

Chapter 4

SWCD Board Governance and Operations

2023 Ohio

**SWCD Administrative
Handbook**

CHAPTER 4 – SWCD BOARD GOVERNANCE AND OPERATIONS

This chapter is a comprehensive guide to the roles and responsibilities you have as an elected board member of an independent political subdivision of the state of Ohio. The information will assist you in conducting business within the scope of the laws and rules that govern soil and water conservation in Ohio with professionalism, efficiency and effectiveness. Several fact sheets and other helpful ancillary documents are referenced here and archived within this chapter.

SUPERVISOR RESPONSIBILITIES

Supervisors are the keys to the success of each and every district. Each supervisor has the important task of coordinating the efforts of all agencies, organizations, and individuals with responsibilities in natural resource conservation and development in your district. How well you conduct these affairs will be reflected in the accomplishments of the district. You represent those who elected you.

Soil and water conservation district business is essential. It demands your attention and leadership abilities. Your reward is the satisfaction in making a valuable contribution to the future welfare of your district. The very credibility and success of districts has been based upon local leadership. It works best when you give your best.

As a supervisor, you are an elected public official responsible to the people of your district and state. Like all public officials the rights and responsibilities of your office are laid out in the applicable sections of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) (These are outlined in Chapter 2).

The job of a supervisor is to:

1. Meet at least monthly as a board to carry out the official duties of your office and participate in other district related activities.
2. Request appropriate local leaders to meet with your board to discuss particular conservation problems and to inform them of the district's programs. These leaders may include:
 - State and federal agency representatives concerned with resource management;
 - Agricultural and civic organization leaders;
 - Local development groups;
 - Representatives of federal, state, and local organizations; and
 - Local, state and federal legislators
3. Know thoroughly the powers, authorities, and responsibilities placed upon you by Ohio soil and water conservation districts law (Section 940 of the Ohio Revised Code and other statutes). Keep in mind your responsibility to the people of the district to administer its program. Interpret these responsibilities as opportunities for the district.
4. Stay informed and up to date with the administrative and technical policies and actions of the Ohio Soil and Water Conservation Commission (OSWCC) by keeping in close contact with your assigned Program Specialist from the Ohio Department of Agriculture (ODA) Division of Soil and Water Conservation (DSWC).

5. Be familiar with and understand the land and water conditions within the entire district and the best management practices required to conserve and develop its natural resources.
6. Keep the strategic plan for conservation and development of natural resources of the district current and comprehensive. The planning process is discussed in more detail later.
7. Develop and carry out the annual plan of work for reaching the SWCD's objectives and goals as outlined in the strategic plan.
8. Arrange for help and cooperation needed to meet SWCD goals and objectives. Enlist assistance from all local, state, federal and other sources.
9. Establish sound policies and priorities concerning the work to be accomplished in conservation education and technical assistance on the land.
10. Hire capable district employees to carry out the daily work of the district. Provide each employee with an accurate job description and a copy of the district employment policy. Provide proper oversight for all employees. Ensure employees are evaluated at least annually and provide them with adequate training opportunities to allow them to remain current with the skills they need to be successful in their position.
11. Assign specific responsibilities, committee duties, or other responsibilities to individual members of the board, if doing so will contribute to the progress of the district. When needed, appoint additional associate supervisors and delegate responsibility.
12. With your strategic goals and objectives in mind, collaborate with other agencies and coordinate the District's activities with similar activities sponsored by those agencies. Enter into memoranda of understanding or working agreements as appropriate to coordinate these efforts.
13. Correlate the district programs with those of other agencies engaged in resource planning and development, such as planning commissions and the various divisions within the Ohio Department of Agriculture, Ohio Department of Natural Resources and Natural Resources Conservation Service (NRCS).
14. Responsibly manage all funds, facilities and equipment belonging to the district. Establish business procedures as necessary to facilitate planning, record keeping, and sound financial accounting and procedures.
15. Cooperate with other districts in multi-district resource activities, such as comprehensive regional planning, watershed development, river basin programs, resource conservation and development projects, and joint boards.
16. Exchange ideas on administrative procedures with other district governing bodies and adopt any ideas that offer promise of improvement.
17. Report to the public by mass media the progress and work of the district.
18. Prepare an Annual Financial Report and Notes as required by the Auditor of State and a District Annual Report of accomplishments as required by the OSWCC.

19. Demonstrate leadership and promote collaborative conservation projects and programming.
20. Keep current on regional, state and national conservation issues by supporting and participating in the programs and conferences sponsored by the Ohio Federation of Soil and Water Conservation Districts (OFSWCD) and the National Association of Conservation Districts (NACD).
21. Arrange for an annual meeting or other event to elect new supervisors and inform the public of the activities of the district.

ASSOCIATE SUPERVISORS

Each district should consider appointing associate supervisors to assist in carrying out the district program. With an increased number of people working on the district program, it is possible to establish committees to carry out various operational functions. These additional people will also expand the scope of district activities and programs. People with special talents can be chosen to do specific jobs.

Associate supervisors may serve on various committees to:

- Assist with operational activities of the district;
- Organize neighborhood demonstrations;
- Explain the district program to prospective cooperators and other interested individuals;
- Distribute soil stewardship material;
- Enlist affiliate members;
- Conduct watershed meetings and
- Assist with district annual meetings.

An excellent time to assign associate supervisors to specific activities is during preparation of the annual plan of work. Also, decisions on when associate supervisors should meet with the board should be made well in advance and become part of the annual plan of work.

Associate supervisors may be recruited on the basis of skills needed, geographic region of the district, population demographic, or their willingness to serve. Often, districts may have specific jobs that require particular training and may need individuals to fill this need. Also, districts may consider retired SWCD supervisors or professional people interested in community service to be associate supervisors. There is no limit on the number of associate supervisors a district may have.

Associate supervisors may be given as much responsibility as regular supervisors; however, they cannot participate in a board meeting as a voting member.

Being an associate supervisor provides excellent training for potential supervisors. Generally, it may take a supervisor several months to become acquainted with all the district activities. Being an associate supervisor provides individuals the opportunity to test their talent and determine for themselves the kind of contributions they can make to the district program.

RULES OF PARLIAMENTARY PROCEDURE

Supervisors of local soil and water conservation districts are busy people - most of them with full time occupations. Since the district may hold several meetings each month, supervisors are naturally interested in participating in well-organized and business-like meetings. A typical two-hour session should be sufficient to conduct the affairs of the district only if proper rules of order are observed.

When you serve as chairperson, it becomes your responsibility to conduct the business meeting. The chairperson should become familiar with the proper rules of parliamentary procedure and she/he should insist those rules be observed to assure an organized and highly productive meeting.

Each District should adopt a policy or rule on how they will conduct official meetings. A **Sample Policy on Rules of Order** is included in the appendix of this chapter. Most boards should find that utilizing [Robert's Rules of Order, Newly Revised](#), and the procedural flexibility that Robert's allows for small boards, or some similar "rules of order" will suffice for maintaining order.

To aid the chairperson in conducting board meetings, we offer the following condensed examples of parliamentary procedure rules:

To Make a Motion: The member addresses the chair, "Mr. or Madam Chairperson," and waits to be recognized. When recognized, the member states the motion, "Mr. or Madam Chairperson, I move to....." The chair then states the motion and requests a second to the motion. When moved and seconded, the chair restates the motion and opens discussion. The assembly may not discuss any other business until the motion is disposed of; when every board member has been allowed to discuss the motion and the chair feels there has been adequate discussion, the chair asks if the board is ready to vote? If any board member feels there has been adequate deliberation on the motion, they may informally ask for "the Question" the chair should then determine if the board is indeed prepared to vote on the motion at hand. The chair should restate the motion (or have the secretary or minute taker) read the motion, then takes the affirmative vote, then the negative vote and then announces the result. If the vote is not unanimous or the result is unclear, a roll call vote is taken and recorded.

To Table: This motion postpones the subject under discussion to a later time, when a motion "to take from the table" would be appropriate. Not debatable or amendable; majority vote is taken.

The Previous Question: This motion closes debate on the pending question when the debate becomes drawn out. "Mr. or Madam Chairperson, I move the previous question," this requires a second. The chairperson then asks, "Shall debate be closed and the question now be put?" If the motion is adopted by a two-thirds vote, the question is immediately voted upon. Not debatable.

To Adjourn: This motion is always in order except when a speaker has the floor, when a vote is being taken, after it has just been voted down, or when the assembly is in the midst of business which cannot be abruptly stopped. If all the items on the approved agenda have been disposed of and there is no further business, the chair may close the meeting by declaring; "seeing no further business before the board, the meeting is adjourned at (insert time).

To further assist the chairperson and the board a **Chair's Board Meeting Evaluation** and a **Simplified Parliamentary Procedure Table** are included in the appendix.

DUTIES OF SWCD OFFICERS

The district governing body should elect its chairperson, vice-chairperson, secretary, treasurer, and appoint a fiscal agent as soon as newly elected/re-elected board members begin their terms. Frequently the latter two offices are combined. Any elected supervisor can be an officer. Districts have found it advantageous to their program for officers to be rotated annually by promoting diversity in leadership and deepening board member understanding of SWCD finances and operations.

Duties of the Chairperson

Plan the order of business or agenda with the administrative assistant, district administrator and NRCS district conservationist prior to the monthly board meeting. Ensure that the finalized agenda and supporting documents are distributed to board members and others who requested it, at least one week prior to the meeting date. Additionally, the chair should:

- Preside at all meetings or arrange for the vice chairperson to preside.
- Open and close all meetings on time and insist on regular attendance.
- Call meeting to order. To announce the order of business, distribute a printed agenda. Recognize visitors and others present at the meetings.
- Handle the discussions in an orderly way:
 - Give every supervisor a chance to speak - one at a time.
 - Allow guests and staff an opportunity to contribute discussion where applicable.
 - Tactfully keep all speakers to rules of order and to the question at hand.
 - Allow for supervisors with opposing views equal opportunities to speak.
 - Encourage all supervisors to participate in the discussion.
 - Enter into discussion to give additional facts or information.
- State each motion before it is discussed and before it is voted upon. Put all motions that are properly moved and seconded to a vote and announce the outcome.
- Ask for motions. (For small boards, it is appropriate for the chair to make a motion and to vote on all matters.)
- Appoint committees, assign their responsibilities, and ask for their reports when due. OSWCC rules mandate the chair appoint a nominating committee annually. Doing so in January but not later than 6 months before the annual election is an effective routine to establish.
- At the close of your term of office, turn over to your successor the chair's material and explain his or her responsibilities.
- Make sure that all new supervisors and associate supervisors are properly informed and understand their duties.
- Set a good example by observing proper parliamentary procedure:
 - By calling the meeting to order properly and at the designated time.
 - By putting each question to a vote and announcing the outcome.
 - By giving decisions on any point of order.
 - By recognizing speakers and introducing visitors.

Duties of the Vice Chairperson

- Acts in place of the chair when needed and assumes other duties at the chairperson's request.
- In case of resignation or death of the chairperson the vice-chairperson serves as chair until the board is reorganized.
- Serve as chair of at least one standing committee.
- Consults with and advises chairperson on matters of program and policy.
- Act as program chair for arranging a special program for regular board meetings.

