
CHAPTER 3

District Boards of Directors

The governing body of a conservation district consists of five district directors. Directors are public officials responsible for setting the priorities for conservation work within the district. Any person who has a cooperator agreement with the district or has applied for a cooperator agreement with the district and who is a registered voter within the district boundaries is eligible to serve on the board of directors. A director has both legal and ethical responsibilities to the local people.

Legally, directors must see that the Conservation District Act and laws regarding expenditure of funds by a public body are followed. Ethically, they are obligated to do the best possible job of using public funds and resources to improve the district's renewable natural resources.

The district files should contain a permanent record of all directors who have served on the board, stating the number of years served, whether the director was appointed or elected, and if elected, the position number.

AUTHORITIES AND RESPONSIBILITIES, LIABILITY, AND PROHIBITIONS OF DISTRICT DIRECTORS

Authorities and Responsibilities

District law sets out the authorities and responsibilities of the directors in Title 27A of the Oklahoma Statutes, Section 3-3-105. Directors can apply those general authorities to specific situations and thereby place the district in a position to provide a complete program of conservation services. Following is a partial list of authorities and responsibilities of directors:

- Promote sound land/water use and maintain a technically sound conservation program.
- Determine a method of finance to operate the district's business and supplement technical assistance to the district.
- Make efficient use of the technical and financial resources of the district.
- Develop and prepare a Long Range Plan and a Joint Plan of Operations for the district which sets forth priority of work to be carried out.
- Encourage and approve cooperator agreements and cancel agreements when necessary.
- Fulfill responsibility as project sponsors of upstream flood control structures as defined by PL-534, PL-566, and PL 106-472, "The Small Watershed Rehabilitation Amendments of 2000."

- Review conservation plans developed by Natural Resources Conservation Service personnel for district cooperators.
- Cooperate with and enter into agreements with other local, county, state, or federal agencies within the district when necessary and appropriate to provide programs to land users in the district.
- Cooperate with citizen groups and individuals on projects to promote conservation.
- Seek the cooperation and assistance of other governmental agencies and citizen groups in developing and implementing the district's program of conservation.
- Review legislation regarding conservation of soil and water resources of the district.
- Make available, either in cooperation with other groups or independently, agricultural or engineering equipment, fertilizer, seeds and seedlings, etc., to help cooperators carry out their conservation plan, on such terms as the district shall prescribe.
- Cooperate with state and national associations to promote conservation practices.
- Appoint and educate associate directors and youth boards as potential directors.
- Set district policy regarding employees, equipment, materials, services, funds, and all other aspects of the district's program.
- Provide necessary supervision over district personnel to ensure that records are maintained and that informational reports required by law or otherwise are properly executed and submitted.
- Administer the statewide Conservation Cost-Share Program.

Liability

Conservation districts may sue and be sued in the name of the district. However, directors and district employees cannot be held individually liable in a lawsuit so long as they were acting within the scope of their employment. Refer to Chapter 2 for information on director liability and legal counsel and Attorney General's Opinions.

Prohibitions

By law, as cited below, directors are prohibited from:

- Selling to or contracting to provide services for the conservation district. Neither can the relatives of district directors sell to or contract to provide services for the conservation district (O.S. Title 21 Section 482);

- Hiring a relative (O.S. Title 21, Section 481);
- Being employed by the district for a period of one year after their term on the board expires or they resign from the board (O.S. Title 74, Section 4257); and
- Serving in any other elective state or county office, except for a member of the board of education of a school district. However, directors may serve on municipal boards and councils and FSA county committees. (O.S. Title 27A, Section 3-3-201)

COMPENSATION TO DIRECTORS

Board Meeting Expense

Directors may receive meeting expense reimbursement at the rate specified by the Commission at the beginning of each new fiscal year for attendance at 12 regularly scheduled board meetings. This item is reimbursable from the district's allocation.

In the event that a board meeting is not held due to lack of a quorum, the directors who do show up at the canceled meeting may receive the board meeting expense.

A recommended director is eligible to receive the meeting expense after the Commission approves the appointment in a monthly meeting. An elected director is eligible for compensation after the term begins on July 1 following the district director election in June.

