

# Back to Basics

Director Training Workshop







# Back to Basics Workshop Agenda

## Act 217 Conservation District Law

- Introduction: Who You Are
- Powers & Duties: Conservation Districts & State Conservation Commission

## Roles, Responsibilities, and District Leadership

- Primary Roles: Board Governance & Fiduciary Responsibilities
- Effective Board Leadership & Director Support Roles
- Board Meetings

## Other Laws Applicable to Conservation District Boards


- Ethics Act, Sunshine Act, Right to Know Law

## Pennsylvania Conservation Partnership & Programs

- State Conservation Commission
- DEP & Other Partners

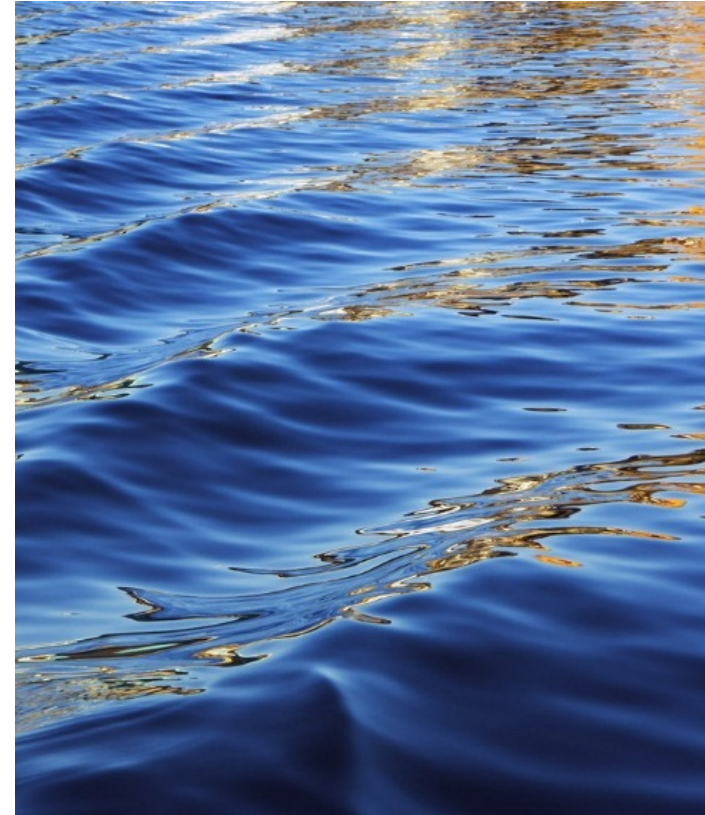
## Support, Assistance, & Online Resources for Directors





# Act 217 – Pennsylvania's Conservation District Law

## Conservation Districts – Who are You



Handout: Pa Conservation District Law

[https://www.paleadership.org/wp-content/uploads/2019/08/Conservation\\_District\\_Law-Act\\_217.pdf](https://www.paleadership.org/wp-content/uploads/2019/08/Conservation_District_Law-Act_217.pdf)



## Act 217, Section 2: Declaration of Policy

It is hereby declared to be the policy of the Commonwealth -

To designate conservation districts as A PRIMARY LOCAL GOVERNMENT unit responsible for the conservation of natural resources in this Commonwealth and to be responsible for implementing programs, projects and activities to quantify, prevent and control NONPOINT SOURCES OF POLLUTION.

To authorize and ENCOURAGE conservation districts to work in close COOPERATION with landowners and occupiers, agencies of Federal and State Government, other local and county government units and other entities identified and approved by the commission for the purposes of effectuating programs and policies under this act.

# What is a Conservation District – Who are You?

- An independent subdivision of the commonwealth
- More akin to a municipal authority than a county agency
- Active authority to cooperate with landowners and any other unit of government (i.e. county, township, state, federal, etc.)
- Perform duties for any purpose consistent with Act 217 – Conservation District Law (i.e. employment of staff).



# District Board – Composition & Appointment

Act 217, Section 6

- Seven (7) member board of directors
  - Minimum 5 directors ; Maximum 9
  - One (1) county commissioner or one county council member
  - Not more than **4** or less than **2** farmer members
  - Not more than **4** or less than **2** public members
- Directors appointed by County Commissioners – Annually
  - from a list of nominees from nominating organizations
  - Four (4) year, staggered terms for farmer & public directors
  - County Commissioner director appointed annually
- District board may appoint associate directors
  - No voting power.

# District Director - Tenure

## Act 217, Section 7


- A director shall hold office until a successor has been appointed, but no longer than six months beyond the appointed four-year term
- Full Terms
  - Appointed by the county governing body (Commissioners or County Council)
- Partial Terms
  - Unexpired terms shall be appointed by the county governing body in a similar fashion to annual director appointments, OR
  - From a list of the associate directors who have had two or more years of active service with that district and who meet the commission's eligibility criteria for the unexpired term.

# District Board Organization

## Act 217, Section 8

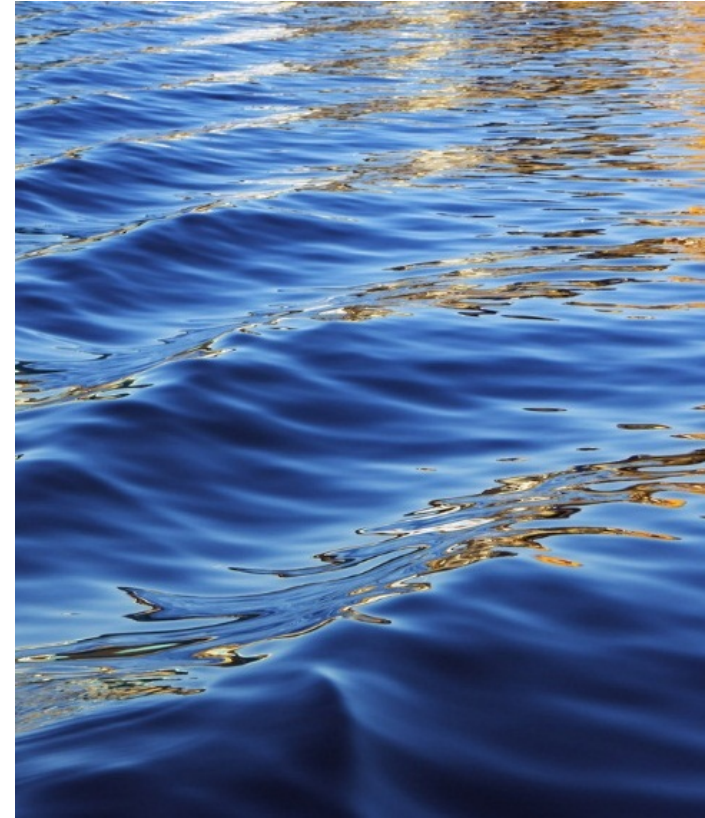
- Board of directors shall be the governing body (of the district)
  - Quorum - A majority (over 50%) of the voting members - is necessary to conduct official business of the conservation district.
- Board leadership elected annually (chairperson, vice-chairperson)
- Secretary and/or treasurer may be elected or appointed
  - May or may not be a member of the board (i.e. appropriate district staff)
- Other officers appointed as deemed necessary
- Directors may delegate powers and duties to chairperson, or to one or more directors as they shall deem appropriate.
- Board may invite any political subdivision to designate a representative to advise and consult with the district on all questions of program and policy which may affect the property, water supply, or other interests of such political subdivision





