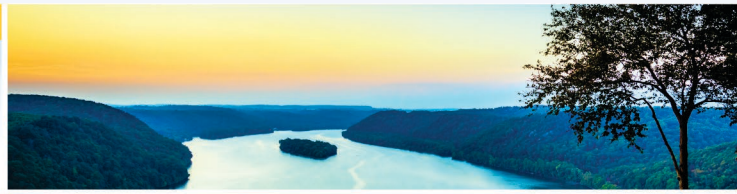




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# Contribution/Donation and Fundraiser Details for Conservation Districts

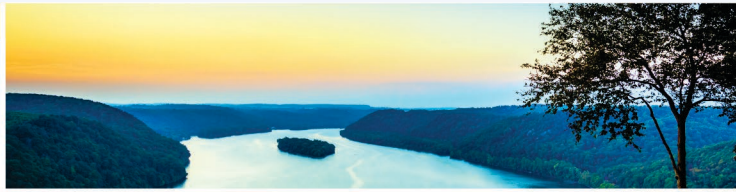
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Conservation District Support Section

November 15, 2023



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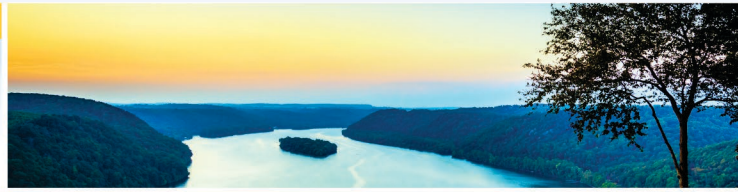


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## Today's Objective

- Provide the Source that provides guidance on CD's accepting contributions and donations.
- Explain Guidance details.

*\*Important consideration: Is there an actual conflict of interest OR is there a potential / appearance of a conflict of interest associated with the contribution / donation?*



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## *Accepting contributions/donations*

- Source: Act 217, Section 9, Powers of Districts and Directors, item 15.
- Guidance: The directors of a district shall have the power to accept contributions of any character from any source whatsoever, but only by and with the consent and approval of the State Conservation Commission (more details later....)
  - unless the funding is from the Federal, State or local Government,
  - or unless specifically authorized to do so by this act (Section 9, Item 5).



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## *Accepting contributions/donations*

- Source: Act 217, Section 9. Powers of Districts and Directors, item 5.
- Guidance: The directors of a district may acquire an interest in real or personal property through a donation, such as a gift, grant, or bequest.

# Accepting contributions/donations

- Source:

- Comprehensive Policy Document (2017 version).
- Section III. Policy for Matters Requiring Approval by the State Conservation Commission.
- Subsection: Matters Requiring Approval by the State Conservation Commission or the Executive Secretary as authorized by the State Conservation Commission, item 14; page 5.

- Guidance:

Approval is required for contributions to a conservation district, of any character and from any source, unless the funding is from another governmental agency (Federal, State, or local), or unless specifically authorized under Act 217 (i.e. the purchase, exchange, lease, gift, or grant of any real property (Section 9, Item 5)).



## *Accepting contributions/donations*

- Source: Comprehensive Policy Document (2017 version); page 5 (continued).
- Guidance:

Approval is required for 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 (Section 9(5))).

A. For contributions of any character, valued at \$10,000 or less, a district may accept such donation 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;

## *Accepting contributions/donations*

- Source: Comprehensive Policy Document (2017 version); page 5 (continued).
- Guidance:
  - A. For contributions of any character, valued at \$10,000 or less, a district may accept such donation if the following criteria are met:
    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's not intended in any way to influence any vote, official action, or judgement of the district board or any of its members or district staff;

## Accepting contributions/donations

- Source: Comprehensive Policy Document (2017 version); page 5 (continued).
- Guidance:
  - 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 PA Ethics Law or any other law that governs or restricts the conduct of an individual conservation district director or 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.



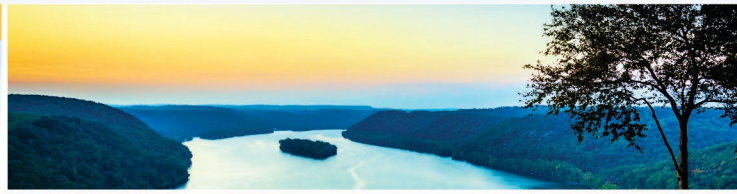
# Accepting contributions/donations

- Source:

- Comprehensive Policy Document (2017 version)
- Section V. Conflict of Interest
- Subsection 7. State Conservation Commission Policy of Conservation District Programs; pages 13-14.

- Guidance:

This policy requires State Conservation Commission approval for contributions made to the district "by an individual or entity whose relationship with the district could pose a conflict of interest, including those responsible for activities which are governed by delegation agreements between DER(P) and conservation districts."



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## Accepting contributions/donations

- Source: Comprehensive Policy Document (2017 version).; pages 13-14 (continued).
- Guidance: Since there is potential for CDs to encounter conflict of interest associated with delegated activities, CDs should utilize the following criteria regarding accepting donations. Conservation districts should not accept a donation if:
  - A. The donation is from an individual or entity for which the district is currently reviewing an erosion and sediment pollution control plan;

## Accepting contributions/donations

- Source: Comprehensive Policy Document (2017 version); pages 13-14 (continued).
- Guidance: Conservation districts should not accept a donation if (continued):
  - B. The donation is from an individual or entity the district expects to submit an erosion and sediment pollution control plan for review in the near future;
  - C. The donation is from an individual or entity for which the district is currently inspecting earthmoving activities;
  - D. The donation is from an individual or entity that will be conducting earthmoving activities requiring district inspection in the near future;
  - E. The donation is from an individual or entity for which the district is or in the near future will be conducting any type of review, inspection or enforcement action in response to any authorities delegated to the district by the Department of Environmental Protection.

## Accepting contributions/donations

- Source: Comprehensive Policy Document (2017 version).; pages 13-14 (continued).
- Guidance: Conservation districts should not accept a donation if (continued):
  2. Districts must recognize that the possibility for a conflict of interest occurring in the future is always present; nevertheless, CDs may accept gifts or donations from individuals or entities if non of the above noted criteria pertains
  3. Gifts of time and material should be considered as cash donations and the same criteria should apply.
  4. Gifts or donations may be accepted even if there is a present or potential conflict of interest as noted in #1 above if the donations are solicited and accepted by a third party and the CD has no knowledge of the gift or its monetary value.
  5. As required by action of the State Conservation Commission, all contributions having potential for conflict of interest must be brought to the attention of the SCC.



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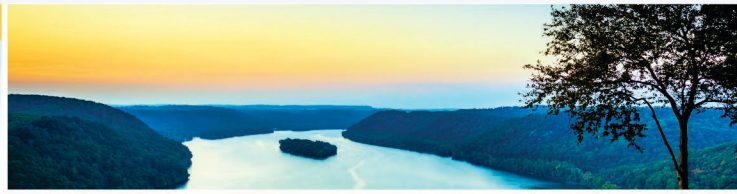
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## *Conservation District Fundraisers*

- Funds collected during a fundraiser event may support a specific activity, in example:
  - Envirothon
  - Environmental education throughout the county
  - Environmental related scholarships to county students
  - Other educational efforts



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## *Added Comments*

- Entities can place a paid ad in CD Annual Reports.
- If you have questions about donations/contributions or fundraisers, contact the State Conservation Commission for input.





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# *Questions??*

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