

Chapter 2: SWCD Board of Supervisors

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Minnesotans entrust soil and water conservation district (SWCD) supervisors with some of the state's most precious assets: our natural resources. Your primary responsibility is to ensure that your community uses its natural resources wisely, with an eye toward the future.

To do this, you must seek and achieve a delicate balance between people and the land we inhabit. The future of Minnesota's environment rests on your ability to maintain this balance and garner your neighbors' support for an active and protective natural resources program.

In order to be an effective board member and feel a sense of accomplishment for the people you serve, you must have a good working knowledge of your responsibilities as an elected official and as an SWCD board member.

Eligibility

To be eligible to file for the office of SWCD supervisor, you must:

- be eligible to vote in Minnesota
- have not filed for another office at the upcoming primary or general election* (with certain exceptions – see below)
- be 21 years of age or more upon assuming office
- have maintained residence in their district for at least 30 days before the general election

*A candidate for SWCD supervisor in a district not located in whole or in part in Anoka or Washington County, may also have on file an affidavit of candidacy ([MINN. STAT. 204B.06 \(2018\)](#)):

- for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the SWCD; or
- for town supervisor in a town of not more than 2,500 population contained in whole or in part in the SWCD.

Supervisor Districts

SWCDs, with the approval of the BWSR Board, can change from the at large election of supervisors to election by a nomination district. If an SWCD decides to have an election by a nomination district, supervisor districts must align with county commissioner districts. There can be greater than five supervisors in counties with more than five county commissioners.

Establishment of Supervisor Nomination District Boundaries

Supervisors Elected at Large ([MINN. STAT. 103C.311, subd. 1 \(2018\)](#))

The SWCD board decides on the boundaries. Description of the boundaries should be defined by:

1. Townships or other legal boundaries. If a township or other boundary unit is further divided, any permanent identifiable means such as highways, streams, streets, etc., may be used. This description is to be recorded on the [Nomination Districts Resolution](#) form.
2. Population and area balance are not a requirement.

At the general election, all eligible voters throughout the area included in the SWCD are eligible to vote.

Supervisors Elected by Nomination Districts ([MINN. STAT. 103C.311, subd.2 \(2018\)](#))

The SWCD board decides to follow the county commissioner boundaries and elect the supervisors accordingly. The supervisor districts must be comprised of precincts established by county and municipal governing bodies under [MINN. STAT. 204B.14 \(2018\)](#). This description is to be recorded on the [Nomination Districts Resolution](#) form. The supervisor districts must be:

- compact, include only contiguous territory, and be substantially equal in population,
- numbered in a regular series,
- drawn by the county board of the county containing the largest area of the SWCD, in consultation with the SWCD board and with the approval of BWSR.

If a nomination district is entirely within lands of an American Indian tribe or band to which Minnesota election laws do not apply, a supervisor to represent the district shall be elected or appointed by the governing body of the tribe or band.

The SWCD board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election. Exception - if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The SWCD board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term. If a supervisor moves from one nomination district to another, the supervisor will finish the term for which elected.

The boundaries of the supervisor districts must be redrawn after each decennial federal census as provided in [MINN. STAT. 204B.135 \(2018\)](#). The chair of the SWCD board files a certified copy of the resolution establishing supervisor districts with the county auditor of the county where the SWCD is located, BWSR, and the secretary of state. The filings must occur within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in a year ending in two, whichever comes first

At the general election, only eligible voters within the supervisor nomination district are eligible to vote.

Nomination Districts Process

The SWCD board secretary completes the [Nomination Districts Resolution](#), signs it after it has been approved by the SWCD board and sends three copies to BWSR along with a map showing the boundaries. A list of the supervisors indicating the nomination district for each should also be sent to BWSR.

At the next BWSR Board meeting, the resolution will be reviewed and acted on. After BWSR has approved the boundaries, the three approved copies will be returned to the SWCD. At that time, the SWCD should have the county auditor sign and date all three copies. The county auditor retains one copy, one copy is filed in the SWCD's files, and the other copy is returned to BWSR.