# Act 217 – Pennsylvania's Conservation District Law

## Conservation District Powers & Duties





## Act 217, 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.

# Act 217, Section 9: Powers of Conservation Districts & Directors

- Conduct surveys, investigations and research relating to the character of soil erosion and the preventive control measures needed ...
- Employ the personnel necessary to properly conduct the operations of the district ... and provide adequate and necessary insurance coverage for directors and employees ...
- Carry out preventative & control measures on any lands ... with written consent ...



## Section 9: Powers of Conservation Districts (continued)

- Cooperate or enter into agreements with, and to furnish financial aid to any agency ... in carrying on erosion control and prevention activities ...
- ... to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property ... or interests therein ...to receive income from such properties and to expend such income in carrying out provisions of the act.
- Make available ... material or equipment as will assist landowners in the effective conservation and utilization of soil resources; and for the prevention and control of soil erosion.

## Section 9: Powers of Conservation Districts (continued)

- 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 ....
- Conduct educational programs relating to soil and water conservation ...
- Assist and advise county and municipal governments in subdivision and land development reviews, ... storm water management plans, ... flood plain management, ... water pollution control and other natural resource concerns
- Accept, upon approval by the Commission ... any authority delegated by municipal or county governments, the Commonwealth or Federal Government

## Section 9: Powers of Conservation Districts (continued)

- Sue and to be sued in the name of the district, ... to make policies and procedures ...to make and execute contracts ... necessary or convenient to the exercise of its powers....
- As a condition to extending any benefits under this act ... the board of directors may require contributions in money, services, materials or otherwise conferring such benefits...
- Accept contributions of any character from any source whatsoever ... with the consent and approval of the commission.. Unless from Federal, State or local government..

## Section 9: Powers of Conservation Districts (continued)

- (Exempt from) provisions with respect to the acquisition, operation or disposition of property by other public bodies
- Sponsor projects under the Watershed Protection and Flood Prevention Act (PL 566), the Resource Conservation and Development Act , and the Food and Agriculture Act of 1962, as amended.

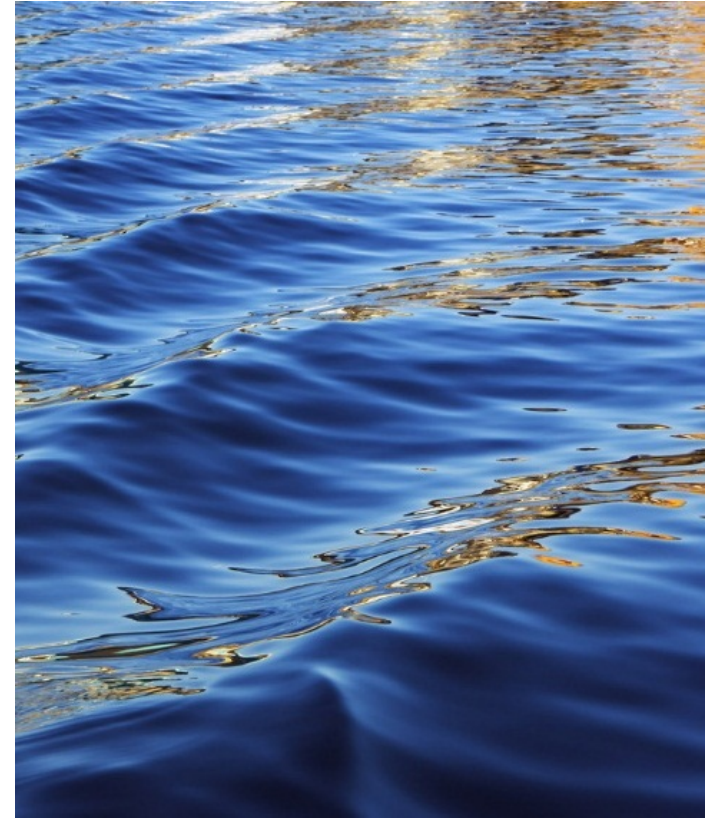
## Section 9: Powers of Conservation Districts (continued)

- Enter public or private property to make such inspections as are necessary to determine compliance ... the clean Streams law to the extent that such authority has been delegated to a district by the department [DEP]
- Establish a program of assistance to environmental advisory councils



# Act 217 – Pennsylvania's Conservation District Law

## State Conservation Commission Powers & Duties







# State Conservation Commission - Composition

## Act 217, Section 4.

- Is a **DEPARTMENTAL, ADMINISTRATIVE COMMISSION** under the **CONCURRENT AUTHORITY** of the Department of Environmental Protection (DEP) and the Department of Agriculture
- **ADMINISTRATIVELY HOUSED** within the Department of Agriculture
- **STAFFED & SUPPORTED BY** both DEP and the Department of Agriculture.
- The **CHAIRMANSHIP** of the commission **ROTATES** on an annual basis between the Secretary of Agriculture and the Secretary of Environmental Protection.
- The commission selects and employs an **INDEPENDENT EXECUTIVE SECRETARY** to serve and report to the commission. The Commission assigns the executive secretary duties and responsibilities as required to fulfill its obligations under the Conservation District Law and other acts.