Duties of the Secretary

- Notify members of each meeting. Ensure the SWCD is following board policy regarding public and media notifications as prescribed in the Ohio Open Meetings Act.
- Provide the chair with a list of business items that should be placed on the agenda.
- Keep minutes of each meeting. (Make a complete record of all proceedings and supply the DSWC program specialist with a copy within 10 days of the meeting.)
- Keep a record of all committees, both standing and special. (Notify committee members of their appointment, if they were not present when appointment was made.)
- Sign all minutes and official records. The minutes should include:
 - Kind of meeting (regular, annual, special or emergency).
 - Name of presiding officer, date, hour, and place.
 - Attendance (supervisors, agency representatives, guests). If a large group appears, name the organization and list the spokesman. Those supervisors not in attendance should also be listed as "absent". The minutes should specify who was attending by teleconference, video conference, and who was physically present. Any vote taken in a meeting held by teleconference that is not unanimous shall be recorded as a roll call vote.
 - By law, official business cannot be transacted without a quorum - at least three supervisors.
 - Reports made at the meetings. (May be summarized, ask agency representatives and committees to make written reports when necessary.)
 - All motions, showing the person making the motion, seconds, and action taken. Best practices suggest showing the numerical score of the vote to ensure that motions pass with 3 affirmative votes as required by law.
 - All pertinent statements even though action was not taken.
- Initiate correspondence in behalf of the board as need arises.

Note: SWCD administrative staff can provide valuable assistance with many of the item listed above. Upon election to the office of Secretary, take the time to review these responsibilities with the board chair and decide which duties can be delegated to the staff.

Duties of the Treasurer

The district treasurer is responsible for the financial matters of the district, including the creation and maintenance of financial records. Only the treasurer or the fiscal agent and the appropriate district personnel should be authorized to sign financial documents authorizing the purchase of SWCD equipment or supplies or other financial transactions.

Specific responsibilities include:

- Maintain complete and accurate records of receipts and expenditures;
- Give periodic financial reports;
- Pay bills approved by the board and issue receipts for incoming funds;
- Maintain separate accountings of any funds the district may receive for a specified purpose;
- Assure all bills authorized for payment by the district board are recorded in the minutes of the meeting;
- Arrange for the bonding of the Board and all district employees through the blanket bond arrangement of the Ohio Federation of Soil and Water Conservation Districts or through another insurance provider;
- Support proper internal fiscal checks and balances by providing regular fiscal oversight of all SWCD transactions to ensure policies and procedures are being implemented as directed.
- Understand your requirements or annual exemption process for Center for Public Investment Management (CPIM) training required of public officials in charge of public funds as required by law from the Treasurer of state. Generally, if the SWCD only manages its funds through low risk checking, savings or state sponsored investment programs, board members who are signatories on those accounts can file annually for exemption from the training requirement.

Note: SWCD administrative staff can provide valuable assistance with many of the item listed above. Upon election to the office of Treasurer, take the time to review these responsibilities with the board chair and decide which duties can be delegated to the staff.

Duties of the Fiscal Agent

Each SWCD board must appoint a fiscal agent for the district. The fiscal agent is responsible for reviewing revenues and expenditures in tandem or in place of the treasurer. Also, upon recommendation and properly approved motion sign all checks and vouchers after the board of supervisors has authorized the expenditure.

Just like the treasurer or other board member given authority to sign SWCD financial drafts or other financial instruments, the fiscal agent must understand the requirements or annual exemption process for Center for Public Investment Management (CPIM) training required of public officials in charge of public funds as required by law from the Treasurer of state. Generally, if the SWCD only manages its funds through low risk checking, savings or state sponsored investment programs, board members who are signatories on those accounts can file annually for exemption from the training requirement.

Note: The fiscal agent does not have to be the treasurer for the district, however, the district may wish to appoint a supervisor who is more available to the office between board meetings either because she/he lives closer to the office or works near the office location.

EVOLUTION OF DISTRICT BOARDS

A Natural Transition from Hands-on to Managing

The first Ohio district supervisors would scarcely recognize the soil and water conservation districts of today. Those first inspired individuals had no budgets and no staff. None had gone before them to show them the way. They were building a program that began a 70-plus year journey that is still growing today.

A milestone that allowed tremendous growth in districts was the passage in 1959 of legislation by the Ohio General Assembly that began the state matching of local funds. The matching formula started a ratcheting effect that generated in excess of \$16 million local matchable dollars for district programs in 2019. Today districts employ approximately 600 full and part-time employees. The hiring and administration of those employees is the responsibility of district supervisors. How supervisors effectively manage budgets and staff has a direct bearing on the success of the overall program.

So how have district supervisors managed the evolution from no budgets and no employees to very large budgets with large staff carrying out a variety of very complicated programs? Some have handled the transition very well and others have struggled.

All dynamic organizations go through a natural evolutionary process as they grow, and districts are no different. The success of a district program, as it grows in complexity, will, to a great extent, be directly related to an evolutionary transition from direct involvement (hands-on) to management (policy setting). Some supervisors have found it hard to turn over responsibilities to staff fearing a loss of control. However, as a board sets rules and policy for the office, they are more in charge than ever before.

How will your District meet the challenges of the future? Begin managing for change and you'll find the transition from "hands-on" to "policy setting" a necessary and a positive experience.

SWCD HISTORICAL EVOLUTIONARY PROGRESSION

1942	1960	1980	2000 and beyond
No Budgets	Budgets Grow	Budgets Surge	Continued Increases
No Employees	1-2 Employees	3-7 Employees	8 > Employees
All Hands-On W/Supervisors	Management Begins to Turn Over Hands- On to Employees Begin Hiring District Administrators (DA)	Initiate New Programs Board Time Requirements Increase Set Policy and Direction DA's Given Greater Responsibility	Diversity of Programs Work Force Divided by Specialties District Staff Answers to DA DA's Answers to Board Board Answers to Public Admin. Policy & Format Moves District Ahead to The Future

BOARD GOVERNANCE: STAFF, BOARD AND CHAIRPERSON EXPECTATIONS

A Board Should Expect Its District Administrator Will:

1. Serve as chief operations executive of the organization.
2. Serve as professional advisor to the board.
3. Recommend appropriate policies for consideration.
4. Implement effectively all policies.
5. Inform the board fully and accurately regarding the program.
6. Interpret the needs of the program and present professional recommendations on all problems and issues considered by the board.
7. Develop a budget (in conjunction with the finance committee) and keep the board up to date on budget problems.
8. Recruit the best personnel, develop a competent staff, and constructively evaluate them.
9. Devote time to improve the staff.
10. Assist the board in developing and conducting community information programs.

A District Administrator Should Expect the Board Will:

1. Counsel and advise--giving the benefit of its judgment, expertise and familiarity with the local setting.
2. Consult with the executive on all matters that the board is considering.
3. Delegate responsibility for all executive functions.
4. Make all staff responsible to the District Administrator.
5. Share all communications with the District Administrator.
6. Provide support to the District Administrator and staff in carrying out their professional duties.
7. Support the District Administrator in all decisions and actions.

A Board and Administrator Should Expect Its Chairperson Will:

1. Provide leadership to the board in expediting the goals of the organization.
2. Guide the board in fulfilling its stated roles.
3. Chair board meetings effectively, assuring adequate discussion of all issues, but keeps the meeting moving.
4. Utilize the board's time efficiently and effectively.
5. Represent the board in supervising the District Administrator.
6. Supervise standing committee chairpersons.
7. Represent the organization in important matters that affect it.
8. Develop selected board members to assume future leadership roles in the organization.
9. Enhance the organization's image in the community.
10. Be a role model for other volunteers as demonstrated by the way she/he represents the organization.

Adapted from: The Institute for Conservation Leadership "Role of the Board" Workshop,
September 1999

STRATEGIC PLANNING

Conservation districts have untapped abilities organizationally. While districts are satisfying some traditional roles, they are often not connected to a greater network where conservation is pursued as a means of improving the quality of life. For example, nonpoint source water pollution is extensive, only recently has the public become aware of the causes, and there is a popular desire to address the problems.

Although well situated within local communities, many districts have not fully mobilized to address the myriad of conservation and environmental concerns affecting soil and water quality. Numerous local organizations devoted to environmental concerns have been created in recent years while the existence of a local conservation district may have gone unrecognized. Despite extreme variations among districts, as a whole, they have not always capitalized on the growing public interest in environmental quality. To preserve their role, SWCDs should regularly and aggressively redefine and promote themselves as vital units of government.

The need to effectively mobilize the district becomes more apparent when trends of cooperating agency funding and personnel are examined. In recent years both the Cooperative Extension Service and Natural Resources Conservation Service have faced reductions in funding, and support staff for these organizations are on the decline. By contrast district employees have increased in numbers. The need to effectively train and direct this added district staff is apparent, and many districts would benefit by developing strategic plans and initiatives to meet new responsibilities.

The above serve as indicators that districts need to engage in a strategic planning process that will address the above concerns, as well as others that may be raised by stakeholders during the process. Outcomes that could be realized through a strategic planning process include:

- A Mission and Vision for districts that is shared by board members and stakeholders
- Goals and strategies that will enable districts to realize their mission and vision, thus improving the environmental quality of the community. These goals and strategies need to be future oriented, measurable, and address issues and concerns identified by local stakeholders.
- Development and implementation of programs and activities that will enable districts to accomplish their goals and strategies.
- An organizational assessment that will enable districts to build on their strengths and deal with issues of funding, personnel, training, marketing, and relationships with other entities.
- Development of an accountability plan that will provide a means for evaluating programs and activities so program impact can be demonstrated.
- Productive relationships with cooperating agencies, other conservation and environmental organization and agencies that will result in improved community environmental quality.

Strategic Planning vs. Long-Range Planning

Strategic Planning is planning for the fulfillment of the organization's fundamental purposes. It includes:

- Establishing and clarifying purpose
- Deciding on goals, strategies whose attainment will help fulfill purpose
- Determining the major means and pathways to pursuing goals and strategies

It is based on a vision of what the world will look like in 3 to 5 years from now and the district role in it. The process involves inviting external stakeholders to join district supervisors and staff as

partners in the development of the plan. Together they engage in a process that will help the SWCD board:

- Identify and resolve issues;
- Assess the external environment for opportunities and threats;
- Assist the organizational environment for strengths and weaknesses; and
- Focus on goals that are action oriented, keeping many options open

Long-range planning is based on the assumption the world of tomorrow will look very much like the world of today, therefore:

- The existing mission and vision are still appropriate;
- The programs, services, and products that are being offered are still appropriate; and
- Funding and resource levels will remain the same.

Long-range Planning is usually done internally with traditional partners, without the involvement of external stakeholders or non-traditional partners. It focuses on:

- Goals and objectives, translating them into budgets
- An assumption that current trends both external and internal will continue
- An assumption of a most-likely future

How do we do Strategic Planning?

There are many models for strategic planning. Each involves a commitment of time and energy to be accomplished properly. Contact your Division of Soil and Water Conservation Program Specialist to provide additional resource information or help developing and/or facilitate strategic planning.

ANNUAL PLAN OF WORK

The SWCDs Annual Plan of Work (APW) is a tool created and used by districts to identify goals and keep track of its accomplishments on a yearly basis. Work and action items contained in the annual plan of work will include the results of workload and staffing analysis, goals and objectives from the SWCD strategic plan, and performance items within employees' standards of. There is no standard format for an "Annual Plan of Work," however the Ohio Soil and Water Conservation Commission has set minimum content standards for APWs and DSWC staff have created a template that meets the minimum standards when completed. This **APW template** is included in the appendix of this chapter.