If, in the establishment of nomination districts, two SWCD supervisors are in one nomination district, each will complete the term for which elected. Adjustments will be made when terms expire. The first supervisor whose term expires will go off the board and a new supervisor will be elected from the nomination district that does not have representation on the board.

Changes in Supervisor Nomination District Boundaries

Nomination district boundaries can be changed by the following procedure:

1. The SWCD supervisors at a regular board meeting should adopt a new resolution using the [Nomination Districts Resolution](#) form and mark "REVISED." This form should list the new boundaries. The SWCD board secretary should complete and sign the form, giving the date of the meeting and the vote.
2. The secretary should write a letter to BWSR giving the reasons for the changes in boundaries. If supervisors would be representing different nomination districts, this information should also be given.
3. These items, including three copies of the resolution form, should be sent to BWSR.
4. At the next BWSR Board meeting, the resolution will be reviewed and acted on.
5. After the BWSR Board has approved the boundaries, the three approved copies will be returned to the SWCD. At that time, the SWCD should have the county auditor sign and date all three copies. The county auditor retains one copy, one copy is filed in the SWCD's files, and the other copy is returned to BWSR.
6. Since the filing period is from late May to early June and the process needs to be completed by the first of May, SWCDs need their resolution to change boundaries to BWSR by at least March 1. To allow adequate time to complete any supervisor nomination district changes and to complete filing with the county auditor, SWCDs need to start discussing boundary changes around January or February.

Elections

You can find the current year's [Elections Guide](#) on the Minnesota Association of Soil and Water Conservation Districts website. The guide contains information on filing for office, frequently asked questions, recruitment and sample forms.

Terms

In almost all cases, supervisors are elected for terms of four years commencing on the first Monday in January ([MINN. STAT. 103C.315, subd. 2 \(2018\)](#)). There is no limit to the number of consecutive terms a supervisor may hold.

Oath of Office

Newly elected supervisors should take the [oath of office](#) at their first SWCD official meeting, which occurs on or after the first Monday in January following the general election. Some counties hold ceremonies for all newly elected officials in January following a general election. Supervisors may wish to participate in the ceremony as well. ([MINN. STAT. 358.05 \(2018\)](#))

Vacancies

If a supervisor moves out of the SWCD, the supervisor must resign his or her position and the SWCD board must fill it in an appropriate manner.

If a vacancy occurs on the SWCD board more than 56 days before the next state primary, the SWCD board shall fill the vacancy by appointment. The appointed supervisor then holds office until the first Monday in January following the next general election. A successor shall be elected at the general

election following the appointment and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

If a vacancy occurs on the SWCD board less than 56 days before the next state primary, the SWCD board shall fill the vacancy by appointment. The appointed supervisor shall hold office until the expiration of the term or until the first Monday in January following the second succeeding general election, whichever is shorter. A successor shall be elected at the general election preceding expiration of the appointed term and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

Appointed supervisors can take office at the meeting at which the appointment is made. ([MINN. STAT. 103C.305, subd. 6 \(2018\)](#)).

Conflict of Interest

SWCDs are subject to state laws, which prevent public officials from securing benefits or privileges not available to the public. Each SWCD should adopt and follow a conflict of interest policy. Supervisors should abstain from making motions or voting on SWCD board actions that directly affect them, such as action on a cost-share program contract for themselves or a family member. ([MINN. STAT. 609.45 \(2018\)](#)).