Actual Expenses

Directors may be reimbursed by the district for actual expenses incurred in the performance of their official duties. Such reimbursable expenses may include mileage, transportation, registration fees, meals and lodging. All reimbursements whether from locally earned or Commission-reimbursed funds must be documented with receipts and kept on file in the district office. Form OCC-5F, *Travel Claim*, is used for this purpose. Under no circumstance shall a director receive reimbursement for the same expense from both locally earned and Commission-reimbursed funds.

ORGANIZATION OF THE DISTRICT BOARD

At the July board meeting each year, the board of directors should reorganize and elect a Chair, Vice Chair, and Treasurer. Form OCC-3A, *Notice of Newly Elected Officers*, is due in the Commission office by August 1 of each year. Newly elected officers will assume the responsibilities of their new position at the close of the July board meeting. Directors are urged to rotate the offices to encourage active leadership of all board members. Responsibilities of officers are found in Chapter 4, Board Meetings.

The board of directors may form needed committees to take care of specific areas of the district's programs. For additional information on committees, see Advisory Committees found in this Chapter.

APPOINTED AND REAPPOINTED DIRECTORS

Two of the five directors are appointed by the Commission with one appointive term expiring each year.

Term Of Office

The term of an appointed director is from July 1 through June 30 for a period of two years. The Oklahoma Constitution, Article 23, Section 10 states “that all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.” Therefore, directors will continue to serve on the board until they are reappointed or a qualified successor is certified by the Commission.

Qualifications for Appointment

The Conservation District Act requires that a candidate for appointment as a director be a registered voter in the district and have a Cooperator Agreement with the district. The rules of the Commission provide individuals with an opportunity to apply for a cooperator agreement with the district making them eligible to serve as a director.

Qualifications for Reappointment

In addition to meeting the requirements for original appointment, the Commission requires that directors must attend at least seventy-five (75) percent of the regularly scheduled board meetings held during their immediate past term.

Recommendations for Appointment/Reappointment

Prior to the expiration date of the appointed director's term, the Commission will notify the district and request that the board make a recommendation for appointment or reappointment. This topic must be placed on the agenda for the next district board meeting and must be voted on by the board. The recommendation must be submitted on Form OCC-3B, *Recommendation for Appointment of Conservation District Director*, along with a copy of the Cooperator Agreement or Form OCC-2B, *Application for Conservation District Cooperator Agreement*.

Appointment/Reappointment by the Commission

When the Commission receives the completed paperwork for appointment/reappointment (Form OCC-3B and a copy of the Cooperator Agreement or Application for Conservation District Cooperator Agreement), the recommendation will be placed on the agenda for action by the

Commission. Following approval, the district will receive a Certificate of Appointment for presentation to the appointee. The Commission will send a news release to the local newspapers announcing appointment/reappointment.

Taking Office

Newly appointed directors are eligible to vote on district matters and to draw per diem for attending meetings only after the Commission approves the appointment and the Oath of Office and the Loyalty Oath have been administered.

Reappointed directors must be administered the Oath of Office and the Loyalty Oath at the beginning of the new term of office.

Administering Oaths

By law (O.S. Title 51, Chapter 1, Section 21), notaries public, justices, judges and clerks of district, superior and county courts and other courts of record, county clerks and their deputies, county commissioners and justices of the peace may administer oaths within their respective districts, counties or jurisdiction. The original oaths must be filed with the County Clerk's office and copies retained in the district files.

ELECTED DIRECTORS

Three of the directors on the board are elected by the registered voters in the conservation district. The elected positions are numbered 1, 2 and 3 with succeeding terms, so that one term expires each year.

Term of Office

The term of an elected director is from July 1 through June 30 for a period of three years. The Oklahoma Constitution, Article 23, Section 10 states "that all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified." Therefore, directors will continue to serve on the board until they are reelected or a qualified successor is certified by the Commission.

Eligibility Requirements for Candidate

By law, (Title 27A of the Oklahoma Statutes, Section 3-3-201(B)(3)) to be eligible to file for district director election, an individual must be a registered voter in the district and must be a cooperator of the district. The individual must either have a cooperator agreement with the district or apply for a cooperator agreement with the district. The district must accept applications from all who wish to declare themselves candidates and must not advise them as to their eligibility. The Commission is responsible for determining eligibility.

Taking Office

Newly elected directors will begin their term of office on July 1 of the year they are elected. They will be eligible to vote on district matters and to draw per diem for attending meetings on or after July 1 and after the Commission has certified the position and the Oath of Office and Loyalty Oath have been administered.

