this law and any procedures or policies adopted by the State Conservation Commission.
11. Keep a full and accurate set of records of all proceedings, resolutions, regulations, and orders issued or adopted.
12. Develop a program of assistance to environmental advisory councils.

District Actions Requiring State Conservation Commission Approval

The principal reason for the State Conservation Commission to approve district programs is to ensure that conservation districts initiate and administer programs that are within their resources and the authorities granted to them by Act 217. District programs and projects that require formal Commission approval are clarified by the following criteria. In some cases, the Commission has delegated approval authority to the Commission's Executive Secretary. The Commission, on January 23, 2001, adopted the following guidelines as policy.

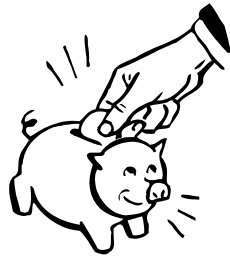
Matters Requiring Approval by the State Conservation Commission

1. Memoranda of Understanding when any State or Federal agency is party to the memoranda. 
2. Entering into contracts, when the estimated project cost exceeds \$250,000.
3. Allocations and reallocations for the Conservation District Fund Allocation Program.
4. Allocations and program direction for the Chesapeake Bay Nonpoint Pollution Program and other nonpoint source pollution programs implemented in whole or in part under the Commission's legal authority.
5. The format for contracts or agreements for the Landowner Reclamation Program. (Executive Secretary authorized to sign specific agreements.)
6. Public Law 566 projects.
7. Resource Conservation and Development Program project areas.
8. Other federal programs requiring Commission approval.
9. The addition or deletion of organizations from the list approved to nominate district directors. (The Executive Secretary has authority to approve changes provided these changes are consistent with Commission Policy.)
10. Increases or decreases in the number of directors on a district board. (The Executive Secretary has authority to approve changes provided these changes are consistent with Commission Policy.)
11. Changes in the composition of the board of directors. (The Executive Secretary has authority to approve changes provided these changes are consistent with Commission Policy.)
12. Conservation district long-range work programs.
13. A district's acceptance of any authority delegated by municipal or county governments, the Commonwealth or the Federal government.
14. Contributions to a conservation district, of any character and from any source, unless the funding is from another governmental agency, or unless specifically authorized under Act 217 (i.e. the purchase, exchange, lease, gift, or grant of any real property).
 - a. For contributions of any character, valued at \$10,000 or less, a district may accept such donations if the following criteria are met:
 - 1) Action to accept the donation(s) is taken by the board of directors at an official meeting of the board;
 - 2) The acceptance of the approved donation(s), the amount, source and the intended use is clearly noted in

the minutes of the conservation district meeting;

- 3) The amount of the donation(s) and the source(s) are specifically recorded in the district's financial records and is subject to the annual audit of the district's financial records;
- 4) The contribution is made and accepted with the clear understanding that it is not intended in any way to influence any vote, official action, or judgment of the district board or any of its members or district staff; and

- b. Acceptance by a district of an individual contribution valued at more than \$10,000 requires approval of the



Commission. The Executive Secretary of the Commission is authorized to approve individual donations of up to \$50,000 and shall report such action at the next regularly scheduled meeting of the Commission. Individual donations exceeding \$50,000 shall be considered by the full Commission at its next regularly scheduled meeting.

- c. Nothing in this policy shall in any manner exempt, change, modify or negate any portion of the Pennsylvania Ethics Law or any other law that governs or restricts the conduct of an individual conservation district director or conservation district staff member.
- d. Donations made to conservation districts as a part of a settlement agreement that is overseen by a governmental entity (state agency, attorney general, etc.) are viewed as funds provided by other

governmental agencies for purposes of this policy.

15. The Executive Secretary shall report all actions taken on behalf of the Commission, pursuant to this policy, at the next regular meeting of the SCC. In addition, the Executive Secretary shall provide acknowledgement of each action taken by the SCC to each district required to submit items for Commission approval under this policy.

Matters Requiring Commission Notification

Commission approval is not required for the following matters; however, notification of the Commission is required.

1. Memoranda of Understanding and/or other formal agreements between the district and county agencies or local municipalities.
2. Appointment of district directors.
3. District's annual program of work.
4. District's annual budget and financial report.
5. District audit.

Matters That Do Not Require Commission Approval or Notification

No Commission approval or notification is required for the following matters:

1. Purchases of supplies by districts for resale.
2. Purchases of supplies of equipment for normal district operations, including such items as vehicles, no-till planters, and office equipment.
3. Charging fees for services rendered by the district as long as the district's fee schedule and related policies conform to the Commission's policy on fees as required by law or regulation. All exceptions will require Commission approval.
4. Landowner Reclamation Program agreements with individual landowners.

Pennsylvania Association of Conservation Districts, Inc. (PACD)



The Pennsylvania Association of Conservation Districts, Inc. is a private, nonprofit organization organized in 1950 to serve as a collective voice of Pennsylvania's conservation

districts. Its membership consists of all conservation district directors, and each district has a vote in establishing Association policies. This statewide association places an importance on local decision-making and involvement in solving conservation problems.

PACD provides districts with education and information to help them in their work in land and water conservation. Over the years, the Association has been an integral part of the shaping of the modern conservation district. PACD also represents districts at the state and national levels in soil, water, and related resource management. A copy of the PACD by-laws is contained in Appendix 11.

Rules and Regulations

PACD frequently educates policy leaders about the value of empowering conservation districts to tackle water quality problems that stem from abuse of the land. During the 1970's and 1980's, districts were delegated important responsibilities at the local level to implement parts of the Clean Streams Law and the Nutrient Management Act. In both cases, districts have been successful promoting compliance through education and negotiation before enforcement actions are pursued.

PACD shares the viewpoints of its member districts with state and federal agencies, the state legislature, farm organizations and environmental groups to best facilitate their work. When districts are needed to carry out state mandates, PACD advocates adequate funding of new responsibilities.

On the National Level

PACD is a non-profit organization and is a vehicle through which Pennsylvania's

conservation districts speak to the National Association of Conservation Districts (NACD). PACD elects a district director to serve as its representative on the Board of Directors for the NACD. PACD actively participates in other NACD activities, including national leadership training, national legislative conference, conservation forums, selected NACD committee meetings, and district employees' association conferences.

Each spring, PACD leaders trek to Washington, D.C. to meet with Pennsylvania legislative leaders at the national level to personally share with them a statewide perspective of conservation concerns as they relate to federal proposals.

PACD Leadership

PACD Executive Council - Conservation District Directors serve as delegates. The PACD executive council conducts Association business three times per year.

PACD Region Directors - Seven Region Directors host multi-county meetings to share ideas and provide a forum for training among districts that have similar resource issues. Regional meetings take place twice a year. (A map of the PACD regions is in Appendix 12.)

PACD Executive Board - The Executive Board is made up of the PACD's elected officers who serve a one-year term. This volunteer board provides leadership and direction for the Association.

PACD Auxiliary - Auxiliary efforts promote projects that support environmental education including an annual scholarship and poster contest.

PACD Committees - PACD committees provide a forum to address current statewide or regional conservation issues. Committees develop policy recommendations, produce products and sponsor activities.

Policies

As the informational and educational instrument for improving the quality of the work performed by Pennsylvania's conservation districts, the PACD is guided by a number of basic policies:

1. They work to motivate the officials of conservation districts to full and positive leadership.
2. They seek public assistance for conservation work that is in the public interest and which landowners and land users cannot perform adequately with their own capabilities or authorities.
3. They seek effective support for conservation districts wherever it may be found - in government, industry, labor and commerce; in farm, civic, and conservation organizations; among educators, publishers, and the clergy; and in all other segments of American society.
4. They supply reliable information about the purposes and activities of conservation districts to the press, radio, and television; to national, state, and local legislative bodies; to farm organization and agricultural leaders; and to all responsible organizations and leaders concerned with these purposes and activities.
5. They cooperate with county, state and federal agencies concerned with the conservation, use, and development of our natural resources.
6. They support the National Association of Conservation Districts (NACD) and its conservation programs, and work with NACD to accomplish legislative and policy changes.

The final policy making body of PACD is its membership, which is composed of all district directors in Pennsylvania. The membership adopts annual operating policies at PACD's

annual meeting. Resolutions may originate at the district, regional or state level.

Conservation districts support the PACD financially through the contribution of annual dues. Limited assistance is also received from other private sources.

The PACD also produces a monthly newsletter, "News and Notes," and maintains Internet "list serves" (i.e. technology for the transmission of updated communication and information immediately and simultaneously to all parties involved) for district directors and staff to enhance communications and information exchange. For more information on PACD, its policies, bylaws, organization, meetings and activities, visit their website at www.pacd.org.

National Association of Conservation Districts (NACD)

The National Association of Conservation Districts is a private non-governmental organization representing nearly 3,000 local conservation districts and their state associations in the 50 states, Guam, Puerto Rico and the Virgin Islands. Its primary purposes are the conservation, orderly development, and the judicious use of the nation's land, water, timber, and related natural resources through the maximum exercise of local initiative, decision, and self-government. The National Association of Conservation Districts lobbies for federal conservation legislation and funding in Congress. It also provides brochures, reports, conservation films, training and education.

The National Association of Conservation Districts is controlled entirely by its member districts and their state associations. It is financed almost entirely by the contributions of its membership.

The National Association of Conservation Districts serves districts in six general ways:

1. It provides the organization whereby districts speak with a national voice and act with unified strength on matters affecting districts.
2. It pools district experiences and develops national policies on a continuing basis through a system of graduated representation.
3. It maintains relationships with other organizations and agencies that cooperate with districts or whose actions affect districts and their programs.
4. It provides an internal communications system on matters pertaining to districts through the use of correspondence and reports.
5. It provides informational materials and items available for sale through its service department at League City, Texas.
6. It develops a wide variety of programs useful to districts.

Current addresses and phone numbers for the staff of the National Association of Conservation Districts can be found in your Program And Budget Book and you can visit their website at www.nacdnet.org.

The USDA Natural Resources Conservation Service



The U.S. Department of Agriculture's Natural Resources Conservation Service (formerly called the Soil Conservation Service) has a long and extensive tradition of working with conservation districts. It is responsible for the federal technical service available for establishing conservation practices and for making reviews and recommendations on conservation programs. It is also responsible for assisting in developing watershed work plans for PL-566 project river basins and Resource Conservation and Development (RC&D) Areas, and for developing conservation and erosion control plans for individual landowners. The NRCS may provide the service of their personnel, the use of their equipment, the sharing of their office space and counsel to districts.

NRCS has a reputation as experts in conservation planning, science and technology. The NRCS work force is comprised of soil conservationists, soil scientists, technicians, engineers, cartographers, GIS specialists, conservation planners and other specialists. NRCS employees have been working with farmers for more than 60 years and providing them with technical planning advice.

There are endless examples of successful collaborations between NRCS and conservation districts across the state. They share a rich and productive history.

What you can't accomplish alone, you often can with a partner." Dr. John C. Maxwell

Together they have worked to help family farms, municipalities, private landowners, agriculture groups and concerned citizens make a difference in the environment. Their efforts include conservation planning, wetland protection and restoration, wildlife habitat enhancement, nutrient and animal waste management, streambank stabilization, abandoned mine drainage abatement, erosion and sediment pollution control and watershed planning.

More information about NRCS and the programs they offer in Pennsylvania can be found at www.pa.nrcs.usda.gov.

Pennsylvania Department of Environmental Protection (DEP)



The Department of Environmental Protection ensures the wise use of Pennsylvania's natural resources; protects and restores the natural environment; protects public health and safety; and enhances the quality of life for all Pennsylvanians. It provides technical assistance and education for the public and sets regulations and guidelines for public compliance. The Department is responsible for designating an office and staff to coordinate and assist in the development, implementation and enforcement of programs adopted by the State

Conservation Commission to protect surface or ground water and soil resources.

There are several bureaus in the Department of Environmental Protection that work closely with conservation districts. The Bureau of Watershed Management works to improve water quality by controlling the discharge of nonpoint source pollutants to Commonwealth waters. Staff support for the State Conservation Commission is found in this bureau and programs include the Chesapeake Bay Program, the Landowner Reclamation Program, the Erosion and Sediment Pollution Control Program, the land application of biosolids, aspects of the statewide Nutrient Management Program, coordination of conservation district watershed specialists and watershed protection and assistance.

The Division of Nutrient Management and Conservation District Support oversees the cost-share funds provided to districts through the Conservation District Fund Allocation Program (CDFAP) and coordinates leadership development training for district directors and staff.

DEP's six regional offices also provide technical and administrative training and assistance to conservation districts through the services of Field Representatives, legal counsel and technical staff working in programs that contain responsibilities delegated to districts. (See Appendix 13.)

Pennsylvania Department of Agriculture (PDA)

The Pennsylvania Department of Agriculture is concerned with the broad spectrum of improving agricultural enterprise and rural development of Pennsylvania. The retention of agricultural land and improving the welfare of rural citizens are major concerns of the Department of Agriculture. The Department has designated a staff to be an advocate for production agriculture in the development of programs by the State Conservation Commission. It will also assist in developing methods to manage excess manure and develop programs to assist those



engaged in production agriculture to comply with the Nutrient Management Act.

Agriculture staff also administers the Nutrient Management Certification Program that certifies individuals to prepare and/or review nutrient management plans to determine compliance with the Commonwealth's nutrient management regulations.

Penn State Cooperative Extension

Penn State Cooperative Extension is an educational network that gives people in Pennsylvania's 67 counties access to Penn State's resources and expertise. It is funded by the U.S. Department of Agriculture and state and county governments. Through this county-based partnership, Penn State extension agents, faculty, and local volunteers work together to share unbiased, research-based information with local residents.

Many conservation districts turn to Cooperative Extension for educational materials on soil and water conservation and a number of other resource topics. Workshops, exhibits and tours co-sponsored by districts and Extension are a familiar sight across the state.

Other Agencies and Organizations to Note

There are many agencies and organizations that assist districts as they develop and implement their programs or work jointly with them on designing and completing projects. In most cases, the agency's available assistance and the district's obligations to the agency are outlined in a memorandum of understanding clearly stating the responsibilities of each party. Some agencies, by the nature of their work, are naturally more involved in district programs than other agencies.

Federal Agencies

Conservation districts are commonly involved with these federal agencies:

Environmental Protection Agency (EPA)

The Environmental Protection Agency administers compliance with federal pollution

control laws. It provides technical assistance to reduce and control air, water and land pollution, and it provides funding to develop and install pollution treatment facilities.

Farm Service Agency (FSA)

The U.S. Department of Agriculture's Farm Service Agency administers cost-sharing programs to farmers implementing conservation by the installation of land and water conservation practices. It also administers various federal programs related to agricultural land use.

Fish and Wildlife Service (USFWS)

The U.S. Fish and Wildlife Service is responsible for wild birds, mammals (except certain marine mammals), and inland sport fisheries. The USFWS conducts research activities, conducts environmental impact assessments and manages wildlife refuges.

U.S. Corps of Engineers, Department of the Army (COE)

The U.S. Army Corps of Engineers plans and constructs reservoirs and other local measures to control floods and improve navigation. It is active in flood control, hydroelectric power, municipal and industrial water supplies, and recreation as well as planning for all functions of water resource development.

U.S. Forest Service (USFS)

The U.S. Forest Service has federal responsibility for forestry. The USFS sponsors cooperative programs through state forestry agencies, the Natural Resources Conservation Service and conservation districts to control fires, stabilize gullies, improve forest growth, plant trees and control forest pests.

Rural Economic and Community Development Service (RECDS)

The Rural Economic and Community Development Service makes loans for farm ownership, operating expenses, livestock emergencies, soil and water conservation, grazing,

Indian tribe land acquisition, recreation and subsidized and unsubsidized housing.

U.S. Geological Survey (USGS)

The U.S. Geological Survey is responsible for federal studies related to groundwater, stream sedimentation and earth, rock and mineral data. It also studies natural hazards such as earthquakes and volcanoes, identifies flood hazard areas and provides topographic maps.

State Agencies

Conservation districts are commonly involved with these state agencies:

Department of Community and Economic Development (DCED)

The Department of Community and Economic Development is charged with fostering opportunities for businesses and communities to succeed and thrive in a global economy, thereby enabling Pennsylvanians to achieve a superior quality of life. DCED's community and economic development strategy has been designed to make Pennsylvania more attractive to existing companies, more competitive with other states in attracting new jobs, and more focused in efforts to link economic and community development to produce vibrant communities in a world-class economy. Conservation districts work with DCED on floodplain monitoring initiatives.



Department of Conservation and Natural Resources (DCNR)



This Department is given the responsibility of preserving and conserving the forests, state parks and other natural resources in Pennsylvania. The Bureau of State Parks and the Bureau of Forestry are located in this department. Conservation districts may work with the Bureau of Forestry, which cooperates in matters concerning reforestation, timber stand improvement and forest protection, or with the Bureau of State Parks, which maintains and operates the state parks in Pennsylvania.

Pennsylvania Department of Education



(PDE)

The Pennsylvania Department of Education is responsible for leadership in environmental education in all grades of the public schools and colleges, including Future Farmers of America conservation activities and in-service training. Many conservation districts employ staff who have been certified by the Department of Education in programs such as Project Wild and Project Learning Tree.

Pennsylvania Department of Transportation (PA-DOT)



The Pennsylvania Department of Transportation is responsible for administering the state's transportation system and for giving consideration to conservation district recommendations regarding land use and water management when improving present or planning new transportation facilities including highways, airports and railways.

Pennsylvania Fish and Boat Commission (PFBC)



The Fish and Boat Commission is responsible for technical assistance and supervision in carrying out fish and aquatic life conservation activities, stream management, installation of devices, demonstrations, information, fish stocking, and fish management programs. It provides technical assistance to remedy problems that cause pollution to the Commonwealth's waters.

Pennsylvania Game Commission (PGC)

The Game Commission is responsible for enforcing game protection laws, managing state game lands, and administering stocking programs. The Game Commission is also responsible for providing technical information regarding wildlife management practices and recruiting and assisting farm game cooperators.



County and Local Cooperating Agencies

"It marks a big step in your development when you can come to realize that other people can help you do a better job than you could do alone."
Andrew Carnegie

Your conservation district will receive assistance from and provide assistance to many local and countywide agencies and organizations. Among these organizations are the county planning board, the parks and

recreation board, the agricultural land preservation board, the health department, the recycling board, the parks commission and even the county governing board.

Township and borough officials work with districts on a number of issues such as erosion control, stormwater management and land use planning. Watershed groups and other environmental groups have also found that combining resources with the conservation district is a great way to stretch project dollars and multiply project results.

Your district's nominating organizations are another natural source of collaboration. These organizations have a natural connection to conservation issues and conservation programs. What better way to strengthen your district's director nomination network than to work jointly with some of your nominating organizations?

Other Conservation Districts

It may seem obvious, but sometimes your best source of information and assistance will be your fellow conservation districts. The one word that describes every conservation district is UNIQUE. Districts are sub-units of state government but are created by county resolution. The Conservation District Law gives districts a wide range of powers and authorities. As long as they abide by the law and guidelines established by the State Conservation Commission, conservation districts are "self-ruling" in that they decide the programs and services they want to provide to the citizens of their county. Conservation districts in

Pennsylvania have grown by leaps and bounds, both in terms of size and program responsibilities.

Communicating and sharing with people that have “been there” and have gained personal experience in conservation district programs, finances and personnel management can lead to some of the best help and advice you can get. Take the time to attend regional and statewide meetings; visit neighboring districts or invite them to visit you; co-sponsor projects; subscribe to each other’s newsletters; visit the PACD website; and find ways to exchange ideas with your fellow district directors.

DEP Conservation District Field Representatives

Conservation district directors have important and far-reaching responsibilities. When conservation districts were first created in Pennsylvania, the primary responsibilities of the district directors were to promote conservation on the land and prioritize the work that needed to be done as requests for assistance were received. As district programs and staff sizes have grown, district directors have not only been looked to for more expansive knowledge of the environment and the needs of their communities, but they now also shoulder the shared responsibilities of financial and personnel management, policy development and program review and evaluation. A good source of assistance for these new responsibilities is your district’s Conservation District Field Representative.

Depending on the area of the state in which they work, a Conservation District Field Representative works for the Department of Environmental Protection and supports a region of between six and twelve conservation districts. Your “Field Rep” can assist with situations specific to your district or provide a broader perspective of how other conservation districts handle programs and make decisions (see Appendix 15 - Conservation District Field Representative Areas Map, to find your region and Field Representative contact information).