Gifts

SWCD supervisors and employees are forbidden by law from receiving unauthorized compensation, which includes gifts. A "gift" is defined as money, real or personal property, a service, a loan, a forbearance or forgiveness of debt, or a promise of future employment, that is given and received without the giver receiving something of equal or greater value in return. ([MINN. STAT. 609.45 \(2018\)](#))

Compatible Offices

The office of SWCD supervisor and the offices of mayor, clerk, clerk-treasurer, or council member in a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the SWCD are compatible offices and one person may hold both offices. A person holding both offices shall refrain from voting or taking any other formal action on any matter coming before the SWCD board or the city council or town board that has a substantial effect on both the SWCD and the city or town. This subdivision does not apply to an office located in whole or part in Anoka, Hennepin, Ramsey, or Washington County." ([MINN. STAT. 103C.315, subd. 6 \(2018\)](#))

Time Off for Public Office Meetings

A supervisor must be permitted to take time off from their regular employment to attend meetings required by their public office. The supervisor is responsible to come to an agreement with their employer as to whether the time off will be without pay, with pay, or made up with other hours. Retaliatory action cannot be taken by the employer for absences to attend meetings required by the SWCD supervisor's office. ([MINN. STAT. 211B.10, subd. 2 \(2018\)](#))

Removal

A supervisor may be removed from office for malfeasance or nonfeasance in office, but for no other reason. ([MINN. STAT. 351.14 to 351.23 \(2018\)](#))

Compensation

Compensation for supervisors is paid at a rate established by resolution of the SWCD board. The rate cannot exceed the limits established by statute and BWSR. Compensation is on a per diem (per day) basis. Only one per diem payment is allowed each day, regardless of the number of SWCD activities in which a supervisor may participate in that day. A day is defined as the twenty-four hour period from midnight to midnight. Compensation for SWCD supervisors is considered income and must be reported in accordance with tax regulations. Meetings and other activities must be deemed necessary to the conduct of SWCD business to be eligible for compensation and expenses.

All meetings and events, other than regular SWCD board meetings, need to be authorized by the SWCD board and recorded in the minutes of the meeting at which authorization is given. When possible, such authorization should be prior to the event or meeting.

An [oath of office](#) must be completed before any claims can be paid to a supervisor. The date on which the oath is taken must be prior to or the same date as the date for which compensation and expenses are first claimed.

Compensation is for the position of supervisor. As a result, only one per diem can be paid if the outgoing and incoming supervisors attend the same meeting. The per diem could be divided between them. Mileage could be provided to both.

Reimbursement

Mileage

Vehicle mileage for the conduct of SWCD business is paid at a rate up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue Code ([MINN. STAT. 103C.315, subd. 4 \(2018\)](#)). Claims for mileage must include the date, event or purpose of the expense, location, and mileage for the most direct route. Mileage rates in excess of those allowed by tax regulations can result in a tax liability on the excess.

Meals and Lodging

Meals for supervisors, when necessary and while conducting business of the SWCD, may be reimbursed at actual costs. Claim forms must include the date, event or purpose of the expense, place, and amount.

Meals, lodging, or other expenses for relatives of supervisors or relatives of SWCD employees must NOT be paid from public funds. Public funds include SWCD (regardless of source), county, state, or federal funds. The costs of overnight lodging are limited to actual costs. If a room is shared with people not on official SWCD business, a spouse as an example, only the single room rate can be claimed.

Supervisor Roles and Responsibilities

There are two key aspects to the role of a supervisor on an SWCD board: policy development and annual and long-range plans and budgets.

Policy Development

The SWCD board of supervisors is a policy board, meaning that its primary focus is not on running the day-to-day activities of the SWCD, but on setting overall policy and long-term objectives. The staff then uses these policies and objectives to ensure that the SWCD is proceeding in the general direction laid out by the board.

Board policy is a key element in the smooth operation of the SWCD. The board should develop policies on items ranging from expenditure of cost-share funds to the election of officers. Do not wait until a situation arises requiring a policy; develop a policy beforehand so that guidelines are available if a question is raised. (See box on the previous page for examples of the types of things for which policies should be developed.)

Although it is the board's responsibility to develop policy and the staff's responsibility to implement it, you will find that the fairest and most useful policies are developed with the help of significant staff input.

