

# THE DISTRICT LAW AND THE CONSERVATION COMMISSION



# How the District Law Was Formed

- **1937: Act # 339 created GA's Soil Conservation Districts.**
- **1962: Act # 630 changed the name from Soil Conservation Districts to Soil & Water Conservation Districts.**
- **The District Law has also been defined and clarified by several court rulings and opinions of the Attorney General.**

# Legislative Determination

**Georgia's farms and forest lands are basic assets of the State. Improper land use practices have made conservation of those land assets difficult or impossible.**



# *Consequences of poor land management:*

- ▶ Soil erosion
- ▶ Silting and sedimentation
- ▶ Reduction in productivity



# *Consequences of poor land management:*

- ▶ Non point source pollution
- ▶ Erosion
- ▶ Hazardous conditions



**Best Management Practices (BMPs)**  
*were established as corrective methods for saving  
our soil and water resources.*





# Declaration of Policies

***It is hereby declared*** to be the policy of the legislature to provide for the conservation of the soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the health, safety and general welfare of the people of this State.

# Definitions of Terms

- **District or soil and water district:** an Agency of this State organized in accordance with the provisions of this Act, for the purpose, with the powers, and subject to the restrictions hereinafter set forth.
- **Supervisor:** one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this Act.
- **Commission or State Soil and Water Conservation Commission** the agency created in Section 4 of this Act.



# GEORGIA SOIL & WATER CONSERVATION COMMISSION



# MISSION STATEMENT

*The Georgia Soil & Water Conservation Commission provides soil and water resource information; education; technical, financial and planning assistance; and program oversight to locally led soil and water conservation districts, landowners / land users, and local, state and federal governments to maintain, conserve and wisely use the soil and water resources for all Georgians.*



# Commission Board Members

**Garland Thompson, Douglas (Chairman) Group 5**

**Steve Singletary, Blakely (Vice Chairman) Group 4**

**Carl Brack, Carrollton Group 1**

**Dennis Brown, Commerce Group 2**

**David Hays, Covington Group 3**



# GSWCC Regional Offices

## REGION 1

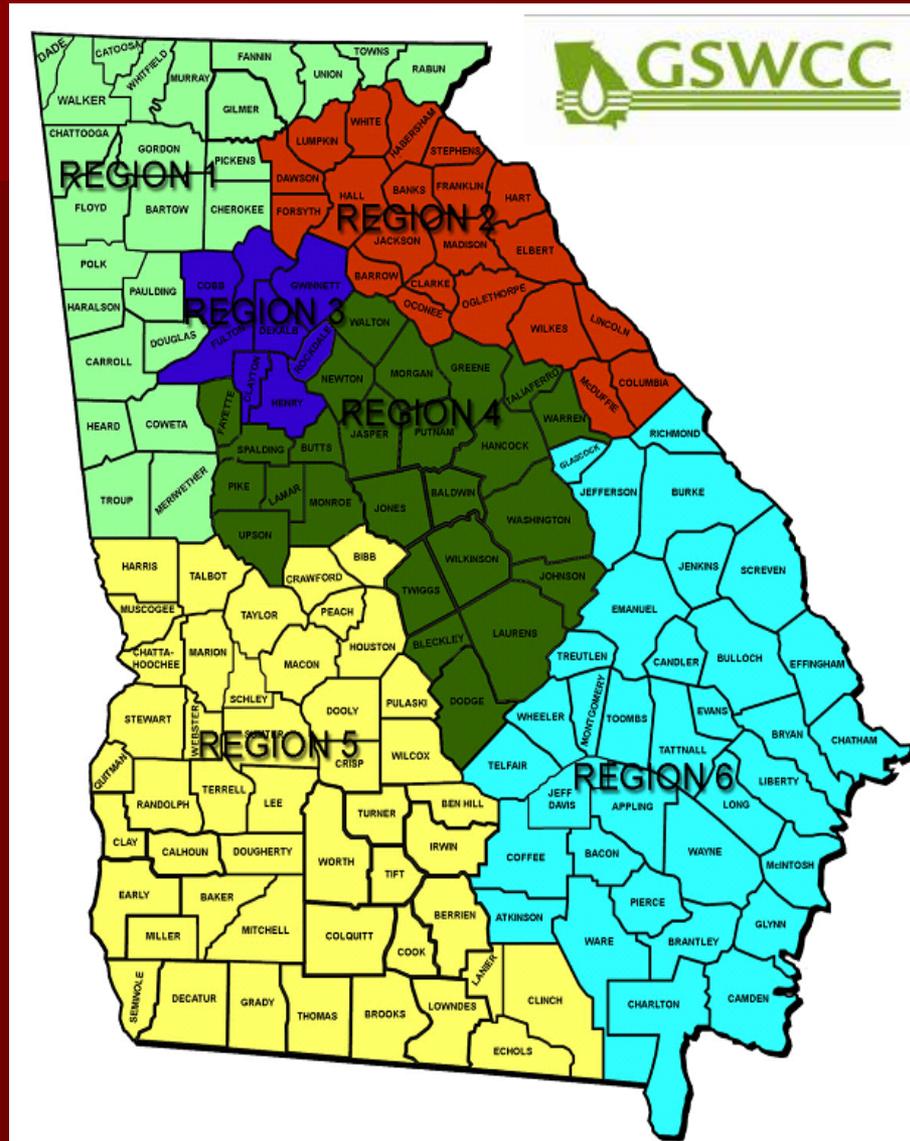
Keith Gilmer  
Regional Representative  
700 E 2<sup>nd</sup> Ave., Suite J  
Rome, GA 30161-3359  
Phone: 706-295-6131  
Fax: 706-802-5131