The goals of a “Field Rep” are to:

1. Provide consultative and training assistance to conservation district directors, managers and their staff in the development and implementation of programs to help ensure the protection of soil and water resources within the district’s jurisdiction;
2. Ensure that conservation districts carry out their activities within state authority and guidelines;
4. Serve as the primary liaison between the State Conservation Commission, the Department of Environmental Protection and conservation district directors and staff on resource programs involving districts; and
5. Perform oversight and monitoring functions and special assignments on behalf of the Pennsylvania Department of Environmental Protection and the State Conservation Commission.

Field Reps are knowledgeable of all aspects of programs, laws, regulations, and decisions related to conservation districts and keep District directors, managers, and staff informed of actions that may impact their districts. They strive to provide leadership and supervision to ensure that conservation districts fulfill their obligations under the Conservation District Law and any delegated programs they may administer. You should feel free to call upon them whenever you need their assistance.

Resource Conservation and Development Councils (RC&D)

Resource Conservation & Development Councils (RC&Ds) are a blend of private enterprise and government in a nonprofit, public/private partnership. Program activities are initiated and directed by a volunteer council consisting of local representatives of government, business, development organizations, non-profit organizations, conservation districts, and individuals. Councils listen to residents in setting goals and establishing programs to strengthen

communities, establish needed infrastructures, and improve the economy of their area.

Pennsylvania has nine RC&D Councils. Each has a unique structure and leadership that reflects their specific region. Councils have professional staffs who research and develop new ideas and opportunities. Programs and projects are facilitated by an RC&D coordinator who is an employee of the USDA Natural Resources Conservation Service and is directed by the local Council. Each Council has a long-range plan and an annual plan of work that address critical issues for their communities. Programs change with needs and opportunities. For more information, visit the Pennsylvania Association of RC&D Councils website at www.parc.org.

Memoranda of Understanding



Because of the cost effective nature of conservation districts and their acceptance by the public at the local level, many agencies look to conservation districts to administer certain functions or programs. Districts are authorized to enter into agreements with federal, state, and local agencies to carry out these functions and programs. An example of such an agreement is called a Memorandum of Understanding (MOU). The purpose of these memoranda is to define the areas of responsibility of each party in planning and implementing a conservation program for soil, water, and related natural resources, and in so doing:

1. Coordinate efforts toward common goals.
2. Minimize duplication of efforts.
3. Maintain harmonious relations.
4. Pool available resources of staff, equipment and materials so as to use these resources most effectively.
5. Review and update existing conservation programs and activities.
6. Utilize the creative ideas of all personnel in order to develop the most progressive and practical conservation program possible.
7. Assist in creating a greater awareness on the part of the general public of the importance

of natural resource conservation and of the need for their concern and involvement.

8. Stimulate natural resource conservation action programs on the part of individuals, organizations and agencies.

Each memorandum becomes effective when signed by the parties involved, and it will supersede any previous memoranda. A memorandum may be terminated or modified at any time by agreement of the signatory parties and may be terminated by any party by giving 60 days notice in writing to the others.

Conservation districts should review their MOUs every year to make sure that they still apply to the issues that are important to their conservation efforts. MOUs should be jointly reviewed at least every two years with attention given to possible improvement of the memorandum.

Agreements between Conservation Districts and County Government

The history and evolution of conservation districts in Pennsylvania has been taking place for more than 50 years. In that time, some conservation districts have grown more independent from their original ties to county government and some conservation districts have created closer ties to the county. Most of the first employees hired by the conservation districts were clerical or secretarial and were on the county payroll (similar to the secretarial support provided by counties to Cooperative Extension offices).

Each conservation district board includes a county commissioner director. As the need for district staff became evident, decisions were made as to whether these employees should be added to the county payroll or should be employed by the conservation district board. The original county commissioners on district boards were part of those decisions. These initial decisions were made by mutual verbal agreement between the commissioner director and the other directors on the district board. These verbal understandings were the easiest and quickest ways for the boards of volunteer directors to obtain the staff necessary to carry out the district programs.

Now – some 50 years after those original agreements were made – almost all of the early pioneers of conservation districts are gone and no written documentation exists on those “gentlemen’s agreements” made decades ago. Today’s conservation districts have grown in staff size, program scope, and community visibility. This growth has led to questions from many different sides involved in districts:

1. County Commissioners are asking, “How did we get here?” and “What is the county’s relationship to the conservation district?”
2. District directors are asking, “How are our lines of authority for district programs and staff defined?”
3. District staffs are asking, “What are the guidelines and authorities I should be following for the programs I administer on behalf of the county -- Gypsy Moth, Ag Land Preservation, Parks and Recreation?”

Many conservation district boards are now feeling a need to better define and better document the relationship between the conservation district and their county government. Several districts that enjoy positive working relationships with their county government have found it beneficial to develop a formal agreement in order to facilitate cooperation and avoid misunderstandings. Since the agreements written by those districts have proven to beneficially address accountability and division of authority between the District Board and the county government, a sample of such an agreement is provided in Appendix 14.

TRAINING AND INFORMATION

Pennsylvania's Conservation Partnership

A number of conservation, agriculture and natural resource agencies and organizations have formed a dynamic relationship and pledged to jointly provide conservation leadership for the Commonwealth and its citizens. As partners, they pledged to depend on each other to carry out programs successfully, effectively, and efficiently.



Their collective vision is “A dynamic and innovative partnership dedicated to providing quality leadership and service for the stewardship

and conservation of Pennsylvania’s natural resources.”

The Partnership’s guiding principles are:

- Sustaining, improving and conserving our natural resources and environment.
- Improving the quality of life for future generations.
- Listening, anticipating and responding to our customers’ needs.
- Anticipating, identifying and addressing issues.
- Building new alliances to expand our partnership.
- Supporting a holistic approach to conservation planning.
- Fostering economically viable environmental policies.

The Partnership members further pledged to: advance and practice teamwork; involve each partner in the decision-making process; ensure Pennsylvania citizens have access to healthy food and clean water; communicate, coordinate and cooperate; share training opportunities; promote mutual respect, support, trust and honesty; and share the leadership and ownership, the credit and the responsibility.

The Partnership’s signatory agencies and organizations at the state level are:

- Pennsylvania Association of Conservation Districts, Inc.
- Pennsylvania Department of Agriculture
- Pennsylvania Department of Conservation and Natural Resources
- Pennsylvania Department of Environmental Protection
- Pennsylvania Fish and Boat Commission
- Pennsylvania Game Commission
- Pennsylvania State Grange
- Pennsylvania State Conservation Commission
- The Pennsylvania State University
- USDA Farm Service Agency
- USDA Natural Resources Conservation Service
- USDA Rural Economic and Community Development Service

“Building For Tomorrow” Leadership Development Program



Since 1986, the “Building for Tomorrow” Leadership Development Program has been working to develop tools and

training products aimed at enhancing the leadership and professional development of Pennsylvania’s conservation districts.

Now sponsored by the Pennsylvania Conservation Partnership, the “Building For Tomorrow” Leadership Development Committee includes: conservation district directors; conservation district managers; the State Conservation Commission; the Pennsylvania Association of Conservation Districts; the Department of Environmental Protection; the Pennsylvania Department of Agriculture; the USDA Natural Resources Conservation Service; Penn State Cooperative Extension; and the DEP Conservation District Field Representatives. The Committee evaluates the leadership and professional development training needs of conservation districts; looks for funding and training opportunities; develops products and tools for use by conservation district directors and staff; and offers statewide, regional and local training and consultative assistance.

Although each year’s training topics and delivery methods are chosen to provide the most timely benefits to conservation district directors and staff, the main subject areas addressed by the program are:

Director Roles and Responsibilities
Working with Other Groups
Meeting Management
Personnel Management
Financial Management
Communication Skills
Program Planning and Evaluations

“Building For Tomorrow” offers a number of capacity building tools and opportunities for learning and sharing on a variety of topics related to conservation districts. Training sessions held at both statewide and regional meetings have covered topics such as employment law, the Pennsylvania Sunshine Law and director responsibilities. Multi-day conferences designed specifically for district management staff and non-management staff explore subjects such as communications, working with the public and working with the media.

The “Building For Tomorrow” Program has created or purchased and distributed the following products that should be located in your district office:

- District Director Handbook
- Position Description for a Conservation District Director
- Videotape for use with District Director Recruitment and Basic Orientation
- Individual Development Plans for Conservation District Directors and Staff
- Financial Management Handbook (delivered with a Financial Management Reference Book for Nonprofit Organizations)
- Personnel Management Handbook
- Handbook on Board-Staff Foundations
- Videotape on Effective District Meetings and the Use of Parliamentary Procedure
- Draft listing of “Operational Best Management Practices for Conservation Districts”
- The management reference books “First Things First” by Stephen Covey and “Management Basics” by John and Shirley Payne (as a follow-up to the 2001 District Manager Summit)
- Set of Three Board Self-Evaluation Tools
- A Catalog of Sample Operational Policies for Conservation Districts

Ongoing “Building For Tomorrow” efforts include:

The “Building For Tomorrow” Leadership Development Lending Library

The Library is a collection of videotapes and books on a variety of topics including advice on making presentations, employment topics, evaluation and feedback, management and supervision, and time management. Items can be borrowed (one at a time) for up to 30 days and are available to district directors, district staff and partnership agency personnel. More information is included in Appendix 16 of this Handbook.

The Annual Conservation District Staff Conference

This annual conference is well received by district staff because it gives them an opportunity to network with their counterparts across the state and find out how other people are handling the same type of challenges they face at work. Topics focus on professional skills rather than technical know-how and usually include information on team building and/or self-improvement. The conference’s popular “Idea Exchange” is an opportunity for district staff to present real-life examples of imaginative and successful approaches to district workload. For districts that can’t pay their staff as much as they wish they could, the Annual Conservation District Staff Conference is a nice way to say “thank you” for a job well done.

The Annual District Management Summit

Created in 2001, the District Management Summit is exclusively for conservation district managers and assistant managers. Its exclusive participant list allows for open and honest discussions on subjects dealing with personnel management, financial management, board-manager communications and program evaluation and development.

The “District Team Visits” Special Project

A District Team Visit involves a team of district (and possibly agency) representatives spending two days in a conservation district office listening,

observing and asking questions. Visits are made at the invitation of the district. These are visits, not evaluations. The team reflects back what they heard and saw during the visit in order to give the district a better understanding of how they are functioning.

The team conducts one-on-one interviews with the district’s directors, staff and major cooperating

“The quality of leadership, more than any other single factor, determines the success or failure of an organization.” Fred Fiedler & Martin Chemers, *Improving Leadership Effectiveness*

agencies. They also attend a district meeting. Before they leave, the team delivers a written report of observations, perceptions and opportunities that arise during the visit. The final reports are the property of the visited district and are not shared with anyone else by the visiting team members. Between six and eight visits are conducted during a fiscal year and the confidential findings of all the visits are combined and presented to the Leadership Development Committee in order to assist the Committee in directing leadership development resources for the following year. It is anticipated that District Team Visits will be available as long as funds allow and invitations are extended.

Strategic Planning Grants

These grants were made available in 2001, 2002 and 2003 for conservation districts interested in preparing a strategic/business plan that meets established guidelines for process and content. Up to \$1,000 in reasonable expenses can be reimbursed to conservation districts that complete a strategic business plan with input from directors, staff and partners. A Letter of Intent including a planning time line and expected costs is needed to have money set aside for your district’s planning activities. If your conservation district is interested in investing the time into a strategic planning effort, you should contact your Conservation District Field Representative to find out the specifics.

Statewide, Regional and National Meetings

There is no question that we can learn much from others. For this reason, district directors are strongly encouraged to attend regional, state, and national meetings. PACD has three executive council meetings annually and hosts a Joint Annual Conference with the State Conservation Commission and a county conservation district. PACD and the Department of Environmental Protection's field representatives also hold regional meetings to allow directors with limited time for travel the opportunity to receive statewide program updates and discuss district issues. NACD has both regional and national conventions each year.

Directors who attend these meetings outside of their counties come back with new ideas and renewed stimulation to improve their own district's operations. When attending meetings as a representative of your conservation district, remember that it is important to communicate the feelings of your district board, not just your personal opinions. If your district has the funds, it will probably reimburse your expenses for attending a related meeting.



APPENDICES

Appendix 1

Glossary of Agency, Organization and Program Acronyms

ACRONYMS

(* indicates definition provided)

AAB	Agricultural Advisory Board
ACT	Agriculture Conservation Technicians
ACS	Alternative Conservation Systems
ADA	Americans with Disabilities Act
AEU	Animal Equivalent Units
AFO	Animal Feeding Operation
ALCAB	Agricultural Lands Condemnation Approval Board
AMD	Abandoned Mine Drainage; Acid Mine Drainage
ARS	Agricultural Research Service
BAMR	Bureau of Abandoned Mine Reclamation
BMP	Best Management Practice
BWM	Bureau of Watershed Management
C2P2	Community Conservation Partnerships Program
CAC	Citizens Advisory Council to the Department of Environmental Protection
CAFO	Concentrated Animal Feeding Operation
CAO	Concentrated Animal Operation
CBF	Chesapeake Bay Foundation
CBP	Chesapeake Bay Program
CD	Conservation District
CDFAP	Conservation District Fund Allocation Program*
CNMP	Comprehensive Nutrient Management Plan
COB	Close of Business
COE	Corps of Engineers
CRC	Community Relations Coordinator
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSP	Conservation Security Program
CTAP	Conservation Technical Assistance Program
DCED	Department of Community & Economic Development
DCNR	Department of Conservation and Natural Resources
DEP	Department of Environmental Protection
DGRP	Dirt and Gravel Roads Program
DRBC	Delaware River Basin Commission
E&S Plan	Erosion and Sedimentation Pollution Control Plan
EHB	Environmental Hearing Board
EPA	Environmental Protection Agency
EPCAMR	Eastern Pennsylvania Coalition for Abandoned Mine Reclamation
EQB	Environmental Quality Board
EQIP	Environmental Quality Incentives Program
ERRI	Environmental Resources Research Institute
ESCS	Economics Statistics and Cooperative Service

EV/HQ	Exceptional Value/High Quality (stream designations)
FAFP	Financial Assistance Funding Program
FEMA	Federal Emergency Management Agency
FLA	Forest Legacy Areas
FLP	Forest Legacy Program
FIP	Forestry Incentive Program
FLEP	Forest Land Enhancement Program
FPP	Farmland Protection Program
FSA	Farm Service Agency (USDA)
FSP	Farm Stewardship Program (Chesapeake Bay)
G2	Growing Greener Program*
GASB	General Accounting Standards Board
GIS	Geographic Information Systems
GP	General Permit
GRP	Grasslands Reserve Program
HEL	Highly Erodible Land
IDP	Individual Development Plan*
IPM	Integrated Pest Management
IRRC	Independent Regulatory Review Commission
LAN	Local Area Network (computers)
LIO	Livestock Intensive Operation
LRP	Landowner Reclamation Program
MOU	Memorandum of Understanding
MS4	Municipal Storm Sewer System Separate from a Sanitary System
NACD	National Association of Conservation Districts
NARC&DC	National Association of Resource Conservation & Development Councils
NASCA	National Association of State Conservation Agencies
NICET	National Institute for Certification in Engineering Technologies
NMA	Nutrient Management Act
NMAB	Nutrient Management Advisory Board
NMP	Nutrient Management Plan
NOV	Notice of Violation
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NPS	Non-Point Source
NRCS	Natural Resources Conservation Service (USDA)
OFAER	On-Farm Assessment and Environmental Review
OMB	Office of Management and Budget
PACD	PA Association of Conservation Districts*
PASA	PA Association for Sustainable Agriculture
PDA	PA Department of Agriculture
PDIP	Plan Development Incentives Program (nutrient management)
PEACCE	PA Environmental Agricultural Conservation Certification of Excellence
PEC	PA Environmental Council
PEMA	PA Emergency Management Agency
PENNVEST	PA Infrastructure Investment Authority
PFA	PA Forestry Association
PFB	PA Farm Bureau

PFBC	PA Fish and Boat Commission
PFU	PA Farmers Union
PGC	Pennsylvania Game Commission
PHMC	PA Historical and Museum Commission
PLICA	PA Land Improvement Contractors Association
PNDI	Pennsylvania Natural Diversity Inventory
PSATS	PA State Association of Township Supervisors
QAB	Quality Assurance Board (Dirt & Gravel Roads Program)
QIP	Quality Improvement Process
QST	Quality Steering Team
RC&D	Resource Conservation and Development Program
RCSOB	Rachel Carson State Office Building
RECDS	Rural Economic & Community Development Service
SCC	State Conservation Commission*
SCOFO	State Council of Farm Organizations
SIP	Stewardship Incentive Program
SMCRA	Surface Mining Control and Reclamation Act
SOP	Standard Operating Procedure
SR	Senate Resolution
SRBC	Susquehanna River Basin Commission
STP	Sewage Treatment Plant
SWAPP	Source Water Assessment and Protection Program
TMDL	Total Maximum Daily Load (Watershed Conservation 303d)
TN	Total Nitrogen
TP	Total Phosphorus
TQM	Total Quality Management
USDA	United States Department of Agriculture
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WHIP	Wildlife Habitat Incentives Program
WIFA	Water Infrastructure Finance Authority
WPCAMR	Western Pennsylvania Coalition for Abandoned Mine Reclamation
WRAP	Watershed Restoration Assistance Program (Grant)
WRCF	Wild Resources Conservation Fund
WREN	Water Resources Education Network
WRP	Wetland Reserve Program

Definitions and Descriptions

Conservation District Fund Allocation Program - This is a cost share program that supports district day-to-day operations by providing reimbursement for Manager and Erosion and Sedimentation Technician salaries and general administrative costs.

Individual Development Plan – An IDP is an outline of the knowledge and skills required in a certain position and the training and learning opportunities to achieve those knowledge and skills. The Leadership Development Program has a sample IDP for most conservation district staff positions and for a conservation district director.

Growing Greener Program – This program was signed into law by then Gov. Tom Ridge in 1999 as the Environmental Stewardship and Watershed Protection Act and will invest nearly \$650 million over the following five years to preserve farmland and protect open space; eliminate the maintenance backlog in State Parks; clean up abandoned mines and restore watersheds; and provide new and upgraded water and sewer systems.

Pennsylvania Association of Conservation Districts – The Pennsylvania Association of Conservation Districts, Inc. (PACD) was organized in 1950 to serve as a collective voice of Pennsylvania's conservation districts. PACD provides districts with education and information to help them in their work in land and water conservation. The PACD represents districts at the state and national levels in soil, water, and related resource management.

State Conservation Commission - The Pennsylvania State Conservation Commission (SCC) is an 11-member commission that has a primary function of providing oversight and support to the state's 66 county conservation districts for the implementation of conservation programs in an efficient and responsible manner. The Commission also administers and enforces the Pennsylvania Nutrient Management Act Program through state staff and county conservation districts, and oversees and supports the state Dirt and Gravel Roads Maintenance Program.

Acts, Chapters and Laws

Act 6	Pennsylvania Nutrient Management Act (1993)
Act 166	Flood Plain Management Act (1978)
Act 167	The Storm Water Management Act (1978)
Act 217	The Conservation District Law (1945)
Act 537	The Pennsylvania Sewage Facilities Act (1965)

Chapter 102	Erosion Control Regulations - DEP
Chapter 105	Dam Safety and Waterway Management Regulations - DEP
Chapter 275	Land Application of Sewage Sludge (i.e. Biosolids) Regulations-DEP



Clean Streams Law (Act 394) – Passed by the Pennsylvania legislature in 1937, the Clean Streams Law was adopted “to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation... .” The law contends that any discharge into the waters of the Commonwealth that causes, contributes to, or creates a danger of pollution is against public policy and is a public nuisance. It makes landowners responsible for conditions on their property.

Conservation District Law (Act 217) – Act 217 created the State Conservation Commission and established the foundation for county governments to adopt resolutions creating conservation districts. The act provides guidelines by which conservation districts are formed, powers they possess and operational procedures.

Nutrient Management Act (Act 6) – Pennsylvania’s Nutrient Management Program is administered by the State Conservation Commission in cooperation with the state departments of Agriculture and Environmental Protection and through conservation districts that have received approved delegation authority.

Appendix 2
Conservation District Law, Act 217

(NOTE This is NOT an official copy of Act 217, as amended.
It is provided here as solely a general reference for use
by conservation districts.)**

“CONSERVATION DISTRICT LAW”

Act of May 15, 1945, P. L. 217

As Amended April 30, 1986, Act No. 39

AN ACT

Relating to the conservation of soil, water and related natural resources and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into conservation districts; the appointment of their officers and employees; and prescribing their powers and duties; creating the State Conservation Commission in the Department of Environmental Resources and fixing its powers and duties relative to the administration of this act; providing financial and legal assistance to such conservation districts and the Commission; and authorizing county governing bodies to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws.