Many SWCDs use "Annual Planning" meetings to help define the natural resource concerns within in the community. These can be combined with federal "Local Work Group" meetings required to be held annually within each SWCD by USDA/NRCS staff. In November 2016, the Conservation Partnership developed a model for combining these events. The outline for this model, **SWCD Planning Meeting & Local Work Group Model**, is included in the appendix of this chapter. This is your greatest outreach moment to discuss natural resource issues and concerns within the district. The district's strength is in the people it represents, so involve the general public in both the planning and implementation process.

An annual planning meeting may be broad in scope or may focus on just one program area. The format of these meetings can vary, but should be well-organized and a good use of participant time

and effort. Ensure that results and other products of the meeting are shared with those who attended. Contact your ODA Program Specialist for program format ideas and consider inviting them to act as planning meeting facilitators.

Employee Standards of Performance (explained in Chapter 6) can also inform the SWCD annual plan of work as to action items that need to be included. Some employee performance items that carry the responsibility for major events, programs and grants can often dictate a good portion of what goes into the Annual Plan of Work.

Strategic Planning and Long-Range Planning as described in the previous section helps to identify action items and time frames based on customer needs and critical issues. These documents should relate directly to the Annual Plan of Work and vice versa.

Not to be left out, of course is the expertise of both the supervisors and staff in setting accomplishments for the coming year. One way to build on these resources is to form committees. Committees or Teams are a good way to structure part of the annual plan of work. Some committees might function once and are done. Others might take longer. Here are some possible committees to consider:

Budget	Project	Drainage
Personnel	Education	Forestry
Annual Meeting	Easements	Wildlife
Nominating	Agronomy	Technology
Training	Urban	GIS etc.
Grant	Watershed	
Equipment	Employment Policy	

The Annual Plan of Work should be distributed to each Board member, staff member, and committee or team member and Program Specialist. One staff member should be delegated the responsibility for physically updating the Annual Plan of Work to note progress and revisions. Also, Ohio Soil and Water Conservation Commission policy requires the SWCD board review the APW document at least quarterly.

DISTRICT CORRESPONDENCE

Traditional Non-Digital Correspondence

As elected officials and public employees in the State of Ohio it is important to remember that all communications you send and receive that pertain to the management and work of your office are considered public records. As such they may be viewed by persons other than those for whom the records were created.

The correspondence sent by your office, as an employee or on behalf of your board, may be the first encounter a cooperator, partner agency or elected official has with your office. A well composed letter will convey to the reader the professional nature of your office and should instill a trust the issue at hand will be handled in an efficient and professional manner.

All correspondence should be sent on SWCD letterhead and signed by the appropriate person. It is best for a supervisor to sign the SWCD letters. However, if a supervisor is not available, the board can give the District Program Administrator or other staff the authority to sign on their behalf.

There are many excellent reference guides and textbooks on for the development of written communications, your district may wish to retain copies of some of these for staff and board use as well as maintaining stock templates and examples of common types of communication the district may use frequently.

For additional information **Guidelines for Traditional Non-Digital District Correspondence** is included in the appendix.

Digital Communications

A modern Soil and Water Conservation District could not function without the use of the latest technologies. Whether in the field or office, technology has changed how districts operate. Smart phones, email, webpages, social media, blogs and other software and applications have made communicating with cooperators and others easier and timelier. However, when using digital communications, you still need to maintain professional standards.

While email is often considered less formal than a paper letter sent regular mail, items such as grammar, spelling, and format standards should be maintained. A poorly written email filled with misspellings and grammatical errors will reflect badly on both the sender and the district as a whole.

Also, it is important to remember, all official communications sent to and from your office, including email and other forms of digital communications, are considered public records and should be maintained according to your retention schedule.

For more information, **Guidelines for Digital District Communications** is included in the appendix.

SWCD RECORDKEEPING AND FILING

SWCD Supervisors must ensure the proper maintenance of records of district activities because:

- There are laws that require records such as minutes, financial and annual reports and other work products be kept for public viewing as well as laws dictating records retention by government organizations;
- Records may have historical value (annual reports, newsletters etc.);
- Records may serve as evidence in case of legal action (concerning disputes over cooperative agreements, easements, employment policy changes, etc.);
- Records serve as a basis for making future decisions (district programs, cooperator plans, board minutes and policies, equipment rental, etc.).

A uniform filing system has been developed for SWCDs. We strongly recommend the use of this system since the material mailed to you by the Division of Soil and Water Conservation and the Ohio Soil and Water Conservation Commission is often coded according to this filing system.

A **Sample SWCD File Index** is located in the appendix.

RECORDS RETENTION

The Ohio Revised Code gives the State Archivist at the Ohio Historical Society (OHS) authority to administer the Public Records Program and develop guidelines for all public agencies of Ohio to follow for the Retention and/or disposal of Public Records. As determined by Ohio Attorney General Opinion Number 2013-006, Soil and Water Conservation District is not a County Office and is Subject to the Jurisdiction of a Special Taxing District Records Commission.

From the Ohio Revised Code:

“149.412 Special taxing district records commission

There is hereby created in each special taxing district that is a public office as defined in section 149.011 of the Revised Code and that is not specifically designated in section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised Code a special taxing district records commission composed of, at a minimum, the chairperson, a fiscal representative, and a legal representative of the governing board of the special taxing district. The commission shall meet at least once every twelve months and upon the call of the chairperson.

The functions of the commission shall be to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by any employee of the special taxing district. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section.”

The District should use the established procedures and correct forms provided by the OHS - Local Government Records Program (LGRP) to revise and maintain their Records Retention Schedule. The OHS-LGR program uses three forms for documenting the “public records” a District holds and those they wish or have disposed of:

- RC-1 “Application for One-Time Disposal”
- RC-2 “Schedule of Records Retention and Disposition”
- RC-3 “Certificate of Records Disposal”

The RC-2 “Schedule of Records Retention and Disposition” is the primary document that catalogs and describes the type of records a District maintains and the schedule for when those records can legally be disposed of. The RC-2 should be completed or revised by the District in consultation with their Records Commission.

Districts that have RC-2s on file prior to September 29, 2011; will need to continue submitting RC-3s for disposal until they have submitted a revised RC-2. For Districts with RC-2 forms that were approved by your records commission and submitted to the OHS-LGRP on or after September 29, 2011 may no longer be required to submit an RC-3 for certain types of records. Your approved RC-2 will indicate if the RC-3 is required for any of the types of records you wish to dispose of.

Your Records Commission must meet annually and approve of the disposal of any records, changes to your RC-2 or the submittal of an RC-1 or RC-3.

Recent legislation also allows for SWCDs to become part of the county records commission. However, this does not eliminate the responsibility to develop a SWCD records retention schedule. Contact your county records commission for details and guide should the SWCD consider joining.

The State Archivist assists local government agencies with establishing records management and archival programs through the Local Government Records Program (LGRP). Working through the seven Network Centers, the LGRP provides records related advice and assistance to local governments in order to facilitate the identification and preservation of local government records with enduring historical value. Please contact them and send forms to:

Ohio History Connection
State Archives Local Government Records Program
800 E. 17th Ave.
Columbus, OH 43211
614.297.2553
localrecs@ohiohistory.org

OHIO'S PUBLIC RECORD ACT

The Ohio public records act evolves from the principle that Ohio's citizens are entitled to access the records of their government. To advance that principle, the public records act is to be interpreted liberally in favor of disclosure. That means where the decision whether to disclose a record is unclear, a public office should disclose it. And if a statute expressly states specific records of a public office are public; it does not mean all other records of that office are protected from disclosure. Additionally, the exceptions to the public records act should be narrowly construed. If a record does not clearly fit within an exception, the public office must disclose the record.

Additional guidance in the form an **Ohio's Public Records Act – Common Questions** factsheet is included in the appendix.

For further information on the Ohio Opens Records Rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current [Ohio Sunshine Laws - The Yellow Book](#).

YEAR-END REMINDERS

Each year the ODA-DSWC SWCD Program Staff will update a list of year-end reminders that will be posted to the Division Website. The annual "Reminders and Resources" can be found on the Resources for SWCDs page under the SWCD Forms and Guidance tab at <https://agri.ohio.gov/divisions/soil-and-water-conservation/local-swcd-resources>

ANNUAL REPORTS

The Ohio Soil and Water Conservation Commission (OSWCC) require districts to submit an annual report. Since 2018, the OSWCC has utilized the Beehive program to meet the statutory “Annual Reporting” requirements in the Revised Code. The Division of Soil and Water Conservation will annually run the necessary “Queries” in Beehive to provide the OSWCC with the information that will constitute each District’s Annual Report.

Each District is also required to prepare two original copies of their Annual Financial Report and Notes, retaining one copy for their records and submitting the other copy to the Auditor of State no later than 60 days after the close of the fiscal year. Beginning in 2016, submissions to the Auditor of State is being done electronically through the Auditor of State’s Hinkle System. Additionally, digital copies of the report should be sent to the ODA Division of Soil & Water Conservation, Financial Program Manager and your ODA-DSWC, Program Specialist.

Since the district is legally responsible for carrying out a constructive program of resource use and conservation, they should also consider creating a locally produced annual report geared towards publicizing their achievements to local stakeholders, elected officials and the public at large. This “Annual Report” while using the data reported in Beehive as a basis for documenting the work completed can also include more narrative, graphics and pictures that will provide a complete picture of the districts accomplishments to local partners, funders and the residents of the district.

Your District’s Annual Financial Report and Notes and a well-prepared Annual Report as queried in Beehive will enable the Board of Supervisors to:

- Review their responsibilities in handling the district's affairs.
- Review their district’s financial situation and determine priorities based on expected budgets.
- Sum up the district’s activities and accomplishments in relation to the:
 - District’s Strategic Plan and/or Long-Range Plan
 - District's Annual Plan of Work
- Serve as a report to district cooperators, partners, and elected officials.
- Inform the ODA-Division of Soil and Water Conservation and others assisting the district.

The size and scope of desired distribution will govern the size and quality of your annual report; however, we encourage you to be transparent in what you are doing and deliver it in plain language. Remember marketing the district is a vital part of your programs. Public funds are used to operate the SWCD, use this publication to tell funders what you have done with those dollars.

In addition to distributing the report directly to cooperators, county commissioners, state legislators, state offices, and other interested parties, many potential cooperators and possible supporters can learn of your activities by coming in contact with and reading your annual report when distributed at other public meetings, other government offices, gathering places such as libraries and on your district’s website. Some SWCDs also opt to include their annual report in the newspaper or other periodicals.

OFFICIAL MINUTES OF THE DISTRICT

The SWCD meeting minutes are among the most important parts of the SWCD’s records. Many fail to realize that the minutes of SWCD board meetings are the only official record of actions and policies.

approved by the board of supervisors. Therefore, the minutes should be worded precisely and present an account and summary so those not in attendance can understand the extent to which matters were discussed as well as the subsequent actions.

As defined by law: “A public body must keep full and accurate minutes, which must enable the public to understand and appreciate the rationale behind the public body’s decisions. It must prepare the minutes promptly, file them, and maintain them for all public meetings.” Minutes are merely the record of actions; they are not actions in and of themselves. For example, if a public body fails to approve minutes of a meeting, that failure does not necessarily render all action taken during that meeting void.