## REGION 3

Russell Toning  
Regional Representative  
1500 Klondike Rd.  
Suite A109  
Conyers, GA 30094  
Phone: 770-761-3020  
Fax: 770-761-3022

## REGION 5

Luke Crosson  
Regional Representative  
4344 Albany Highway  
Dawson, GA 39842  
Phone: 229-995-6001  
Fax: 229-995-5605



## REGION 2

Robert Amos  
Regional Representative  
P.O. Box 8024  
Athens, GA 30603  
Phone: 706-552-4479  
Fax: 706-552-4486

## REGION 4

Keegan Malone  
Regional Representative  
3014 Heritage Rd. Suite 1  
Milledgeville, GA 31061  
Phone: 478-445-5766  
Fax: 478-445-4913

## REGION 6

Rahn Milligan  
Regional Representative  
151 Langston Chapel Rd  
Suite 700  
Statesboro, GA 30459  
Phone: 912-681-5241  
Fax: 912-871-1429

# **GSWCC PROGRAMS**



**Administration**

**Agricultural Programs**

**Urban Erosion & Sediment Control**

**Watersheds & Water Resources**





GEORGIA SOIL AND WATER CONSERVATION COMMISSION



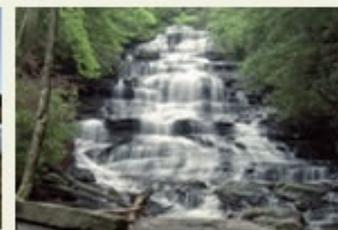
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## Welcome

The Georgia Soil and Water Conservation Commission (GSWCC) provides soil and water resource information; education; technical, financial, and planning assistance; and program oversight to locally led soil and water conservation districts, landowners/users, and local, state, and federal governments to maintain, conserve, and wisely use the soil and water resources for all Georgians.

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## Announcements

- [Temporary Telemetry Link](#)
- [2009 USGS Water Resources Annual Report](#)
- [2010 GSWCC District Supervisor Election Information](#)

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## How do I

- [Obtain an Aq BMP Manual](#)
- [Obtain a copy of the Green Book/Field Manual?](#)
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## Programs

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# Conservation Districts

District Law states that the number and geological boundaries of the Soil and Water Conservation Districts (SWCDs) shall remain as they existed on July 1, 1973 unless changed as hereinafter provided.

**Note:** The Conservation Commission has not approved any new Districts since March 18, 1983, when the Hall County District was created.

# Conservation Districts



# Conservation Districts

## Supervisor Appointments

- Elected District Supervisors must submit three nominees for each appointed position to the Commission.
- The Conservation Commission Board appoints one supervisor per county per district, except in Districts containing two or fewer counties, which are appointed two supervisors.
- Appointed District Supervisors hold a two-year term of office (or until a successor has been appointed).