The act, amended AUGUST 1, 1963, (P.L. 445, No. 236), August 8, 1963 (P.L. 598, No. 315), December 19, 1967 (P.L. 860, No. 382) December 29, 1972 (P.L. 1686, No. 361), and December 19, 1984 (No. 221), is reenacted and amended to read:

Section 1. **Short Title.** -- This act shall be known and cited as the "Conservation District Law".

Section 2. **Declaration of Policy.** -- It is hereby declared to be the policy of the Commonwealth to provide for the conservation of the soil, water and related resources of this Commonwealth, and for the control and prevention of soil erosion, and thereby to preserve natural resources; assist in the control of floods; prevent impairment of dams and reservoirs; assist in maintaining the navigability of rivers and harbors; preserve wildlife; preserve the tax base; protect public lands; and protect and promote the health, safety and general welfare of the people of the Commonwealth.

Section 3. **Definitions.** -- Wherever used or referred to in this act unless a different meaning clearly appears from the context:

(a) "*Commonwealth*" means the Commonwealth of Pennsylvania.

(b) "*Agency of this Commonwealth*" includes the government of this Commonwealth and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this Commonwealth.

(c) "*District*" or "*conservation district*" means any county in the Commonwealth whose county governing body has, by resolution, declared said county to be a conservation district.

(d) "*County governing body*" means the board of county commissioners or that body that has responsibility or authority relating to the conservation district.

(e) "*Directors*" or "*Board of Directors*" means the governing body of a conservation district appointed under the provision of this act.

(f) "*Commission*" means the State Conservation Commission created by this act.

(g) "*United States* " or "*Agency of the United States* " includes the United States Department of Agriculture and any other agency or instrumentality, corporate or otherwise, of the government of the United States of America.

(h) "*Government*" or "*governmental*" includes the government of this Commonwealth and the government of the United States.

(i) "*Land occupier*" or "*occupier of land*" includes any person, firm or corporation who shall hold title to, or shall be in possession of, any lands lying within a conservation district, organized under the provisions of this act, whether as owner, lessee, renter, tenant or otherwise.

(j) "*Cooperating organization*" is any organization approved by the commission to assist in carrying out the provisions of this act.

(k) "*Nominating organization*" is any organization approved under section 4 for the purpose of nominating district directors.

(l) "*County*" includes cities of the first class.

(m) "*Department*" means the Department of Environmental Resources.

Section 4. State Conservation Commission. -- (1) There is hereby created in the department the State Conservation Commission, which shall be a departmental administrative commission with all the powers and duties generally vested in, and imposed upon, such commissions by The Administrative Code of 1929. The commission shall consist of the Secretary of Environmental Resources, who shall be the chairman, the Secretary of Agriculture of Pennsylvania, the Dean of the College of Agriculture of The Pennsylvania State University and four farmer members, who shall be farmers, to be appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. In appointing farmer members, the Governor shall consider nominees submitted by the associations known as the "Pennsylvania State Council of Farm Organizations," and the "Pennsylvania Association of Conservation District Directors, Inc." Each association shall nominate one candidate for each farmer member vacancy. Two public members who shall not be farmers shall also be appointed to the commission by the Governor with the advice and consent of a majority of the members of the Senate. The State Conservationist of the Soil Conservation Service, United States Department of Agriculture and the Associate Director of the Cooperative Extension Service of The Pennsylvania State University shall be associate, non-voting members of the Commission. The commission shall keep a record of its official actions, and may perform such acts and promulgate such rules and regulations as may be necessary. The department shall assign such personnel as needed for the execution of the commission's function under this act. A majority of the voting members shall constitute a quorum and all decisions of the commission shall require a concurrence of the voting members of the commission. At the last regular meeting of the commission in the calendar year, a vice-chairperson shall be elected by the members of the commission and shall serve in that capacity for the ensuing year.

(2) At the request of the State Conservation Commission, the Attorney General and/or Office of General Counsel of the Commonwealth will provide such services as the State Conservation Commission may require. With respect to any program delegated by the department to a conservation district pursuant to section 11 (2), at the request of the State Conservation Commission, the Attorney General and/or Office of General Counsel will provide such services as the conservation district may require. With respect to the performance of any duties or functions delegated to a conservation district by the department pursuant to section 11 (2), the Commonwealth will defend and indemnify district directors and associate directors and district employees to the same extent as it defends and indemnifies Commonwealth employees, and such directors and employees shall have all immunities afforded by law to Commonwealth employees.

(3) The commission shall have authority to delegate to its chairperson, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. Upon request of the commission, for the purpose of carrying out any of its functions, any agency of the Commonwealth and The Pennsylvania State University may assign or detail members of the staff or

personnel to the commission, and may make such special reports, surveys or studies as the commission may request.

(4) The farmer and public members of the commission shall be appointed for a period of four years and shall hold office until their successors have been appointed and have qualified, but no longer than six months beyond the four year period. The four farmer members' terms shall be so staggered that no more than one member's term shall expire each year while the two public members' terms shall be so staggered that no more than one member's term shall expire every second year. At the expiration of their terms of office, or in the event of vacancies through death, resignation or otherwise, new farmer or public members shall be appointed to fill the unexpired term of the members they are replacing. A majority of the commission shall constitute a quorum and all decisions shall require the concurrence of a majority of the commission. All farmer and public members of the commission shall be entitled to sixty dollars (\$60) per diem plus reimbursement for reasonable traveling, lodging and other necessary expenses incurred in the discharge of their duties in accordance with Commonwealth regulations. The commission shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property of the commission and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted. A farmer or public member of the commission who fails to attend three consecutive meetings shall forfeit his seat unless the Secretary of Environmental Resources, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(5) In addition to the duties and powers herein conferred upon the commission, it shall have the following duties and powers:

(a) To offer such assistance as may be appropriate to the directors of conservation districts;

(b) To keep the directors of each of the districts generally informed of activities and experience useful to other districts;

(c) To approve and coordinate the programs of the conservation districts or projects; to apportion among the several districts or to any agency of the Commonwealth, the United States or cooperating organizations any funds allotted from State, Federal or other sources; and to be responsible for the expenditures of such funds by the districts;

(d) To secure the cooperation and assistance of any governmental agency and to be the agency through which government aid in land and water management and conservation of related resources can be extended to private lands;

(e) To disseminate information concerning the activities and programs of the conservation districts and to encourage the formation of such districts in areas where their organization is desirable;

(f) To accept contributions of money, services or materials to carry on land and water management and conservation of related resources under the provisions of this act;

(g) To designate the organizations within the county that may act in nominating persons for appointment as directors, as provided in section 6 of this act. Such designations may be changed from time to time as conditions may warrant;

(h) To approve applications for projects and recommend priorities for planning for watershed applications under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended;

(i) To approve applications for projects and recommend priorities for planning for applications under the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended;

(j) To approve applications and recommend priorities for other Federal programs requiring State Conservation Commission participation;

(k) To provide assistance through conservation districts to environmental advisory councils created by municipalities pursuant to the act of December 21, 1973 (P.L. 425, No. 148), referred to as the Municipal Environmental Advisory Council Law.

(6) The commission shall have the power to receive such funds as appropriated, given, granted or donated to it, or to the program provided for in this act by the Federal Government, the Commonwealth or any other governmental or private agency or person, and shall use such funds for the carrying out of the provisions of this act. The commission may allocate such funds, or parts thereof, to the conservation districts or to any agency of this Commonwealth, the United States, or cooperating organization. Funds so allocated shall be apportioned in an equitable and just manner at the discretion of the commission, but the decision of the commission shall be final.

Sections 2 to 4 of Act 1986, April 30, P.L. 128, No.39, provide as follows:

“Section 2. This act, with respect to the State Conservation Commission, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L. 508, No. 142), known as the Sunset Act, and the commission is hereby reestablished.”

“Section 3. The presently confirmed members of the State Conservation Commission AS OF THE EFFECTIVE DATE OF THIS ACT shall continue to serve as commission members until their present terms of office expire, provided that any present commission member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified, but no longer than six months after the effective date of this act. Any person presently serving on the board of directors of a conservation district shall continue to serve as a board member until his present term of office expires.”

“Section 4. Each rule and regulation of the State Conservation Commission in effect on the effective date of this act and not inconsistent with this act shall remain in effect after such date until repealed or amended by the commission, provided that the commission shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act.”

Section 5. Creation of Conservation Districts. -- (1) When the county governing body determines, in the manner hereinafter provided, that conservation of soil and water, and related resources and control and prevention of accelerated soil erosion are problems of public concern in the county, and that substantial proportion of the rural land owners of the county favor such a resolution, it shall be lawful for the said county governing body, by a resolution adopted at any regular or special meeting of the board, to declare the county to be a conservation district, for the purpose of effectuating the legislative policy announced in section 2. These determinations may be made through petitions, hearings, referenda or by any other means which the county governing body deems appropriate.

(2) Such a district, upon its creation, shall constitute a public body corporate and politic exercising public powers of the Commonwealth as an agency thereof.

(3) All soil conservation districts and soil and water conservation districts created in the past under the provisions of this act shall henceforth be named conservation districts.

Section 6. Designation of District Directors. -- (1) When a county has been declared a conservation district, a board of directors, consisting of seven members, shall be appointed by the county governing body. This board of directors shall consist of one member of the county governing body, not more than four or less than two farmers, and not less than two or more than four public members who shall not be farmers. The total number of directors shall always be seven, unless the State Conservation Commission, upon request of the district and the county governing body, approves a lesser or greater number in unusual or extenuating circumstances but in no case shall the number be less than five nor more than nine. The composition of the board shall be determined by the county governing body and approved by the State Conservation Commission before such change shall become effective; the farmer and public members to be appointed shall be selected from a list containing at least double the number of directors to be appointed, and such list is to be submitted by each of the organizations within the county designated by the State Conservation Commission. Upon receipt of notice from the State Conservation Commission of the organizations to be entitled to make such nominations, and having secured nomination lists, the county governing body shall appoint the proper number of directors.

(2) The district board may appoint associate directors without voting power to carry out the district's business at the discretion of the district board.

Section 7. Appointment; Qualifications; Compensation; and Tenure of Directors. -- (1) The director appointed from the county governing body shall be appointed annually by the county governing body. The term of office for farmer and public directors will be four years, except that directors shall be appointed so that no more than three directors' terms shall expire in any one year, unless a conservation district board is comprised of more than seven directors as provided for in section 6. A director shall hold office until a successor has been appointed and has qualified. Vacancies shall be filled for the unexpired terms. Successors to fill unexpired terms or for full terms shall be appointed by the county governing body from a list containing at least double the number of directors to be appointed, such list to be composed of nominations submitted in writing by a qualified officer of each of the organizations designated by the State Conservation Commission. The final list of nominations shall be placed on file by the county governing body and shall be open to public inspection. In filling unexpired terms, the county governing body may make appointments from any list prepared in the above manner that has been compiled within the 12 months preceding such appointments.

(2) The director appointed from the county governing body shall receive no additional compensation but shall receive traveling expenses as allowed as a member of the county governing body. The other members of the board of directors shall serve without pay, unless, at the district's request, the State Conservation Commission approves the district's request to pay directors for services rendered on specific projects at a rate approved by the commission. The directors may be reimbursed for actual and necessary expenses incurred while engaged in the performance of their official duties, provided funds are made available by the county governing body or by the State Conservation Commission for such purpose, and under such terms and conditions as the county governing body or the commission, whichever has provided the funds, shall determine.

Section 8. Organization of Directors. -- (1) The board of directors of the district shall be the governing body thereof. At their first meeting in the calendar year they shall elect a chairperson and vice-chairperson and elect or appoint a secretary and/or treasurer who may or may not be a member of the board and such other officers as deemed necessary. A majority of the voting members shall constitute a quorum. The directors may delegate to their chairperson, or to one or more directors, such powers and duties as they shall deem proper. The directors shall furnish to the State Conservation Commission, upon request, copies of such rules, orders, contracts, forms and other documents they adopt or employ and such other information concerning their activities as the commission may require in the performance of its duties under this act.

(2) The board of directors shall provide for the execution of surety bonds for any members or employees who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted; shall prepare and distribute annual reports and shall provide for an annual audit of the accounts of receipts and disbursements.

(3) The board of directors may invite the governing body of any political subdivision to designate a representative to advise and consult with the directors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such political subdivision.

(4) A director absent from regular district meetings three or more times during a year without due cause may be replaced by the county governing body.

Section 9. Powers of Districts and Directors. -- The directors of a district shall have the following powers in addition to those granted in other sections of this act:

(1) To conduct surveys, investigations and research relating to the character of soil erosion and the preventive control measures needed and to publish the results of such surveys, investigation or research, and disseminate information concerning such preventive and control measures after securing approval from the State Conservation Commission: Provided, however, that in order to avoid duplication of research activities no district shall initiate any research program except in cooperation with The Pennsylvania State University College of Agriculture or any agency approved by the State Conservation Commission;

(2) To employ the necessary personnel to properly conduct the operations of the district and provide adequate and necessary insurance coverage for directors and employees, and appropriate fringe benefits for employees, provided funds are available for such purposes;

(3) 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 drainage operations on lands owned or controlled by this Commonwealth or any of its agencies with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the written consent of the owner and occupier of such lands or the necessary rights or interests in such lands;

(4) To cooperate or enter into agreements with, and to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in carrying on erosion control and prevention operations, including ditching and draining operations for effective conservation

and utilization of the lands within the district, subject to such conditions as the directors may deem necessary to advance the purposes of this act: provided, however, that such agreements are within the limits of available funds or within appropriations made available to it by law;

(5) To obtain options upon, and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property real or person or right or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available on such terms as it shall prescribe to land occupiers within the district, agricultural and engineering machinery and equipment; fertilizer, seeds and seedlings and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the effective conservation and utilization of soil resources; and for the prevention and control of soil erosion;

(7) To construct, improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this act;

(8) To assist and advise owners and occupiers of land in developing and/or implementing plans for storm water management, water use, water management and water pollution control, soil erosion control and conservation of water and soil resources, including recommended engineering practices, cultivation methods, cropping programs, tillage practices and changes of land use;

(9) To assist and advise county and municipal governments in subdivision and land development reviews, developing and implementing storm water management plans and programs and in administering programs for flood control, flood plain management, water use, water management and water pollution control and other natural resource concerns;

(10) To conduct educational programs relating to soil and water conservation and to publish educational materials relating to soil and water conservation;

(11) To accept, upon approval by the State Conservation Commission, any authority delegated by municipal or county governments, the Commonwealth or Federal Government;

(12) To sue and be sued in the name of the district; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act to carry into effect its purposes and powers;

(13) As a condition to extending any benefits under this act, or to the performance of work upon any lands not owned or controlled by the Commonwealth or any of its agencies, the board of directors may require contributions in money, services, materials or otherwise to any operations conferring such benefits and may require land occupiers to enter into and perform such agreements or covenants as to the long term use of such lands as will tend to prevent or control accelerated erosion thereon;

(14) No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the Legislature shall specifically so state;

(15) To accept contributions of any character from any source whatsoever, but only by and with the consent and approval of the State Conservation Commission, unless the funding is from other governmental agencies or unless specifically authorized so to do by this act;

(16) To sponsor projects under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended, and the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended;

(17) To enter public or private property to make such inspections as are necessary to determine compliance with the act of June 22, 1937 (P.L. 1937, No. 394), known as "The Clean Streams Law"; the act of November 26, 1978 (P.L. 1375, No. 325), known as the "Dam Safety and Encroachments Act," and any rules, regulations, permits or orders issued thereunder, to the extent that such inspection authority has been delegated to a district by the department;

(18) To establish a program of assistance to environmental advisory councils which may include, but not be limited to, educational services, exchange of information or assignment of administrative and/or technical personnel; and

(19) No agent or employe of a conservation district or other Commonwealth agency or political subdivision engaged in the planning, design, construction or regulatory review of soil and water conservation projects and practices under the authority of this act, "The Clean Streams Law," or delegations pursuant to paragraph (2) of section 11 of this act shall be considered to be engaged in the practice of landscape architecture.

Section. 10. Cooperation between Districts. -- The directors of any two or more districts organized under the provisions of this act may cooperate with one another in the exercise of any or all powers conferred in this act and upon approval of the county governing bodies and the State Conservation Commission, may create official special purpose or watershed organizations to solve specific problems of a multicounty or multistate nature.

Section 11. Commonwealth Agencies to Cooperate. -- (1) Agencies of this Commonwealth which have jurisdiction over or are charged with the administration of Commonwealth highways, or any Commonwealth-owned lands and agencies of any county or other governmental subdivision of the Commonwealth, which have jurisdiction over or are charged with the administration of any county-owned or other publicly owned lands lying within the boundaries of any district organized hereunder, may cooperate with the directors of such districts in the effectuation of programs and operations undertaken by the board of directors under the provisions of this act.

(2) In accordance with regulations adopted by the Environmental Quality Board, the department may, by agreement, delegate to a district one or more of its regulatory and enforcement functions including, but not limited to, the act of June 22, 1937 (P.L. 1937, No. 394), known as "The Clean Streams Law," and the rules and regulations adopted thereunder; the act of May 11, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," the act of October 4, 1978 (P.L. 851, No. 166), known as the "Flood Plain Management Act," and the rules and regulations adopted thereunder; and the act of November 26, 1978 (P.L. 1375, No. 325), known as the "Dam Safety and Encroachments Act," and the rules and regulations adopted thereunder. Any district acting pursuant to a delegation agreement shall have the same powers and duties other-wise vested in the department to implement these acts, to the extent delegated by the agreement. The department shall monitor and

supervise the activities of each district conducted pursuant to a delegation agreement. Any person aggrieved by an action of a district pursuant to a delegation agreement may appeal such action pursuant to 2 Pa. C.S. §105 (relating to local agency law), within 30 days following notice of such action.

(3) The department shall monitor and supervise the activities of each district conducted pursuant to the agreement.

Section 12. Discontinuance of Districts. -- (1) The county governing body of any county in which, by resolution, such county was declared to be a conservation district, may at any time after five years from the passage of said resolution and after determining that a substantial proportion of the land occupiers of the district so desire, and upon approval by the commission, repeal said resolution at a regular or special meeting of said county governing body. This determination may be made through hearings, petitions, referenda or any other means which the county governing body deems appropriate.

(2) Upon the repeal of the resolution which declared the county to be a conservation district, the directors may not enter into any more contracts or agreements on behalf of the district, and all rules and regulations theretofore adopted and in force within such district shall be of no further force and effect. Such district, however, shall continue for a period not to exceed two years for the purpose of fulfilling its contracts, discharging any existing obligations, collecting and distributing its assets and doing all other acts required to adjust and close out its affairs.

(3) Upon repeal by the county governing body of the resolution declaring the county to be a district, the directors shall, at public auction, dispose of all property belonging to the district as soon as said property is no longer needed by the district to fulfill any existing contracts, and shall forthwith pay over the proceeds of such sale, less the necessary costs of the sale, into the county treasury. The directors shall, at least ten days prior to holding such public auction, notify the commission of the property proposed to be sold thereat, and after such sale shall render to the county governing body and to the commission a report of such sale specifying the property sold, the amount received therefor and the disposition of the proceeds. Such report of the sale shall also be accompanied by a list of the remaining property of the district still undisposed of.

(4) Any property, real or personal, remaining unsold at the end of two years shall be taken over by the county governing body for proper disposition and the proceeds derived therefrom placed in the county treasury.

Section 13. County Governing Body's Appropriations. -- The county governing bodies of the several counties of this Commonwealth are hereby authorized to appropriate annually out of the current revenues of the county, moneys to the conservation district, properly organized and functioning under the provisions of this act, and located within the county. The amount appropriated shall be determined as in the case of county appropriations, or appropriations of cities of the first class, as the case may be.

Section 14. Commonwealth Appropriations. -- The General Assembly of the Commonwealth shall appropriate from time to time as may be necessary, moneys out of the General Fund to the State Conservation Commission for its use in administering the provisions of this act.