Minutes do not have to be a verbatim transcript; however, they need to provide enough detail so the lay reader will understand the thinking of the board as to the decisions they make. Minutes are not taken while a board is in “executive session,” and no actions or formal decisions may be made while in an executive session.

Minutes of a public body’s meetings are to be made available for public inspection. And public release of information contained in the minutes, that has a certain stigma attached to it or would negatively affect the subject of the information, is not an invasion of privacy.

The board meeting minutes should be distributed to the supervisors in the packet sent to them with the next meeting's agenda and financial reports at least a week prior to the next board meeting.

The Ohio Soil and Water Conservation Commission policy requires a copy of all SWCD minutes be sent to your ODA-DSWC, Program Specialist no later than 10 business days after the board meeting.

SWCD Guidelines for Recording Official Minutes is included in the appendix.

OHIO'S OPEN MEETING ACT

Similar to the public records act, the Ohio open meetings act evolves from the principle that people must be able to observe the operations of their representative government. The Open Meetings Act is intended to require public bodies to take official action and to conduct deliberations upon official business in open meetings. The law is to be liberally construed with these goals in mind. There are limited situations, however, where a public body may adjourn into executive session to discuss matters privately.

Openness requires that the public be permitted to attend and observe all meetings of any public body. However, the Open Meetings Act does not provide attendees the specific right to be heard or speak at meetings, only to attend. Those wanting to address the SWCD board during a meeting should be directed to follow SWCD policy on requesting for time to speak at board meetings. Furthermore, a disruptive person waives his or her right to attend, and the body may remove that person from the meeting.

A **Sample – Policy on Public Comment at SWCD Board Meetings** is included in the appendix. The appendix also contains **Ohio’s Open Meeting Act – Common Questions**.

For further information on the Ohio Open Meetings rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current Ohio Sunshine Laws - The Yellow Book.

ANNUAL MEETINGS

Annual meetings are an important part of the soil and water conservation district program. This is an opportunity to showcase the SWCD accomplishments; recognize staff and partners and demonstrate the SWCD's leadership role in supporting the community. If your meeting is conducted successfully, those attending should leave with a sense of being a valuable stakeholder and beneficiary of the District program.

Here some suggestions for a successful annual meeting:

- Start planning well in advance.
- Welcome people as they arrive.
- Be prompt; start and end on time.
- Get the best meal for the money.
- Keep it short.
- Try a light program for a change. Long-winded, dry speakers are sudden death.

A Sample **SWCD Annual Meeting Checklist** is included in the appendix.

ELECTION OF SUPERVISORS

A summary of information related to SWCD Supervisor Elections is included in this chapter. The full provisions may be found in the Ohio Administrative Code sections 901:13-3-01 thru 901:13-3-05.

Supervisors are elected for three-year terms and take office January 1st. Ohio law stipulates the election of supervisors may be held by establishing well publicized voting places provided suitable notice of the election is made available to all landowners and occupiers of the district. An election must be held annually so that not more two supervisors' terms expire at one time. It is OSWCC policy the election ballot must have a list of candidates that includes at least one more candidate than the number of expiring terms to be filled unless the district can prove they have done their due diligence and were still unable find an additional candidate. The **"SWCD Nominating Committee Checklist"** which outlines the tasks to be performed to show due diligence is included in the appendix. Current seated supervisors, with expiring terms and wishing to continue service, must be nominated or petition to run just as potential candidates not currently on the board.

Candidate may be selected by a nominating committee formed in compliance with OSWCC rules. It is recommended this committee, at a minimum, be reconstituted each January or at least 6 months prior to the beginning of a district's election period to allow for the proper vetting of candidates. By rule, the nominating committee shall be composed of a minimum of three members. One member of the committee will be a continuing member of the board of supervisors appointed by the chair. The remaining two members are also to be appointed at the discretion of the chair, but they should be knowledgeable of SWCD operations. It is not recommended that district employees, NRCS employees, or other agency personnel be part of the nominating committee. However, the office staff can assist the nominating committee by preparing a slate of possible candidates for review.

Nominating Committee Responsibilities

- OSWCC policy requires nominating committees to offer a slate with the number of candidates exceeding the number of seats to be elected filled unless the district can prove they have done their due diligence and were still unable to find an additional candidate. Therefore, nominate at least two candidates for one seat and a minimum of three candidates for two seats to be filled.
- Contact the candidates in person to determine their willingness to be nominated and their ability to serve if elected. Consider a formal interview process or screening.
- Inform each candidate of the responsibilities that they will assume if elected. The committee member contacting the candidate should review the duties of a supervisor.
- All candidates nominated by the SWCD nominating committee and those nominated by petition must complete, sign and date the **“Statement of Candidacy Form” (EL-1)** and return to the SWCD office.
- **SWCD staff should keep the completed and signed EL-1** with the other election materials to turn over to the election official at the end of the 30-day SWCD election voting period.
- Ensure completed EL-1 forms, along with any properly completed **Candidate Nomination Petition (EL-2)** forms, **are submitted to the SWCD office not less than 35 days prior to the election period.**
- The SWCD staff, on the 34th day preceding the in-person election period, will take inventory of all valid petitions for supervisor received by the district. The SWCD staff shall complete the **District Supervisor Candidate Submission (EL-3)** form. Once the EL-3 is completed, the form should be scanned and emailed or mailed immediately to the Ohio Soil & Water Conservation Commission, so it is received no less than 30 days prior to the first day of the election period.
- **SWCDs not meeting election deadlines and form completion standards as prescribed in the rules may be subject to rescheduling of the election.**
 - **To be accepted by the OSWCC, EL-1 forms must be dated and received (date stamped) by the SWCD office no less than 45 days prior to the 30-day voting period.** Retain EL-1 forms at the SWCD office.
 - **To be accepted by the OSWCC, EL-2 forms must be received (date stamped) by the SWCD office not less than 35 days prior to in-person voting.**
 - **To be accepted by the OSWCC, the completed EL-3 form, including the list of candidates for the ballot must be received by the OSWCC not less than 30 days and no more than 35 days prior to in-person voting.**

Candidate Eligibility and Qualifications

A supervisor must be at least eighteen years of age and a legal resident of the district in which he/she is elected. When deciding upon a nominee test your choices against these criteria:

- Widespread knowledge of natural resources within the district;

- Leadership ability;
- Knowledge of persons living within the district;
- Complement the existing make-up of the board so all geographic, educational, gender, ethnic, and land use interests within the district are represented;
- Complement the existing make-up of the board so both youth and experience are represented;

Possess an interest in soil and water conservation district affairs; an

- Ability to make time available to adequately perform if elected. The time demanded of a supervisor is considerable. All supervisors are expected and should feel an obligation to attend:
 - Every district board meeting, both regularly scheduled and special meetings;
 - As many SWCD events as their schedule allows; and
 - OFSWCD Area and statewide meetings.

Nomination by Petition

Not less than 35 days prior to the conduct of the election, any legal resident of the District who is at least eighteen years of age may seek placement on the ballot as a candidate for a supervisor election by submitting a completed **“Candidate Nomination Petition” (EL-2)** form with ten valid signatures of individuals who are eighteen years of age or older, and who own or occupy land within the district where the election is to occur. All candidates nominated or self-nominated by petition must complete, sign, date and return to the SWCD office the **“Statement of Candidacy Form” (EL-1)**.

Conducting Elections and Voting

Voter Eligibility and Requirements - All owners and occupiers of land at least 18 years of age or older within the SWCD/county are eligible to vote for SWCD board supervisor. This includes legal residents of the SWCD/county, non-resident landowners, non-resident land occupiers, and representatives of firms, corporations, limited liability companies (LLC), or trusts located within the SWCD/county. All eligible voters must certify their status as an eligible voter by signature on the ballot application. Individuals may vote under each of the above listed applicable categories only once regardless of the number of parcels owned, or number of leases or properties rented. One LLC officer or representative may vote on behalf of an LLC, but members may not. A trustee or designee may vote for a trust, but not a beneficiary.

In-Person Voting – All eligible voters may cast ballots where the SWCD provides a polling area

- At a SWCD office during regular business hours within the published election period.
- At an SWCD event where an election area is provided and supervised.

Mail-in Voting – All eligible voters may obtain an official ballot application and election ballot by requesting one from the SWCD by the following request methods:

- Contact the SWCD office during the published election period. The SWCD will then mail the ballot application and election ballot to the person making the request. The ballot application and election ballot must be received by the last day of the 30-day election period. A person shall limit their request for their own personal ballot and to any qualified electors in the same household.
- In person at the SWCD during regular business hours within the published election period.

Notice of Elections

The SWCD shall provide public notice not more than 30 days and not less than 7 days prior to the first day of the 14-day election period within one or more newspapers of general circulation within the boundaries of the SWCD in which the election is being conducted or on the SWCD’s website. SWCDs may use the Election Notice Form (EL-4) as a template.

Obtaining Ballots

Official election ballots provided by the Ohio Soil and Water Conservation Commission must be used in conducting district elections. OSWCC rules require the SWCD to inform the Division of Soil and Water Conservation of the selected nominees not less than 30 days prior to the beginning of the voting period for the preparation of the ballots by completing and submitting the **“District Supervisor Candidate Submission (EL-3)”** form. Such a prepared ballot will have the names of those nominated arranged in alphabetical order, a place to mark the ballot before each name, and directions to vote for the proper number of candidates stated.

Additional Election Requirements:

- Election officials will submit the **“Election Results Form (EL-6)”** to the Ohio Soil and Water Conservation Commission.
- All ballots and ballot applications shall be delivered to the commission designated agent after the election has concluded and will be held for at least sixty days after the election has concluded. After such time, the ballots and ballot applications may be destroyed provided a challenge of the election has not been filed with the Ohio Soil and Water Conservation Commission.
- Boards of supervisors shall reorganize annually no later than the first meeting in January and the results of the reorganization shall be forwarded to the Ohio Soil and Water Conservation Commission prior to February 1st. Reorganizations may take place any time after the election.

Forms Required for Scheduling, Conducting, and Reporting Elections

All Ohio Soil & Water Conservation Commission election forms and an “Election Process & Procedures Guide” are available on the ODA Division of Soil and Water Conservation website within the **Resources for SWCDs page under the SWCD Forms and Guidance tab:**

<https://agri.ohio.gov/wps/portal/gov/oda/divisions/soil-and-water-conservation/local-swcd-resources/>

SWCD Election Designee Guidance
EL-1 Statement of Candidacy
EL-2 Candidate Petition Form
EL-3 District Supervisor Candidate Submission
EL-4 Election Notice
EL-5 Election Registry
EL-6-Election Result Form
EL-7 Voter Verification Form
SWCD Supervisor Election Timeline Calculator
Ballot
Example Ballot Return Envelope

FILLING SUPERVISOR VACANCIES

In case of death or resignation of an elected supervisor before her/his term expires, the vacancy may be filled by OSWCC appointment upon the unanimous recommendation of the remaining supervisors. If unanimous decision cannot be agreed upon, a successor to serve the remainder of the unexpired term shall be elected in the same manner in which his predecessor was elected.

The appointed supervisor cannot officially hold office until the Ohio Soil and Water Conservation Commission has officially acted upon the appointment and has been duly sworn into office.