# Conservation Districts

## Appointment Procedures

- The District Chairman is notified 90 days prior to a term expiration.
- GSWCC Regional Representatives will advise Boards of expirations at monthly meetings.
- The District Board selects 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup> choice recommendations and forwards them to the Commission at least 30 days prior to expiration.
- The GSWCC State Board will review recommendations and consider appointments at their next meeting.
- *Timeliness is important to ensure that terms do not expire before an appointment is made.*

# Conservation Districts

## Elected Supervisors



Elections are regulated and supervised by the Conservation Commission.

As elected State officials, Supervisors are subject to the constitutional provision that their office is vacated when they qualify for another state, county or municipal office.

# Conservation Districts

## Supervisor Terms of Office

- **Elected Supervisors serve 4 years** or until a successor has been elected and qualified.
- **Appointed Supervisors serve 2 years** or until a successor has been appointed.
- Vacancies for unexpired terms will be filled.
- Any Supervisor may be removed by the Conservation Commission upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

# Conservation Districts

## Supervisor Operations

- ◆ Each Supervisor designates a **Chairman** and reserves the right to change such designation from time to time.
- ◆ A **quorum** is formed by a majority of Supervisors of a District, and that majority is necessary to make determinations for the District.

# Conservation Districts

## Supervisor Operations

- ✦ With the approval of the Conservation Commission, Supervisors may **hire** employees and agents, permanent and temporary, as necessary, and may set qualifications, duties and compensation.
- ✦ Supervisors may delegate powers and duties to their chairman, supervisor(s), agent(s), or employee(s).

# Conservation Districts

## Supervisor Operations

- ◆ Supervisors must furnish copies of rules, regulations, orders, contracts, forms, and other adopted documents and information concerning their activities to the Conservation Commission as required by the Commission.
- ◆ Supervisors are entitled to per diem as set by the Conservation Commission.

# Conservation Districts

## Audits & Work Plans



### Supervisors must...

- ✦ provide surety bonds for all employees and officers entrusted with funds or property.
- ✦ provide for an annual audit of receipts and disbursements accounts.
- ✦ keep full and accurate record of all proceedings, resolutions, regulations and orders issued or adopted.

# Districts & Supervisors

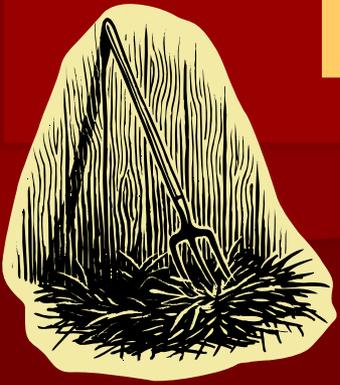
Districts are State Agencies and Supervisors are State Officials.

◆ Before Supervisors have the authority to exercise any powers conferred in this section, they must submit to the Conservation Commission, copies of programs, projects and operations and shall not undertake any work until the programs have been approved in writing by the Conservation Commission.

◆ Changes in programs may be submitted to the Conservation Commission for their approval.

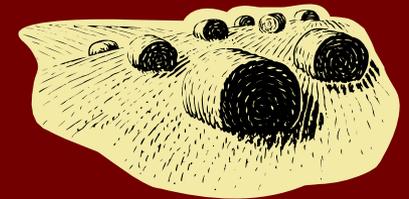


# Districts & Supervisors



## Responsibilities

- (1) Conduct surveys, investigations and research related to soil erosion and control measures for its prevention. Also provides for publication of materials to disseminate information concerning such prevention measures.
- (2) Conduct demonstration projects to show the means, measures and methods by which soil and water resources can be conserved.



# Districts & Supervisors

## Responsibilities

- (3) Carry out preventive and control measures to stop erosion with the consent of the owners or occupier.
- (4) Furnish financial or other aid to owners, occupiers, agencies or government within the District to prevent erosion.



# Districts & Supervisors



## Responsibilities

- (5) Districts may purchase, exchange, lease, gift, or otherwise property or rights or interest therein to maintain, administer, and improve properties and to receive income from such properties to be spent carrying out the purposes and provisions of this Act provided that **title to all property acquired is taken in the name of the State of Georgia.**
- (6) Districts may sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act.

