



**Rhode Island State Conservation Committee
and
Conservation Districts' Handbook**

A Guide to Operations and Management

(Issued 2020)

Rhode Island State Conservation Committee

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Resources

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Questions, comments, and suggestions on the contents are welcome and should be sent to the RI SCC.

For additional information, please contact the RI SCC at (401) 934-0842.

Table of Contents

Chapter 1. Preface and Introduction

- A. History of Conservation Districts In Rhode Island
- B. Mission Statement
- C. Vision
- D. Our Values

Chapter 2. Laws and Rules governing Rhode Island State Conservation Committee

- 1. Enabling Legislation
- 2. Definitions
- 3. Rhode Island State Conservation Committee Powers and Authorities
- 4. Conservation District Powers and Authorities
- 5. Related Statute and Administrative Rules

Chapter 3. State Conservation Committee and Conservation District Directors

- A. RI State Conservation Committee Members
- B. Committee Appointments and Vacancies
- C. Committee Advisors
- D. Conservation District Directors
- E. Roles and Responsibilities of Directors and Boards
- F. Director Position Descriptions and Policy
- G. Conservation District Board Responsibilities
- H. Director Eligibility, Elections and Appointments
- I. Director Election Procedures
- J. Director Appointment Procedures
- K. Vacating an Inactive Board Position
- L. Filling a Vacant Position by Appointment
- M. Election Issues
- N. Administrative Structure
 - I. Chair
 - II. Vice Chair
 - III. Secretary
 - IV. Treasurer
 - V. Other Officers and Director Roles
 - VI. Committees
 - VII. Director emeritus
 - VIII. Associate Director
- O. Director Compensation and Reimbursement
- P. Dismissal of Directors
- Q. Listing of RI SCC and CD Directors

Chapter 4. Operational Procedures

- A. Staying Legal
- B. The Five Basic Requirements
- C. Annual work and Long-range (strategic) Business Plans
- D. Long-range (strategic) Business Plans
- E. Annual Work Plans
- F. Other Legal Requirements
- G. Posting Requirements
- H. Public Meeting Law
- I. Public Records Law
- J. Government Ethics Law
- K. Conflict Of Interest
- L. Recusal
- M. Procurement, Contracts and Agreements
- N. Public Contracting
- O. Interagency Agreements and Charters
- P. Hold Harmless or Indemnity Clauses and Review of Draft Contracts and Agreements
- Q. Contract Liability—Loss of Tort Coverage
- R. Use of Personal Vehicles
- S. Use of State or Federally-owned Vehicles
- T. Equipment
 - I. Equipment Accountability
 - II. Equipment Insurance
 - III. Rhode Island Cooperative Procurement Program
 - IV. Disposal of Used Equipment and Property
- U. Insurance/Risk Management
 - I. Risk Management Concepts
 - II. Policies and Procedures
- V. Legal Assistance to Conservation Districts
- W. Attorney General Legal Counsel
- X. Entering Private Lands
- Y. Tort Insurance
- Z. Insurance Coverage for Conservation Districts

Chapter 5. Finances

- A. Public Funds
- B. Fiscal Administration
- C. Budgets
- D. Internal Financial Control Policies
- E. Financial Reports and Records
- F. Audits and Bonding Requirements
- G. The Financial Review and Audit Process
- H. Federal "Single Audit" Requirements
- I. Fidelity and Surety Bonding
- J. Sources and Mechanisms for Funding
- K. Local, State, Federal and other Funds
- L. Grant Funds
- M. Fund-Raising
- N. Tax Deductibility for Donations/Contributions
- O. Tax Exempt vs. Nonprofit

Chapter 6. Political Campaigning and Lobbying

- A. Political Activity
- B. Political Activities of RI SCC members and Conservation District Directors/Associate Directors
- C. Overview of Restrictions and Allowable Activities
- D. Who is Covered
- E. Salaried vs. Hourly “On the Job”
- F. Candidates and Elected Officials
- G. Equal Access to Public Resources
- H. Information in the Media