Please use the “OSWCC Request for SWCD Board Member Appointment” form available on the Ohio Department of Agriculture Division of Soil and Water Conservation website within the **Resources for SWCDS page under SWCD Forms and Guidance tab**.

APPENDIX TABLE OF CONTENTS

- 1) Sample – Policy on the Rules of Order
- 2) Chair’s Board Meeting Evaluation
- 3) Simplified Parliamentary Procedures Table
- 4) Annual Plan of Work (APW) Template
- 5) Conservation Partnership Planning Model Outline
- 6) Guidelines for Traditional Non-Digital Correspondence
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- 8) Ohio’s Public Records Act – Common Questions
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- 10) Sample SWCD File Index
- 11) Sample – Policy on Public Comment at SWCD Board Meetings
- 12) Ohio’s Open Meetings Act – Common Questions
- 13) SWCD Annual Meeting Checklist
- 14) SWCD Nominating Committee Checklist

SAMPLE -POLICY ON THE RULES OF ORDER

Rules of Order Policy for the

_____ **Soil & Water Conservation District (SWCD)**

All meetings of the _____ SWCD and any established committees thereof shall conduct board business using the following rules of order. In the absence of any specific legal requirement or policy established by the Board, *Robert's Rules of Order, Newly Revised* (including those procedures and procedural flexibility that Robert's allows for small boards) shall apply.

However, the failure to follow Robert's Rules or any other local procedural rule(s) that have been set at the discretion of the Board shall not, standing alone, be construed to render any decisions made by the Board void, voidable, or otherwise invalid.

Duties of the Presiding Officer

1. At the appointed time and with a quorum is present at a meeting; the presiding officer shall call the meeting to order and proceed to board business. In the absence of a quorum (including as a result of the loss of a quorum during a meeting), the only official action that the Board may take is to adjourn the meeting.
2. It shall be the duty of the presiding officer at all times to preserve order at the meeting and to decide questions of order and parliamentary procedure, subject to an appeal to the Board by any two members.
3. The presiding officer has authority to make motions and vote just as other Board members do.

Motions and Discussion

1. Any Board member, including the presiding officer, shall be permitted to enter discussion on any subject on the meeting agenda. Limitations include:
 - (a) The presiding officer shall stop the discussion of a matter if the Board or committee previously agreed to limit discussions to a specified period of time and that period of time has been exceeded.
 - (b) The presiding officer shall stop any discussion that does not apply to the pending motion/subject matter.
2. Action on items of business will be taken by motion. In this policy, the term "motion" is intended to include any "resolution" of the Board. A motion stated by one Board member may be seconded by another Board member. The effect of seconding a motion is that the motion may thereafter be withdrawn or amended prior to a vote being taken only with either:
 - (1) The approval of a majority vote of the Board
 - (2) The approval by unanimous consent. Unanimous consent can be shown by verbally asking whether any individual Board member has an objection to the proposed amendment to, or withdrawal of, the pending motion.

Prior to a pending motion being seconded, the maker of the motion shall be entitled to amend or withdraw the pending motion until such time as a vote is taken.

(Disclaimer – this is a sample policy only, should your board choose to adopt it in part or in total it should be fully reviewed by the Board and/or their legal advisor.)

3. In the event a motion has been stated but not seconded, any Board member may make a "call for a second" any time prior to a vote being taken. If a pending motion is not seconded after a "call for a second" has been made, then the minutes of the meeting shall reflect that the motion "failed for lack of a second," and the presiding officer shall continue the meeting without a vote on that motion. If a main motion has received a second and a Board member wishes to dispose of the motion without a direct vote on it, the proper procedure is to make a secondary motion to postpone the main motion (either indefinitely or to a date certain), which motion also requires a majority vote in order to pass.
4. Board members are not required to obtain the floor prior to speaking or making motions.
5. Board members are not limited in the number of times they may speak to a question, except as the result of a motion to limit or end debate that has been adopted by the Board.
6. When extended discussion/debate is occurring over a pending motion, any motion to end or limit discussion/debate and move to a vote on the pending main motion must be approved by a two thirds vote of those Board members who vote on the motion. A motion to establish a specific time limit for discussion of an item of business that is set prior to the beginning of the debate/discussion (or to modify such a limit after the limit has been set) shall also require a two thirds vote.
7. A new motion shall be out of order while another motion is being discussed with the exception of appropriate secondary motions, such as the following: an amendment to the motion under discussion, a motion to adjourn, a motion to postpone the main motion (either indefinitely or to a time certain), a motion to refer the motion being discussed, or a motion to end or limit debate in order to reach a vote on the pending main motion.
8. Informal discussion of a subject is allowed without a motion pending.
9. No member shall be interrupted while speaking, unless he/she is out of order, or for the purpose of correcting mistakes or misinterpretations.
10. If any member acts in any respect in a disorderly manner, it shall be the privilege of any member, and the duty of the presiding officer to call him/her to order.

Voting

1. Voting may be by a yes or no voice vote by the members present at the meeting, except when a roll call vote is required by law or by Board policy, or when requested by the presiding officer or any member of the Board or committee. All votes on a motion to convene in executive session shall be by roll call vote.
2. Members may abstain from voting on a matter where they believe they have cause for doing so, but must announce their abstention. The names of members abstaining shall be recorded in the minutes of the meeting.
3. No Board member may cast a vote by proxy or by absentee ballot.
4. A motion is passed/adopted when a majority of the Board (3 affirmative votes) cast their votes in favor of the motion, except as otherwise required by law or by the Board.
5. On split votes, the names of the members voting with the minority shall be recorded in the minutes of the meeting. When a vote is taken by roll call, the minutes shall clearly reflect the vote of each voting Board member.

(Disclaimer – this is a sample policy only, should your board choose to adopt it in part or in total it should be fully reviewed by the Board and/or their legal advisor.)

6. A motion once voted upon, and whether defeated or adopted, cannot be reconsidered at the same meeting without the approval of a motion to reconsider by a majority of the members of the Board or committee. Any Board member who voted on the prevailing side of the vote on the original motion may make such a motion to reconsider the original motion.

7. A motion to rescind (nullify) any prior motion adopted by the Board at a subsequent meeting shall be handled as provided for in Robert's Rules of Order. Any motion to suspend the rules shall require the approval of a two-thirds vote of those members who are present at the meeting.

This policy, while setting forth procedural rules for the conduct of meetings of committees, it shall not be construed to grant any committee the power to take action on behalf of the Board

This policy shall be in force until such time as it is; rescinded, amended or replaced by the duly elected or appointed Board of Supervisors holding office at that time.

Adopted by the _____ Soil & Water Conservation District Board of Supervisors on:

Date: _____

Chair: _____

(Disclaimer – this is a sample policy only, should your board choose to adopt it in part or in total it should be fully reviewed by the Board and/or their legal advisor.)

CHAIR'S BOARD MEETING EVALUATION

TASK	YES	NO
1) Meet with the administrative assistant, district administrator, and others to plan the agenda at least one week before the meeting.	_____	_____
2) Call the meeting to order on time. Waiting for all five supervisors to arrive wastes the time of all those who arrived on time. Supervisors will respect the fact that all meeting begin promptly at the designated hour if this practice becomes the rule rather than the exception.	_____	_____
3) Announce the order of business by distributing typed agendas.	_____	_____
4) Introduce visitors present.	_____	_____
5) Guide the discussion in an orderly manner.	_____	_____
6) Give everyone a chance to speak -- one at a time.	_____	_____
7) Restrict comments to the question at hand.	_____	_____
8) Give "for" and "against" supervisors' equal opportunities to speak.	_____	_____
9) Encourage each supervisor to participate in the discussion.	_____	_____
10) On small boards, the chair may participate in the discussion; however, the chair should not monopolize the discussion.	_____	_____
11) State each motion before discussion and before the vote is taken.	_____	_____
12) Bring all motions to a vote and announce the outcome.	_____	_____
13) Call for motions as necessary.	_____	_____
14) Request a report from each standing committee.	_____	_____
15) Based on your boards policies or tradition, request the motion to adjourn or adjourn the meeting when all business is completed.	_____	_____
16) Decide all points of order raised by board members.	_____	_____
17) _____	_____	_____
18) _____	_____	_____

**If you have answered any of these questions "No" please review the resources available in this chapter and/or ask your Program Specialist for assistance.*

Simplified Parliamentary Procedures Table

Principle rules and orders of precedence governing motions.							
Order	Interrupt	Second	Debate	Amend	Vote	Applies to what other motions?	Can have other motions applied?
Privileged Motions							
1. Adjourn	No	Yes	No	No	Majority	None	None
2. Recess	No	Yes	Yes ¹	Yes ¹	Majority	None	Amend ¹
3. Question of privilege	Yes	No	No	No	None	None	None
Subsidiary Motions							
4. Postpone Temporarily	No	Yes	No	No	Majority ²	Main Motion	None
5. Close Debate (Question ³)	No	Yes	No	No	2/3 Vote	Debatable Motions	None
6. Limit Debate	No	Yes	Yes ¹	Yes ¹	2/3 Vote	Debatable Motions	Amend ¹
7. Postpone Definitely	No	Yes	Yes ¹	Yes ¹	Majority	Main Motion	Amend ¹ , close debate, limit debate
8. Refer to committee	No	Yes	Yes ¹	Yes ¹	Majority	Main Motion	Amend ¹ , close debate, limit debate
9. Amend	No	Yes	Yes	Yes	Majority	Reword Motion or Amendment	Close debate, limit debate
Main Motions							
10a. The Main Motion	No	Yes	Yes	Yes	Majority	None	Specific main, subsidiary
10b. Specific Main Motions							
Reconsider	Yes	Yes	Yes ¹	No	Majority	Main Motion	Close debate, limit debate
Rescind	No	Yes	Yes	No	Majority	Main Motion	Close debate, limit debate
Resume Consideration	No	Yes	No	No	Majority	Main Motion	None
INCIDENTAL MOTIONS							
Motions							
Appeal	Yes	Yes	Yes	No	Majority	Decision of Chair	Close debate, limit debate
Suspend Rules	No	Yes	No	No	2/3 Vote	None	None
Consider Informally	No	Yes	No	No	Majority	Main Motion	None
Requests							
Point of Order	Yes	No	No	No	None	Any error	None
Parliamentary Inquiry	Yes	No	No	No	None	All motions	None
Withdraw a Motion	Yes	No	No	No	None	All motions	None
Division of a Question	No	No	No	No	None	Main motion	None
Division of Assembly	Yes	No	No	No	None	Indecisive Vote	None

TECHNICAL OR EDUCATION PROJECTS	TIMEFRAME OR DATE	STAFF INVOLVED	MEASURABLE/QUANTIFIABLE EVENTS

INSTRUCTIONS:

- 1) If applicable, use the same **Goal Name** and **Goal Description** as indicated in your Strategic Plan or Long-Range Plan. Include indicators of success in measurable/quantifiable terms.
- 2) List all specific activities that will be pursued during the year to work towards reaching the **Technical or Education Projects**. List **Events** in specific measurable terms such as: number of presentations, feet of stream protected, or acres of cover crops planted.
- 3) These activities should be entered into Beehive so progress reports can be generated in Beehive to help the SWCD monitor its progress on these items.
- 4) Please make sure your Annual Plan of Work includes your Mission and Vision Statement.