# Districts & Supervisors



## Responsibilities

- (7) Make machinery and equipment, fertilizer, seed and seedlings and other materials available to landowners and occupiers, to help them conserve soil and water resources.
- (8) Construct, improve or maintain structures necessary for conservation.
- (9) Develop comprehensive plans for the Conservation of soil and water resources of the District.
- (10) Purchase, lease or otherwise administer soil conservation, erosion control or erosion prevention projects undertaken by State of Georgia, United States and any of their agencies.

# SWCDs

## District Notes

Each District must

- a) have a seal,
- b) have perpetual succession, unless terminated as hereinafter provided;
- c) make and execute contracts;
- d) and make, amend and repeal rules and regulations not inconsistent with this Act.



# SWCDs

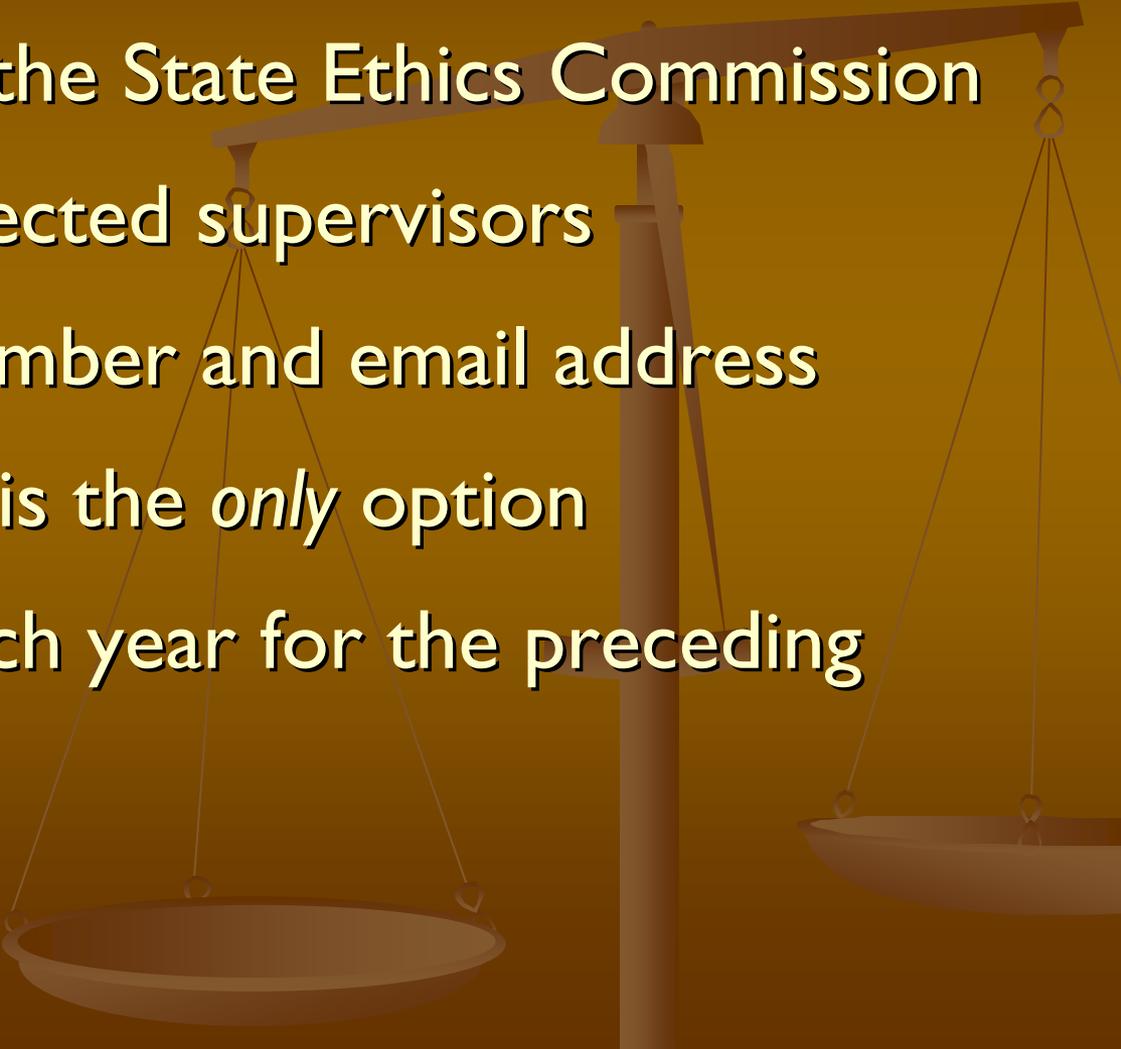
## District Notes



As a condition to extend benefits to landowners and occupiers, the District may require contributions and money, services, materials or covenants to implement and construct conservation practices and structures.

SWCDs are exempt from State, County and other taxation.

# Financial Disclosure Forms

- ❖ Administered by the State Ethics Commission
  - ❖ Required of all elected supervisors
  - ❖ Requires a pin number and email address
  - ❖ Online reporting is the *only* option
  - ❖ Due July 1<sup>st</sup> of each year for the preceding calendar year
- 

# Financial Disclosure Forms

## Information Requested

- ❖ Finances
- ❖ Business entities
- ❖ Real property ownerships
- ❖ Employment



# Ethics in State Government

**As State Government Officials,  
District Supervisors are expected to  
abide by a code of ethics.**



# Ethics in State Government

In 2003, Governor Perdue issued the Ethics Executive Order to maintain the public trust

- ❖ Orders that all employees avoid even the appearance of a conflict of interest
- ❖ Prevents employee acceptance of gifts over \$25, including food, lodging, and transportation, in order to influence an employee

# District Accountability

## Georgia's Sunshine Laws

### Open Meetings

- ❖ **ALL** meetings are open to the public.
- ❖ **ALL** actions are open to the public whenever a quorum is present.
- ❖ **Due notice** should be given at least 24 hours before the meeting by posting a notice at the meeting location and in the local newspaper.
- ❖ **Agendas** should also be posted.