# State Conservation Commission - Composition

Act 217, Section 4.

The Commission consists of:

## Voting members:

- the Secretary of the Pa Department of Environmental Protection
- the Secretary of the Pa Department Agriculture
- the Dean of the College of Agriculture of Pennsylvania State University (PSU)
- four farmer members, appointed by the Governor
- two public members (who shall not be farmers) appointed by the Governor

## Non-voting members

- the State Conservationist of the USDA Natural Resources Conservation Service.
- the Associate Director of the Cooperative Extension Service, PSU
- the President of the Pennsylvania Association of Conservation Districts, Inc.,
- the Secretary of the Pa Department of Conservation and Natural Resources
- The Secretary of the Pa Department of Community and Economic Development



# State Conservation Commission - Composition

## Act 217, Section 4.

- The farmer and public members of the commission shall be appointed [by the Governor for a period of **FOUR YEARS**
- **May** hold office until their successors have been appointed and have qualified, but no longer than **SIX MONTHS** beyond the four-year period.

# State Conservation Commission - Duties

## Act 217, Section 4.

- The Commission, has the following duties and powers:
  - To offer appropriate **TRAINING, ASSISTANCE AND CERTIFICATION** to the directors, staff and volunteers of conservation districts;
  - To **KEEP DIRECTORS** of each of the districts **GENERALLY INFORMED** of activities and experience useful to other districts;
- To **APPROVE** and coordinate the **PROGRAMS** of the conservation districts or projects;
- To **APPORTION** to conservation districts or to any agency of the Commonwealth, the United States or cooperating organizations any **FUNDS** allotted from State, Federal or other sources;
- To be **RESPONSIBLE** for the expenditures of apportioned funds by the districts;
- To establish standards for conservation district audits;

# State Conservation Commission - Duties

## Act 217, Section 4.

- To **SECURE THE COOPERATION AND ASSISTANCE** of any governmental agency;
- To **DISSEMINATE INFORMATION** concerning the activities and programs of the conservation districts;
- 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;
- To designate the **ORGANIZATIONS** within the county that may act in **NOMINATING** persons for appointment as directors.

# State Conservation Commission - Duties

## Act 217, Section 4.

- To **APPROVE THE DELEGATION OF AND CONTRACTING** for certain functions and powers to districts and to monitor district activities in response to delegated functions and powers otherwise accepted by or contracted to districts;
- To **REVIEW FEES FOR SERVICES** established by conservation districts for the purpose of determining if such fees are reasonable in relation to the scope of the service to be provided;
- To develop, implement and enforce **PROGRAMS** which meet the purposes of this act, including Nutrient Management and Facility Odor Management (Act 38), the Dirt Gravel and Low Volume Road Program and Resource Enhancement And Protection tax credits program.

# State Conservation Commission - Duties

## Act 217, Section 4.

- The Commission shall have the power to **RECEIVE 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,
- The Commission **SHALL USE** such funds for the **CARRYING OUT OF THE PROVISIONS OF THIS ACT**.
- The Commission **MAY ALLOCATE** such **FUNDS**, to the **CONSERVATION DISTRICTS** or to any **AGENCY** of this Commonwealth, the United States, or cooperating organization.
- The commission shall have the power to administer **GRANT, LOAN AND TAX CREDIT PROGRAMS** for landowners to implement non-point source and other best management practices on their properties.

# State Conservation Commission - Funding

## Act 217, Section 14.

- The General Assembly of the Commonwealth shall appropriate moneys out of the General Fund to administer the provisions of Act 217.
- **CONSERVATION DISTRICT FUND** - State funds appropriated or designated for assistance to local conservation districts shall be deposited in the fund for allocation to the conservation districts for activities necessary to meet the requirements of Act 217.
- **FUNDS** allocated to conservation districts **SHALL BE USED FOR** costs associated with implementing:
  - Programs delegated or contracted by the commonwealth,
  - Environmental education
  - Programs to protect the environment approved by the commission, **or**
  - For activities necessary to meet the requirements of the act.





# Primary Board Roles: Governance & Fiduciary Responsibilities



## Handouts:

Welcome A-Board <https://www.paleadership.org/wp-content/uploads/2019/10/Welcome-A-Board.pdf>

Directors Handbook <https://www.paleadership.org/wp-content/uploads/2019/08/District-Director-Handbook-for-PA-rev.May2017.pdf>



# Director Responsibilities

- 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.

## Director Duties

1. Be familiar with Act 217, the Conservation District Law. Know the powers, authorities, responsibilities, and limitations placed upon you by the law.
2. Attend regular and special meetings of the district board.
3. Accept the responsibilities of any office to which you are appointed. Serve on committees and present reports on their accomplishments and activities.
4. Assure that the actions and policies of the district and its employees remain within the limitations of the Conservation District Law

## Director Duties

5. Set local policy to reflect the balanced need of the community you represent.
6. Act as a district representative in communicating district action, policy, etc. to your local community.
7. Develop, set and implement personnel policies for the hiring and supervision of district staff.
8. Enroll landowners as cooperators with the district.

## Director Duties

9. Attend state, national and other conservation meetings on behalf of the district to stay current with conservation issues and programs. Represent the feeling of your board as a whole, not just your personal feelings.
10. Pursue funding for district programs and initiatives.
11. Develop an annual budget, assure fiscal responsibility and provide financial statements.

## Director Duties

12. Develop a working relationship with county government, legislators, agency officials, local municipal and county officials, and organizations that do or could cooperate with the conservation district.
13. Stay informed on conservation issues in your county and be familiar with important laws, policies, and programs.
14. Be familiar with district programs and activities. Be positive, innovative, and action-oriented.

# Roles



Source: BoardSource

## Directors:

- Governance/fiduciary
- Management Support
  - Fundraising/Advocacy
  - Management Volunteer
  - Direct Service Volunteer

## Staff:

- Completed staff work to support the board



## Board Role - Governance

- **Collective role:** control and direct the formation and administration of policy matters such as budgeting and strategic planning, board/staff relationships, approving the annual budget or the board's own processes
- **Individual role:** With the exception of individual officer roles & committee assignments, there is not one

Adapted from *Creating Strong Board-Staff Partnerships* by Karen Simmons and Gary J. Stern.