Section 15. Act Repealed. -- The act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), entitled "An act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental

subdivisions of the Commonwealth, with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources; prescribing the officers and employes thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; providing financial assistance to such soil conservation districts; prescribing penalties, and making an appropriation," as amended, is hereby repealed, except that districts now chartered and operating under said acts, lying wholly in one county, may continue to operate thereunder with the State Soil Conservation Commission replacing the State Soil Conservation Board until the board of county commissioners, in the county in which such district is located, declare the county to be a soil conservation district at which time their affairs shall be closed out and all assets and records turned over to the board of directors of the newly declared district, or when a district now chartered and operating under said acts has boundaries which extend into two counties it may continue to operate thereunder with the State Soil Conservation Commission replacing the State Soil Conservation Board until the county commissioners, in the county in which the major part of such district is located, declare that county to be a soil conservation district, at which time the affairs of such district shall be closed out and all assets and records turned over to the board of directors of the newly declared district (in the case where a soil conservation district now organized shall comprise territory outside of the county containing its principal territory, the portion outside shall be administered by the board of directors of the newly formed district comprising the county where the principal territory is located until such time as the county where the outside portion is located shall constitute itself a soil conservation district under this act, whereupon the said outside portion shall become a part of the county district wherein it is geographically located) and in cases where the board or boards of county commissioners fails or fail to organize under this act, said district or districts may continue to function as heretofore under said acts.

Section 16. Contracts to Remain in Force. -- Whenever any lands which constitute all or a part of a soil conservation district created pursuant to the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), and its amendments, become a part of a district created by resolution of the board of county commissioners, all contracts theretofore entered into to which the former district or supervisors thereof were parties, shall remain in force and effect for the period provided in such contracts, and the directors of the newly created district shall be substituted for the supervisors of the former district as party to those contracts relating to lands lying within the district of which they are directors. The representative directors of the district created by the board of county commissioners shall be entitled to all the benefits and be subject to all liabilities under such contracts, and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, including the right to terminate such contracts by mutual consent or otherwise as the supervisors of the district created, pursuant to the act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seven hundred twenty-four), and its amendments.

Section 17. Effective Date. -- This act shall become effective immediately upon its final enactment.

APPROVED—The 15th day of May, A.D. 1945

AMENDED - The 25th day of July, A.D. 1963, by Act of the General Assembly No 170.

AMENDED - The 1st day of August, A.D. 1963, by Act of the General Assembly No. 235.

AMENDED - The 8th day of August, A.D. 1963, by Act of the General Assembly No 315.

AMENDED - The 19th day of December, A.D. 1967, by Act of the General Assembly No 382.

AMENDED - The 29th day of December, A.D. 1972, by Act of the General Assembly No 361.

AMENDED - The 19th day of December, A.D. 1984, by Act of the General Assembly No 221.

AMENDED - The 30th day of April, A.D. 1986, by Act of the General Assembly No. 39.

Appendix 3

Pennsylvania Conservation Districts' Creation Dates

CONSERVATION DISTRICT ORGANIZATION AND ANNIVERSARY DATES

County	Order	Date Organized	40 th Anniversary	45 th Anniversary	50 th Anniversary	55 th Anniversary	60 th Anniversary
Adams	13	4/02/47	----	----	----	----	2007
Allegheny	4	3/05/46	----	----	----	----	2006
Armstrong	61	1/23/63	----	2008	2013	2018	2023
Beaver	56	8/03/61	----	2006	2011	2016	2021
Bedford	41	9/25/56	----	----	2006	2011	2016
Berks	7	8/13/46	----	----	----	----	2006
Blair	63	1/05/66	2006	2011	2016	2021	2026
Bradford	43	11/13/56	----	----	2006	2011	2016
Bucks	55	4/24/61	----	2006	2011	2016	2021
Bulter	53	3/15/61	----	2006	2011	2016	2021
Cambria	26	3/23/50	----	----	----	2005	2010
Cameron	64	6/16/66	2006	2011	2016	2021	2026
Carbon	10	2/14/47	----	----	----	----	2007
Centre	30	12/15/54	----	----	2004	2009	2014
Chester	15	7/30/47	----	----	----	----	2007
Clarion	5	6/17/46	----	----	----	----	2006
Clearfield	59	1/12/62	----	2007	2012	2017	2022
Clinton	6	7/16/46	----	----	----	----	2006
Columbia	23	7/01/49	----	----	----	2004	2009
Crawford	35	2/17/56	----	----	2006	2011	2016
Cumberland	29	4/26/52	----	----	----	2007	2012
Dauphin	28	4/02/52	----	----	----	2007	2012
Delaware *	65	1/28/70	2010	2015	2020	2025	2030
Elk	60	9/21/62	----	2007	2012	2017	2022
Erie	22	5/17/49	----	----	----	2004	2009
Fayette	49	4/28/58	----	----	2008	2013	2018
Forest *	66	11/14/72	2012	2017	2022	2027	2032
Franklin	34	2/14/56	----	----	2006	2011	2016
Fulton	2	12/08/45	----	----	----	----	2005
Greene	36	2/28/56	----	----	2006	2011	2016
Huntingdon	31	7/28/55	----	----	2005	2010	2015

County	Order	Date Organized	40th Anniversary	45th Anniversary	50th Anniversary	55th Anniversary	60th Anniversary
Indiana	11	3/07/47	----	----	----	----	2007
Jefferson	3	3/01/46	----	----	----	----	2006
Juniata	47	3/19/57	----	----	2007	2012	2017
Lackawanna	50	5/27/58	----	----	2008	2013	2018
Lancaster	25	2/24/50	----	----	----	2005	2010
Lawrence	57	11/28/61	----	2006	2011	2016	2021
Lebanon	21	5/12/49	----	----	----	2004	2009
Lehigh	8	9/26/46	----	----	----	----	2006
Luzerne	62	2/13/64	2004	2009	2014	2019	2024
Lycoming	39	7/20/56	----	----	2006	2011	2016
McKean	51	4/27/59	----	2004	2009	2014	2019
Mercer	45	3/04/57	----	----	2007	2012	2017
Mifflin	40	9/14/56	----	----	2006	2011	2016
Monroe	16	9/02/47	----	----	----	----	2007
Montgomery	42	10/16/56	----	----	2006	2011	2016
Montour	44	2/27/57	----	----	2007	2012	2017
Northampton	58	12/08/61	----	2006	2011	2016	2021
Northumberland	20	2/21/49	----	----	----	2004	2009
Perry	27	11/06/50	----	----	----	2005	2010
Pike	38	6/18/56	----	----	2006	2011	2016
Potter	1	11/28/45	----	----	----	----	2005
Schuylkill	32	9/15/55	----	---	2005	2010	2015
Snyder	37	3/19/56	----	----	2006	2011	2016
Somerset	48	3/22/57	----	----	2007	2012	2017
Sullivan	54	4/03/61	----	2006	2011	2016	2021
Susquehanna	14	5/12/47	----	----	----	----	2007
Tioga	9	11/04/46	----	----	----	----	2006
Union	46	3/06/57	----	----	2007	2012	2017
Venango	52	2/17/61	----	2006	2011	2016	2021
Warren	18	4/12/48	----	----	----	----	2008
Washington	12	3/10/47	----	----	----	----	2007
Wayne	33	10/11/55	----	----	2005	2010	2015
Westmoreland	24	9/30/49	----	----	----	2004	2009
Wyoming	19	1/10/49	----	----	----	2004	2009
York	17	3/16/48	----	----	----	----	2008

** Counties celebrating 35th anniversaries - Delaware 2005, Forest 2007

Appendix 4

Board Self-Evaluation Example

Assessing Board Performance

Background

All effective organizations have a bias for determining their effectiveness. Boards assess because they are committed to accountability. Governing boards insist that employee performance be assessed to assure that resources are being used effectively and services are being delivered at the expected level of quality. Yet, far too many boards refuse to hold themselves accountable, at their level of contribution to the effectiveness of the organization they head.

Boards direct the affairs of the organizations they head through their policy function, as well as, their overall vision for the organization. Self-assessment provides valuable information and insight for the board's own internal use as it seeks to refine its performance. The board's contribution to the overall organization cannot be assumed; it must be assessed against the board's own pre-determined values, and modified as appropriate.

Only when the board consciously draws conclusions about its own performance can it take steps to improve. A regular assessment will assure the board is operating at maximum efficiency and effectiveness, and that it is adding value to the organization it governs. It is hypocritical for the board to insist upon regular assessment of employees and programs without also insisting upon a rigorous assessment of its own performance.

Objectives of Self-Assessment

The following are some of the objectives a board should try to accomplish through a self-assessment process:

1. To assure the board is accountable for its own performance.
2. To allow each member of the board to assess his/her individual performance as a member of a team.
3. To improve communication among board members and between the board and the manager.
4. To assure a thorough understanding of the district's goals and commitments.
5. To assure that individual concerns about the board's performance are known and understood by each board member.
6. To assure that decision-making processes are effective and meet the expectations of board members.
7. To assure that new members joining the board understand the operational procedures and group expectations.
8. To assess the individual strengths and weaknesses of board members.
9. To assure continued improvement and capable leadership by the board.



Establishing an Assessment Process

Before performance is assessed, it is important that the board and manager agree on a process as well as appropriate instruments to be used. Boards should be willing to adopt a process that holds promise for effectively measuring performance, with the understanding that the process and instrument may change with the board as it grows. The assessment process is evolutionary.

The effectiveness of any assessment process depends more on the board's commitment to look at its own performance than on the inherent adequacy of the process and instrument. When board members' mutual commitment is present, they will find suitable vehicles for open conversation to occur. Seek to make the assessment process as acceptable as possible, realizing there is no perfect solution. The central commitment must be to review performance, not fail to do so because the process may be somewhat flawed. In the absence of a full commitment to assess performance, no plan, will be effective.

Summary of the Characteristics of Board Self-Assessment

1. The process of assessing, and the instruments used to accomplish that purpose, should be aimed at improving performance. Assessment is not intended to be punitive but rather to reward good performance and point out areas that need improvement.
2. Members of the board themselves should determine that standards against which the board will assess its performance. To assess someone else's values rather than the board's own values, will accomplish little.
3. The board must recognize the difference between goals that it sets for the district versus the goals that it adopts for its own internal performance. While there may well be significant overlap between the two, in this instance the board is not assessing the district's achievement of its goals, but rather the board's performance and the value it adds to assist in the overall district effectiveness.
4. Once the assessment has been conducted, the job is not finished until a performance improvement plan has been established. Appropriate instruments are included in these materials to assist the board in formulating improvement plans.
5. Regardless of how thorough an assessment instrument seems to be, it is to be expected that the board, in its follow-up discussion, will identify other areas of its performance that are worthy of review. The purpose of the assessment instrument and process is to stimulate discussion. That discussion can be rather free-wheeling, which is perfectly acceptable.
6. The board should commit to assess its own performance at least annually, and should determine in advance the date and time for that event to occur. Of course, continuing assessment of various parts of the board's performance might be done but it is supremely important for a thorough assessment to be conducted at least annually.
7. An overall assessment of board strengths and opportunities for development should be the result of individual board member assessments. It is not uncommon for the views of individual members to vary considerably from the views of other members. However, in follow-up conversation, it should be expected that some board consensus can be reached about the board's overall performance.

8. Once conclusions have been drawn, and after performance plans have been established, the board should provide for itself appropriate training and assistance to assure its performance meets predetermined expectations.

Post-Assessment Improvement Plan

After the board has completed its self-assessment and the results have been determined, conclusions should have been made about areas for improvement. Keep in mind these performance-enhancing actions are not to be directed at the district, but rather at the board itself. Your objective is to determine procedures for the board to follow to improve its own performance.

These might be some examples of areas for board improvement:

- To improve relationships with the manager
- To make meetings more effective, and more efficient
- To improve internal relations among members of the board in order to present a more harmonious picture to the constituents.

These are the things you want to do. This is what you want to accomplish. Now it is important to determine how these things will be achieved. For example, what specific actions should be taken by the board to improve internal relationships? It is important for the board to think sequentially, one step at a time, in order to assure that the goal can be achieved in an efficient manner. In addition to deciding what is to be achieved and by what means, the board then should determine who will be responsible for taking each of those actions, and a date by which those actions should be taken. Finally, the board should decide some measure of success in order to allow members to know when these actions have been achieved and the goals met.

Example Board Self-Assessment Tool

Intended for: Boards seeking to assess their own performance.

Objective: Examine both performance and priority of board activities.

Time Required: 30-60 minutes.

Comments: Board members can complete individually or discuss as a group. Works well with a facilitator.

PRESENT PERFORMANCE

For each item, circle one number on the left-hand side of the page to indicate your assessment of the level of effectiveness with which the board is presently carrying out that activity.

SIGNIFICANCE

For each item, circle one number on the right-hand side of the page to indicate your assessment of the relative importance of this activity in contributing to the board's overall effectiveness.

<p>Ratings used are:</p> <p>1 - Very low</p> <p>2 - Low</p> <p>3 - Satisfactory</p> <p>4 - High</p> <p>5 - Very high</p>						<p>Ratings used are:</p> <p>1 - Not significant</p> <p>2 - Low significance</p> <p>3 - Moderate significance</p> <p>4 - High significance</p> <p>5 - Very high significance</p>					
A. Governance											
1	2	3	4	5	1. The board meets in a suitable room, with adequate facilities for visitors.	1	2	3	4	5	
1	2	3	4	5	2. Board members come to meetings familiar with the agenda, backup reports and other materials.	1	2	3	4	5	
1	2	3	4	5	3. Except when unavoidable, late items are not added to the agenda after it has been circulated to board members.	1	2	3	4	5	
1	2	3	4	5	4. The board selects its chair on the basis of the ability to provide leadership, to conduct meetings and to participate effectively in all aspects of board activity.	1	2	3	4	5	
1	2	3	4	5	5. The chair ensures that meetings proceed in a business-like manner, while allowing opportunity for full discussion.	1	2	3	4	5	
1	2	3	4	5	6. The board refers business that requires prolonged or detailed study to the manager or to a committee for review and recommendations.	1	2	3	4	5	
1	2	3	4	5	7. The board avoids voting cliques and does not allow personal conflict to affect its actions, but reaches decisions solely on the merits of the issue.	1	2	3	4	5	
1	2	3	4	5	8. Board members abide by board decisions and do not make individual decisions or commitments on the board's behalf.	1	2	3	4	5	
1	2	3	4	5	9. The board develops objectives and priorities to enable it to attain its goals.	1	2	3	4	5	
1	2	3	4	5	10. The board seeks input from staff and community in establishing policies, goals and objectives.	1	2	3	4	5	
1	2	3	4	5	11. The board has an ongoing procedure for the review and revision of its goals, objectives and policies.	1	2	3	4	5	

Ratings used are: 1 - Very low 2 - Low 3 - Satisfactory 4 - High 5 - Very high						Ratings used are: 1 - Not significant 2 - Low significance 3 - Moderate significance 4 - High significance 5 - Very high significance					
1	2	3	4	5	12. Individual members of the board treat other members and the staff with respect.	1	2	3	4	5	
1	2	3	4	5	13. Board members pursue opportunities for further training in effective boardsmanship.	1	2	3	4	5	
1	2	3	4	5	14. New board members have opportunities for systematic orientation to their responsibilities and to board policies and operating procedures.	1	2	3	4	5	
1	2	3	4	5	15. The board focuses its efforts primarily on the development of policy and relies on staff to implement board policies.	1	2	3	4	5	
B. Liaison and Communication											
1	2	3	4	5	1. Agenda of board meetings are issued in advance of the meetings.	1	2	3	4	5	
1	2	3	4	5	2. There is an established procedure whereby members of the public may speak regarding items, on or not on the agenda, at board meetings.	1	2	3	4	5	
1	2	3	4	5	3. The board advises individuals or groups who have made presentations of any decisions made concerning their presentations and gives reasons for its decisions.	1	2	3	4	5	
1	2	3	4	5	4. A summary of important business conducted at each board meeting is circulated to staff and the media.	1	2	3	4	5	
1	2	3	4	5	5. The minutes of open regular and special board meetings are available to staff and the public.	1	2	3	4	5	
1	2	3	4	5	6. Members of the board take specific actions to secure maximum support for a good district program.	1	2	3	4	5	
1	2	3	4	5	7. The board informs citizens regarding matters of vital concern to them, through such means as advertisements in the press and letters to the editor.	1	2	3	4	5	
1	2	3	4	5	8. There is an ongoing, planned program of information about district programs.	1	2	3	4	5	
1	2	3	4	5	9. The board seeks others' opinions through surveys, public meetings, advisory committees or other appropriate means before making major policy decisions.	1	2	3	4	5	
1	2	3	4	5	10. The board actively seeks to maintain positive working relationships between board members and district staff.	1	2	3	4	5	
1	2	3	4	5	11. Board policy outlines a procedure by which the board deals with complaints.	1	2	3	4	5	
1	2	3	4	5	12. The board communicates effectively with its manager and staff.	1	2	3	4	5	
1	2	3	4	5	13. Copies of current board policies and administrative regulations are compiled and are available to all staff.	1	2	3	4	5	
1	2	3	4	5	14. Members of the board attend district functions when feasible.	1	2	3	4	5	

Ratings used are: 1 - Very low 2 - Low 3 - Satisfactory 4 - High 5 - Very high						Ratings used are: 1 - Not significant 2 - Low significance 3 - Moderate significance 4 - High significance 5 - Very high significance					
C. Personnel											
1	2	3	4	5	1.	The board has a written procedure for dealing with employee concerns, complaints and grievances.	1	2	3	4	5
1	2	3	4	5	2.	Board members try to become acquainted with as many of the district's employees as possible.	1	2	3	4	5
1	2	3	4	5	3.	Board members do not allow personal friendships with district personnel to affect board decisions.	1	2	3	4	5
1	2	3	4	5	4.	There is a climate of mutual respect and trust between the board and its staff.	1	2	3	4	5
1	2	3	4	5	5.	Any board member criticism of a staff member is offered tactfully and privately to the manager.	1	2	3	4	5
1	2	3	4	5	6.	The board provides its staff with encouragement and opportunities for growth through a program of in-service training and professional development.	1	2	3	4	5
1	2	3	4	5	7.	There is a clear understanding of the board's expectations for the performance and personal qualities of the manager and other senior staff members.	1	2	3	4	5
1	2	3	4	5	8.	The board is willing to defend staff members from unjust and unfounded criticism.	1	2	3	4	5
D. Administration											
1	2	3	4	5	1.	The board recognizes the manager as its chief executive officer and seeks his/her recommendations on all important matters.	1	2	3	4	5
1	2	3	4	5	2.	The board delegates to the manager the responsibilities for administering board policy and implementing board decisions.	1	2	3	4	5
1	2	3	4	5	3.	The board requires the manager and staff to establish performance objectives, periodically review progress and recommend new goals annually.	1	2	3	4	5
1	2	3	4	5	4.	The board is well informed about district projects.	1	2	3	4	5
1	2	3	4	5	5.	Individual board members and the board as a whole avoid dealing with matters related to day-to-day operation of the district.	1	2	3	4	5
1	2	3	4	5	6.	The board requires that staff and committee recommendations clearly outline the options and alternative courses of action open to the board.	1	2	3	4	5
E. Business Operations											
1	2	3	4	5	1.	In preparing the annual budget, the board attempts to strike a reasonable balance between its financial resources and the need to provide a comprehensive district program.	1	2	3	4	5
1	2	3	4	5	2.	The board seeks input from staff members in establishing priorities for budgeting purposes.	1	2	3	4	5
1	2	3	4	5	3.	The budget is presented to the board in a clear and concise manner.	1	2	3	4	5

Ratings used are: 1 - Very low 2 - Low 3 - Satisfactory 4 - High 5 - Very high						Ratings used are: 1 - Not significant 2 - Low significance 3 - Moderate significance 4 - High significance 5 - Very high significance					
1	2	3	4	5	4. Members of the board participate in the presentation of the annual budget to the county government.	1	2	3	4	5	
1	2	3	4	5	5. Written board policies ensure efficient administration of the budget and proper accountability for the expenditure of funds.	1	2	3	4	5	
1	2	3	4	5	6. A complete annual audit and a systematic process ensure that financial operations are performed efficiently.	1	2	3	4	5	
F. Facilities											
1	2	3	4	5	1. The board regularly reviews the suitability of district facilities for current district needs.	1	2	3	4	5	
1	2	3	4	5	2. There is a long-term plan for district growth and the acquisition of suitable facilities and resources.	1	2	3	4	5	
1	2	3	4	5		1	2	3	4	5	
1	2	3	4	5		1	2	3	4	5	

Appendix 5

Questions and Answers about Pennsylvania's Sunshine Law and Conservation Districts

Continued from page 4-9

3. In order to comply with the Sunshine Law, what should a conservation district include in its official minutes?

- date, time and location of the meeting
- names of members present
- substance of all official actions (ex: motions) and a record of any roll call votes taken
- the names of citizens who appeared officially and the subject of their testimony



4. Must the public be allowed to speak at conservation district board meetings?

Yes. The Sunshine Law states that citizens shall be provided a reasonable opportunity to be heard.