# District Accountability

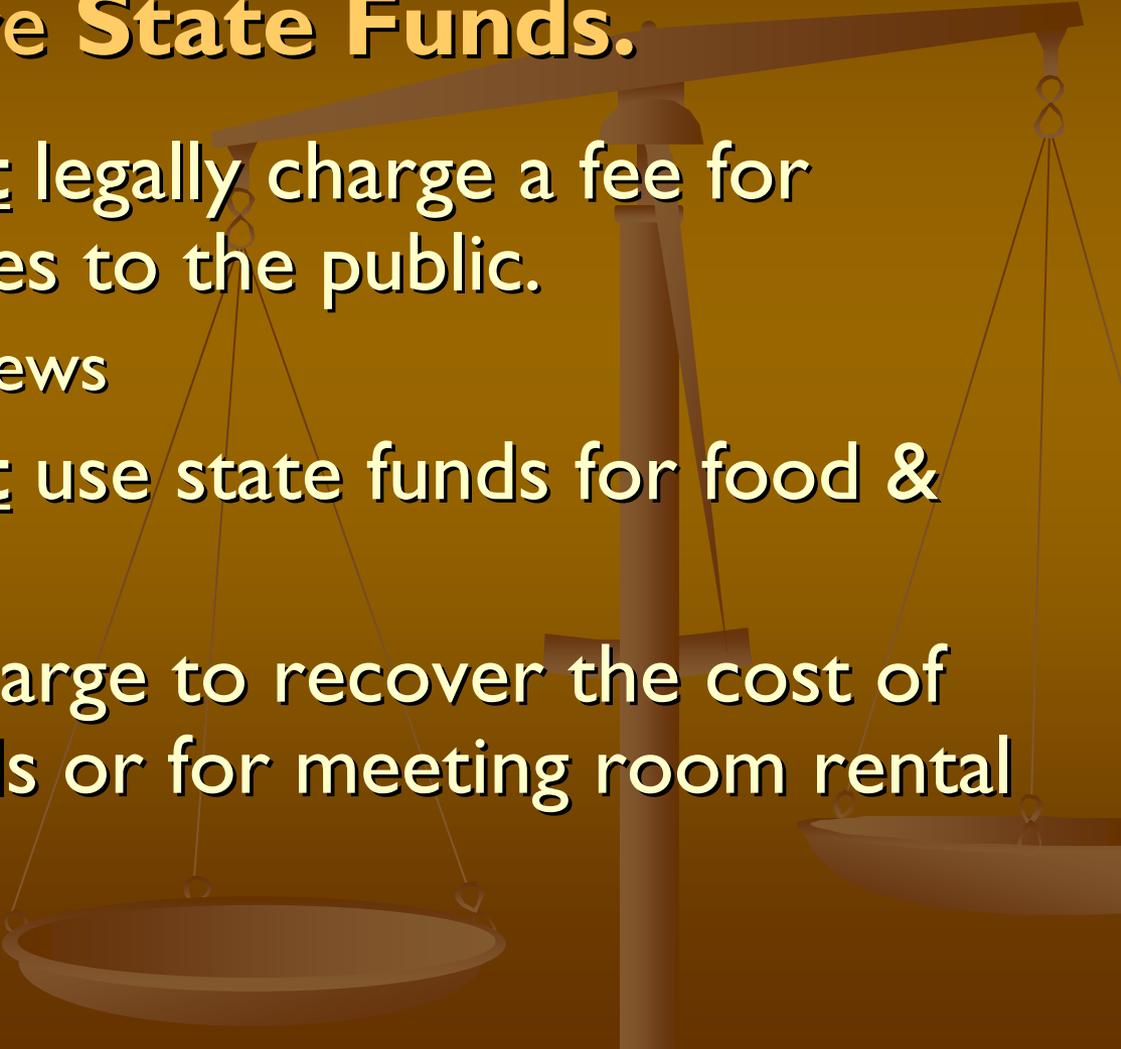
## Georgia's Sunshine Laws

### Open Records

- ❖ The public has the right to inspect and copy **ALL** public records (letters, approved minutes, photographs & computer-based information)
- ❖ Process for releasing information
  - ❖ Citizen makes a written request to the records custodian.
  - ❖ Custodian has 3 business days to respond and provide the records.
  - ❖ If the records are not available in 3 days, then the custodian must schedule a time with the citizen for review and copying of the records.
  - ❖ Custodian may charge an hourly rate (equal to the lowest paid employee who has access to the records) for search and retrieval of the records and up to 25 cents per copy.

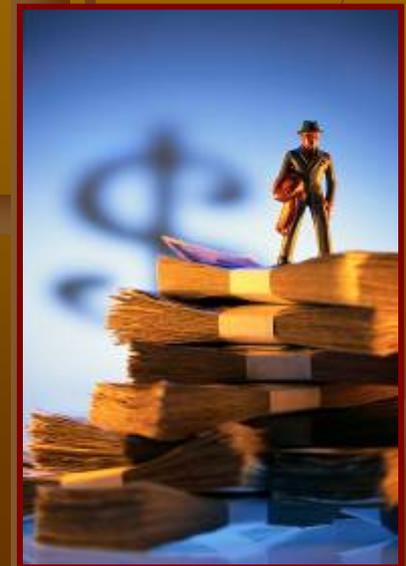
# Financial Accountability

## District funds are **State Funds**.

- ❖ Districts cannot legally charge a fee for providing services to the public.
    - E&SC Plan Reviews
  - ❖ Districts cannot use state funds for food & alcohol.
  - ❖ Districts can charge to recover the cost of printing materials or for meeting room rental expense.
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# Financial Accountability

- ❖ District audits should be conducted at least once each fiscal year (July) and submitted to GSWCC
- ❖ Plans of Work should include financial and contract details