Planning and Budgets

Because board members focus on long-range objectives and goals, one of the most important parts of your job is developing your SWCD's plans. Plan types include annual or biennial plans and budgets, comprehensive plans, water plans, etc.

Supervisors must be involved in all aspects of plan development and implementation, particularly in determining the long-term objectives of the SWCD. When working on the annual and long-range plans, supervisors should take a strong leadership role in the following areas:

- Definition of purpose: Supervisors must determine the purpose of the SWCD in the community.
- Prioritization of resource problems: Supervisors must decide which resource problems the SWCD will address and their relative importance. Supervisors should look at the big picture and develop broad policies that address the resource as a whole in their SWCD area. Staff can work within these broad policies to address individual concerns.
- Development of objectives: Supervisors must adapt the objectives they feel the SWCD should pursue to meet the resource needs of the SWCD area.
- Determination of actions: Supervisors must outline the actions to be taken by the board and staff to carry out their stated objectives. These actions should be consistent with their stated purpose and will result in a more effective conservation program.
- Adoption of plan: The board must formally adopt the plan. To achieve full participation in the planning process by both board and staff, a planning committee may be formed to develop the plan for recommendation to the board. The chair may appoint one or two board members to work with staff to develop the plan.

All plans and budgets should be reviewed on a regular basis to determine if goals are being achieved. The stated goals can be compared with actual performance and dollars available. Supervisors can use this information to decide what changes, if any, may be necessary to keep the SWCD on track.

Training and Leadership Opportunities

As a supervisor, you need orientation and ongoing training to perform your duties effectively. The Minnesota Association of Soil and Water Conservation Districts (MASWCD) offers the Leadership Institute that provides individuals with skills to excel as leaders in conservation.

Training can also be provided by the SWCD manager or staff. In this case, the National Association of State Conservation Agencies or NASCA, has a [training checklist](#) available. Each supervisor should have a training plan, which is reviewed and updated regularly.

Board Officers

The supervisors shall elect or appoint officers for the SWCD and the SWCD board ([MINN. STAT. 103C.321 \(2018\)](#)). A chair of the SWCD board shall be elected from its own members. A secretary and a treasurer shall be appointed who need not be members of the board. Officers shall have the powers and duties incident to their respective offices, and other powers and duties expressly prescribed by law or directed by the SWCD board.

Chair

The chair is the steering mechanism of your SWCD. It is up to the chair to do that little extra to motivate board members and other public-minded individuals to do what they can to assist in serving the present and future citizens of the SWCD. After receiving a few years of board experience, a supervisor should welcome the opportunity to be chair of the board. It provides an opportunity to become more closely involved and gain a broader perspective of the total program and its purpose.

Specific responsibilities of the chair are to:

- Preside at all meetings.
- Call special meetings when necessary.
- Meet with SWCD manager and heads of other agencies involved at least two weeks prior to the scheduled meeting to develop and/or discuss agenda items. This can be done by a short office visit and perhaps a few telephone calls. A formal meeting may not be necessary.
- Refer regularly to the long-range goals of the SWCD and the SWCD annual plan of work and operations when preparing the agenda, trying to ensure that all planned activities are addressed.
- Make sure a copy of the agenda, minutes of the previous meeting, and a financial statement (at a minimum) are sent to each board member at least a week prior to the meeting.
- See that agendas and pertinent material are sent to all individuals who should attend the meeting and take part in the discussion.
- Keep in contact with other supervisors on the progress of various programs delegated. Insist on regular attendance of supervisors.
- Call meeting to order promptly and at the specified time. Follow proper rules of order for a business meeting. A well-planned meeting should take no longer than two hours.
- Recognize visitors and other individuals present at the board meeting.
- Assume the role of facilitator. This will encourage all supervisors to participate in discussion of existing issues.
- Complete an item of business in the order listed before taking up the next item. Stick to the agenda.
- Utilize special committees to involve individuals other than board members and require committee reports at board meetings.
- Avoid the "rubber stamp approach." Encourage board members to question staff or individual presenters regarding clarification of a specific point, thus, allowing them to draw conclusions to adequately make their own decisions.
- Adjourn meeting promptly after all business has been completed.

