



As Directors of SWCDS  
**Know Your  
Responsibilities**

# **So you are a Member of a SWCD Board of Directors**

Let's talk about your eligibility and qualifications to serve  
on a SWCD board

## Eligibility (to Vote)

- 18 years old or older
- Own agriculture land **in the district**
- Live in a county all or part of which is in the SWCD
- Be actively engaged in farming or ranching

## Qualifications- to Serve

- 18 years old and be an eligible voter
- Own agriculture land **in the subdivision** they would represent
- Live in a county all or part of which is in the SWCD
- Be actively engaged in farming or ranching

**Notice the Similarities**

Since most of you assumed your position as a district director by appointment to your board to fill an unexpired term of office, it is important for you to understand that continued service on your local SWCD will involve the process of an election.

**Take Note**



**Let's talk about  
Director Elections**

- **Before July 15** each year:

- SWCD Board designates an election date, time and place.
- The election must be held after September 30 and before October 16.

**Director Elections**

**During the month of August** the SWCD shall have a place designated for individuals to file a notice of candidacy.

**Director Elections**

- If only one individual files a notice of candidacy, an election is not required.
- On the established election date the single candidate is declared as the director for that office. (Zone they are to represent)

## **Director Elections**



- In the event more than one individual files a notice of candidacy, the SWCD shall provide for early voting.
- Early voting shall begin on the 17<sup>th</sup> day before the date of the election and continue through the 4<sup>th</sup> day before the meeting.
- Early voting must include at least one Saturday during that period.

## Director Elections

- On the election date, the SWCD shall hold a **convention type election**.
- The person receiving a majority of the votes from early voting and at the convention is certified as the director.

## **Direction Elections**

A photograph of a forest path with sunlight filtering through the trees, creating a bright, circular glow in the center. The path is made of dirt and is flanked by tall, thin trees with green foliage. The sunlight creates a strong lens flare effect, illuminating the path and the surrounding trees. The overall scene is peaceful and natural.

# Terms of Office

SWCD directors serve staggered terms of four years, with the term of one or two members expiring each year.

**Terms of Office**

- Remaining directors select a person to fill the unexpired term of office
- Appointment papers are filled out on the candidate and signed by a majority of the district board members
- Appointment papers are sent by the SWCD to TSSWCB headquarters

**Unexpired Terms Due to  
Resignation or Death**

- TSSWCB reviews and acts upon appointment
- TSSWCB notifies the person of approval as a director and sends the new director an oath of office.

(When the oath of office has been signed and notarized, the person officially becomes a district director.)

**Unexpired Terms Due to  
Resignation or Death**



You are a Fiduciary

Defined a “fiduciary responsibility” or duty is a legal relationship of confidence or trust between two or more parties; therefore.....SWCD directors, as elected public officials have a fiduciary responsibility.

## **Fiduciary Responsibilities of a SWCD Director**



It means that a SWCD board acts as the administrative body for the district.

As a conservation district director, you are a public official that will represent and protect the needs and interests of the public through your actions and decisions.

**What Does This Mean?**

As a fiduciary, you are entrusted with the power to administer state and local programs, receive and spend public funds, educate the public on local conservation issues and much more...

**Furthermore It Can Be Said...**

# Duties Specifically Defined



First and foremost, attend and participate in  
all board meetings and functions

**Duties More Specifically Defined**

Assure that the actions and policies of the district and its employees remain within the limitations of the conservation district law

So...

Become familiar with the Texas Conservation District Law

**Duties Continued**

- Work with your fellow board members to evaluate your district's mission and overall strategy for accomplishing local conservation objectives.
- Set local policy to reflect the balanced need of the community you represent.

**Duties Continued**

Develop, set and implement personnel policies for the hiring and supervision of district employees

And then.....

Support your district employees and work with your other board members to assure that they function efficiently and responsibly.

**Duties Continued**

By the way, do you really know what your district employee or employees do? After all, they are an important link between your board, TSSWCB, NRCS, and your cooperators.

Let's briefly look at some of the things they do.

## **The SWCD Employee**



Some districts employ only a clerk whose job is to accurately maintain the district's files and serve as administrator of a district's financial records.

**In General**

Some districts employ a technician who works with district cooperators in conservation planning.

Through a MOU, district technicians work closely in cooperation with NRCS personnel working with the district.

**In General**

Some district employees perform both clerical and technical assistance for a district.

Just keep in mind that these folks are hired by and work for the district.

**In General**

**Manage your district's resources—both funds and property.** This means:

- Develop in cooperation with other board members an annual district budget
- Develop sound business procedures to assure fiscal responsibility
- Pursue funding for your district's programs and initiatives.

**Let's Continue...**

- Encourage landowners, operators, public entities to become cooperators of the district.
- Review and approve conservation agreements.