Chapter 7. Open Meetings Law

- A. Open Meetings
- B. Open Meetings Law
- C. Voting Requirements
- D. Executive Session
- E. Notice Requirements
- F. Commonly Asked Questions and Answers
- G. Effective RI SCC and Conservation District Board Meetings
- H. Public Participation
- I. Public Use of Recorders, Cameras and Microphones
- J. Minutes of Meetings

Chapter 8. Public Records and Retention Rules

- A. Public Records Law
- B. Public Records Retention

Chapter 9. Personnel (Conservation District as Employer)

- A. Employee vs. Independent Contractor
- B. District Director Responsibilities

Chapter 10. Developing and Maintaining Partner Relationships

- A. Types of Agreements and Memorandums of Understandings
- B. Relationships & Partners
 - Rhode Island Department of Environmental Management
 - Rhode Island State Conservation Committee
 - Eastern Rhode Island Conservation District
 - Northern Rhode Island Conservation District
 - Southern Rhode Island Conservation District
 - Rhode Island Association of Conservation Districts
 - Rhode Island Resource Conservation and Development Council
 - USDA, Natural Resources Conservation Service

Appendices

- Appendix 1 Rhode Island Conservation District Personnel Handbook
- Appendix 2: Sample Annual Meeting Resolution
- Appendix 3: Nomination Paper form for RI Conservation District Director
- Appendix 4: Roberts Rules of Order Simplified
- Appendix 5: Sample Event Wavier
- Appendix 6: Sample Meeting Motion Policy
- Appendix 7: Executive Session Checklist
- Appendix 8: Basic Checklist for Hiring New Employees
- Appendix 9: List of Draft Position Descriptions
- Appendix 10: Conservation District Statement of a Drug-Free Workplace
- Appendix 11: Employment Eligibility Verification (USCIS Form I-9)
- Appendix 12: Conservation District Procurement Rules and Regulations
- Appendix 13: Prohibited Activities
- Appendix 14: How to Give Notice and Recuse and form
- Appendix 15 Listing of RI State Committee Members and Conservation District Directors (Sample format)

1 Preface and Introduction

Preface

The intent of this Handbook is steeped in many discussions for the need to provide oversight, coordination and collaboration between and among the Rhode Island State Conservation Committee (RI SCC) and Conservation Districts (CDs). This document is intended to serve as a policy and procedural handbook for use by both the RI SCC and CDs.

Within this handbook both organizations have operational and management responsibilities defined under state law. This handbook was developed to ensure continuity of operations, clarity of inter and intra-agency cooperation as well as a bases for training and information source for current and new RI SCC and CD boards, advisors and staff and the public.

A. History of Conservation Districts in Rhode Island

The “Dust Bowl” brought to the nation’s attention the need to conserve soil and other natural resources. In 1935, the U.S. Congress declared soil and water conservation and wise land use a national policy through the passage of Public Law 46. This vote was prompted by a growing public concern for the poor condition of the nation’s natural resources. President Franklin D. Roosevelt addressed the problems of soil erosion in the nation by shepherding the passage of the Soil Conservation Act, which established the Soil Conservation Service (SCS), now the Natural Resources Conservation Service (NRCS) within the United States Department of Agriculture (USDA).

The SCS was charged with developing a program to conserve and enhance the nation’s soil and water resources. At first, it was assumed the federal government could manage the whole program. However, during the first two years, it became apparent local leadership was needed to coordinate efforts of conservation agencies and tie their programs to local conditions and priorities. The SCS needed the assistance of local farmers, ranchers, and other land managers to put together and operate an effective program.

In 1937, President Roosevelt asked all state governors to promote legislation to allow the formation of soil conservation districts. This legislation was an effort to provide local citizens the opportunity to shape soil and water conservation and resource planning in their community.

1935-Present

In 1944, the Rhode Island Legislature passed legislation (RIGL Chapter 2-4, Soil Conservation) to establish conservation districts in Rhode Island. Conservation districts were charged with directing programs to protect local renewable natural resources in a conservation partnership that has grown to include the conservation districts, the Rhode Island State Conservation Committee, the RI DEM, the Rhode Island Association of Conservation Districts, and the USDA Natural Resources Conservation Service and other state and federal agencies (see Chapter 10).