Reelected directors must be administered the Oath of Office and Loyalty Oath after the position has been certified by the Commission.

Administering Oaths

By law (O.S. Title 51, Chapter 1, Section 21), notaries public, justices, judges and clerks of district, superior and county courts and other courts of record, county clerks and their deputies, county commissioners and justices of the peace may administer oaths within their respective districts, counties or jurisdiction. The original oaths must be filed with the County Clerk's office and copies retained in the district files.

DISTRICT DIRECTOR ELECTIONS

Conservation district director elections are held each year on the first Tuesday in June, as established by law (Title 27A of the Oklahoma Statutes, Section 3-3-301 (A)), a day also designated as Conservation District Day.

Deadlines and Requirements

The district must meet the following deadlines and requirements for elected positions on the board each year.

- **March Board Meeting:** The board must set the dates for publishing the Notice of Filing Period and determine the newspapers to be used. This action must be recorded in the board meeting minutes.
- **April - First Three Weeks:** All districts must publish Form OCC-3D, *Notice of Filing Period for Election of District Director*, twice, one week apart, during the first three weeks in April. The district must then certify to the Commission that the notice has been published by sending in the Proof of Publication provided by each newspaper.

NOTE: If the board of directors has sufficient information to believe that there will be an election, the board may select polling places and the Election Committee members at their May meeting.

- **May - First Two Weeks:** All who wish to file for the position of district director must complete Form OCC-3F, *Notification and Declaration of Candidacy*, by close of business on the last day of the filing period. The form is to be made available to the public at the

district office or advise that it is available on the Commission's website. A copy of the applicant's Cooperator Agreement or Application for Cooperator Agreement must be attached.

- **May - Second Two Weeks:** If only one candidate files, no election will be held. If two or more candidates file, the district must notify the Commission and forward Form OCC-3F, *Notification and Declaration of Candidacy*, to the Commission office by close of business on the last day of the filing period.
- The Commission will notify the district whether candidates are eligible and whether an election is to be held.
- **Friday Before Election Day:** The Friday before election day is the deadline for a candidate to withdraw from the election. If the withdrawal leaves only one candidate, notice should be posted at each polling place. If there are still two or more candidates, notice should be posted at each polling place and prior to the opening of the polling place the Precinct Committee must mark out the name on each ballot of the individual who withdrew.

When No Candidate Files for Election

If no one files for the elected position, the district will notify the Commission in writing that no one filed. The district will submit a recommendation to the Commission for appointment to the position. Please refer to the section titled **APPOINTED AND REAPPOINTED DIRECTORS** for procedures for appointment. However, the director serving in the position currently will continue to serve until a successor is certified by the Commission.

Board Meeting to Prepare for Election

If the district did not have knowledge of an election at the May board meeting, a special meeting should be called as soon as possible to make necessary arrangements. The board will need to:

- Determine the newspapers to publish the Notice of Election
- Designate polling places (see Polling Places)
- Appoint a District Election Committee (see District Election Committee) to have charge of the election.

Notice of Election

The board of directors must publish in a newspaper of general circulation Form OCC-3G, *Notice of Election*, two times, one week apart, with the last notice to be published five days prior to the election. The board should determine the newspaper(s) to be used for publication. Districts must verify to the Commission that Form OCC-3G (05/09), *Notice of Election* was published by submitting the Proof of Publication provided by each newspaper.

Polling Places

The board should determine the location of the polling place(s) and forward a list of the location(s) to the Commission office for approval immediately using the following criteria:

- One must be in the city/town the district office is located.
- Additional locations must be in areas to reflect all areas of the district.

Ballots

Ballots shall be printed by the Commission based on the number of polling places and mailed to the District Election Committee Chair who will distribute them to the precinct committees within four days prior to the election.

The used ballots must be returned to the Commission along with completed Forms OCC-3I, OCC-3J and OCC-3K in a sealed envelope. The unused ballots will be counted, that number recorded on Form OCC-3J, and then the unused ballots will be destroyed by the District Election Committee. Ninety days after the newly elected director is certified by the Commission, used ballots will be destroyed. No challenge or irregularity will be accepted after that time.

District Election Committee

The board of directors shall appoint three people to the District Election Committee to supervise and conduct the election. The name of the Committee members should be sent in writing to the Commission immediately for approval. One person should be named Chair of the District Election Committee. The County Election Board can be very helpful in the election procedures. The board of directors, their immediate families, and district employees cannot serve on either the District Election Committee or Precinct Committee(s).