Published by BoardSource, formerly the National Center for Nonprofit Boards



# Board Role - Governance



- Select the district's management staff and evaluating their performance
- Review and authorize contracts and commitments, ensuring legal compliance
- Ensure sound financial management and controls
- Evaluate the effectiveness of district programs

# Role Clarification

## Board

- Create clear expectations for the board (annual work plan and committee expectations)
- Create clear expectations for the Executive Director
- Structure meetings to direct the board's attention to matters of policy and strategy
- Collect feedback on the board's performance

## Executive Director/Manager

- Articulate an institutional strategy for careful, periodic review by the board
- Structure board materials and meeting agendas to direct board attention to issues of policy and strategy
- Equip the board with the capacity to monitor organizational performance and progress

Adapted from *How to Help Your Board Govern More and Manage Less* by Richard P. Chait Published by BoardSource

# How to Help the Board Govern More and Manage Less

## Board members should:

- Set overall policy, strategy and objectives
- React to the ways the staff plans to achieve those aims  
*(staff is responsible to do "completed staff work" and give board members tactical work products to react to)*
- Monitor whether the organization is making sufficient progress toward its goals

# District Finances

- 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.

# District Finances

- 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





# Funding Sources

- State funding
- Counties provide a portion of the funding for district operations and exercise influence over direction of district programs.
- Federal funding
- Fundraising projects
- Fee schedules for programs
- Grants







# Effective Board Leadership & Director Support Roles





# Strategies to Increase Committee Effectiveness

- 3 standing committees: Executive, Finance, Governance/Board Development
- Establish one year of committee agendas around the work related to strategic plan objectives and policy development/review needs
  - Education and Outreach (or Program)
  - Ways and Means (or Fundraising)

# Governance/ Board Development Committee Example

1. Help create board roles and responsibilities
2. Pay attention to board composition
3. Encourage board development
4. Assess board effectiveness
5. Prepare board leadership
6. Review and revise bylaws as necessary

# Board Support Role – Fundraising & Advocacy

- **Collective role:** Determine policies on goals, committee responsibilities and restrictions related to involvement in fundraising and advocacy.
- **Individual role:** Implement plans as part of board-staff-volunteer project committees; assist management in carrying out fundraising and advocacy strategies

Adapted from *Creating Strong Board-Staff Partnerships* by Karen Simmons and Gary J. Stern.

Published by BoardSource, formerly the National Center for Nonprofit Boards

# Board Support Role – Management Volunteer

- **Collective role:** Determine policies about board assistance in operational activities, especially those relating to conflicts of interest
- **Individual role:** work with staff on specifically defined management issues and activities; reporting to staff as designated staff members as individuals who just happen to be board members (note and caution: this is something that you need to be asked by management to do and is usually related to specific areas of expertise)

Adapted from *Creating Strong Board-Staff Partnerships* by Karen Simmons and Gary J. Stern.

Published by BoardSource, formerly the National Center for Nonprofit Boards

# Board Support Role – Direct Service Volunteer

- **Collective role:** Determine policies about board assistance in operational activities, especially those related to conflict of interest
- **Individual role:** Assist in direct service projects under the direction of the volunteer coordinator and other staff as individuals who just happen to be board members

Adapted from *Creating Strong Board-Staff Partnerships* by Karen Simmons and Gary J. Stern.

Published by BoardSource, formerly the National Center for Nonprofit Boards

# The Role of the Board in Planning:



- Understand fiduciary responsibility – sustaining the MISSION
- Based on the mission, provide direction regarding the vision, input into the plan and resources necessary to implement the plan
- Develop performance criteria for the Executive Director/Manager

***STAFF is responsible for strategy, developing and implementing the plan, engaging the board, management, staff, partners and the community as active participants***



## 3 Types of Planning

- Long-range planning
- Strategic or interim planning
- Annual planning



# Public Relations and Advocacy

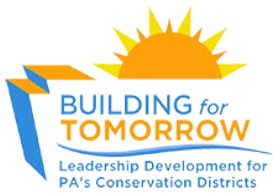
- to inform the public of activities and policies
- to gain public input and support for those activities and policies
- helps to establish and strengthen communications internally to assure that the public is treated fairly and impartially
- To achieve these objectives, the district could have a staff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

# Legal Concerns

- Personal liability protection
  - Commonwealth will defend and indemnify for delegated programs
- Personnel Issues/Employment Law
  - hiring, compensation, grievance
- Minimizing liability:
  - Act in good faith
  - Insurance
  - Conflict of Interest policies

# Accomplishing the mission and outcomes

- ***Structuring Work:*** Roles of Strategic, Long Range and Annual plans as the “framework” to structure the board’s “agenda of work” and using meetings to monitor progress and advance goals
- ***Committees:*** Effectively utilizing committees to get work done and achieve outcomes
- ***Funding and Fiduciary Responsibility*** Understanding and following the flow of money – including how to educate your board about understanding funding streams and reading financial statements
- ***Advocacy:*** Representing the District in the community, with legislators, etc.
- ***Legal Requirements:*** Reports and legal compliance requirements– what, how, and the types of reports and other compliance activities the board should be aware of



# To Ensure Board Achieves Mission & Outcomes

- Conduct long term, strategic and annual planning activities
- Structure committee work to engage board and community members and accomplish strategic objectives
- Understand funding and financial controls
- Ensure legal compliance





# Board Meetings







# Board Member Responsibilities



- Participate in “pre-meeting” with ED/Manager to set agenda and prepare for meeting
- Encourage board members to send substantive questions in advance to staff or chair (whichever is most appropriate)
- Start and end meetings on time
- Communicate scheduling conflicts in advance and encourage board members to do the same (so that quorums can be maintained)

# Board Member Responsibilities

# Hallmarks of an Effective Board

1. Clarity about roles & responsibilities
2. Focused time & attention on important issues
3. Restructures board work to get important things done
4. Views board composition as strategic
5. Uses evaluation to learn rather than criticize
6. Has the confidence to take risks
7. Has a constructive relationship with staff
8. Open and honest communication
9. Board works together as effective corporate unit