Ohio Federation of
Soil and Water
Conservation Districts



Department of
Agriculture

Division of Soil and Water Conservation



November 10, 2016

Dear SWCD Board Members and Staff:

Development of an annual plan of work is a SWCD best management practice supported in policy by the Ohio Soil and Water Conservation Commission (OSWCC) and one that many Ohio SWCDs have benefited from for decades. Annual planning meetings as well as USDA Local Work Group meetings are conducted to gather much of the information used in development of SWCD annual plans of work and local priority setting for the USDA state technical committee. Too often in recent years these meetings have been held independently; SWCDs are asking the same stakeholders to attend both events where they are asked the same questions. Moreover, the results of these meetings are often used to create plan documents for the current year rather than planning for the future.

SWCDs now have an opportunity to resolve this redundancy and counter intuitive approach to annual planning. Ohio USDA NRCS, in 2016, set in motion an effort to realign the Local Work Group meeting timing so that information garnered from these meetings is now used for the following year's guidance to the State Technical Committee. This timing consistency makes it easier for SWCDs to coordinate Local Work Group efforts with their Annual Planning Meeting. We believe this will allow for better attended meetings with richer discussions as well as development of higher quality annual plans of work and State Technical Committee guidance documents.

The New Planning Meeting Model Proposal

To facilitate melding of local planning meetings with the local work group process, we are *proposing* a fresh model to annual planning. This is not a mandate, nor are we suggesting SWCDs overhaul their current planning. Rather, the new model's premise is to redirect the meeting outcomes to the following year's planning document.

To facilitate timely communication of outcomes with the State Technical Committee, meetings would need to occur no later than May 31 each year. This timing would allow SWCDs to conduct follow-up activities during the remainder of the year and provide adequate time for creation, review and completion of a SWCD annual plan of work ready for implementation beginning in January of the following year and submittal to the OSWCC.

Attached is a checklist and timeline of the essential elements of a new annual planning meeting model. We encourage you to discuss this at an upcoming SWCD board meeting and consider using this planning model. Also, don't hesitate to ask your ODA Program Specialist and NRCS District Conservationist for assistance as you begin your planning activities and transition to this new model.

Thank you for your consideration and for the continued high level conservation assistance provided throughout Ohio.

Sincerely,

Kirk Hines, Chief
Ohio Department of Agriculture
Division of Soil and Water Conservation

Kris Swartz, President
Ohio Federation of Soil and Water
Conservation Districts

Terry Cosby, State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service

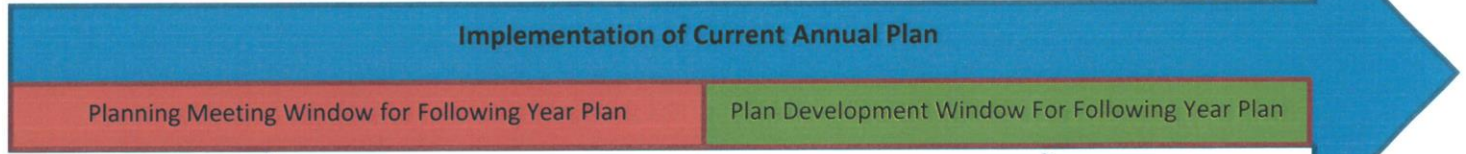


SWCD Annual Planning Meeting Model Elements

JANUARY 1

May 31

December 31



SWCD holds planning meeting sometime between January thru May 31, meeting local work group minimum elements. District Conservationist submits info for State Technical Committee consideration.

SWCD uses planning meeting results to research and compile additional info. Develops draft plan that can be used to submit back to stakeholders, use for viewing at annual meeting/election event or other venue. Prepare final draft for approval by December 31 and submit to OSWCC.

Strategic and annual planning are key elements of good board governance within all organizations whether small or large, public or private. And good board governance is the cornerstone of organizational success. For soil and water conservation districts and the boards that set the priorities, that success translates into meeting the needs of local land owners and land users by taking available technical, financial and education resources and strategically focusing them to support that effort.

Adhering to the elements within this checklist will ensure for a well-planned, well-run and effective event which meets or exceeds federal Local Work Group guidance and provides the SWCD with meaningful information for creation of a timely and useful annual plan of work document.

Items with an asterisk * are an essential element of local work group criteria. Information garnered at Local Work Group events not only assists with local SWCD planning, but the results are used to communicate to the State Technical Committee which best management practices are most needed in your community as they set the state priorities for federal Farm Bill program funding.

Timing and Notice

- *Meeting is scheduled once annually. Participants should be made aware that results of meetings scheduled before May 31 of each year will be used for SWCD and NRCS planning for the following calendar and program funding year, respectively
- *Public notice of planning meetings is recommended to be placed in one or more local newspapers no later than 14 days prior to the event and include the time, place, and agenda items for the meeting. SWCDs should also refer to their public meeting notice policy and provide notice as directed for special meetings.
- Provide notice concurrently on social media; websites and other SWCD marketing venues

Participation

- *Provide invitations and public notices to a diverse group to represent all land use, agricultural and natural resource issues existing in the local community. Include agricultural producers representing the variety of crops, livestock, and poultry raised within the local area; owners of nonindustrial private forest land, as appropriate; representatives of agricultural and environmental organizations; developers and planning agencies, and

representatives of governmental agencies carrying out agricultural and natural resource conservation programs and activities. Examples of key stakeholders groups include, but not limited to:

- Members of the county FSA committee and the FSA county executive director or designee.
- Cooperative extension (board members or manager).
- State or local elected or appointed officials.
- Other Federal and State government representatives
- Watershed Group Coordinators/Board members or chair
- School board members and superintendents
- Local Producer/Grower Group Members
- Community Development Members
- Local Planning/Zoning Commission staff
- Also be mindful of individuals with demonstrated ability to represent the conservation and related technical concerns of particular historically underserved groups and individuals including but not limited to women, persons with disabilities, socially disadvantaged and limited resource groups.

- *Participants should be encouraged to provide any additional written comments may be accepted if provided to the chairperson no later than 14 calendar days after a meeting.

Agenda and Activities

- SWCD board and staff along with the USDA/NRCS District Conservationist prepare the agenda. Activities include the following:
- Review current SWCD activities; encourage and record feedback/suggestions
 - *Identify priority resource concerns and identify, as appropriate, high-priority areas needing assistance. Include local, state and federal program funding needs and suggest appropriate conservation practices.
 - *Set aside time for all or a small group to recommend USDA conservation program application and funding criteria, eligible practices (including limits on practice payments or units), and payment rates.
- SWCD board chairperson brings the meeting to order, introduces the purpose of the meeting, reviews the agenda, initiates the discussion and provides a closing statement. SWCD and USDA staff assists with specific information gathering activities.
- Organize activities appropriate for the number of participants. For large groups, for example, small break out group discussions may be more effective. For smaller groups a roundtable discussion may work best.
- As available, use maps, aerial photography or other geospatial resources to assist participants in identifying specific areas of concern
- *Include time for each attendee with a chance to provide input
- *Delegate a staff person to record and prepare minutes

Post Meeting Activities

- Send participants thank you letters including information on how to receive copies of the minutes and/or final documents
- *Record any comments received within 14 days of the meeting along with the meeting minutes
- Prepare draft annual plan for review and finalize before the following calendar year
- *Transmit the USDA local working group's priority areas and funding requests to your NRCS District Conservationist as they will forward this information for State Technical Committee review.
- Submit Annual Plan of Work to OSWCC once completed. (No need to wait until Form 11 submission in May)

GUIDELINES FOR TRADITIONAL NON-DIGITAL DISTRICT CORRESPONDENCE

Preparing Non-digital Correspondence

- **Be complete:** Your letter should include everything pertinent to the question or problem. A good guide is to read the letter and consider what questions the addressee might have. Then have someone else read the letter to check for clarity.
- **Be clear:** Use the familiar word instead of the fifty-cent word. If technical words or phrases cannot be avoided, use them, but define them.
- **Use a conversational, friendly tone,** just as you would in person. Use "We" and "You" and other personal references. Use "We" instead of "I" whenever possible.
- **Make the sentences and paragraphs short** - but don't overdo it to the point that your letter sounds choppy. It's good to have "white space" on the page because this helps the reader remain interested in reading what you have to say.
- **Favor the active over the passive voice:** "We received your letter" is better than "Your letter was received." Better Still - "Thank you for the letter" They know you got the letter, and you will have made them feel appreciated, too.
- **Check with the author of letters before changes are made.** Usually your job will be to make the letter grammatically correct. But if you don't think the content of the letter is clear it probably isn't and should be reviewed by the writer.
- **Stay away from agency terms and names.** But if you are going to use acronyms, such as NRCS, ODNR, SWCD give the complete title in words first with the initials in brackets immediately after the words. As it is used later in a document then the initials can be used.
- **Use the necessary tools.** You will want to accumulate your own file of reference aids, including a good dictionary and a reliable manual on grammar. Whenever you are in doubt, check!

The following instructions apply specifically to SWCD correspondence:

- **District- paid postage stamps must be used.** District mail may not carry the "postage and fees paid" penalty indicated which is restricted to federal mail. That is until such a time as the federal agency is permitted to use general postage.
- **One officer or an employee of the district must sign correspondence** on behalf of the SWCD board of supervisors. A sample letter shown later in the chapter contains the general format suggested for district letters.

Sample of Signature Lines on District Letters

It is best for a supervisor to sign the District's letters. However, if a supervisor is not available, the Board could give the District Program Administrator or other district staff the authority to sign on their behalf. With the Board's approval you could sign the appropriate Board member's signature without having to put your initial beside their name. You could sign your own name, example:

*Terry Fields, Buckeye District Coordinator
On behalf of Buckeye District Board of Supervisors*

But remember, it is much better for a supervisor's signature to be on the Board's correspondence.

Guidelines for Digital District Communications

Digital Communications

Email, Social Media, Blogs, FTP, and APPS, are more than words, to many they represent the electronic media worlds we enter on a daily basis. There are an established set of “professional” standards and manners which should be used at all times.

As elected officials and public employees in the State of Ohio it is important to remember that all communications you send and receive that pertain to the management and work your office, are considered Public Records. As such they may and will likely be viewed by persons other than those that they were intended for. While many consider digital communications as a less formal way of communicating, many professional standards and common courtesies still apply.

Here are tips on what some have termed Netiquette:

Email is an essential part of our professional life. If you want your messages read, consider your recipient. That’s what the rules are all about.

- Think short: Limit the message to three or four paragraphs, tops, each with no more than four sentences. If you must include more, introduce points with short preview- for instance, “Deadline? Did I miss it?”
- Just the “Plain” Facts: Avoid the fancy formatting, flowery or colorful backgrounds, some people still use email programs that support plain text only. Also, what’s cool on your monitor may look like hell on mine.
- One person, please: If you’re sending an email to a large group of people, hide the recipient list to keep the file size down. It’s all right to use your email app’s carbon copy (cc) feature if you need to let everyone know who else is getting the message, but otherwise use the blind copy (bcc) feature. You can address the message to yourself (of leave the “To:” field blank, if your software allows it) and bcc everyone else
- Clean it up: Forwarded messages are overloaded with annoying brackets (>), extra spaces and returns.
- Risky attachments: Unless you know the person, don’t attach anything-images, programs, or Internet movies-to an email. If you must, and if the file’s larger than 1MB, be sure you get the recipient’s permission first. You can save yourself grief by setting your email program not to accept attachments over a reasonable size.
- Are you a groupie? Email, LISTSERV groups, Mailing listssound familiar? Under United States law, it is unlawful "to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement" to any "equipment which has the capacity (A) to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper." The law allows individuals to sue the sender of such illegal "junk mail" for \$500 per copy. Most states will permit such actions to be filed in Small Claims Court. This activity is termed "spamming" on the Internet
- Password or Passport? NEVER give your User ID or password to another person. System administrators that need to access your account for maintenance or to correct problems will have full privileges to your account. Never assume your email messages are private or that they can be read by only yourself or the recipient. Never send something that you would mind seeing on the evening news.
- Spreading the word or spreading manure? When quoting another person, edit out whatever isn't directly applicable to your reply. Don't let your mailing software automatically quote the entire body of messages you are replying to when it's not necessary. Take the time to edit any quotations down to the minimum necessary to provide context for your reply. Nobody likes reading a long message in quotes for the third or fourth time, only to be followed by a one line response: "Yeah, me too."