5. What happens if the requirements of the Sunshine Law are not followed?

First, any actions taken by the board can be deemed invalid, and in that case a properly conducted meeting would need to be held to correct the errors. Second, if it is shown that a conservation district violated the Sunshine Law “willingly” or with “wanton disregard,” the court could award attorney’s fees and costs to the prevailing party.

(**Note:** An example of such a violation happened in the past with a conservation district. The district board took “official action” at a district meeting to issue a permit in accordance with a county ordinance. A citizens group opposed to the operation receiving the permit observed that there was *no quorum* at the meeting when the vote to issue the permit was made. The conservation district had to rescind the issuance of the permit and take action to reissue the permit at a later meeting. This approval process took two months to complete. Luckily, in this case, the operation seeking the permit did not take legal action against the conservation district for delaying the project.)

6. Must an executive session be advertised in a newspaper of general circulation?

No

7. Are we required to keep tape-recorded tapes of meetings?

No, however, board policy may require the tapes to be kept for a certain period of time.

8. May the Board prohibit the use of recording devices during their public meetings?

No, however, they are permitted to adopt rules governing the use of recording devices.

9. Can the Board have an executive session at any time other than the official meeting?

Yes, provided the executive session and the reason for it are announced at a public meeting either prior to or after the executive session is held.

10. Must we take minutes of Executive Sessions?

No. (This is not advisable since minutes become public records.)

11. Can a conservation district use a secret ballot to vote?

No. Section 5 of the Sunshine Law requires votes to be cast publicly.

12. When do conservation district meeting minutes become an official record?

When officially accepted or adopted at a public meeting.

13. Are financial statements considered public documents?

Yes

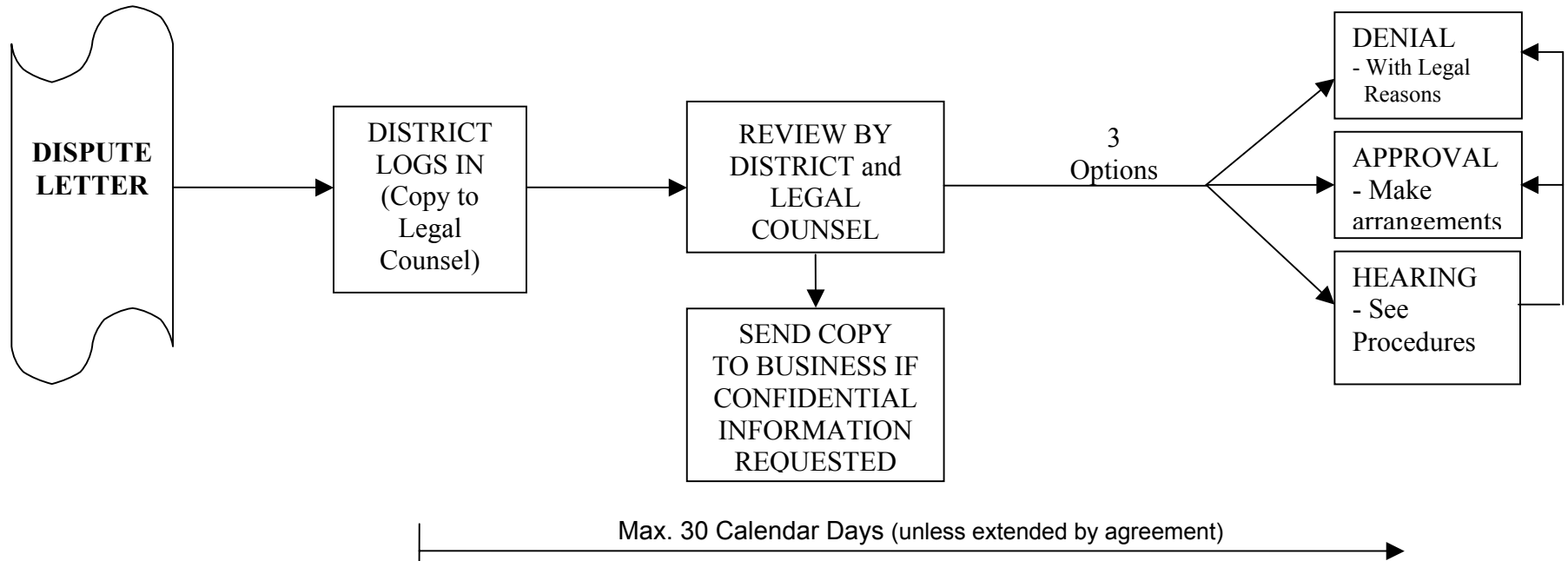
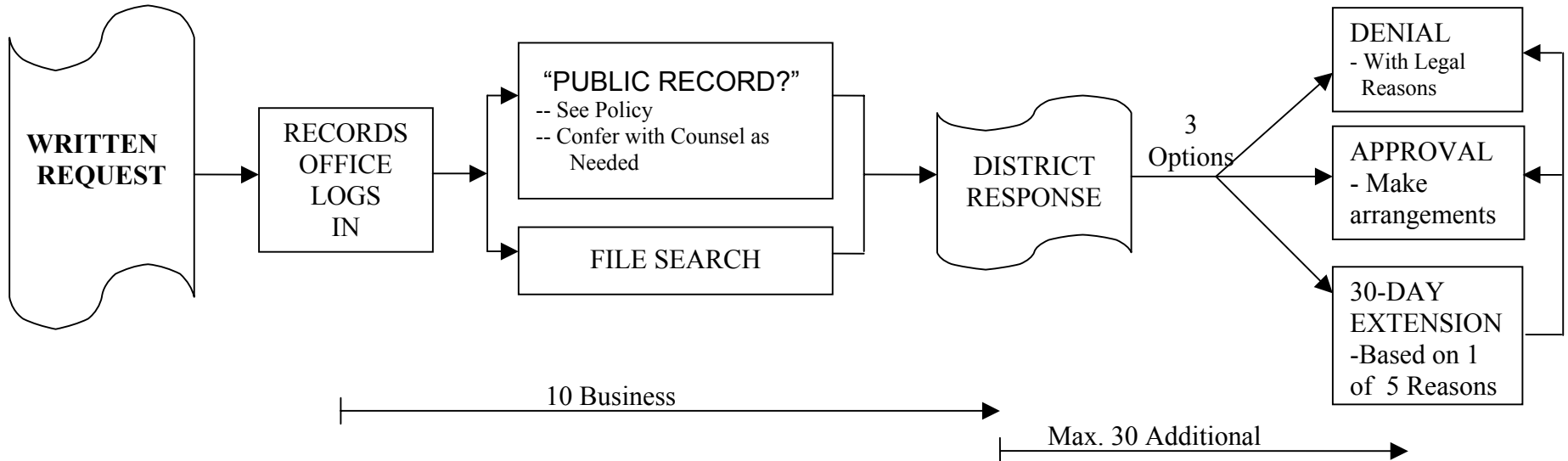
14. What about the rescheduling of cancelled meetings?

The requirements for advertising a rescheduled meeting are the same as for the regularly scheduled meetings. The time and date of the rescheduled meeting should be posted at the meeting location and advertised in a newspaper of general circulation. A notice of cancellation for the originally scheduled meeting should also be posted at the meeting location.

15. Are District Chairs allowed to vote?

Of course they are. Most of the time, a chair's vote is unnecessary because close votes are rare. The chair's vote can reaffirm the votes of his or her colleagues. Most people know that a Chair's vote can be used to break a tie, but a Chair may also vote to make a tie. The vote to make a tie is simply an informal method of postponing action on an item that allows the Board more time to reach a decision.

Appendix 6 Right To Know Law Process Chart



Appendix 7

Right To Know Model Policy

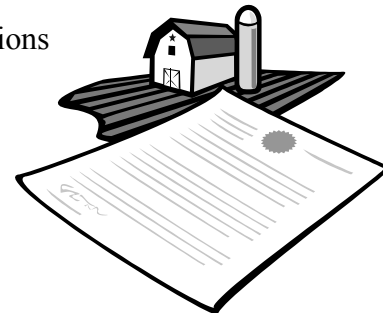
Public Access to Information

MODEL Policy and Procedure

_____ County Conservation District

I. GENERAL

This policy establishes the District's procedures for meeting its obligations under the Pennsylvania Right to Know Law. It applies to all written requests for district records. This document establishes the framework within which the district will exercise its administrative discretion in the future. The district recognizes the value of information, and is committed to continually improving public access to information and fostering public participation in the decision-making process.



A. Written Request

All Right to Know Law requests must be in writing and must be received by the District Records Officer. Requests must describe the records sought with sufficient specificity to enable the District to ascertain which records are being requested. The request must include the name and address to which the response is to be sent. See Appendix A for a sample Request form.

B. Classification of Records, and Procedures for Reviewing and Copying Records

Public Records

“Public records” are defined as (1) any account, voucher or contract dealing with receipt or disbursement of funds, or acquisition of services, supplies, materials or property, by the district, and (2) any minute, order or decision by the district fixing the personal property rights, privileges, immunities or obligations of any person(s).

Restricted Records

Under the law some types of records are not available to the public. In this category are notes, calendars, voice mail recordings, draft documents, internal correspondence, internal logs and tracking, identity of complainants, attorney work product, litigation documents, legal advice, attorney correspondence, settlement discussions, trade secret information and investigation files. The district will assume that the requester is not asking for these types of records unless specifically requested. In most cases, these restricted records will not be provided.

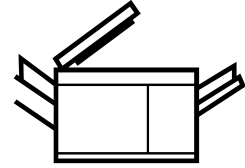
Reviewing Records

Following the submittal of a written request and the district's response that requested records are available, the requester will need to schedule an appointment to review

records at the district office. When the requester arrives to review the records, the person will be asked to present photo identification or some other form of positive identification.

Copying Records

The district's copying facilities are limited. No records may be removed from the district offices. The requester may need to hire a copier service or bring a copier. Bringing a copier will require special arrangements. The requester should call the district to find out about the copying procedure. Copying and other fees are listed in Appendix B.



II. OPERATING PROCEDURES

A. *Within 10 business days of receipt of written request:*

1. The District Records Officer will record the request in a logbook or other mechanism.
2. The district will do a thorough search for the records, and identify any confidential and other records (not otherwise described above in Section I.B—Restricted Records) thought to be non-public records.
3. For records involving programs delegated to or contracted with the district by DEP or the State Conservation Commission, the district will confer with the State Conservation Commission and DEP as needed. The district will also confer with district legal counsel as needed (DEP or Department of Agriculture legal counsel (or the county solicitor where appropriate)).
4. The District Records Officer reviews, signs, mails and logs response. **A response will be sent within 10 business days of receiving any written request.**
 - The response can be information about how and when the requestor can visit the district to view the records.
 - The response can be a denial of the request in whole or in part; any denials will specify the reason(s) for the denial, including legal authority.
 - The response may be a statement that the Records Officer will be taking additional time (not exceeding 30 calendar days) to respond, if one or more of the following reasons applies:
 - i. Removal of confidential (or otherwise restricted) information
 - ii. Records are at a remote location
 - iii. Specified staffing limitations prevent a timely response
 - iv. Legal review is required
 - v. Requester is not complying with the district's policies, including failure to pay fees

B. *After (if) the District Records Officer responds that some or all of records requested are available:*

1. The Records Officer provides access to the records as arranged with the requestor.

2. If records are electronic, Records Officer arranges for computer viewing.
3. If the district will make copies, and if copying costs exceed \$100, Records Officer collects costs before copying and logs payment; upon delivery of copies, Records Officer collects any unpaid fees and logs payment.

III. DISPUTES AND APPEALS

A. Disputing the District's Response

If a requestor wishes to dispute the district's denial, the requester must send its reasons to the district, ATTN: _____, at

_____[address]. **The reasons for the dispute must be mailed within 15 business days of the mailing date indicated on the district's response.** The requestor's dispute letter may include a request for a hearing.

Unless the requestor agrees otherwise to the timing, the district will make a final determination within 30 calendar days of the date the dispute letter is mailed. Prior to issuing its determination, the district may, at its discretion, conduct a hearing.

B. District Internal Procedures

If a dispute letter is received,

1. The district logs the date of the dispute letter.
2. The district immediately contacts legal counsel by telephone and sends a copy of the letter to legal counsel.
3. The district and legal counsel* review the dispute letter and determine how to proceed: (1) provide access to one or more of the records, (2) deny access to one or more of the records, or (3) conduct a hearing. If the reason for the denial to allow access to any record is business confidentiality, the district will notify the relevant business/company.
[*- legal counsel can be DEP or Department of Agriculture legal counsel ,or the County Solicitor]
4. If the district decides to hold a hearing, the district will schedule time and location of hearing and obtain court reporter (NOTE: DEP or Department of Agriculture legal counsel may be able to assist).
5. The district need not consider holding a hearing if it decides to provide access to all of the records requested.

Hearing Procedure (if district decides to hold a hearing)

If the district decides to conduct a hearing, the requester will be notified of the date, time, and place. The following rules will apply:

1. Five days prior to the hearing, each party will present a list of witnesses and exhibits to the opposing party and the district. Only listed witnesses and exhibits will be considered at the hearing.
2. Each party will have 90 minutes to present witnesses and documents, and 30 minutes to question those of the other party.

- a. District Legal Counsel presents witnesses and exhibits (may include witnesses and exhibits from a company, if documents were withheld as confidential business information).
- b. Requester or attorney questions district (and company) witnesses.
- c. Requester or attorney makes a statement and presents witnesses and exhibits.
- d. District Legal Counsel questions requester and witnesses.
 1. Testimony will be under oath and recorded by a court reporter.
 2. Relevant evidence will be considered. Any brief or legal argument must be presented at the hearing.
 3. The formal “General Rules of Administrative Practice and Procedure” will not apply; the district will follow reasonable procedures to allow for a fair hearing.
 4. The final decision of the district may be appealed pursuant to the Right to Know Law.

Final Determination Procedure (if district decides to deny any of the disputed records)

1. In consultation with district legal counsel, the district prepares the final determination, summarizing the request, the denial, the dispute, and the evidence presented at hearing (if any); the district makes findings based on the summary, and stating legal grounds for the decision.
2. The district sends the final determination to requester, with a copy to District Legal Counsel. **Unless otherwise agreed to by the requestor, the district will send a response within 30 days of the requester’s mailing of the dispute letter.**
3. The District maintains records of the dispute process for five years, including request, response, exceptions, hearing transcript, and final determination.
4. Requester may appeal the final determination pursuant to the Right to Know Law. If so, the District’s Legal Counsel handles the appeal.

Appendix 8
District Right-To-Know Law Record Request Form

Name & residence address of requester:

Address to which district should send written response (if different than residence):

Requester's telephone number: _____

Requester's fax number: _____

Records being requested/reviewed (please identify or describe the record(s) requested in enough detail so that it is clear which record(s) you are requesting):

Company Name & Address:

Company Name *(including former names)*

Facility Name *(if different then Company Name)*

Street Address, Municipality

Known Permit Number(s): _____

Dates or time frame of records requested: _____

Purpose of review (optional): _____

(District Office Use Only)

Date/Time of Scheduled Review: _____

Appendix 9

Right to Know Law Record Request

Schedule of Fees

[Note: this is a sample only; districts should revise as needed]

Photocopies. One “photocopy” is either a single-sided copy or one side of a double-sided copy. For originals that are 11” x 17” or smaller, the district does not charge for the first 10 photocopies and charges \$0.15 for each photocopy in excess of the first 10. For maps and other oversize documents, the charge is \$2.50 per photocopy or the actual cost to the district if the photocopying is not done by the district.

Other materials. The district charges the following for copying each of the following records: PC diskette - \$5.00; CD - \$7.00; microfilm or microfiche - \$3.00 for the first copy and \$1.50 for each additional copy; paper printouts from microfiche - \$0.50; aperture card - \$0.75.

Staff time & postage. The district does not charge for first class postage if the copies fit in a standard business envelope. Otherwise, the district charges for the cost of postage. The district charges \$15.00 per hour for staff time for redacting records, for leaving the district’s office to accomplish off-premises copying, for traveling in order to retrieve records and for other tasks.



Certifying Copies. The district charges \$8.00 per sealed impression for official certification of copies.

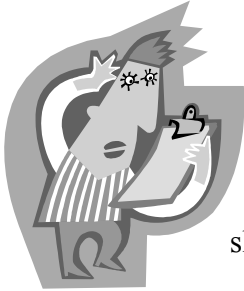
Copying not done at district offices. Requesters are prohibited from removing any records from the district office. The charges for copying that cannot be done at the district office, such as copying of videocassette tapes, is the actual charge to the district for the copying, plus the \$15.00 per hour charge for the district’s staff time.

Charges for special copying. The above list is not exhaustive. For certain other special copying, such as copying electronic material onto a computer disk, the district will inform you of the projected charges if the district can provide those services.

Appendix 10

Questions and Answers for Conservation Districts on the Right to Know Law

Continued from page 4-10



Question: Does the District's procedure always have to be followed?

No. The law allows districts to fulfill verbal requests, and so these can be handled in the normal fashion. For a requestor to obtain legal remedies, a written request must be submitted to the district. Whenever a written request is received, the procedures should be followed very closely.

Question: Does each District have to adopt the State Conservation Commission's model policy as is?

No. However, it should be followed as closely as possible. The Department of Environmental Protection will provide legal support to the districts (see next question) but this requires adoption of a policy similar to the model. For instance,

- Districts may wish to modify the fee schedule in the model policy;
- Districts are given some latitude to charge fees—see section 7 of the law, or contact the State Conservation Commission;
- Some districts already have policies and may wish to modify the existing policy to include the new provisions in the model policy;
- Districts may also be asked to adopt the county Right to Know policy. Again, that is fine as long as it's consistent with the Commission's model. There is no need to have two policies—one to satisfy the county and one following the Commission's model policy; and
- DEP legal counsel is available to review county policies for consistency.

Question: What legal support is available to districts on Right-to-Know related issues?

The Department of Environmental Protection and the Pennsylvania Department of Agriculture provide legal support to the Commission, and to districts for delegated and contracted programs. This includes all phases of compliance with a Right to Know Law request and any appeal or other legal action. DEP has counsel in six regional offices that are available for legal support on Right to Know issues for districts that have adopted a policy similar to the Commission's model policy. It is important for districts to be following a legally correct policy.

Question: Can we use the county solicitor for legal help?

DEP or PDA counsel should be used for all delegated and contracted programs, such as Act 6. Level III Districts should feel free to use their solicitors, but the solicitor should coordinate with DEP legal counsel, because certain issues have been examined already.

Question: What documents are "public records?"

It always depends on the circumstances. The rules of thumb are: Generally speaking, a record is a "public record" where it contains a decision of an agency or is an "essential element" of a decision; or it relates to a contract where public money is disbursed or received. The document does not become a

public record until the decision is made (with the exception of Nutrient Management Plans—see below) or the public funds are disbursed or received.

This does not include:

- records related to an investigation;
- records which jeopardize someone's right to privacy (e.g., contains a social security number);
- communications with legal counsel; and
- drafts, notes and internal deliberations.

Here are examples of records that would normally not, by themselves, be public records (i.e., not used in a decision by the district):

- Water test results
- Volunteer monitoring data
- Copies of documents received FYI from other agencies (i.e., the District was not part of a decision made by that agency)

Keep in mind, though, that you may always make “non-public” records available, at your discretion—DEP does this routinely to keep the public informed as much as possible. For instance, erosion control site inspection reports are given out under DEP and the State Conservation Commission policy even though they are not public records under the law.

Question: Can a conservation district refuse access to a document because of the motives of the requestor, such as use in marketing or sales of services?

No. The Right to Know Law specifically forbids requiring an explanation or motive for the request (e.g., to show a legitimate reason for requesting the information). However, if there is a concern over bio-security, terrorism or similar issues, then consult with a DEP attorney or the Commission.

Question: How should conservation districts handle requests for conservation plans?

Requests for conservation plans raise legal issues, so you should contact your regional Department of Environmental Protection legal office. Generally speaking, the answer depends on how the conservation plan is used or required to be used.

For instance, in the DEP Biosolids and Concentrated Animal Feeding Operation (CAFO) programs, the farmer must have an erosion and sediment control plan. The farmer may elect to rely on a conservation plan to meet those regulatory requirements, and so the conservation plan is part of the permit (or other approval) file. In cases like these, where a copy of a Conservation Plan is in the custody of a district and is part of a regulatory decision (e.g., approval of land application of biosolids), it is a “public document” and must be made available to the public after DEP or a district make a decision based upon it.

In the Act 6 Nutrient Management Program, a conservation plan is not required to be submitted. However, if the district's nutrient management specialist makes a copy of a conservation plan in conjunction with reviewing a nutrient management plan for approval, then that document in the district's Act 6 files is a public record once the district approves the plan. However, if the conservation plan remained a part of NRCS files, then it would not be a public record of the district under the Right to Know Law.