# Effective Board Meetings

- Start and end on time
- 60-90 minutes
- Use consent agendas (?)
- Focus on policy and strategy
- Professional tone and atmosphere
- “Unvetted” discussions sent to committee
- Board members participate and support one another

## Consent Agenda

Minutes approval

Final approval of reports or proposals board is well aware of

Routine matters such as committee appointments

Staff appointments

Reports for information only

Correspondence requiring no action

# Board Meeting Agenda



- ✓ Heading
- ✓ Call to Order
- ✓ Agenda Changes
- ✓ Approval of Minutes
- ✓ Public Comment
- ✓ Board Actions
- ✓ Reports
- ✓ Old Business
- ✓ New Business
- ✓ Adjournment

## Effective Board Leadership:

- Ensures efficiency and effectiveness
- Accomplishes the mission and achieves outcomes

## Ensuring board efficiency and effectiveness:

- ***Running a Board meeting*** – board chair job description and the staff role in supporting the board as well as staff involvement and attendance at board meetings
- ***Meeting Preparations*** – appropriately structuring the meeting agendas and organizing for maximum engagement and participation
- ***Meeting Formats*** – including the use of consent agendas to save time
- ***Chain of Command and communications between meetings*** – including project management and who can speak on behalf of the board
- ***Sunshine Law and Public Participation*** in both planning and project execution
- ***Executive sessions*** – when and under what circumstances you can do these, especially in light of the sunshine laws

# To Ensure Board Efficiency & Effectiveness

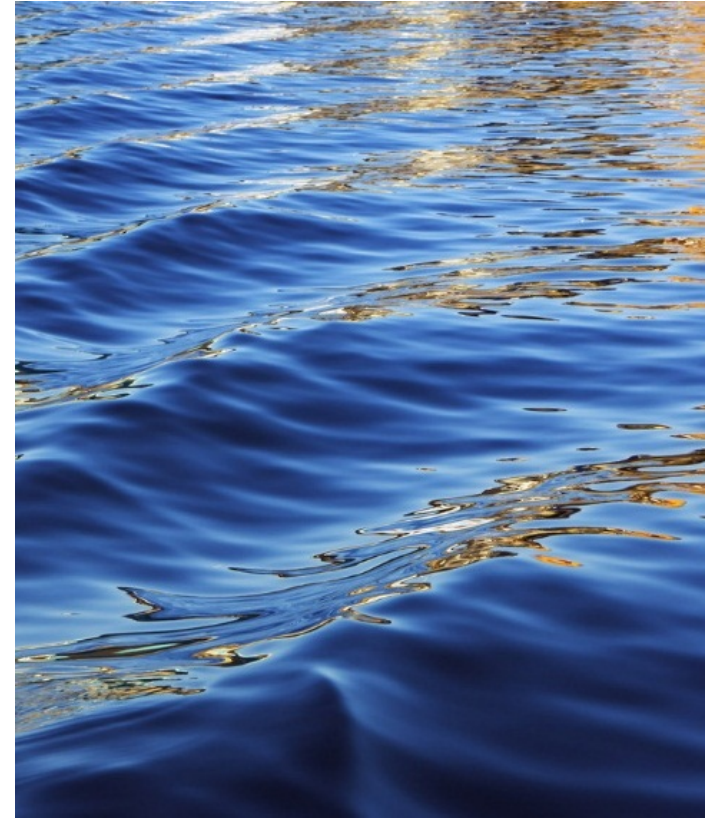
- Understand and fulfill roles (board & staff)
- Prepare in advance
- Structure meetings to focus on policy and strategy – using consent agendas to save time
- Communicate effectively between meetings
- Appropriately engage the public
- Hold Executive Sessions when appropriate







# Other Laws Applicable to Conservation Districts



## Handouts:

Pa Public Official & Employee Ethics Act <https://www.ethics.pa.gov/Documents/Publications%20Library/Ethics%20Guide/Guide%20to%20the%20PA%20Public%20Official%20and%20Employee%20Ethics%20Act.pdf>

Sunshine Act <https://dced.pa.gov/download/Open%20Meetings:%20The%20Sunshine%20Act/?wpdmdl=57760>

Right to Know Law [https://www.openrecords.pa.gov/Documents/RTKL/pa\\_righttoknowlaw.pdf](https://www.openrecords.pa.gov/Documents/RTKL/pa_righttoknowlaw.pdf)





# Director Training

## Other Laws Applicable to Conservation Districts

Office of Water Resources Planning  
Conservation District Support Section  
Spring 2020

Tom Wolf, Governor

Patrick McDonnell, Secretary

## Other Applicable Laws

- Pennsylvania Public Official and Employee Ethics Act
- Sunshine Act
- Right to Know

# Ethics Act

- Who does the Ethics Act apply to?
- What is a Public Employee?
- What is a Public Official?
- How does this apply to Conservation Districts?

# Ethics Act Requirements

- Complete “Statement of Financial Interests”
  - Online or hard copy
- Ensure your Board Members and Staff Complete the form
- Retain at the Conservation District Office for 5 years
- The “Statement of Financial Interest” is a public record and open to RTK

# Restricted Activities

- Conflict of Interest
  - Use of the authority of one's office, employment, or confidential information received through official duties for the substantial private pecuniary benefit of himself, a member of his immediate family, spouse or a business of which he, a member of his immediate family or his spouse is associated.

# Restricted Activities

- Seeking Improper Influence
  - You cannot accept anything of monetary value with the understanding that any official action or judgement you make would be influenced.
- Accepting Improper Influence
  - You may not solicit or accept anything of monetary value based on an understanding that they would be influenced in the discharge of their public duties.



# Restricted Activities

- Contracts
  - You shall not enter into any contract valued at \$500 or more with the governmental body which you are 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.

# Restricted Activities

- Voting Conflicts
  - Any Public Official who is in the discharge of his 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 the minutes, the nature of the conflict.

# Sunshine Act (Open Meetings)

**Purpose:** To ensure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon.

# What is a Meeting?

- Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action
- This includes many committee meetings

# Exceptions to meetings?

- Certain Working Sessions of Board of Auditors
- Conferences
- Executive Sessions

# Working Sessions of Board of Auditors

- May conduct working sessions for the limited purpose of examining, analyzing, discussing and deliberating the various accounts and records for which they are responsible, so long as any official action takes place during a public meeting.
- This does not include working on proposed budgets.