- Who do you think you are? Include your signature at the bottom of Email messages when communicating with people who may not know you personally or broadcasting to a dynamic group of subscribers. Your signature footer should include your name, position, affiliation and Internet addresses and should not exceed more than 4 lines. Optional information to include is address and phone number.
- You can almost hear the email talk! Capitalize words only to highlight an important point or to distinguish a title or heading. Capitalizing whole words that are not titles is generally termed as SHOUTING!
- Here' are some additional tips:
 - Never send chain letters through the Internet. Sending them can cause the loss of Internet access.
 - Complaint Department? Follow chain of command procedures for corresponding with superiors. For example, don't send a complaint via Email directly to the "top" just because you can. Be professional and careful what you say about others. Email is easily forwarded.
 - You can be rude without trying: It is considered extremely rude to forward personal email to mailing lists without the original author's permission. Also, attaching return receipts to a message may be considered an invasion of privacy.
 - Funny weird or Funny Ha? Be careful when using sarcasm and humor. Without face to face communications your joke may be viewed as criticism. When being humorous, use emoticons to express humor. (tilt your head to the left to see the emoticon smile) :-) = happy face for humor
 - More alphabet soup: Acronyms can be used to abbreviate when possible, however messages that are filled with acronyms can be confusion and annoying to the reader.
- Email rules to remember:
 - "e Responsibly!" The content and maintenance of a user's electronic mailbox is the user's responsibility:
 - Check Email daily and remain within your limited disk quota.
 - Email that relates to your work is considered a public record
 - Non work-related emails may be deleted to reduce storage requirements.
 - Keep messages remaining in your electronic mailbox to a minimum; move unwanted older messages to an archive folder where they can be stored until they can be deleted based on your records retention schedule.
 - Mail messages can be downloaded or extracted to files to be backed up for future reference.
 - Never assume that your Email is private and will only be read by yourself and the recipients; others may be able to read or access your mail.
 - Never send or keep anything that you would mind seeing on the evening news.
 - Keep files to a minimum. Files should be downloaded to your personal computer's hard drive or stored on CD's, USB drives or backup servers.
- Routinely and frequently virus-scan your system, especially when receiving or downloading files from other systems to prevent the spread of a virus.
- Your files may be accessible by persons with system privileges, so do not maintain anything private in your disk storage area.

OHIO'S PUBLIC RECORDS ACT – COMMON QUESTIONS

What is a "public record?"

A public record is a record held by a public office. A record is any item that is:

- stored on a fixed medium (such as paper, computer, film, voicemail, etc.); **and**
- created, received, or sent under the jurisdiction of a public office; **and**
- documenting the organization functions, policies, decisions, procedures, operations, or other activities of the office.

Are items such as photographs, videos, maps, voice mail and computer files "records"?

Yes. A public office has discretion to determine the form in which it will keep its records. But a record doesn't have to be paper -- any item, regardless of its physical form, is a record if it has the characteristics described above. Any material that a public office can or does rely upon in carrying out its duties may be a "record." However, **proprietary computer software is not a public record.**

What are "confidential records?"

In the public record context, the word "confidentiality" has different meanings. In short, public offices generally hold three types of records:

1. Public records that are not subject to any exception, which **must be released**
2. Public records that are subject to an exception, which **may be released** if the public office chooses to waive the exception
3. Highly confidential records the release of which is prohibited by law, **which must not be released**, even if the public office would like to do so. Exceptions to the public records act are to be **narrowly construed**

So, if a record does not clearly fit into one of these exceptions, a public office must disclose the record. There are fifteen expressly stated exceptions to Ohio's public records act and one 'catch-all' exception.

- Some of these exemptions are:
- Medical records;
- Trial preparation records;
- Confidential law enforcement investigatory records;
- Social Security Numbers

How does an exception to the Public Records Act apply?

When faced with a record that contains certain exempt information, a public office may redact the exempt portion of the record; the remainder of the record must be disclosed.

What records must a public office keep?

Under Ohio law, a public office may only create records that are "necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities." This standard appears to grant a public office a considerable degree of discretion in determining the records it will maintain.

However, this discretion is not absolute. And a public office is not required to create new records to respond to a public record request. For example, if a person asks a public office for a list of cases pending against it, but the office does not keep such a list, the public office is under no duty to create a list to respond to the request.

How does the federal Freedom of Information Act apply in Ohio?

No. The federal FOIA does not apply to state agencies or officers. If you want records from a state agency or officer, your request must be made pursuant to Ohio's public records act, which is codified in the Ohio Revised Code at 149.43. A request made to a federal office located in Ohio would be governed by the federal FOIA.

What are a person's rights and a public office's responsibilities under the public record act?

An individual has two basic rights, and a public office has two primary corresponding duties under the public records act:

1. Prompt inspection of public records; and
2. Upon request, copies of public records within a reasonable amount of time.

When must a public office allow inspection of records?

Inspection may occur at all reasonable times during regular business hours. Regular business hours means: established business hours.

Can a public office charge a person to inspect records?

No. The public records act does not permit a public office to charge the public for inspection of public records.

How much can a public office charge for copies of records?

A public office is limited in the amount it can charge for copies of public records -- it may only charge its actual cost, unless the cost is otherwise set by statute. Employee time may not be calculated into the charge for copying a public record.

Can requestors insist that they be permitted to make their own copies of public records?

No. The public records act does not require the public office to allow a requestor to make the copies.

What if the person requesting copies of records is indigent or refuses to pay for the copies?

A public office has no duty to provide copies of public records free of charge to someone who indicates an inability or unwillingness to pay for them.

Can a public office require a person to pay for copies in advance?

Yes. Many Ohio courts feel that pre-payment of copy charges is appropriate under the public records act.

What if the person requesting the copies insists the records to be mailed?

A public office has no duty to mail copies of public records, no matter what the requestor's circumstances.

What is a proper request for public records? Who can request public records?

Any "person," who includes corporations, individuals, and even other governmental agencies, may request public records. The requestor does not have to be an Ohio resident. And the person seeking the records may designate someone else to inspect or retrieve copies.

Does the request have to be in writing?

No. The law does not have any such requirement.

Is the motive of the requestor relevant?

No. Any person may obtain public records without having to state the reason.

Is undue burden or expense a valid excuse for a public office's non-compliance with a public record request?

No. A request cannot be denied or delayed on grounds that fulfilling it interferes with the operation of the public office. However, where a request unreasonably interferes with the discharge of the public office's duties, the office may not be obligated to comply.

If a public office is not sure whether a record should be released, is it best just to deny the request?

No. In the context of a public record request, automatically saying "no" almost always creates more problems than it solves. In all but the most routine situations, the right response to a public record request is that "we will be happy to allow inspection or provide copies to the extent permissible as soon as our staff legal counsel has had an opportunity to review the documents."

When confidential material in a record is mixed with material that is not confidential, should the public office withhold the entire record?

No. Simply redact the portions of the record that are exempt from disclosure; the remainder of the record must be disclosed. This issue arises most commonly when a request is made to inspect or copy **personnel files** of public employees. But absent an expressly applicable exception, such as the medical record exception, nearly all of the records in a personnel file are public record. **Social security numbers**, however, are protected by the federal Privacy Act (5 U.S.C. ~ 552a) and generally should be redacted.

Additional Information

For further information on the Ohio Open Records Rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current Ohio Sunshine Laws - The Yellow Book: an Open Government Resource Manual at <http://www.ohioattorneygeneral.gov/YellowBook>

SWCD Guidelines for Recording Official Minutes

Date of Meeting

Place meeting occurred - (Location; in-person or virtual)

Type of Meeting - (Regular, Special or Emergency)

Names of Supervisors present and absent

Names of guest and staff

Name of presiding officer

Call to order and time

Approval of previous minutes by following options:

Approved as read without vote

Approved as read with vote; minimum 3 affirmative

Approved as mailed without vote

Dispense with reading of minutes; minimum 3 affirmative

Minutes approved as corrected; minimum 3 affirmative

Minutes signed by Chairman, Secretary and Note Taker

(If neither is available other Board members can sign if they were there)

Treasurer's Report

Time covered

Cash in District and Special and Other i.e. Maintenance

Money received during report

Money paid out during report

All Account Balances

Contingent Liabilities from Employee Leave Balances and potential Unemployment Liabilities.

Unused leave totals for all employees should be approved monthly as listed in the minutes

Bills to whom and what for

Outstanding accounts receivable

Motion to accept Treasurer's report and bills be paid

Motion for bills to be paid must include statement of exact amount.

Motions (Need 3 affirmative votes to pass including Chairman's if necessary)

Indicate name of maker and second

Debate - recorded what is pertinent to the decision making process

Did it pass or not

Amendment to motion name of maker and second

Amendment passed or defeated

When voting via roll call, all votes are recorded for or against Required for Executive Sessions.

Appointments by Chairman i.e. committees, delegates

Correspondence received

Condensed committee reports (If written they can be attached to the minutes)

Motion to accept new cooperators or requests for assistance

List of new cooperators

Summary of staff reports

Adjournment: time, motion, who? passed?

Other items to remember:

Sunshine Law provisions affect all board conducted business.

Refer the Ohio Public Records Law and Open Meetings Act Handbook

Executive Sessions must be approved by a majority of the Board using a roll call vote.

The vote, by roll call, must be recorded in the minutes.

The specific reason for the executive session must be stated in the minutes (only 6 reasons).

Executive session must begin and end in open session. Note the time when open session ends and resumes.

No official board actions may be taken while in an executive session.

SAMPLE SWCD FILE INDEX

1.0 APPLICATIONS & AGREEMENTS
1.1 Cooperative Conservation Agreement - OSWCC No. 30
1.2 Group Request - OSWCC No. 31
1.3 Request for Assistance – OSWCC No. 39
2.0 DISTRICT ELECTIONS / REORGANIZATIONS
2.1 Election Procedures
2.11 Absentee Ballot request forms
2.2 Election Results
2.3 Supervisors, Current and Past (Permanent Record)
2.4 Reorganization Notices
2.5 Supervisor Handbook
3.0 LEGISLATIVE
3.1 Legal Opinions
3.2 Laws - S.B. 160, H.B. 88
3.3 Pending Legislation
3.4 Ohio Legislature & Congressional names/maps
4.0 MEMORANDUMS OF UNDERSTANDING
4.1 Local
4.2 State
4.3 Federal
5.0 BOARD MEETING MINUTES (PERMANENT)
5.1 Official Minute check sheet
5.2 Policies
6.0 OFFICIAL RECORDS AND DOCUMENTS
6.1 Charter of District (permanent)
6.2 Surety Bond renewal notices
6.3 Inventory
6.4 Employment Policies
6.5 Job Descriptions
6.6 Office Rental Agreement
6.7 Insurance Policies for equipment, space, liability
6.8 Licenses and Permits
6.81 Bulk Mailing Permit
6.82 Nursery Dealers License
6.9 Tax Exemption & Federal ID No.