The RI General Laws established the RI State Conservation Committee “as an agency of the state” within the RI Department of Environmental Management (RIGL § 2-4-3). The three conservation districts (Eastern RI Conservation District (ERICD), Northern Rhode Island Conservation District (NRICD) and the Southern Rhode Island Conservation District (SRICD)) are each a “subdivision of the state conservation committee, and a quasi public corporation” (RIGL § 2-4-2 (5)), established by RI General Laws § 2-4-7.

Timeline

1935 The USDA Soil Conservation Service was created in the USDA by the federal Soil Conservation and Domestic Allotment Act.

1937 USDA officials drafted a standard State Soil Conservation Districts law which President Roosevelt sent to state governors in February 1937. President Roosevelt urged the states to pass laws based on this model, stating “to supplement the federal programs and safeguard their results, state legislation is needed.”

1963 Congress authorized Resource Conservation and Development pilot projects.

1994 The USDA Agricultural Stabilization and Conservation Service and the USDA Farmers Home Administration consolidated to become the USDA Farm Service Agency (FSA).

B. Mission Statement (of the RI SCC and its Conservation Partnership¹)

*Conserving the land and natural resources
of Rhode Island for the benefit of its people.*

C. Vision Statement

*The Rhode Island State Conservation
Committee will be recognized as a leading
coordinator for conservation assistance in
Rhode Island by 2020.*

¹ The *Mission* and *Vision Statements*, as well as *Our Values*, were developed during the 2014 Strategic Planning process of the conservation partnership that supports the RI SCC and CDs.

How will we do this ...

- **The RISCC supports shared sustainable growth.**

A priority for the State's Administration is to grow its economy, including its green economy. The evolution of this critical sector directly affects every man, woman and child in Rhode Island. Increasingly, local agriculture and food sectors are cited as areas ripe for innovation and growth. The Districts work directly and specifically in these areas by providing unique services that guide stewards of farms, forests, nurseries and businesses towards conservation plans and best management practices that promote and ensure the health and viability of Rhode Island's water, soil, air and other resources. Through this cooperative vision and coordinated effort, local agriculture is strengthened, open lands and forests are preserved and the quality of life in Rhode Island is bolstered.

- **The RISCC will continue to facilitate and build dynamic partnerships.**

Innovative and constructive partnerships between different sectors and interests provide significant progress towards creating sustainable communities.

- **Achieving sustainability is a key factor in all of the RI SCC's work.**

Emerging technology related to biofuels, carbon sequestration and methane recovery will present new opportunities for RI SCC to address in the future. The adoption of good practices in the following areas can protect the natural resources of Rhode Island and mitigate the impact of climate change:

- soil erosion management;
- water quality protection and use;
- crop production;
- stormwater management;
- landscape conservation;
- forest management;
- invasive species management, etc.

D. Our Values

RI SCC values Rhode Island's public and private lands, the state's natural resources and the people who own and use them. This is demonstrated by promoting the following concepts:

- Working lands represent one of the best hopes for conservation. RISCC supports and collaborates with stewards of **working lands that reflect state, local and community's conservation priorities**. This helps to increase the land quality and help landowners and land managers apply practices on their land and build economic incentives that have the potential to engage many more landowners.
- **Locally driven conservation that is embedded in the community** makes conservation work more feasible and sustainable. Locally developed conservation efforts/campaigns/projects engage a wide range of stakeholders, creating a model of community-motivated change. Successful efforts serve as fuel for the local engine of innovation, illustrating to local, state and federal agencies community conservation is a prime source of solutions and innovation for sustainable development. The local organizations are therefore seen as an origin of solutions.