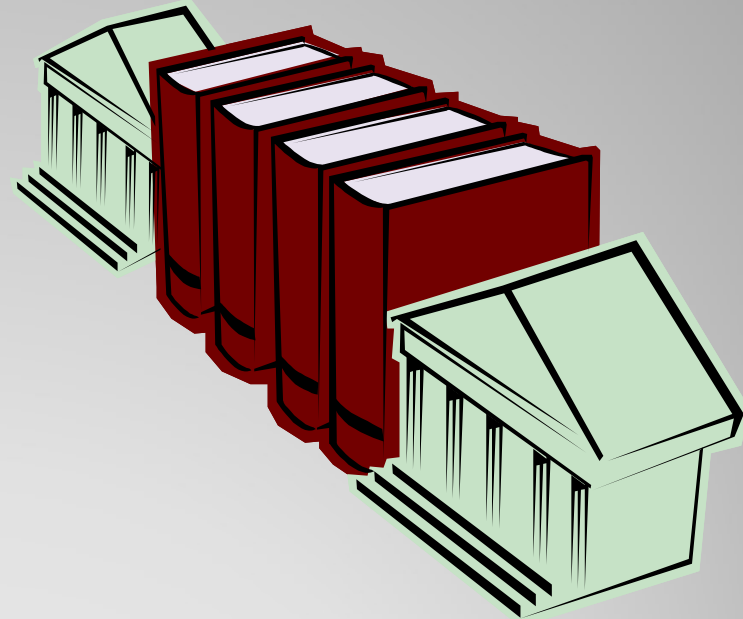
**Duties Continued**



Develop a working relationship with county government, legislators, state & federal agency officials, and organizations that do or could assist your conservation district.

**Duties Continued**

Keep informed on conservation issues in your district, and become familiar with important state and federal laws, policies and programs which affect conservation in your district



**Duties Continued**



Attend area, state and national and other conservation meetings on behalf of your district to stay current on conservation issues and programs.

**Duties Continued**






Maintain close contact with the TSSWCB Field Rep serving your SWCD

Your field representative's role is to help you to be an effective director by keeping you and your fellow board members to date on TSSWCB policies and programs in addition to keeping your board current on state and national issues affecting conservation interests.

**Duties Continued**

A landscape photograph showing a vast field of golden wheat in the foreground. In the middle ground, there is a line of trees and some buildings. The sky is a deep blue, filled with large, fluffy white cumulus clouds. The text is overlaid on the right side of the image.

Now that you know  
what your individual  
responsibilities are,  
let's talk about your  
district's powers and  
duties

A conservation district is a governmental subdivision of this state and is a public body corporate and politic.

This Means...



- **A conservation district may:**
- Sue and be sued.
- Have a seal which shall be judicially noticed.
- Make and execute contracts and other instruments.
- Adopt rules to carry out purposes and powers.
- May not levy taxes.

**Corporate Powers**



A district may carry out preventive and control measures on any land that is owned by the state or a state agency with the support of the agency having jurisdiction of the land.

**Preventive and Control Measures**



If the land is privately owned, the conservation district may carry out preventive and control measures on obtaining the consent of the owner.

**Preventive and Control Measures**

This brings us to the point  
of talking about district-  
cooperator agreements



A conservation district cooperative agreement has three basic components..

1. What the SWCD agrees to do
2. What the cooperator agrees to do
3. What both the SWCD and cooperator mutually agree to

**District-Cooperator Agreements**

**Assist the landowner by providing information and technical assistance to help the person develop a conservation plan to preserve and protect the natural resources that abound on the land.**




**What the SWCD Agrees to Do**





- **Use the land's natural resources within its capabilities and limitations**
- **Develop a conservation plan under the technical guidelines of SWCD and NRCS standards**
- **Apply the conservation plan and maintain the plan**

**What the Landuser or Owner  
Agrees to Do**



- **The SWCD-Cooperator agreement may be terminated or modified by mutual concurrence.**

- **Neither party shall be liable for damage to the other's property resulting from carrying out the agreement unless damage is caused by negligence or misconduct.**

**What the SWCD and Cooperator  
Both Mutually Agree to**




## Various Cooperative Agreements

Let's talk about a few:

1. Cooperative agreements between NRCS, TSSWCB, SWCDS, counties or other state agencies.
2. Supplemental Cooperative Working Agreements.
3. Others— They are all similar in defining purpose, objectives and the terms of the relationship.

# Other Cooperative Agreements



**What Else Can A SWCD Do?**

- A SWCD may obtain options on or acquire any real or personal property.
- A district may maintain, administer, or improve SWCD property,



## **Acquisition, Administration, and Sale of Real or Personal Property**

- A district may receive income from real property and expend that income in carrying out its legal responsibilities,
- A district may sell, lease or otherwise dispose of its real property or interests in the property in furtherance of the law.



## **Acquisition, Administration, and Sale of Real or Personal Property**

- SWCDs may purchase machinery, equipment, & other materials essential to the SWCDS conservation programs.
- Provide for maintaining, insuring, storing and repairing of its machinery & equipment.
- May charge a fee for the use of district equipment calculated to pay the costs of deterioration and replacement of the machinery and equipment.



## **Acquisition, Administration, and Sale of Real or Personal Property**

- SWCDs may sell on open bids any obsolete equipment.
- Proceeds are to reimburse the district.



## **Acquisition, Administration, and Sale of Real or Personal Property**



A SWCD may accept a donation gift, or contribution in money materials services, or other, from the federal government, the state, or a state or federal agency and use and expend the donation gift, or contribution in carrying out its operation.

## **Accepting Donations & Gifts**

Any Questions  
or Comments