# Conferences

- Any training program or seminar or any session arranged by state or federal agencies for local agencies, organized and conducted for the sole purpose of providing information to the agency members on matters directly related to their official responsibilities.

# Executive Sessions

- Only 6 reasons you may hold an executive session
  - Personnel Matters
  - Collective Bargaining Agreements and Labor Relations
  - Purchase and Lease of Real Property
  - Consulting with Attorneys/Advisors regarding Litigation Strategy
  - Privileged and Confidential Business
  - Academic Admission or Standing



# Executive Sessions

- Do not need to provide public notice
- Must announce at a public meeting that an executive session was or will be held and the specific purpose of the executive session
- No votes may be taken in executive session
- Must hold vote in the public meeting

# Public Notice

- Notice must be in a newspaper of general circulation where the meeting will take place
- Must provide notice at least 3 days prior to the first meeting of the year and the remaining scheduled meetings
- Must publish rescheduled or special meetings 24 hours prior to the meeting
- Must publish place, date, and time of the meeting
- No requirement to publish cancellation of meetings

# Public Participation

- Must provide reasonable opportunity for public comment
- May be at the beginning of the meeting or prior to each official action
- May establish written policy regarding public comment

# Public Participation

- Conference Calls
  - Meetings may be held as calls
    - All members can hear each other and have the same meeting materials
    - Public must still be able to participate
- Email Discussions
  - NOT Allowed
    - Information may be sent to board members through email. As soon as someone responds with discussion it is a violation of the Sunshine Act

# Recording Votes

- Each member must cast their vote in a public meeting
- If a roll call vote is taken then each member's vote must be recorded
- Secret ballots are prohibited

# Minutes of Meetings

- Agencies are required to keep written minutes of all open meetings and must include:
  - Date, time and place of the meeting
  - Names of members present
  - Substance of all official actions, and a record by individual members of the roll call votes taken
  - Names of all citizens who appeared officially and the substance of their testimony

# Public Use of Recording Equipment

- Any person may record a public meeting with recording devices, including:
  - Video Tape Equipment
  - Cell Phones
  - Tablets
  - Laptops
- Agencies are permitted to adopt and enforce reasonable rules for the use of recording devices.

# Right to Know Act

The Commonwealth of Pennsylvania's Right to Know Law (Act 3 of 2008) 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.



# What is a Record?

- Information regardless of physical form that documents a transaction or activity of an agency that is created, received or retained pursuant to law or in connection with a transaction, business, or activity of the agency.
- This includes documents, paper, letter, map, book, tape, photograph, film, or sound recording, information stored or maintained electronically.

# What is a Public Record?

- A Record including a financial record of a Commonwealth or local agency that:
  - Is not exempt under Section 708 of the Act (30 exemptions)
  - Is not exempt from being disclosed under any other federal or state law or regulation or judicial order or decree
  - Is not protected by privilege
- General Rule – A record in the possession of a Commonwealth or local agency shall be presumed to be a public record.

# Requirements

- Each agency must name an Open Records Officer and notify the State Open Record Office of who that person.
- Open Record Officer should log all RTK requests received
- Requests may be verbal, written, and may be anonymous
- Must respond to all RTK requests within 5 business days.

# Electronically Available Records

- You may make public records available through and publicly accessible means.

**Example:** You may post board minute on your website. If you receive a RTK request for meeting minutes you may direct that person to the website to access those minutes.

# Fees

- Fees are set by the State Open Records Office
- You may not charge fees that exceed those set by the Open Records Office
- You may not charge for the staff time it takes to fulfill a request

# Important Websites

- Ethics Commission
  - [www.ethics.pa.gov](http://www.ethics.pa.gov)
- Open Records Office
  - [www.openrecords.pa.gov](http://www.openrecords.pa.gov)
- Sunshine Act
  - [www.DCED.pa.gov](http://www.DCED.pa.gov)



# Questions?

**Karen Books**

**717-772-5649**

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# Pennsylvania's Conservation Partnership & Programs



Handouts: Common Acronyms <https://www.paleadership.org/wp-content/uploads/2019/08/Acronyms.pdf>



# State Conservation Commission

- Oversight and support of conservation districts
- Pennsylvania Nutrient Management Act program
- Dirt and Gravel Roads Maintenance Program
- Administrative and staff cost-share funding
- Special Projects
- State Agency Coordination

# State Conservation Commission Programs

- Act 38 Nutrient Management Program
- Act 38 Odor Management Program
- Dirt, Gravel and Low Volume Road Maintenance Program
- Resource Enhancement and Protection (REAP)
- Conservation District Fund Allocation Program
  - Agricultural Conservation Technical Assistance
  - Special Projects



# Nutrient Management Program

- Enabling legislation & purpose
  - Act 38 of 2005 (origin - Act 6 of 1993)
  - Requires ag operations of certain animal density to develop a nutrient management plan for water quality protection according to criteria established by the State Conservation Commission
- Funding :
  - Annual appropriation to the Nutrient Management Fund. Supports SCC and conservation district activities
- Active partners:
  - State Conservation Commission (SCC)
  - Conservation District (District),
  - Pa Department of Agriculture (PDA)
  - Pa Department on Environmental Protection (DEP),
  - Penn State Extension,
  - USDA NRCS.