The Committee represents the Commission in supervising and conducting the election. The Oath of Office can be administered to the District Election Committee by any officer authorized to administer oaths. Signed copies of Form OCC-3H, *Oath of Office for Election and Precinct Committees*, are filed in the district office. See **Administering Oaths** for those authorized to administer oaths.

The District Election Committee shall:

- Appoint a precinct committee for each polling place. Each precinct committee shall consist of an Inspector, a Judge, and a Clerk. The District Election Committee shall furnish to the Commission the names of the precinct committee members for each of the polling places. The District Election Committee may also serve on a precinct committee, but an individual serving on both committees may receive only one wage per hour. If only one polling place is authorized, the District Election Committee will serve as Inspector, Judge, and Clerk.
- Make every effort to conduct the election to enable the largest number of registered voters to participate in the election.

- Provide each precinct committee with needed supplies for each polling place. All materials will be provided by the Commission for use by the District Election Committee with the exception of ballot boxes. Ballot boxes may be obtained locally from the County Election Board.
- Accept from the precinct committee(s) a completed Form OCC-3I, *Letter of Transmittal*, immediately following the election. The District Election Committee will then tabulate the results from the form and complete Form OCC-3J, *Report of Official Returns*. The District Election Committee must then mail all of the following to the Commission:
 - Form OCC-3I, *Letter of Transmittal*
 - Form OCC-3J, *Report of Official Returns*
 - Form OCC-3K, *Affidavit of Registered Voter*
 - All used ballots
- After entering the number of unused ballots on Form OCC-3J, destroy the unused ballots in the presence of at least two members of the board of directors.
- In the event of a challenge of the election results, determine whether a voter is a registered voter, meeting the following requirements:
 - A citizen of the United States
 - A resident of the State of Oklahoma
 - A resident of the conservation district in which the election is occurring
 - Over 18 years of age
 - Has never been convicted of a felony for which a period of time equal to the original judgment and sentence has not expired or for which he/she has not been pardoned
 - Is not currently adjudicated as mentally or legally incompetent by an appropriate district court and is not a mentally incapacitated or mentally ill person, as defined by Section 1-103 of Title 43A of the Oklahoma Statutes

Precinct Committee(s)

The members of a precinct committee(s) as named by the District Election Committee shall:

- Take and sign Form OCC-3H, *Oath of Office for Election and Precinct Committees*, administered by any officer authorized to administer oaths.
- Keep the polls open during the hours of 7:00 a.m. through 7:00 p.m.
- Allow all registered voters to vote at any polling place within the district that is most convenient.
- Permit no loitering within 50 feet of any election box or the place where such election is being held.
- Require that each voter appear in person (no absentee votes shall be accepted) and sign Form OCC-3K, *Affidavit of Registered Voter*, before voting.

- Provide assistance to any registered voter in casting the ballot only upon request by the voter.
- Provide that ballots are marked with indelible pencil or ink.
- In the event of the withdrawal of a candidate, post notice at the polling place. If there are still two or more candidates prior to the opening of the polling place, mark out the name on each ballot of the individual who withdrew. If only one candidate is left, post notice at each polling place stating that a candidate withdrew; therefore, no election will be held.
- Immediately upon the closing of the polls, tabulate votes cast at the polling place and complete Form OCC-3I, *Letter of Transmittal*. The Form OCC-3I, all voting ballots used and unused, and Form OCC-3K, *Affidavit of Registered Voter*, shall be placed and sealed in an envelope and delivered to the District Election Committee.
- Make the results of the election at the particular polling place public by posting in a conspicuous place at the polling place a copy of Form OCC-3I, *Letter of Transmittal*.

Compensation to District Election and Precinct Committee

District Election Committee and Precinct Committee members will be compensated for the time spent in conducting the election at the rate paid by the County Election Board. Committee members must submit Form OCC-3L, *Claim Form - Special Assistance for District Director Election*, to the district prior to payment. One member per polling place may receive the prevailing mileage rate for securing and delivering election supplies. Any individual filling two functions can receive only one wage per hour.

Certification of Elected Director

The Commission must receive election results no later than four days after the election. The Commission must, by official action, certify each individual receiving the majority of votes as duly elected. The Commission will then forward a Certificate of Election to the conservation district. The Commission will also send a news release to the local newspaper(s) regarding the results of the election.