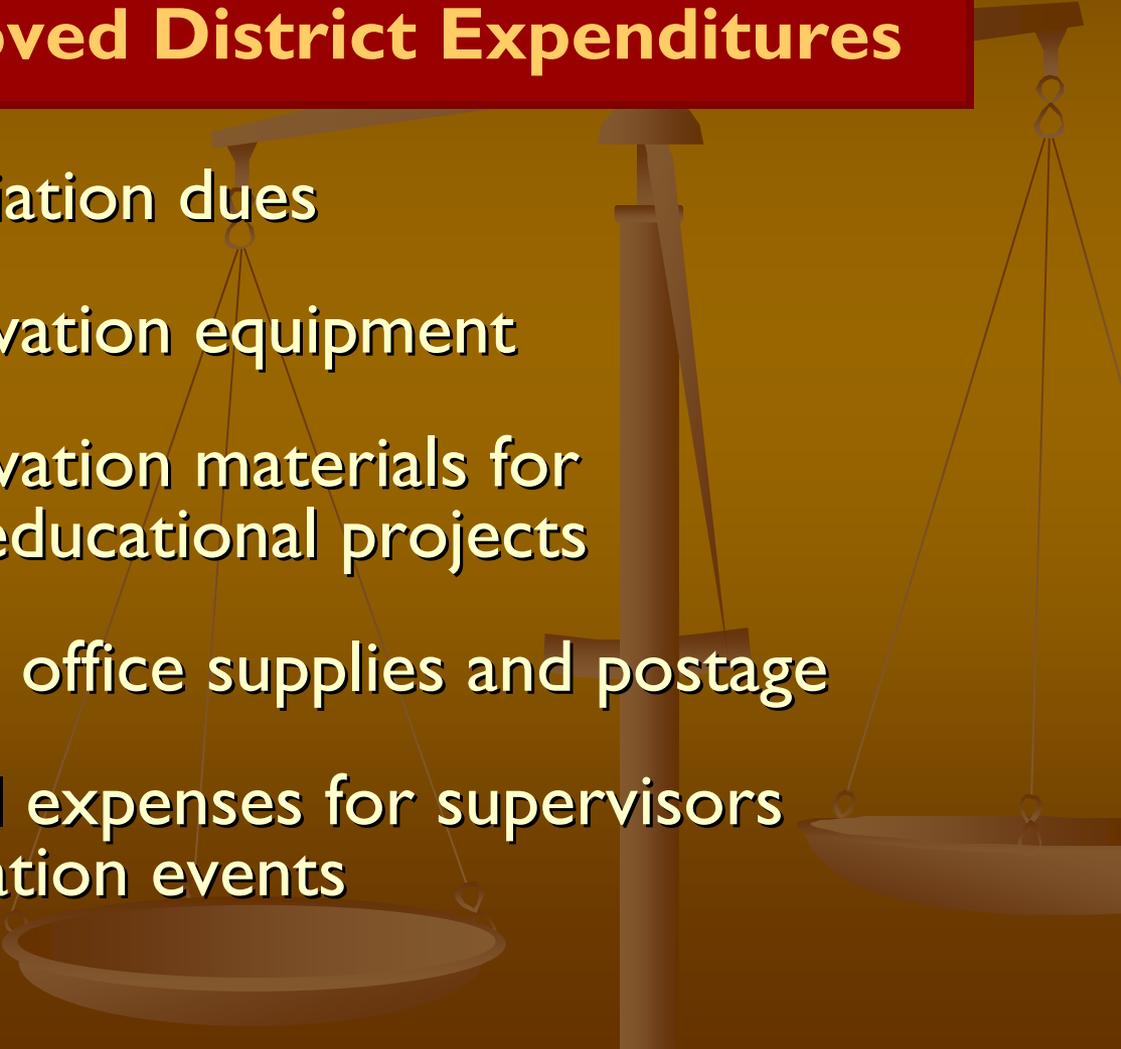
# Financial Accountability

Districts are encouraged to **apply for grants**

- ❖ District should be fully aware of the **reporting and financial requirements** when signing a contract.
- ❖ Consultation with GSWCC is strongly suggested **if employees will be hired** under the grant.
- ❖ GSWCC will work with Districts to provide timely and accurate **contract management** information when needed.

# Financial Accountability

## Approved District Expenditures

- ❖ Professional association dues
  - ❖ Purchasing conservation equipment
  - ❖ Purchasing conservation materials for demonstration & educational projects
  - ❖ Purchasing general office supplies and postage
  - ❖ Reimbursing travel expenses for supervisors attending conservation events
- 



**QUESTIONS?**