# Nutrient Management Program

- 'Partner' Program Responsibilities:
  - **SCC** – establish program regulations, policies & planning standards for NMPs; annual allocation of funds; conduct program evaluations.
  - **PDA** – implementation of education and certification programs for commercial plan writers and conservation district plan reviewers.
  - **DEP** – assists the SCC in delegation agreement admin – reporting – data collection & management.
  - **PS Extension & NRCS:** provide educational & technical assistance.
  - **Conservation District:**
    - Primary roles:
      - **Education** of regulated & volunteer agricultural operations
      - **Review** of NMPs submitted by Concentrated Animal Operations (CAOs) for action.
      - **Provide** technical assistance to farmers in plan implementation.
      - **Conduct** annual status reviews and compliance activities of CAOs

# Nutrient Management Program

- Partnership vehicle

- Multi-year (5) delegation agreement between SCC & Conservation District
- Conveys authority for local program implementation on behalf of the Commission.
- Establishes **Required Output Measures** (deliverables) for completion.
  - Requires district personnel obtain the appropriate training and certification to carryout program activities.
- Provides funding through an annual allocation at levels established by the SCC.
- Establishes reporting requirements (quarterly)

# Odor Management Program

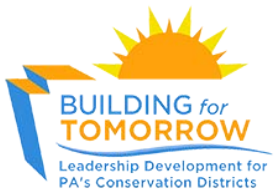
- Enabling legislation & purpose
  - Act 38 of 2005
  - Requires ag operations of certain animal density to develop an odor management plan to mitigate transfer of odors from animal housing or waste management systems according to criteria established by the SCC.
- Funding:
  - Included in 'Nutrient Management Program'
  - Supports SCC activities
- Active partners:
  - SCC,
  - PDA,
  - Penn State Extension,
  - Conservation Districts (limited)





# Odor Management Program

- 'Partner' Program responsibilities:
  - **SCC** – establish program regulations, policies & planning standards for OMPs; review & approval of OMPs; implementation compliance.
  - **PDA** – implementation of education and certification programs for commercial plan writers.
  - **PS Extension:** provides technical assistance for planning standards.
  - **Conservation District:** local education.
    - Education of regulated agricultural operations (CAOs & CAFOs) in odor management planning regulatory requirements



# Odor Management Program

- Partnership vehicle:
  - Multi-year (5) delegation agreement between SCC & conservation district (NM delegation ROMs)
  - Establishes Education Required Output Measures (deliverables).

# Dirt & Gravel, Low Volume Road Program (DGLVR)

- Enabling legislation & purpose
  - Section 9106 – Motor Vehicle Code
  - Funds the safe, efficient and environmentally sound maintenance of section of dirt and gravel and low volume roads identified as sources of non-point source and sediment pollution.
- Funding :
  - Annual transfer from the Motor License Fund
  - Supports SCC and conservation district activities
- Active partners:
  - State Conservation Commission (SCC)
  - Conservation Districts (District),
  - Center for Dirt and Gravel Road Studies, College of Engineering, PSU (DGR Center),
  - Local municipalities.



# Dirt & Gravel, Low Volume Road Program (DGLVR)

- 'Partner' Program Responsibilities:
  - **SCC** – establish program guidelines, policies & standards for implementation of DGLVR practices; annual allocation of funds; conduct district program evaluations.
  - **DGR Center:** provides education and outreach, training & technical assistance (practice implementation standards).
  - **Conservation District:**
    - Primary roles:
      - **Education** of local municipalities
      - **Quality Assurance Board** review & approval of project applications; establish local ranking and funding priorities.
      - **Provide** technical assistance and project construction oversight.
    - **Local municipality** – participate in training and obtain appropriate certification to qualify for funding; develop project proposals for funding and implementation.

# Dirt & Gravel, Low Volume Road Program (DGLVR)

- Partnership vehicle

- Multi-year (5) agreement between SCC & Conservation District
- Provides funding through an annual allocation at levels established by the SCC.
- Establishes local program implementation in cooperation with the Commission.
- Establishes **deliverables** for program administration and implementation
  - Requires district personnel obtain the appropriate training and certification to carryout program activities.
  - Assists municipalities in project implementation
  - Provides the lead role (Quality Assurance Board) in evaluating project applications
  - Develop and conduct local outreach & training.
- Establishes reporting requirements (quarterly)

# Resource Enhancement & Protection (REAP)

- Enabling legislation & purpose
  - Act 13 of 2019 (amendment to the Tax Reform Code)
  - Provides for the distribution of tax credits to farms and businesses in exchange for the implementation of Best Management Practices and equipment purchases on agricultural operations to enhance farm production and protect natural resources.
- Resources:
  - Annual appropriation under the state Revenue Code (\$13.0 million in tax credits)
  - Distributed by the Pa Department of Revenue in cooperation with the SCC.

# Resource Enhancement & Protection (REAP)

- Active Partners:

- SCC
- Pa Department of Revenue
- Conservation district

- 'Partner' Program responsibilities

- SCC – establishes policies and program parameters for program implementation.
- Pa Department of Revenue – issuance of approved tax credits as determined by the SCC.
- Conservation District – assistance in the verification of portions of a REAP application submitted by an agricultural producer.

- Partnership vehicle

- None

# Conservation District Fund Allocation Program (CDFAP)

- Enabling legislation, policy & purpose
  - Conservation District Law – Act 217 of 1945 (Amended Act 75 of 2005)
  - Conservation District Fund Allocation Program Statement of Policy (Amended Nov. 2014)
  - Provides for the receipt and distribution funds dedicated to conservation districts for support of:
    - General district programs & operations (Administrative Assistance)
    - Staff employment costs (District Management, Technicians)
    - Special Projects, Reserve Accounts
- Funding:
  - Annual appropriation to the Conservation District Fund
  - Annual transfer of funds dedicated in the Unconventional Gas Well Fund.



# Conservation District Fund Allocation Program (CDFAP)

- Active Partners:

- SCC
- DEP & PDA
- Conservation Districts

- 'Partner' Program responsibilities

- **SCC** - establishes program policies and parameters for district oversight and support (financial & policy/administrative), annual allocations and distribution of funds.
- **DEP & PDA** – administrative management of fund distribution and reporting.

# Conservation District Fund Allocation Program (CDFAP)

- 'Partner' Program responsibilities (cont.)
  - **Conservation District** - implementation of SCC supported program activities and fund management of allocations at the local level.
    - **Agricultural Conservation Technicians (PDA)** – local implementation of agricultural support programs.
    - **Special projects (PDA & DEP)** – implementation of projects meeting CDFAP parameters and guidelines.
    - **Reserve Accounts** – long term management of dedicated funds for admin or program functions of the district.