If conservation plans are “required” to be submitted for grants under Growing Greener, Chesapeake Bay or other grant programs, then they are clearly public records. This would also apply to grant agreements related to agricultural easements (e.g., farmland preservation program).

The Commission believes that conservation plans written by districts as part of services provided under the Chesapeake Bay Program or other federally-funded programs are not public records, unless they are

used as described in the examples above (e.g., if they are part of a Chesapeake Bay grant agreement with a farmer).

NRCS considers the conservation plans in their files to be confidential. Therefore, you should not make copies of their plans for your files; instead, require the farmer or his/her representative to provide you with the conservation plan for your use in reviewing applications or plans. Alternatively, you could have the farmer sign a release and waiver form.

Districts that refer to conservation plans maintained in NRCS files for purposes of farmland preservation easements are not required to make those plans available to the public, unless the district maintains a copy and the Plan was required to approve the easement.

Many district boards formally “approve” conservation plans at public meetings. This practice can create legal issues under the Right to Know Law. To avoid those issues, districts may want to consider revising this process somewhat to have the board “accept” the conservation plans in the NRCS report to the board. The board could also “acknowledge” the NRCS approval of the plans.

Question: What about Nutrient Management Plans?

The Pennsylvania Environmental Hearing Board ruled in 2001 that conservation districts must provide access to nutrient management plans when they are “administratively complete.” The Commission has a policy on ensuring the availability of draft plans before the Commission approves them. It is important to inform the requestor of the approval status of the nutrient management plan when access is given, if it has not yet been approved.

As far as nutrient management plan updates, these are required just as the initial submission of the plan, so the same Right to Know requirements apply.

Question: Does this law change how districts organize their records?

Not necessarily. It does suggest that districts may want to separate out files that contain non-public records from those that contain public records. DEP, for instance, maintains official public files that are accessible to the public; documents that are not public—attorney communications, investigation/complaint files, etc. —are kept separately. Also, it would be helpful to clearly distinguish NRCS files from the district’s files. It’s up to the district on how to reorganize their files. Districts in co-located offices with NRCS should consult with their NRCS District Conservationist on methods and opportunities to create a clear line of separation between district files and NRCS files for Right to Know Law purposes.

Question: Does this law change how districts retain their records?

Not necessarily. Districts can have document retention policies that allow for destruction of records after a certain period of time. Districts should follow any document retention requirements in delegation agreements and contracts. This is an area where further guidance may be given in the future.

Appendix 11

PACD By-laws, July 23, 2002

BYLAWS

Pennsylvania Association of Conservation Districts, Inc.

PREAMBLE

- A. We, the directors of conservation districts in Pennsylvania, believe that the conservation of our soil, water, forests, wild life, and other natural resources is essential to our well-being. We believe that only a well-fed people can be free, can protect themselves from outside aggression and internal strife, can pursue the arts and sciences which lead to spiritual enlightenment and a constantly advancing physical and mental well-being. We declare it to be our purpose, as directors of our individual conservation districts, to conserve the God-given resources to produce an abundance of food for ourselves and for posterity. We believe conservation districts are the proper organization through which landowners and other segments of our society may work together for these common objectives. As directors of our individual districts, we shall work toward the time when all counties in Pennsylvania have a conservation district and every landowner has an adequate conservation program installed on his property and it shall be our purpose, as such directors, to strive constantly for improved agricultural and environmental programs.
- B. Therefore, we, the directors of the conservation districts in Pennsylvania, form this Association to be known as the Pennsylvania Association of Conservation Districts, Inc. to serve as the scientific and educational instrument for improving the quality of the work performed by the districts by carrying out the purposes and activities stated in Paragraph 3 of the Article of Incorporation.

Article I - Membership

Section 1 - Membership

The membership shall consist of all directors of conservation districts in Pennsylvania.

Section 2 - Rights and Privileges

Each member shall have equal rights and privileges and will be entitled to vote and hold office and otherwise participate in the affairs of the Association.

Section 3 - Nonvoting Members

- a. Nonvoting Associate Members
Associate Directors and district staff shall be associate, nonvoting members of the Association.
- b. Nonvoting Affiliate Members
Members of the State Conservation Commission, employees of cooperating state and federal agencies, organizations, and private individuals who are not already members by virtue of their district affiliation shall be affiliate, nonvoting members of the Association at a fee to be determined by the Association.

Article II - Organization

Section 1 - Officers

Officers of the Association shall consist of a President, a First Vice President, a Second Vice President, a Secretary, and a Treasurer. All officers shall be district directors. At the option of the officers, the Executive Board may appoint a recording secretary and a financial secretary, who may be a district or State Association employee. The new officers shall take office at the close of the Annual Meeting at which they were elected.

Section 2 - Executive Council

There shall be an Executive Council composed of one voting member from each legally organized conservation district. Each officer of the Association and the outgoing President shall be automatically a voting member of the Executive Council.

Section 3 - PACD Regions

The PACD shall consist of seven regions with the following counties contained in each region:

North West - Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren

North Central - Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga, Union

North East - Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming

South West - Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, Westmoreland

South Central - Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Perry, York

South East - Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia

Central - Bedford, Blair, Cambria, Centre, Clearfield, Fulton, Huntington, Indiana, Mifflin, Somerset

Section 4 - Election of Officers

The officers of the Association shall be elected at the Annual meeting of the membership of the Association. The Executive Council will fill, by election, unexpired terms for Secretary, Treasurer, or Second Vice President, at a regular or special meeting.

Section 5 - Election of Region Directors

Each PACD Region will elect a District Director to serve as Region Director. A District Director shall nominate a District Director to serve as Region Director. Each district in attendance at their respective PACD Region Meeting shall have one vote. If more than one candidate is seeking election, the election shall be by secret ballot. A candidate shall be elected by a simple majority.

The Region Director will serve a term of two years and may be re-elected. Elections will take place at the PACD Region Meeting after the PACD Annual Meeting in odd-numbered years.

Section 6 - Duties of Region Directors

The purpose of the PACD Region Directors is to act as a liaison for communicating regional issues and policies of districts in a Region to the PACD Executive Board and to serve as an extension of the association to its members.

The Region Director will attend all PACD Executive Council meetings and meetings of the PACD Executive Board at statewide PACD conferences.

The Region Director will attend the District Board meeting of one-half of the conservation districts in the Region during the first year of his/her term and the District Board meetings of the other one-half of the conservation districts during the second year of his/her term.

The Region Director will Chair the PACD Region Meetings.

Section 7 - Duties of Officers

The duties of the officers of the Association will be to administer the affairs of the Association in accordance with its bylaws, programs, and policies. The officers of the Association shall constitute an Executive Board who may, at the call of the President, meet between Executive Council Meetings to act on behalf of the Association. The Executive Board may approve payment for items not covered by the annual budget in emergency situations between Executive Council meetings. The Executive Board shall be responsible for the hiring and supervision of all Association Employees. The Executive Board, with the assistance of Association staff, shall develop the annual budget to be presented at the appropriate Council meeting to coincide with PACD's fiscal year and if not adopted there it shall be presented and adopted at the next Executive Council meeting. The Executive Board shall oversee the activities of the Fund Committee established by Article 14.

Section 8 - Duties of the President

The duties of the President shall be:

1. To preside over all meetings of the Association.
2. To preside over all meetings of the Executive Council.
 - a) To appoint all permanent committees from the membership at large and to announce the committees soon after taking office.
 - b) To appoint such temporary committees for specific purposes as may be necessary. These committees shall be appointed from the membership at large and may be for such purposes as nominating and auditing or other special activities.
3. To maintain adequate relations with the agencies cooperating with the conservation districts. These include various state and federal agencies.
4. To maintain adequate relations with other organizations and groups.
5. To keep all members informed of all Association activities and concerns.

6. To assume such additional duties as are required to maintain a smooth running organization.
7. To consult with other officers of the Association on important business arising between meetings of the Executive Council and take such action as seems necessary.

Section 9- Duties of the First Vice President

The duties of the First Vice President shall be:

To assist with administrative and representative duties of the Association as requested by the President.

To act for the President in his absence and to assume the position of President if a vacancy arises.

Be familiar with the activities and interest of the Association, particularly with reference to maintaining proper relationships with all agencies, groups, and individuals assisting districts.

Section 10 - Duties of the Second Vice President

The duties of the Second Vice President shall be:

1. To assist the President by carrying out assigned duties.
2. To assist in improving relations among the cooperating agencies.
3. To act for the President in the absence of both the President and the First Vice President and to assume the position of First Vice President if a vacancy arises.

Section 11 - Duties of the Secretary

The duties of the Secretary shall be:

1. To be responsible for all notices of meetings, elections, membership dues, and committee appointments.
2. To be responsible for maintaining minutes of Association meetings and such other records as deemed advisable by the President.
3. To serve as custodian of all correspondence, minutes, and other records of the Association, with the exception of fiscal records.
4. To act on such routine matters as designated by the President or assigned to him by the Executive Council.
5. To delegate any of the above responsibilities to a recording secretary and/or financial secretary as decided upon by the Executive Board.

Section 12 - Duties of the Treasurer

The duties of the Treasurer shall be:

1. To agree to be bonded by the Association, including any designee.
2. To be responsible for the custody of all funds of the Association.

3. To be responsible for maintaining an accurate set of records of receipts and disbursements.
4. To be responsible for the deposit of all moneys received in a bank to the credit of and in the name of the Association.
5. To be responsible for the payment of all bills obligated in the approved budget for the year and for the payment of all other bills after approval by the Executive Council or Executive Board.
6. To make a financial report at the annual meeting and when requested by the President.
7. To serve as custodian of all financial records.
8. When directed by the President, present all records for audit by the Auditing Committee.

Section 13 - Election of the Executive Council

The members of the Executive Council shall be selected annually. Each district board of directors shall elect its director representative to the Executive Council. This selection will be made at a regular or special meeting after the district board of directors has been elected for the ensuing year. The name of the Executive Council members shall be forwarded to the Association at the earliest possible date. Replacement for unexpired terms will be made in the same way by the district governing body concerned. The district chairman should designate an alternate Executive Council member to attend Executive Council meetings on occasions when the regular member cannot attend.

In the event that the director representative and the alternate director are unable to attend an Executive Council meeting, the district board may appoint an Associate Director to represent the district. A notice stating the name of the Associate Director who will vote at the Executive Council meeting must be received at the PACD office at least seven days in advance of the Executive Council meeting. The substitution is valid for that meeting only.

Section 14 - Duties of the Executive Council

The duties of the Executive Council shall be:

1. To represent local districts in the affairs of the Association.
2. To be the channel through which members of the district may voice their needs and suggestions in the statewide program.
3. To maintain annual operating policies and set up procedures for carrying on the interests of the Association.
4. To elect replacements for unexpired terms of the Secretary, Treasurer, and Second Vice President.
5. To assume overall responsibility for procurement and fiscal activities of the Association. The Council shall approve a budget for the current year at the appropriate Council meeting to coincide with PACD's fiscal year.
6. To approve or disapprove payment for items not covered by the annual budget and to acknowledge those payments approved by the Executive Board in emergency situations.

7. To perform the functions and responsibilities assigned to boards of directors of nonprofit corporations in the Nonprofit Corporation Law of Pennsylvania and related laws.
8. The control, direction, and management of the affairs and property of this corporation, including all land and personal property belonging to it or which may be paid or transferred to it in trust or by gift, assignment, purchase, grant, lease, bequest, devise or otherwise, shall be vested in the Executive Council. It shall have the powers to carry out the purposes of incorporation in these bylaws, and in the applicable laws of the Commonwealth of Pennsylvania and of the Federal government; provide, however, that no part of the net earning of this corporation shall insure to the benefit of any member; and provided further that no substantial part of the activities of this corporation or any organization to which it contributes shall be carrying on of propaganda, or otherwise attempting to influence, participate in or intervene (including the publishing or distributing of statements) in any political campaign on behalf of any candidate for public office.

Section 15 - Meetings of the Executive Council

Twenty-five percent of the membership of the Executive Council shall constitute a quorum for the purpose of conducting the business of the meeting.

The Parliamentary Law of Robert's Rules of Order shall be followed in order to conduct fair and orderly Executive Council meetings.

Section 16 - Region Meetings

Each PACD Region shall have at least two region meetings per year. The purpose of the Region meetings is for the exchange of information, discussion of regional issues, leadership development and training, and for the election of Region Director.

Article III - Committees

The Executive Council shall have power to create by resolution any committee whatever, the members of which need not be members of the Executive Council. The functions of such committees may be managerial or advisory as the Executive Council may determine. Each committee member, excluding committee advisors, shall have the authority to vote on committee issues.

Section 1 - Committee Membership

All standing committees shall include at least three district directors as members.

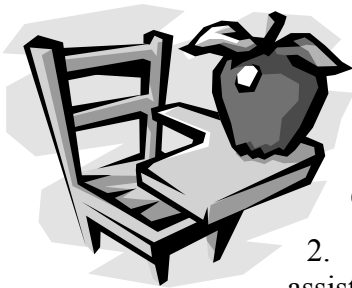
Section 2 - District Operations

There shall be a District Operations Committee. Some of the responsibilities shall be:

1. Develop long-term goals and objectives for the Association.
2. Prepare an Annual Plan of Operation.
3. Compile an annual book of positions and policies for the Association.

4. Advise the Executive Council on affairs of the Association, including but not limited to, PACD financial management, Association employee matters, Association meeting, and individual district requests and recommendations.
5. Handle requests for assistance by other standing committees as necessary.
6. Review all resolutions for consistency with Association policy and clarify resolutions for consideration by the Executive Council.
7. Work with the local annual convention committee in developing plans for the annual meeting.

Section 3 - Education and Youth Programs Committee



There shall be an Education and Youth Programs Committee. Some of the responsibilities shall be:

1. Work with the conservation coordinator in the Department of Education to further conservation education throughout the Commonwealth.
2. Work with all other groups interested in environmental problems to assist and offer guidance to environmental education in Pennsylvania.
3. Encourage programs of environmental education in higher education institutions.
4. Develop programs to strengthen the working relations between local districts and school districts within the county.
5. Suggest, encourage, and work with any educational unit, organization, or group for a more knowledgeable understanding of environmental problems and methods of solving them.
6. Encourage each district to support and direct at least one youth environmental project each year.
7. Accelerate, by giving stronger leadership, the environmental programs of all youth organizations.

Section 4 - Forest, Recreation and Wildlife

There shall be a Forest, Recreation and Wildlife Committee. Some of the responsibilities shall be:

1. Emphasize the need to implement best management forestry practices on Pennsylvania's private and public lands.
2. Work with whatever federal, state, or local agencies, clubs, committees, or groups it deems necessary for development and implementation of forestry programs.
3. Develop and maintain close working relations with agencies and committees of other organizations engaged in this activity.
4. Carry out any studies of the effects of recreation, particularly recreational developments on private land that would be beneficial to the individual districts in furthering their programs.
5. This committee could work with the Education and Youth Committee and others to bring about a closer working relationship and develop a better understanding between rural people and their city cousins who desire to hunt and fish.

Section 5 - Legislation

There shall be a Legislation Committee. Some of the responsibilities shall be:

1. Keep the Association apprised of legislative actions anticipated or being acted upon in the field of conservation.
2. Give consideration to the kind of new legislation needed to accelerate conservation programs and include soil surveys, watershed planning and application.
3. Keep abreast of federal legislation, state legislation, and local ordinances and regulations, in effect or needed to further conservation programs in the Commonwealth.
4. This committee with and through the President of the Association, Association personnel, and conservation districts should keep in touch with state legislators and US congressmen and senators to further the aims of the Association.

Section 6 - Soil and Water Resources

There shall be a Soil and Water Resources Committee. Some of the responsibilities shall be:

1. Sponsor the Watershed Man of the Year and the Watershed Association of the Year contest.
2. Work closely with the Legislative Committee on items pertaining to water resources at the state and national level.
3. Keep the Association informed of appropriate water resource issues as they affect the State's water resources.
4. Investigate educational programs on water resources and recommend worthy ones to the Association for dissemination to the districts.
5. Maintain a close working relationship with agencies and organizations at the federal, state and local level that are concerned with soil resources in Pennsylvania.
6. Stay abreast of changes, policies, and procedures that influence soil resources.
7. Work with other appropriate committees on issues and concerns that influence soil resources.
8. Other activities that may be necessary to provide for the wise use of Pennsylvania's soil resources.



Section 7 - Public Relations and Publicity

There shall be a Public Relations and Publicity Committee. Some of the responsibilities shall be:

1. Have the responsibility of informing the public about the objectives and activities of the Association.
2. Provide a central clearing body to receive and disseminate information about the Association and its programs.
3. Work with other committees and Association officials to keep the members of the Association informed about the internal activities of the Association.

Section 8 - Finance

There shall be a Finance Committee. Some of the responsibilities shall be:

1. Secure financial donors to the State Association.
2. Develop a system whereby contributors will get certain recognition in the form of certificates, plaques, etc.
3. Recommend to individual districts plans of action they could take to secure additional moneys for its operations not only from county commissioners but also from contributors.



Section 9 - District Employees

There shall be a District Employees Committee. In addition to the required three district members, the committee will consist of two district employees from each PACD region. Some of the responsibilities shall be:

1. Assess employee training needs, make recommendations, and assist in the development of training programs in coordination with the District Operations Committee.
2. Provide a means of communication regarding effective programs and other concerns of district staff.
3. Research methods to improve general staff working conditions and/or advancement opportunities.
4. Respond to requests for assistance from district employees.

Section 10 - Rural and Urban Land Use Committee

There shall be a Rural and Urban Land Use Committee. Some of the responsibilities shall be:

1. Stay abreast of changes, policies, and procedures in the following areas of land use decisions:
 - A. Land use planning, including zoning and preservation of agricultural land;
 - B. Road construction;
 - C. Animal waste handling;
 - D. Sewage sludge;
 - E. Solid waste management;
 - F. Mine land reclamation; and
 - G. Inventories of land resources
2. Cooperate with other PACD committees when dealing with overlapping concerns.

Section 11 - Technology Committee

There shall be a Technology Committee. Some of the responsibilities shall be:

1. To stay abreast of technical advances in the use of computers and new technology and evaluate its role in conservation district operations.
2. Assess new opportunities of the incorporation of computers into inter-district and interagency communications.

Article IV - Association and Executive Council Meetings

Section 1 - Annual Meetings

There shall be one annual meeting for all members established by the Executive Council during the latter part of each calendar year. All district directors of each district will be notified well in advance of this meeting. The purpose of the meeting shall be to conduct the necessary business of the Association, conduct an election of officers for the ensuing year, and adopt annual operating policies and positions. The membership shall also consider and act upon other activities that the members of the Executive Council deem advisable.



Section 2 - Executive Council Meetings

Regular meetings of the Executive Council shall be held as determined by the Executive Council. Special meetings will be held at the call of the President.

Article V - National Association Meetings

The representative of the Pennsylvania Association of Conservation Districts, Inc. to the council meeting of the National Association of Conservation Districts shall be a past president. Each year the councilman shall be considered for reelection. The alternate nonvoting councilman shall be the current president of the Pennsylvania Association. In case the president is not able to assume these duties, the designation passes successively to the First Vice President, Second Vice President, Secretary, and Treasurer.

Article VI - Dues

Section 1 - Dues Assessment

The Finance Committee of the PACD shall yearly establish the annual dues payment and shall present this proposed amount to the Executive Council for their review and approval.

Section 2 - Voting Status

In order to vote, district directors must be in good standing by meeting their district dues payment by June 30, unless extenuating circumstances, as approved by the PACD Executive Board, prevent the district from meeting this obligation.



Article VII - Amendments

Proposed amendments shall first be submitted to the Executive Council. After a review and suggested changes by the Executive Council, all members shall be notified in writing of the proposed amendment. Voting on the amendment shall be at the annual meeting of all members of the Association. The bylaws of the Association may be amended by a majority vote of the members voting.

Article VIII - Reimbursement of Expenses

Officers of the Association or their representatives as designated by the President from among members of the Association, shall be reimbursed within the limits of funds so designated in the budget for their traveling expenses when performing official duties. The amount of such reimbursement shall be set by the Executive Council.

Article IX - Compensation

The members of the Executive Council and the other officers of the corporation shall not receive any enumeration for their services as such. This provision, however, does not preclude the appointment of subordinate officers and agents or other personnel with such enumeration as the Executive Council may determine.

Article X - Disbursement of Funds

All checks, drafts, or instruments for the payment of money shall be signed by the Treasurer or his approved designee.