District Election Expenses

All election expenses incurred by the district are reimbursable. The district must submit an OSF-3 Form, with back-up documents, to claim for reimbursement. Election expenses will not be deducted from the district's allocation.

VACANCIES ON THE BOARD

All vacancies on the board, whether appointed or elected positions, are filled by appointment by the Commission. Upon vacancy by any cause, the board must notify the Commission at once. During

a board meeting, the board will make recommendation for appointment to the vacant position. Please see section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on submitting the recommendation. The Commission will appoint a replacement and will provide a Certificate of Appointment for presentation to the appointee during a board meeting.

Resignation of a District Director

Directors shall submit a letter of resignation to the district board. However, as stated in subheadings **Term of Office** under **APPOINTED AND REAPPOINTED DIRECTORS** and **ELECTED DIRECTORS**, directors will continue to serve until their successors are appointed by the Commission or elected by registered voters.

Death of a District Director

Immediately upon the death of a director, the district must notify the Commission. Please review section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on filling the position.

Removal For Cause

Any director may be removed from office by the Commission, upon notice and hearing, for neglect of duty or for malfeasance in office (Title 27A of the Oklahoma Statutes, Section 3-3-201). Malfeasance in office would include violation of the prohibitions listed previously in this Chapter or any criminal wrongdoing. Neglect of duty is refusal or unwillingness to perform the duties of the office. Contact the Commission office for advise on removal practices.

Filing For Other Public Office

The position of conservation district director is a public office. If any elected or appointed director, during their term of office, files as a candidate for or is elected or appointed to any county or state elective office, the director's position will become vacant. The vacancy will be filled by the Commission. Please review section **APPOINTED AND REAPPOINTED DIRECTORS** for procedures on filling this position.

The law makes one exception: a district director may serve on a board of education of a school district (O.S. Title 27A, Section 3-3-201).

ASSOCIATE DIRECTORS

Directors may by official vote appoint one or more individuals to serve as associate directors. These individuals can provide a great service to the board and the community by advising and assisting the board either in the overall district program or on a specific subject or program area.

In order to realize the full potential of associate directors, the board should assign them specific duties and responsibilities. Associate directors may be named to chair a district committee. Some

activities that might be assigned to associate directors, based on interest or expertise, would be to:

- Encourage farmers and landowners to become district cooperators.
- Handle arrangements for district meetings.
- Arrange conservation tours.
- Assist in planning field demonstrations of conservation measures installed on the land.
- Secure storm damage information in connection with watershed applications.
- Assist in securing easements in authorized watershed projects.
- Conduct youth activities.
- Assist with the district's information program.

Potential Appointees

The district might consider the following types of individuals to serve as associate directors:

- An associate director might be a potential district director. This could serve both as a learning period for the associate director and as a time for the board to observe the associate director's commitment and ability.
- A district director who has retired from the board might be appointed as an associate director. This would ensure that the district continues to benefit from the experience of a past director who can no longer give full time to the district's work.
- An individual who is or should be professionally involved in conservation could provide a special service to the district. Consider the benefit of naming the extension director, a teacher or other educator, a city planner or newspaper person as an associate director.

Term of Office

An associate director should be appointed for a specific term, possibly one year, with the expiration date clearly understood and specifically placed in the minutes. Appointment and reappointment should be an official action of the board.

Limitations

Associate directors have no official or legal authority, cannot vote on the district board's business, and may not receive reimbursement for expenses from the Commission.

Reimbursement for Expenses

If an associate director performs a specific service at the request of the board, reimbursement can be made from district-earned funds for mileage and/or other legal actual expenditures under the same guidelines as are applied to district directors and employees.

Obligations

An associate director should be expected to attend most board meetings, or if assigned to a specific project, may attend only the meetings when that project is discussed.

ADVISORY COMMITTEES

The Conservation District Act provides that the district may appoint such advisory committees as may be needed to ensure the availability of appropriate channels of communication to the board of directors, to persons affected by district operations and to local, regional, state and interstate special purpose districts and agencies responsible for community planning, zoning or other resource development activities.

Committees have no legal or official authority, cannot vote on the district board's business, may not obligate the district for money, nor can the committee members receive reimbursement for expenses from the Commission. Committee members might, however, be reimbursed from locally earned funds at a rate not to exceed that paid to state employees.