# Conservation District Fund Allocation Program (CDFAP)

- Partnership vehicle:
  - ACT Program - **multi-year (5) agreement** between SCC & conservation district.
    - Provides conduit for the distribution of program funds
  - Special Projects – **annual agreement** between SCC & Conservation District.
    - Provides funding for approved project activities performed by the conservation district.
  - **Establishes reporting requirements** (quarterly)



# Leadership Development Program

- Purpose & Products

- Establishes "Building for Tomorrow" Leadership Development Program
  - Professional development program for conservation district directors and staff.
  - Collaborative effort of Pennsylvania's Conservation Partnership

- Active Partners

- State Conservation Commission,
- Pa. Department of Environmental Protection,
- Pa. Department of Agriculture,
- USDA NRCS,
- PACD & county conservation districts





# Leadership Development Program

- Resources available to directors and staff to effectively develop and manage conservation district activities and programs.
  - Strategic Planning Grants
  - Annual training opportunities:
    - Staff & District Management conferences
    - Regional Director Training
    - New Manager Training
- Online Resources (<https://paleadership.org/>)
  - New Director Orientation page, director documents
  - Self-guided learning modules
  - White papers
  - Events Calendar, registration, and materials

# Dept. of Environmental Protection

- CDFAP Funding – Base Support and for Delegated Programs
- CD Field Rep & Regional Office Support and Assistance
- Training & Leadership Development
- Envirothon & Environmental Education Support
- Funding for Conservation District Watershed Specialists
- Assistance with Watershed Implementation Plan/County Action Plan (WIP/CAP) development
- Administrative support for Chesapeake Bay Program
- Funding through Growing Greener for environmental projects and technical assistance
- Funding to PACD for trainings, workshops, grants, positions
- DEP Secretary serves as SCC Chair in alternate years with PDA Secretary

# Dept. of Environmental Protection

## Regulatory:

- Agricultural Erosion & Sedimentation control (Chapter 102.4a)
- Manure Management/Nutrient Management (Chapters 91 and 83)
- NPDES Permitting, Monitoring, and Compliance (Chapter 92a)





# Dept. of Environmental Protection

## Regulatory:

- Urban Erosion & Sedimentation Control (Chapter 102)
- PCSM - Post Construction Stormwater Management (Chapter 102)
- Water Obstructions & Encroachments (Chapter 105)





# Environmental Education and Envirothon



# PA Department of Agriculture

- Houses the State Conservation Commission (SCC)
- Farmland Preservation Program
- Nutrient Management Program Assistance
- Manages the Odor Management and DGLVR Programs
- CDFAP Funding for District Staff Cost-Shares, Supplement funding, and for Special Initiatives
- PDA Secretary serves as SCC Chair in alternate years with DEP Secretary

# NRCS – Natural Resources Conservation Service

- A federal agency offering support at both the state and local levels
- NRCS is a service of the US Dept. of Agriculture
- Provides Conservation Technical Assistance & Training
- Participation in National Conservation Programs
- Conducts Soil Surveys and Creates Soil Maps
- Assist with the Erosion Control Program
- Environmental Education & Envirothon Assistance
- Co-located (some counties) with some CDs



# PACD - Pennsylvania Association of Conservation Districts

- Serves as the collective voice for PA's 66 conservation districts
- Provides advocacy, education, training, and program coordination
- Works side-by-side with private organizations, business and industry partners, and many federal and state agencies



# PACD - Pennsylvania Association of Conservation Districts

## Communications Resources

- Email listservs, weekly e-newsletter, monthly association report, website, social media, project promotion toolkit

## Government Relations

- Maintains relationships with legislators and state and federal agencies
- Represents the districts on government committees and organizations
- Represents districts at the national level through NACD
- Legislative Toolkit and template materials

## Meetings and Conferences

- Bi-yearly Statewide Joint Association/SCC meetings & regional meetings

## Outreach at Statewide Events

- PA Farm Show, Ag Progress Days, PSATS convention



# PACD - Pennsylvania Association of Conservation Districts

## On-Call Legal Program

- Includes a full range of services and general legal advice, including document review, real estate assessment and timely responses to questions

## Engineering Assistance Program (TAG)

- Provides statewide engineering and soils technical assistance for developing or implementing a watershed assessment, restoration or protection plan

## Education

- Technical training for watershed specialists, Chapter 102/105, Ag techs, conservation planning

## Grant Programs

- Manure, Nonpoint Source/319, and CREP mini-grant programs, DCNR Multifunction Buffer Grants

# Penn State Cooperative Extension

- Conservation Education Assistance & Training
- Education Materials
- Resource Statistics
- Co-sponsorship of Local Programs
- Space-sharing (some counties)
- Often a Nominating Organization
- Can Provide Directors to CD Boards







# Support & Assistance Online Resources





# Support and Assistance

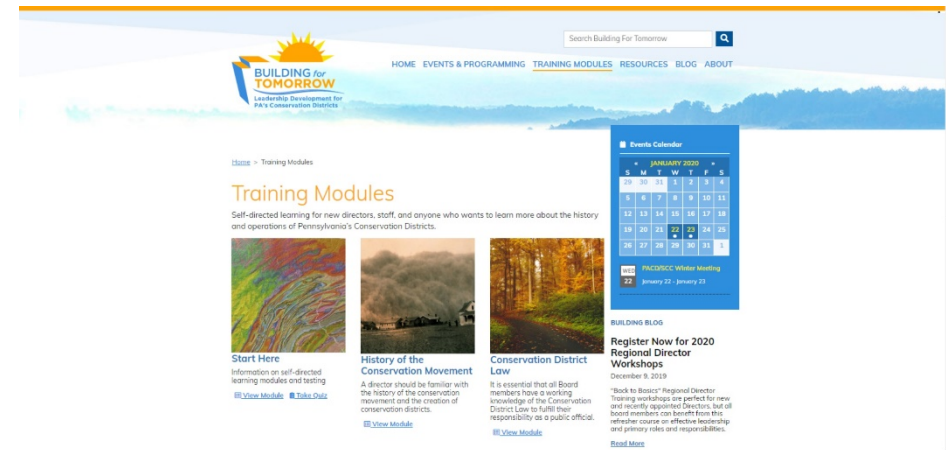
- **DEP Field Representatives**
- **Other Conservation Districts**
  - **Contact information in “Team Sheets”**
  - **Newsletter Mailing Lists**
  - **Websites (via PACD.com)**
  - **Visit – meetings & programs**
  - **Joint Meetings**



# Online Resources for Directors

## Building for Tomorrow website: Paleadership.org

- New Director Orientation Page
- Self-Guided Training Modules
- Events calendar, registration, & materials
- Resource Document Archive





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