Vice Chair

The vice-chair position becomes most important in the absence of the chair. The vice-chair should note the activities of the chair and how they are carried out, in case it is ever necessary for the vice-chair to chair a meeting.

Specific duties of the vice-chair are to:

- Assume the duties of the chair in the absence of the chair.
- Assist in organizing and implementing the SWCD program.
- Oversee the work of committees and coordinate their reports as delegated by the chair.
- Be familiar enough with the total program of the SWCD to be able to work closely with the chair and fill in when necessary.

Secretary

The primary responsibility of the SWCD board secretary is to arrange for the recording of official proceedings of the board and to see that the entire board approves the minutes as the legal record of the SWCD. As elected officials using public funds, these minutes should then be signed, becoming the permanent record of what is done and why. Copies for general information purposes should be forwarded to the area and central office of BWSR. They can also be sent to other interested organizations: the local chapter of the employees association, other state agencies, etc.

Specific duties of the secretary are to:

- Make a complete record of all proceedings.
- Indicate date and place of meeting, refer to whether it is a regularly scheduled meeting or a special meeting, official presiding, names of all those present including visitors, organizations represented, and names of supervisors absent.
- Record each motion in full.
- Complete action on each item of business so that a record can be made of what was addressed and completed.
- Initiate correspondence on behalf of the board as the need arises.
- Inform the chair of any business that should come before the board.
- Sign the official copy of the board minutes after approval by the board at the next meeting and see that the chair does likewise.

Treasurer

The SWCD treasurer is responsible for the financial matters of the SWCD, including the financial records. The treasurer co-signs SWCD fund checks and special fund vouchers after approval of the board. The treasurer and secretary should be bonded. In many cases, the two SWCD staff are also bonded to handle payroll and miscellaneous items. This is a convenience for the staff and allows for day-to-day activities to be conducted smoothly. The secretary and officer positions can be combined if the role is being filled by a supervisor.

Specific duties of the treasurer are to:

- Maintain complete and accurate records of receipts and expenditures. Include SWCD staff's program records and trial balance.

- Be prepared to answer questions from other board members regarding monthly and/or quarterly financial statement as well as year-end figures.
- Pay bills approved by the board and issue receipts for incoming funds or designate staff to do so.
- Make sure program records and general journal provides for adequate number of accounting categories to handle all general and special-use programs.
- Assure that all bills authorized for payment by the SWCD board are recorded in the minutes of the meeting.
- Work with the SWCD staff to develop a fiscal year budget.
- Arrange for surety bonds covering appropriate SWCD supervisors and staff.

Public Relations and Information (PR&I)

The PR&I officer serves as the liaison between the SWCD and the public. This person works with the media and other community organizations, such as schools, to educate the public about natural resources and the activities of the SWCD.

Nomination Districts Resolution Template

Be it resolved by the _____ Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

<u>District</u>	<u>Description of Boundaries</u>
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I

II

III

IV

V

I, _____, Secretary of the _____ Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the _____ Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on _____, 20_____, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed: _____

Secretary

_____ Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the _____ Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20_____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the _____ Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, 20_____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed: _____

Executive Director

Board of Water and Soil Resources

Filed _____ day of _____, 20_____.

Signed: _____

County Auditor

_____ County

Oath of Office Template

I, _____, do solemnly swear that I will support
(Name of Supervisor)
the Constitution of the United States and the Constitution of the State of Minnesota, and that
I will faithfully discharge the duties of the office of supervisor, upon which I am now about
to enter.

Supervisor's Signature	Date
Address	Telephone No.
City, State, Zip	

Nomination District Number _____

of _____

Soil and Water Conservation District.

Subscribed and sworn to before me this _____ day
of _____, 20_____.

(District Supervisor or Notary Public)