7.0 SOIL & WATER CONSERVATION COMMISSION
7.1 Members, Organizational Chart
7.2 OSWCC Minutes (one year)
7.3 OSWCC Policy
8.0 OFSWCD BY-LAWS, POLICIES, OFFICERS
8.1 State Minutes
8.2 Committees
9.0 PLANS OF OPERATIONS
9.1 Strategic Plan
9.2 Annual Plan of Work
9.3 District Committee Assignments
10.0 BUDGET AND FINANCE
11.0 FUND MANAGEMENT GUIDELINES & RULES
12.0 SPECIAL FUNDS
12.1 Budget Requests and Records of Appropriations
12.2 Special Fund/Auditor's account
12.2 Certification of Fiscal Agent
12.2 Monthly Printouts
12.3 Special Fund Vouchers (1099's with voucher)
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13.1 District Vouchers
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22.6 Municipal

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SAMPLE SWCD FILE INDEX

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25.0	NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS
26.0	NATURAL RESOURCE CONSERVATION SERVICE
27.0	DEPARTMENT OF AGRICULTURE
27.1	Division of Soil and Water Conservation
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41.1	Ohio Farmer Conservation Awards Program
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41.4	Soil Stewardship
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61.0	Personnel-prior service record, form 20 (permanent)
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82.4	Expense Account Forms
83.0	DISTRICT CREATED FORMS
84.0	POLLUTION ABATEMENT
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85.2	Pollution Abatement Investigative Reports
85.3	Cost Share Forms
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86.0	SEWAGE SLUDGE
87.0	COMPOSTING
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SAMPLE - POLICY ON PUBLIC COMMENT AT SWCD BOARD MEETINGS

The public is welcome to make comments pertaining to the soil and water conservation district at any regularly scheduled _____SWCD board meeting.

The public will be given the opportunity to comment during the “Public Comments” portion of the agenda. Members of the public may make comments once per regularly scheduled meeting and limit comments to no more than five minutes in duration. Total participation will be limited to one hour unless the Board Chair allows for extra time with the time limit of no more than five minutes per person.

Persons are required to sign in with the Administrative Assistant 10 minutes prior to the meeting if they wish to participate in the public comment portion of the agenda. Persons wishing to speak must state their name and address for the record. If the number of people wishing to speak on the same topic exceeds the one-hour time frame allocated to “Public Comments” the Board Chair may ask that the group designate several spokespersons to relay the comments of the group.

All public comments and subsequent board action may be recorded in tape, digital audio and or video format and retained according the SWCD records retention policy. Written minutes will be recorded as well and filed in the _____SWCD Minutes book. Official copies of the minutes of any board meeting may be reviewed by the public upon request. Copies may be purchased at a rate equal to the cost of production.

If board action is warranted, the subject will be investigated following normal procedures by the Board, NRCS, and/or SWCD staff. After investigation, if the subject falls under SWCD jurisdiction, the item will be put on the next regularly scheduled SWCD meeting agenda.

Where warranted, and following investigation and the subsequent board meeting, a letter will be sent to the person raising the concern with results of the investigation and the Board’s recommendations. The Board’s decision will be considered final. The same concern shall not be presented again unless new information pertaining to the problem is presented.

Adopted by the _____Soil & Water Conservation District Board of Supervisors on:

Date: _____

Chair: _____

OHIO'S OPEN MEETING ACT - COMMON QUESTIONS

What are a public body's responsibilities under the open meetings act?

- **Openness.** All public bodies must take all official actions and hold all deliberations on official business in meetings that are open to the public.
- **Notice.** Depending upon the type of meeting, the public body must meet specific requirements for the timing and type of notice it provides to the public.

What is a "regular meeting?"

A regular meeting is a meeting that is held at prescheduled intervals, such as "the 1st Tuesday of every month, at 7:30 p.m. in Ag Center Conference Room." The notice requirement for a regular meeting is that public bodies must establish by rule (policy) a reasonable method allowing the public to determine the time and place of regular meetings. Any meeting other than a regular meeting is a special or emergency meeting.

What are the notification requirements of "special meetings?"

The notice requirement for a special meeting is that public bodies must establish by rule (policy) a reasonable method that allows the public to determine the time, place and purpose of a special meeting. The **rule must require at least 24 hours advance notification** to all media outlets that have requested such notification. Although the notice for a special meeting must state the purpose for the meeting, it may be for "general purposes." And if a public body wants to adjourn into executive session during a special meeting, the topic of the executive session should directly relate to some matter expressly included in the notice.

What is considered an "emergency meeting?"

An emergency meeting is a special meeting that is convened because a situation requires immediate official action. For this type of meeting, the **notice requirement is immediate**. The members of the public body must immediately notify all news media outlets that have requested such notice.

Can requests be made for notification of a meeting when certain types of business to be discussed?

Yes. A public body is to establish a method by which a person may sign up to receive notice of meetings when a particular type of business is going to be discussed. The method may require payment of a reasonable fee, and failure to pay that fee means that a person cannot complain about not receiving the requested notice. If the topic of a special or emergency meeting relates to the particular type of business that a person asked to be notified about, the notice should go to that person as well as the media.

For what reasons can executive session be held?

There are only eight valid reasons for a SWCD Board to adjourn into executive session, and they are listed in the open meetings statute.

1. **Personnel.** Consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or [to consider] investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licenses, or regulated individual requests a public hearing.
2. **Property.** Consider the purchase of property (real property and personal property, whether it is tangible or intangible). A public body may also adjourn into executive session to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a competitive advantage to the other side.
3. **Court action.** Discuss with the public body's designated legal counsel to discuss pending or imminent court action. A public body may not use this exception to adjourn into executive session for discussions with a board member who also happens to be an attorney -- the attorney should be

the duly appointed counsel for the District. **Note:** *by statute the County Prosecutor or their designee is the Districts Legal Council.*

4. **Collective Bargaining.** A public body may adjourn into executive session to prepare for, conduct, or review collective bargaining strategy. **Note:** *There are no current District employees with collective bargaining rights.*
5. **Confidential Matters.** A public body may adjourn into executive session to discuss matters required to be kept confidential by federal law, federal rules, or state statutes. **Note:** Cooperator records pertaining to their involvement in USDA programs would fall under federal jurisdiction and are not covered under the Ohio Open Records Act.
6. **Security Arrangements.** A public body may adjourn into executive session to discuss specialized details of security arrangements where disclosure might reveal information that could be used to commit, or avoid prosecution for, a violation of the law.
7. **Hospital Trade Secrets.** A public body may adjourn into executive session to discuss trade secrets of a county hospital, a joint township hospital, or a municipal hospital.
8. **A Veterans Service Commission** must hold an executive session when considering an applicant's request for financial assistance, unless the applicant requests a public hearing.

Are there restrictions on discussions held in executive session?

There are indeed restrictions on the discussions held in executive session. First, there can be no decision-making (actual voting) in the executive session. In fact, perhaps the only vote that may be taken during executive session is the vote on a motion to adjourn or recess the executive session. An executive session must always begin and end in open session.

What is the proper procedure for adjourning into executive session?

1. **Motion.** First, there must be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed. For instance, if the purpose of the executive session is to discuss one of the personnel-related matters listed in the personnel exception, the motion must specify one or more of the listed purposes it is going to discuss, i.e., "to discuss the dismissal of a public employee." It is not sufficient to move for an executive session to discuss "personnel." But the motion does not need to specify the person who is to be discussed by name.
2. **Second.** After the motion, there must be a second on the motion.
3. **Roll Call Vote.** A vote to adjourn into executive session must be made by roll call vote by a majority of a quorum of the public body. The vote may not be by acclamation or by show of hands. And the vote must be recorded in the minutes.

What are the rights and remedies under the open meetings act? What are the ramifications of violating the open meetings act?

- **A person is guaranteed the right to attend** a public meeting, **not the right to be heard** at that meeting. And a disruptive person waives the right to remain and observe the meeting.
- **Audio and video recording may not be prohibited**, but the public body may establish reasonable rules regulating the use of such equipment, such as requiring equipment to be silent, unobtrusive, self-contained, and self-powered to limit interference with the ability of others to hear, see, and participate.

Additional Information

For further information on the Ohio Opens Meetings Rules go to the Ohio Attorney General's Website for an Adobe PDF copy of the current Ohio Sunshine Laws - *The Yellow Book: an Open Government Resource Manual* at <http://www.ohioattorneygeneral.gov/YellowBook>

SWCD Annual Meeting Check List

Use this checklist when preparing for the annual meeting and election:

I. Planning the Program:	Yes	No
Was the date was set at least three months in advance of the meeting?		
Was the speaker contacted at least three months in advance of the meeting?		
Was the nominating committee appointed at least three months in advance?		
Did you have a welcoming committee?		
II. The Meeting Place:	Yes	No
Does the chosen facility provide ample space for your meeting?		
Did you rotate geographical areas within the district?		
Or always hold meeting in a central location?		
Will the heating/cooling system be adequate?		
III. Notice of Meeting and Publicity Used:	Yes	No
Was a special news releases about the meeting be sent to all local newspapers?		
Did local radio and TV stations announce the meeting?		
Was publicity started at least five weeks ahead of the meeting?		
Were supervisors, associate supervisors and other asked to sell tickets?		
Did you invite the local news media?		
Were cooperators notified through the district newsletter?		
IV. Conducting the Meeting:	Yes	No
Did the meeting start on time as advertised?		
Did a supervisor act as master of ceremonies?		
Did each supervisor participate in the meeting or have some responsibility?		
If a financial report was presented, was it brief?		
If an annual report was presented, was it brief?		
Were VIPs introduced--if so, was adequate planning done ahead of time?		
Was the legal election procedure followed?		
Did the meeting end on time?		
Were pictures taken?		
V. After the Meeting:	Yes	No
Were bills paid by check or voucher?		
Was the meeting given proper publicity after the event?		
Did the board and staff discuss the meeting at the next monthly meeting to list ways to improve the meeting.		

SWCD Nominating Committee Checklist

	Committee was organized and functioning six months prior to the SWCD election date.
	Committee consisted of at least three individuals that have knowledge of the district.
	Committee held at least one meeting after the organizational meeting to select possible candidates.
	The SWCD advertised to the public, by newsletter or through social media, the opportunity to be nominated as a candidate for the SWCD Board of Supervisors at least once within six months of the SWCD election.
	When requested by the nominating committee, SWCD staff suggested names of individuals to contact.
	Committee contacted and involved other local agencies and partners for input. (OSU Extension, local conservation groups, etc.)
	Committee has record of contacting at least four individuals about their willingness to serve on the SWCD Board of Supervisors, which must include new potential candidates not contacted previous years.
	Committee properly explained the role of a SWCD Board of Supervisors and provided written information about the district to each possible candidate.
	The SWCD made DSWC staff aware of the inability to recruit non-incumbent candidates at least sixty days prior to the election.