Article XI - Liability

In the absence of fraud or bad faith, the members of the Executive Council and other officers of the corporation shall not be personally liable for its debts, obligations, or liabilities. The members of the Executive Council and the officers shall be completely protected and justified in acting upon the opinion or advice, oral or written, of counsel for corporation.

Article XII - Corporate Seal

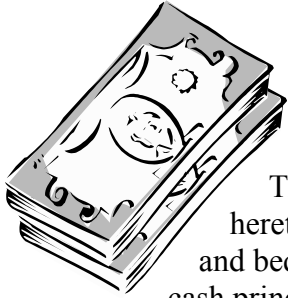
The seal of the corporation shall be circular in form and shall bear the words Pennsylvania Association of Conservation Districts, Inc. or a corporate seal, 1963, Pennsylvania in the center thereof.

Article XIII - Dissolution

In the event of the dissolution of the corporation, any assets remaining after payment, satisfaction, and discharge of any existing liabilities or obligations, and after lawful provisions for the administration and disposition of any property held in trust by or for the corporation, and all other acts required to adjust and wind up its business and affairs having been done, the corporation's assets shall be collected and distributed entirely to or among one or more organizations devoted exclusively to educational or scientific purposes and exempt from federal taxation. No private member or individual shall have any right, title, or interest to any remaining assets or the corporation. No distribution of assets shall go to any

organization any part of whose net earning inure to the benefit of any private individual shareholder; nor shall any assets be distributable to any organization, a substantial part of whose activities is carrying on propaganda, or otherwise attempting, to influence legislation, or which participates in or intervenes in any political campaign on behalf for public office.

Article XIV - Endowment Fund



There is hereby established and created a fund to be designated as The Endowment Fund of the Pennsylvania Association of Conservation Districts. The official abbreviation of its name shall be the PACD Endowment Fund.

The PACD Endowment Fund shall consist of donations, gifts, devises and bequests heretofore and hereafter received by PACD and directed thereto. The donations, gifts and bequests of money received for the PACD Endowment Fund shall be considered the cash principal of the PACD Endowment Fund.

The Endowment Fund shall be held in trust in perpetuity to assist PACD in accomplishing its purposes and performing its activities according to its policies as they are set forth in these bylaws. The PACD Endowment Fund shall be administered by the Fund Committee of PACD, who shall be called its managers. A majority vote of the managers shall control their decisions. The Fund Committee shall consist of five (5) members of the Association, who shall serve as managers of the Fund. Membership of the Committee shall consist of the present PACD treasurer, a past PACD president, two active district directors as appointed by the present PACD president, and the first vice-president of the Association. The term of each member shall coincide with their terms of service on their local district board, except for the PACD treasurer, and PACD first vice-president, who shall serve as per term of office. The NACD Council Representative shall serve as an ex-office member and shall also serve as per term of office. All members shall serve until their successors are elected.

The Committee shall meet at least twice each year.

A quorum shall consist of a majority of the membership.

A majority present and voting shall carry any motion or resolution. In the event of a tie in any votes before the Committee, the NACD Council Representative shall cast the tie-breaking vote.

The Committee shall elect a chair and Recording Secretary. The Recording Secretary shall maintain complete and accurate minutes of all meetings. Minutes shall be supplied to all members.

The Committee shall keep before the members of the Association and others the opportunity which the Fund provides for special gifts, deferred gifts and bequests.

The Committee, at the expense of the Fund, may call upon professional and/or legal counsel as may be deemed in the best interest of the Fund.

The Fund shall be kept distinct from the other funds of PACD.

The managers shall make a full statement of the condition of the PACD Endowment Fund to the PACD membership at the Joint Annual Conference, with updates provided at other statewide Executive Council

sessions. The books shall be audited annually by the auditor of the Association, as part of the annual audit.

The Committee shall have the responsibility for the investing and management of the Fund and shall carry it out with care. If deemed necessary, the Committee is authorized to hire outside investment counselors and a custodian such as a corporate bank trustee to manage the investments of the Fund. Further, the Committee shall have the responsibility for distributing funds under the care of the Committee to aid and/or promote conservation efforts in Pennsylvania considered by the Fund Committee as reasonable and appropriate. The investment strategy shall be defined by the Committee as part of its responsibilities. The Committee may open one or more accounts with financial institutions and the Treasurer is authorized to sign checks from these accounts at the direction of the Committee, subject to the approval of the Executive Council.

Restricted income shall be distributed as specified by the donor.

Interest from unrestricted funds from the Fund shall be distributed annually by the Fund Committee as best determined by the Committee, subject to the following guidelines:

- a. No set formula for spending is provided in recognition of the fact that a significant portion of the funds managed by the Committee may be designated for a specific purpose, allowing no discretion in their application. The Committee is therefore given flexibility so that adaptation to varying needs over time can be made.
- b. A maximum of 100 percent of interest earned from investments over one years time will be made available for disbursement. The principal shall be retained.

The managers shall invest the cash principal of the PACD Endowment Fund in savings accounts, certificates of deposit, bills, notes and other investment securities.

The managers shall hold and retain securities and properties other than cash of the PACD Endowment Fund as long as they are, in the opinion of the managers, sufficiently income-producing. The managers shall have the power to sell, upon such terms and for such amounts as they deem fit, such property when, in their opinion, it ceases to produce sufficient income. The proceeds from the sale of any securities or other property held by the PACD Endowment Fund shall become a part of the cash principal of the PACD Endowment Fund and be invested pursuant to Article XIV of these bylaws. The Committee shall have the power and authority to accept or reject all gifts and bequests made to the Association and shall have the authority to execute or authorize the Chair and Secretary to execute such documents to further this purpose. This empowers the Committee to sign releases as part of the administration of estates and trusts and thereby expedite receipt of gifts and bequests.

This Article of the PACD Bylaws shall be and is hereby made a covenant on the part of PACD, its successors and assigns with every person, firm, association, corporation or other donor to the PACD Endowment Fund who shall make a donation, gift, devise or bequest, or who shall promise to make a donation, gift, devise or bequest to the PACD Endowment Fund, that the cash principal of the PACD Endowment Fund shall be held in trust in perpetuity, and the income only thereof used for the purposes stated in this Article and upon the terms and conditions contained in this Article.

Article XV - Affirmative Action

All PACD programs and services are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, age, sex, marital status or handicap.

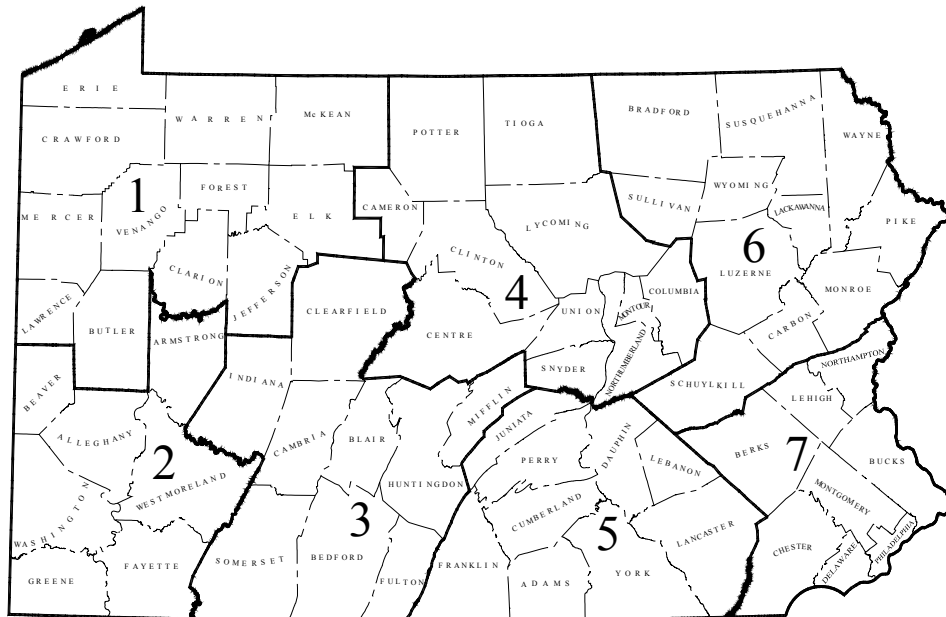
These bylaws were passed at a regular meeting of the district directors of all Pennsylvania Conservation Districts in Harrisburg, November 18, 1954, by unanimous vote.

They were amended at the following annual meetings:

Potato City, PA; September 21, 1956
Washington, PA; November 3, 1960
Reading, PA; November 19, 1962
Summit, PA; November 13, 1963
Mt. Airy, PA; November 18, 1964
Sharon, PA; November 18, 1965
Allentown, PA; November 13, 1969
Williamsport, PA; October 14, 1970
Pittsburgh, PA; October 13, 1971
Wilkes-Barre, PA; October 4, 1972
Chambersburg, PA; October 3, 1973
Carlisle, PA; October 5, 1976

Greensburg, PA; October 2, 1979
Harrisburg, PA; October 5, 1982
York, PA; October 4, 1983
Erie, PA; October 2, 1984
Johnstown, PA; October 7, 1986
Trevose, PA; October 8, 1987
Sayre, PA; October 4, 1988
Greensburg, PA; October 4, 1994
Erie, PA; October 3, 1995
Lancaster, PA October 8, 1996
Valley Forge, PA November 1, 2000
Harrisburg, PA July 23, 2002

Appendix 12 PACD Regions Map



1. NORTHWEST

Butler
Clarion
Crawford
Elk
Erie
Forest
Jefferson
Lawrence
McKean
Mercer
Venango
Warren

2. SOUTHWEST

Allegheny
Armstrong
Beaver
Fayette
Greene
Washington
Westmoreland

3. CENTRAL

Bedford
Clearfield
Indiana

4. NORTHCENTRAL

Cameron
Centre
Clinton
Columbia
Lycoming
Montour
Northumberland
Potter
Snyder
Tioga
Union

5. SOUTHCENTRAL

Adams
Cumberland
Dauphin
Franklin
Juniata
Lancaster
Lebanon
Perry
York

Blair
Fulton
Mifflin

6. NORTHEAST

Bradford
Carbon
Lackawanna
Luzerne
Monroe
Pike
Schuylkill
Sullivan
Susquehanna
Wayne
Wyoming

7. SOUTHEAST

Berks
Bucks
Chester
Delaware
Lehigh
Montgomery
Northampton
Philadelphia

Cambria
Huntingdon
Somerset

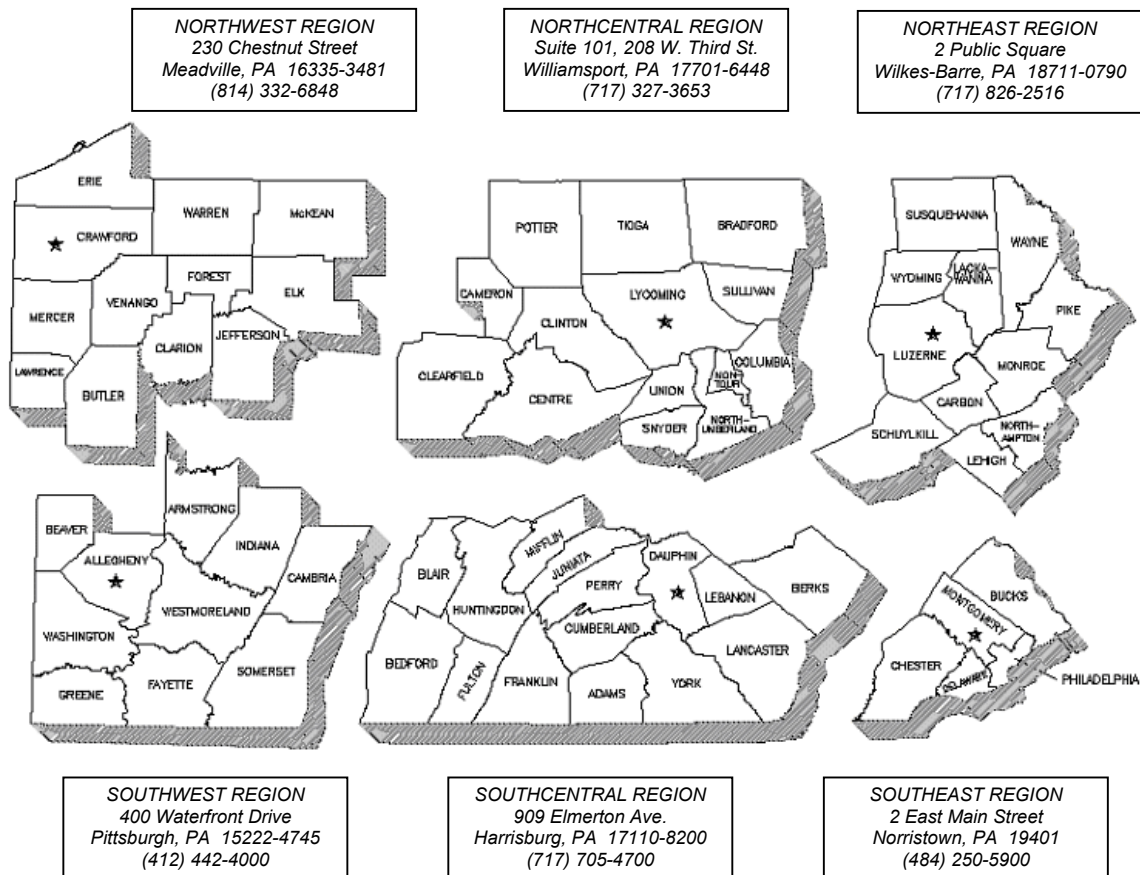
Appendix 13

Pennsylvania Department of Environmental Protection (DEP)

Regions Map

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

REGIONAL OFFICES AND DISTRICT MINING OFFICES



Appendix 14
Sample Agreement between
the Conservation District and the County Government

MEMORANDUM OF UNDERSTANDING
between the
ABC COUNTY CONSERVATION DISTRICT
and the
ABC COUNTY COMMISSIONERS

This memorandum of understanding addresses various items of mutual interest to the ABC County Conservation District, a political subdivision of the Commonwealth of Pennsylvania, (hereinafter called the “District”) and ABC County, a political subdivision of the Commonwealth of Pennsylvania, (hereinafter called the “County”). This agreement addressed district operations, functions and responsibilities as they related to both state law and the county government in order to provide the highest degree of mutual understanding and cooperation.

The County was created by the General Assembly on [DATE] to develop and administer programs to serve the residents of the county.

The ABC County Conservation District was organized at the request of County residents. The County was declared a district by the Board of County Commissioners on [DATE] according to provisions of the Soil Conservation Law of 1945, Act 217 of the General Assembly, as amended. This Act gives districts broad powers to provide services, employ and manage staff, charge fees for services, own and manage property, and authorizes Commonwealth agencies (including Counties) to cooperate with districts in carrying out programs.

The primary goal of the District is the development, improvement and conservation of the County’s soil, water and related resources as well as educating the community in various conservation and environmental practices and methods. To achieve this goal, the District has memorandums of understanding (MOUs) with several federal, state and local agencies and utilizes the technical services and resources of these agencies in accordance with the MOUs. The Conservation District directors recognize and respect the individual positions, policies and responsibilities of these federal, state, and local entities.

The District is administered by a board of seven (7) directors - four (4) farmer members, two (2) public (non-farmer) members and one (1) county commissioner. District directors are appointed by the County Commissioners from a list of names submitted by countywide nominating organizations. The Commissioners also designate one of their members to serve as a director. Alternate directors are not permitted. All appointed directors serve without pay but may be reimbursed for expenses incurred in fulfilling their obligations as directors.

The District is responsible for soil and water conservation programs as authorized by Act 217 and approved by the district board. It operates with guidance from the State Conservation Commission and other State and Federal agencies.

Articles of Agreement

General Cooperation

- ❑ The District will assist the County, as appropriate, to achieve a broad, effective conservation program that will address the specific needs of the county and its residents. Within the limits of its capabilities, the District will assist the County by interpreting soil surveys; analyze water disposal, drainage, and erosion and sediment problems and recommend remedial measures; assist in the County planning and subdivision review process; assist with surveys, engineering, project review, inspections, contracts, administration construction and other tasks to accomplish a project; assist in conducting inventories of resources, and serve on committees, panels, study groups and otherwise assist with conservation activities as requested.
- ❑ The County will appoint District directors in accordance with the Conservation District Law, always attempting to appoint the most capable and qualified District directors.
- ❑ The County will make an annual allocation, determined by the county, to assist the district in meeting its staffing and general administration obligations.
- ❑ The District will work to obtain funds from non-county sources to accomplish the goals of the District.

Personnel Matters

Management

- ❑ The staff of the District shall serve under the supervision of the District Directors and shall carry out duties as prescribed by the District.
- ❑ The District Directors will supervise the District manager and the District manager or his/or designee will be responsible for the supervision of subordinate staff members.

Employment of Staff

- ❑ The District shall determine the number of staff to be employed and the positions to be filled.
- ❑ The District shall have full responsibility to make arrangements to fund (with county and/or non-County funds) the desired positions.
- ❑ All District employees shall be carried on the District payroll with the District making the necessary deductions from each employee's pay, paying all required federal, state and local taxes and otherwise meeting all federal, state and local requirements for employing individuals.
- ❑ The District shall have full authority to determine needed positions, arrange for the necessary funds, interview and employ individuals to fill the approved positions.
- ❑ The District will review the job description duties and responsibilities and amend as needed prior to taking action to fill any position.

- ❑ Any change in District staff (hiring or dismissal) shall be endorsed by a majority vote of the District Board.
- ❑ The District's Personnel Committee will recommend by majority vote, a candidate for a position to the District staff.

Benefits

- ❑ The District will have a written personnel policy that relates to benefits, promotions, increases in salary, overtime and compensatory time.
- ❑ The District will develop a written personnel policy that will relate to benefits, promotions, increases in salary, overtime and compensatory time.
- ❑ The District shall establish the salaries of each of its employees.
- ❑ The employees of the District shall have the benefits, salary increases, etc. as outlined by the District's written personnel policy.

Performance Reviews

- ❑ The District will appoint a Personnel Committee to conduct the annual performance reviews of all District employees.
- ❑ The District manager will conduct performance evaluations of staff and the Personnel Committee will conduct performance evaluation of the manager.

Financial Matters, Bonding, Audits and Fees

Budget

- ❑ The District shall prepare and submit a budget of proposed expenses and anticipated revenue for submission to the County no later than October.
- ❑ In response to the budget proposal submitted by the District, the County may make an annual allocation to the District for the general administration and district programs.
- ❑ In response to the allocation made by the County, the District shall prepare a revised budget showing reduced proposed expenditures or secure additional funding as needed so that a balanced budget is approved prior to the beginning of the fiscal year.

Payment of Bills

- ❑ All expenditures over \$100.00 shall either be approved in the official budget or approved by board action at an official meeting of the District Board.
- ❑ The District is authorized to administer its own funds, paying bills according to District policy and maintaining the necessary records.

Bonding

- ☐ The District will obtain a commercial bond for its appropriate officials in an amount not less than the greatest amount of anticipated funds available to those officials at any one time during the year.

Financial Reporting

- ☐ The County will audit all of the District's accounts and will provide the District with a report(s) showing all receipts and expenditures from all of the District's accounts.
- ☐ All auditing will be done in accordance with the generally accepted accounting principles of the Governmental Accounting Standards Board or another generally accepted standard with equal or greater standards of accountability. Standards applicable to "Financial Statement" audits as contained in Government Auditing Standards.

Fees

Districts may, in a legal meeting under the Sunshine Law and by majority vote, adopt a resolution regarding the charging of fees to provide a service. The resolution should specifically state the fees to be charged. The fee schedule should be equitable and applicable to all of the District's projects involving that activity. District fee schedules may be based on the full District costs to carry out the program but not the cost of unrelated District programs (State Conservation Commission policy).

- ☐ The District may establish a reasonable fee schedule for developing plans and providing other services with the approval of the State Conservation Commission (SCC).
- ☐ The District may enter into contracts or agreements with school districts, municipalities and groups or organizations to provide services for reasonable fees.
- ☐ Districts that administer the NPDES permit program for storm water discharges from construction activities may collect the filing fees for general and individual permit processing without taking any formal action regarding establishing a fee schedule.
- ☐ The District may enter into agreements or memorandums of understanding with municipalities which require the municipality to pay a fee for review services rendered by the District.

Office Facilities

- ☐ The County will provide suitable office facilities to the District on terms agreed to by the ABC County Board of Commissioners and the ABC County Conservation District Board of Directors.

Vehicles

- ☐ The District is authorized to purchase vehicles as needed to conduct official business if funding is available with the District paying for the automobile insurance.
- ☐ Purchase of vehicles and needed insurance by the District will be in compliance with County procurement policies.

- ☐ District employees will use their own vehicles and be reimbursed at the State rate for conducting official business, with the employee providing the automobile insurance.

Equipment and Supplies

- ☐ The District shall have full authority to determine the need for any equipment and making arrangements for needed purchases and their funding.

Telephones and Computers

- ☐ The District will have full responsibility for determining the need, type and numbers of telephones used in the office or by its employees and making arrangements to fund the use of this equipment unless using the county system is more financially beneficial to the District.
- ☐ The District will approve all use of cellular telephones and pagers by any staff member.
- ☐ The District will bear the full responsibility for obtaining funds for its computer system.
- ☐ The District will utilize the State's E-mail system as made available to Districts.

Postage

- ☐ The District shall bear full responsibility for the cost of postage incurred by the District or its staff.

Legal Support

Legal Support for Enforcement Actions on Delegated Programs

- ☐ In accordance with the provision of Act 217, the District will rely on the Department of Environmental Protection (DEP) to provide legal counsel for District directors and staff for actions or response regarding a DEP delegated authority.
- ☐ The District will keep the County informed of any suits or actions regarding district response to delegated authorities.
- ☐ The District will assume responsibility for providing its own legal counsel as needed to supplement DEP counsel.

Legal Counsel for Routine District Programs or Actions

- ☐ The District will assume responsibility for providing its own legal counsel for routine District programs, policies, concerns, etc.

Legal Counsel for Contracted Programs

- ☐ The District will assume responsibility to provide for its own legal counsel needed to address actual or anticipated legal action against the District regarding contracted program activities or response.

Insurance

General Liability

- ☐ The District will obtain commercial insurance to adequately cover all District property, equipment and vehicles.

Public Officials

- ☐ The District will cover District directors and employees with public officials insurance to cover any liable actions by the directors or employees.

Additional Terms

- ☐ The county will not delegate official authorities and/or responsibilities to the District without District approval.
- ☐ The District is authorized to purchase or otherwise obtain real estate.
- ☐ The District will annually submit to the County a general program of anticipated work and results for the ensuing year no later than December 31.
- ☐ The District will submit to the County reports on programs, accomplishments and finances as requested by the County.

Nondiscrimination

- ☐ The District and County will not discriminate on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, or marital status.

Modification and Review

- ☐ This Memorandum of Understanding shall become effective upon the signatures of the Chairperson of the ABC County Conservation District and the County Commissioners.
- ☐ This Memorandum of Understanding may be modified by written agreement and by the execution of written supplemental agreements of both parties.
- ☐ This Memorandum of Understanding may be terminated by either party by giving ninety (90) days written notice to the other signatory party.
- ☐ This Memorandum of Understanding shall be binding to both parties and the obligations and responsibilities shall be honored and respected by their respective successors.
- ☐ This Memorandum of Understanding shall be reviewed every five (5) years, or as needed and can be revised by a majority vote of each party - the District Board of Directors and the Board of County Commissioners.

The signing of this Memorandum of Understanding was authorized by the County Commissioners on the _____ day of _____, 20 ____.

Commissioner

Commissioner

Commissioner

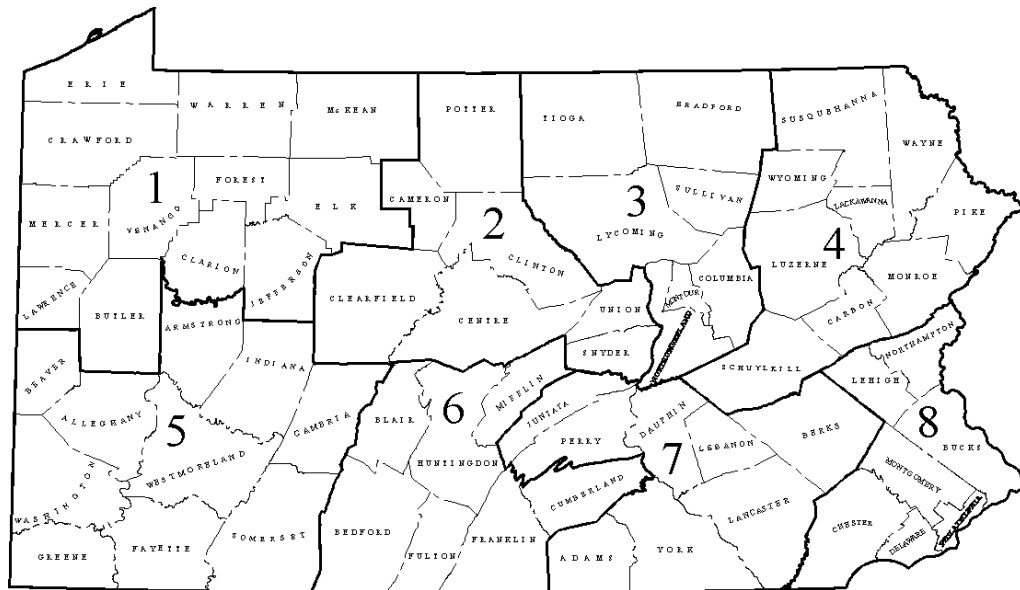
The signing of this Memorandum on behalf of the District was authorized by a resolution of the District governing body adopted at a legal meeting on the _____ day of _____, 20 ____.

Chairman

Secretary

Appendix 15

Conservation District Field Representative Areas Map



- | | |
|---|--|
| <p>1. John Green
 DEP Meadville Regional Office
 230 Chestnut St.
 Meadville, PA 16335
 Phone: 814-332-6410
 FAX: 814-332-6121
 johnngreen@state.pa.us</p> | <p>5. Charles Kubasik
 DEP California District Office
 California Tech Park
 25 Technology Drive
 Coal Center, PA 15423
 Phone: 724-769-1067
 FAX: 724-769-1102
 ckubasik@state.pa.us</p> |
| <p>2. Robert Hollenbach
 DEP Williamsport Regional Office
 208 W. Third St., Suite 101
 Williamsport, PA 17701
 Phone: 570-988-5503
 FAX: 570-327-3565
 rhollenbac@state.pa.us</p> | <p>6. Bill Zett
 DEP Altoona District Office
 3001 Fairway Drive
 Altoona, PA 16602
 Phone: 814-946-7307
 FAX: 814-949-7938
 wzett@state.pa.us</p> |
| <p>3. William Kahler
 DEP Williamsport Regional Office
 208 W. Third St., Suite 101
 Williamsport, PA 17701
 Phone: 570-327-3571
 FAX: 570-327-3565
 wkahler@state.pa.us</p> | <p>7. Jay Braund
 DEP Harrisburg Regional Office
 909 Elmerton Ave.
 Harrisburg, PA 17110-8200
 Phone: 717-705-4784
 FAX: 717-705-4760
 jbraund@state.pa.us</p> |
| <p>4. Karl Dymond
 DEP Wilkes-Barre Regional Office
 2 Public Square
 Wilkes-Barre, PA 18711-0790
 Phone: 570-826-2597
 FAX: 570-830-3016
 kdymond@state.pa.us</p> | <p>8. John Schueller
 DEP Reading District Office
 1005 Cross Roads Blvd.
 Reading, PA 19605
 Phone: 610-916-0128
 FAX: 610-916-0110
 jschueller@state.pa.us</p> |

Appendix 16 Lending Library



“Building For Tomorrow”

The Pennsylvania Conservation Partnership’s Leadership Development Program for
Pennsylvania’s Conservation Districts

- LENDING LIBRARY -

- Maximum loan period for library materials (one at a time): 30 days.
- Individuals/districts borrowing materials will be responsible for replacement if lost or damaged.
- Directors who would like to borrow materials should contact the State Conservation Commission or DEP in Harrisburg.



BOOKS AVAILABLE FOR LOAN *(updated June 2003)*

Board Capacity and Development

“To Go Forward, Retreat! The Board Retreat Handbook” – Sandra Hughes

A successful retreat can hinge on the work of a hard-working planning committee, a skilled facilitator, dynamic speakers and an executive who carries out preparation down to the last detail. It can also be helped along by an agreeable locale and energizing activities. But the most important factor contributing to the success of a retreat is a planning process that involves board members. This booklet provides strategies and tools to begin the process of planning a “forward retreat.”

“How to Help Your Board Govern More and Manage Less” – Richard P. Chait

The purpose of this book is to suggest actions that will help shift the central focus of a board’s attention from management to governance. It looks at when and why some boards become involved in management issues; the roles of the chief executive and the board in managing and governing; the six characteristics of effective boards; and the advantages of being a board that governs rather than manages.

Dealing with Change

“Who Moved My Cheese?” – Spencer Johnson

“Who Moved My Cheese?” is a parable. Most of us reading the story will see the cheese as something related to our livelihoods--our jobs, our career paths, the industries we work in--although it can stand for anything, from health to relationships. The point of the story is that we have to be alert to changes in the cheese, and be prepared to go running off in search of new sources of cheese when the cheese we have runs out.

Although more analytical and skeptical readers may find the tale a little too simplistic, its beauty is that it sums up all natural history in just 94 pages: Things change. They always have changed and

always will change. And while there's no single way to deal with change, the consequence of pretending change won't happen is always the same: The cheese runs out.

Management, Supervision and Evaluations

“The One Minute Manager” – Kenneth Blanchard and Spencer Johnson

“The One Minute Manager” is an easily read story that quickly shows you three practical management techniques. As the story unfolds, you will discover several studies in medicine and behavioral sciences that help you to understand why these apparently simple methods work so well with so many people. By the book’s end, you will also know how to apply them to your own situation.

“Putting the One Minute Manager to Work” – Kenneth Blanchard and Robert Lorber

Reader review: “An excellent book that focuses on the positive sides of good management and offers solid suggestions to putting management practices to work. This is an especially good "must read" book for those managers who believe in using a hard-line approach to their employees and who are facing the consequences of such tactics, i.e., high turnover, low productivity, etc.”

Reader review: “This excellent sequel to the One Minute Manager provides more guidance on how to combine goal-setting, praising and reprimands. This is combined in the Price System. Price stands for Pinpoint where performance should be improved, then Record the current performance, Involve the person involved in setting goals and how reviews and coaching will occur, Coach people to improve results, and Evaluate the performance to reinforce the good and replace the not so good.”

Self-Improvement

“The Art of Possibility” – Rosamund Stoner Zander and Benjamin Zander

This book was used during the opening session of the 2003 Conservation Management Summit. The preface of this book describes it as a “how-to book of the unusual kind.” The premise of the book is that many of the circumstances that seem to block us in our daily lives may only appear to do so based on a framework of assumptions that we carry with us. Draw a different frame around the same circumstances and new pathways come into view. Each chapter of this book presents a different facet of this approach and describes a new practice for bringing possibility to life.

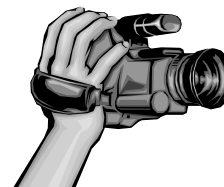
“The Business of Listening” – Diana Bonet

This short book is a practical guide to effective listening. It was used during the 2003 Conservation District Staff Conference and provides many helpful suggestions for incorporating more effective listening skills into your business day. While it is estimated that most of us listen at about 25 percent of our listening capacity, it seems that any pointers you can pick up from this publication would help you not just in your business day, but every day.

“What’s My Time Style?” – HRDQ Research and Development Team

This publication is more of a “test tool” than a book or booklet. It was used during a workshop at the 2003 Conservation District Staff Conference. You use it to record your responses to a list of statements. After “scoring” your responses, the publication tells you how to interpret your score and provides tips for capitalizing on your personal time style. IF YOU BORROW THIS PUBLICATION, PLEASE DON’T WRITE IN IT!

VIDEOS AVAILABLE FOR LOAN *(updated June 2003)*



Decision-making/Goal-setting

(30 min) - “Decision Making: How to Make Better, Faster, Smarter Decisions”

Decisiveness can be developed. If hesitation and uncertainty are holding you back, start changing now with this dynamic program. Its practical strategies for setting realistic objectives, brainstorming, evaluating alternatives, and analyzing risks and benefits will help you make swifter, more confident decisions in any endeavor.

(30 min) - “The Power of Vision” *(added in 2003)*

How do organizations inspire employees to be more than observers, to choose to actively create their futures? “The Power of Vision” demonstrates that having a positive vision of the future is the most forceful motivator for change—for success—that companies, communities and individuals possess. The video shows why a shared vision makes decision-making easier, why effective visions are never expressed in numbers and why a vision must be inspiring enough to challenge each member of the vision community to grow and reach beyond their previous limits. “The Power of Vision” seeks to inspire the people in your organization to think together, dream together and act together to make a difference in the world.

Employment Topics

(50 min) - “Hiring & Firing: Things You Need to Know”

Learn to establish job requirements and discuss them during an interview, deal with volunteered information and establish careful documentation, and develop appropriate policies and people-handling skills to make firing clear and fair.

(2 volume set) - “Hiring & Firing: Things You Need to Know”

This video package is designed to help companies cope with the complex task of interviewing, hiring, and - when necessary - terminating or laying off employees. This program will help you better understand the Equal Employment Opportunity (EEOC) laws and show managers and supervisors how to comply with them. Learn how to establish legitimate job requirements; use people-handling skills when a termination is necessary; and comply with EEOC guidelines.

(30 min) - “Legal Issues for Managers”

Helps managers develop the skills they need to handle sensitive personnel issues and stay out of court. Features a human resources management trainer and consultant who provides down-to-earth explanations of federal employment laws and offers practical techniques that managers can use to treat employees fairly and equally. Learn how to avoid the three types of workplace discrimination: adverse treatment, adverse impact, and retaliation. Learn how to: avoid charges of employment discrimination; develop fair recruiting and hiring practices; observe regulations regarding minimum wage and overtime; and recognize harassment and sexual harassment.

(30 min) - “How to Legally Document Employee Discipline”

A nationally recognized human resources management trainer and consultant shows you how to ensure solid, consistent documentation procedures throughout your organization by implementing the FOSA method: Facts, Objectives, Solutions, Actions. You’ll learn how to: document performance problems; utilize the progressive discipline process to help counsel and improve employee performance; and use an incident diary to summarize your coaching efforts.

(12 min) - **“Sexual Harassment: Is It or Isn’t It?”** (*added in 2001*)

A series of 14 short, dramatic sexual harassment scenes - some subtle, others rather obvious - followed by short video breaks to allow for group discussions on whether employees feel each situation could be considered sexual harassment and, if so, what can be done to eliminate unwanted behaviors.

Financial Management

(35 min) - **“Financial Reporting”**

This video captures the Financial Management Workshop held at the July 2000 PACD Executive Council session in Monroeville. It compliments the Financial Management Manual and the “Nonprofit Financial and Accounting Manual” distributed to all conservation districts by the Leadership Development Program in 2000.

Management, Supervision and Evaluations

(34 min) - **“Conducting the Performance Appraisal: Be a Coach, Not a Judge”**

There are four major steps to conducting your employee meetings. After watching this video, you’ll understand how to prepare, meet, document, and follow-up after the appraisal using such models as the SMART method and one-step-at-a-time formula for making the appraisal beneficial for yourself and the employee. Include time-proven advice on making difficult topics easy to cover. You’ll learn how to: put the employee at ease; improve communication through open-ended questions, avoid three common coaching pitfalls; and getting the employee to talk about his/her strengths.

(46 min) - **“The Effective Supervisor”**

This program helps supervisors in handling difficult situations (women supervising men; younger persons supervising older workers); three reasons why people don’t perform; doing more with less in today’s “leaner” organization; six principle motivators, and why money is not the main one; how to help others get what they need so they can help you get what you want; building on individual strengths; and how to get extraordinary efforts out of ordinary people.

(55 min) - **“Giving & Taking Criticism: How to Strengthen Relationships with Corrective Feedback”**

Criticism is the most sensitive area of human communication. People often get their feelings hurt, or they may become hostile. But criticism is necessary for successfully working with others and is an important factor in personal improvement. This popular program teaches a positive process for receiving criticism and for “dishing it out” in a way that builds relationships instead of destroying them. Includes typical reactions to criticism, six steps in taking criticism, and the power of positive words.

(30 min) - **“Giving and Receiving Criticism”**

Shows how to implement a constructive, tactful plan called “the three Rs for giving criticism.” Learn tactics for staying neutral when delivering criticism, plus a three-step formula for receiving criticism professionally - without getting angry or defensive. Learn how to: build on strengths through open and objective communication; assert skillful, diplomatic criticism and accept tactful criticism; get individuals involved to commit to an understanding; and avoid “fight” and “flight” reactions.

(24 min) - **“The Human Touch Performance Appraisal II”** (*added in 2001*)

Components include: preparing and planning for performance appraisals; building on strengths; reviewing and revising job descriptions; setting employee objectives; eliminating personal bias; and evaluating your own performance.

Presentation Skills

(27 min) - **“Be Prepared to Speak”**

Topics covered include: brainstorming and researching one’s speech; targeting the speech to the audience; organizing one’s speech into a simple three-part structure; making gestures, voice modulation, eye contact and pauses part of one’s speaking style; how to remain calm; and how to leave the audience with a powerful and lasting impression. Includes a 32-page self-study guide.

(30 min) - **“Effective Presentations: How to Make Powerhouse Presentations that Get Results”**

Learn simple ways to organize and prepare an interesting presentation, anticipate follow-up questions, deal with pre-performance nerves, and more. Guidebook included.

Teamwork and Communications

(21 min) - **“But I Don’t Have Customers - Internal Customer Service”** *(added 2001)*

We all have internal customers in - and among - our agencies and organizations. Training points in this video include: care and respect of internal customers; focusing on internal customers’ needs and expectations; communicating with angry internal customers; and reviewing policies and procedures which may inhibit serving customers.

(26 min) - **“Closing the Gap: Gender Communication Skills”** *(added 2001)*

Being careful not to perpetuate stereotypes, we need to acknowledge that differences can exist in gender communication styles. This video addresses: how to understand what motivates each gender; how to adapt to individual communication styles; how to recognize hidden meanings and intents; and how to treat others the way they want to be treated.

(21 min) - **“The Gift of Feedback: Understanding and Using Feedback for Personal Growth”** *(added 2003)*

The path to understanding your influence on others – to assessing the impact of your “wake” on the people in positions to help you, promote you, socialize with you and become significant others in your personal life – is to ask them. Caring what others think about you doesn’t mean giving up your individuality or letting others determine your self-worth. It simply means becoming aware of the thoughts that others are thinking, so that you can better understand how you are perceived.

(24 min) - **“Teamwork - with Pat Riley”** *(added 2001)*

Basketball coach Pat Riley discusses how to develop a “team” attitude in your organization by motivating and managing contributions from team players.

Time Management

(30 min) - **“Time Management: How to Increase Your Productivity & Get Results”**

Learn all the skills of the best time managers, including daily goal prioritizing, strategies for starting quickly and staying focused and delegating efficiently. Includes guidebook with interactive exercises.

Videotapes originally part of the Lending Library were purchased with SCC (CDFAP) funds through a special project contract with the Crawford Conservation District. Tapes added in 2001 were donated by the NRCS State Office. 2002 and 2003 additions were made using SCC (CDFAP) funds.

“Building For Tomorrow”
The Pennsylvania Conservation Partnership’s Leadership
Development Program for Pennsylvania’s Conservation Districts

In 1998, the *Building For Tomorrow* Leadership Development Committee introduced a lending library of materials selected to assist conservation district directors and staff in enhancing their leadership and professional skills. The materials were made possible by funds from the State Conservation Commission and were purchased on behalf of all conservation districts through a special project agreement with the Crawford Conservation District.

In July 2001, the Committee expanded the library to include titles donated by our partners in the USDA Natural Resources Conservation Service. Additional materials were added in 2002 and 2003 and will continue to be added as funds become available.

Any district director, district staff member, NRCS employee or district support staff of the Pennsylvania Departments of Agriculture or Environmental Protection may borrow the materials in the lending library. The maximum loan time is 30 days. Since the number of materials in the library is limited, only one item at a time may be borrowed.

To borrow an item from the Lending Library, complete the Lending Request Form below and return it to Joanne Nardone at the DEP Bureau of Watershed Management. The return of each borrowed item within the 30-day lending period will be the responsibility of the individual indicated on the completed form. Individuals or districts borrowing tapes will be responsible for their replacement if lost or damaged.



“Building For Tomorrow” Lending Library
Lending Request Form

Individual making the request: _____

District/County/Agency: _____

Item Requested: _____

Dates of Requested Use: From _____ To _____

Address to which item should be sent: _____

Responsible party’s signature in case of loss or damage: _____

Return form to: Joanne Nardone, DEP Bureau of Watershed Management.
P.O. Box 8465, Harrisburg, PA 17105-8465. **FAX: 717-772-5156**

Date Sent: _____	Date Due: _____
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