- The Districts provide **expert, technical knowledge** in addressing the state’s natural resource concerns.
- **Sustainability: sustainable systems and designs.** The intention of sustainable designs is to “eliminate negative environmental impact completely through skillful, sensitive design”.
McLennan, J.F. (2004), The Philosophy of Sustainable Design.
- **Passing down farmlands and forestlands to future generations.** The average age of farmers is approaching 60 years old, according to the United States Department of Agriculture. Farmers worry if future generations will continue agrarian tradition. A goal of the RISCC is to ensure future generations have the same access to natural resources as exist today.
- **Innovative education and communication for current and future generations.** The RISCC and the Districts have a long history of promoting stewardship in local communities. Communities have a responsibility to take care of the natural resources and preserve them for future generations. The RISCC and the Districts provide educational outreach, resources and guidance to residents and businesses seeking to adopt conservation practices in order to preserve natural resources.
- As stewards of natural resources, RISCC and the Districts take a “big picture” thinking and an **ecosystem approach** to conservation and protection. The ecosystem approach to conservation is based on the idea that a healthy biosphere requires intact ecosystems. It studies the trends, future challenges and opportunities. It carefully decides where and how to best apply and leverage its energy and resources.

2

Laws and Rules Governing Rhode Island State Committee and Conservation Districts

A. Enabling Legislation

The Rhode Island State Conservation Committee (Committee/RI SCC) and the Rhode Island Conservation Districts (Districts / CDs) are established under RI Gen Law § 2-4-3.

RI Gen Law § 2-4-3. State conservation committee. (a) There is established, within the department of environmental management to serve as an agency of the state and to perform the functions conferred upon it by this chapter, the state conservation committee.

RI Gen Law Title 2, Agriculture and Forestry, Chapter § 2-4-1: In recognition of the ever increasing environmental problems resulting from demands on the land and renewable resources of the state and of the need to preserve, protect and develop these resources of the state at a rate and level of quality to meet the needs of the people of the state, and the need for environmental balance, it is hereby declared to be the policy of the state to provide for the conservation of the land and renewable natural resources using those measures that best meet these objectives, including, but not limited to, the control and prevention of erosion, control of floods, the conservation and development of water resources and the improvement of water quality; assistance in the conservation of coastal land and water resources, the prevention of impairment of dams and reservoirs by sediment, the protection of wildlife, and preservation of natural beauty, and to protect and promote the health, safety and general welfare of the people of this state.

It is further the policy of the general assembly to authorize **conservation districts** established under this chapter to serve as a local unit of the state conservation committee responsible for the conservation of the renewable natural resources of this state, and competent to administer, in close cooperation with landowners and occupiers, with local governmental units, and with agencies of the government of this state and of the United States, projects, programs and activities suitable for carrying out the policy of this chapter.

B. Definitions

RI Gen Law § 2-4-2. Definitions.

(2) "Committee" or "state conservation committee" means the agency created in § 2-4-3. All references in this chapter to "state conservation committee", "state committee", or "committee" shall be deemed to be references to "state conservation committee".

(5) "District" or "conservation district" means a subdivision of the state conservation committee, and a quasi public corporation organized in accordance with the provisions of this chapter, for the purposes, with the powers, and subject to the restrictions set forth. All districts created under this chapter shall be known as conservation districts and shall have all the powers and duties set out in this chapter. All references in this chapter to "districts" shall be deemed to be references to "conservation districts".

C. State Conservation Committee Powers and Authorities

RI Gen Law § 2-4-6. Powers and duties of committee. In addition to the duties and powers conferred upon the committee, it has the following duties and powers:

- (1) To offer any assistance as may be appropriate to the directors of conservation districts, organized as provided in this chapter, in the carrying out of any of their powers and programs; to assist and guide districts in the preparation and carrying out of programs for resources conservation authorized under this chapter; to review district programs; to coordinate the programs of the conservation districts and resolve any conflicts in those programs.
- (2) To keep the directors of each of the conservation districts organized under this chapter informed of the activities and experience of all other districts organized under this chapter, and to facilitate an interchange of advice and experience between the districts and cooperation between them.
- (3) To approve forms of agreements, proposed to be entered into by districts, with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning the forms of agreements.
- (4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of the districts.
- (5) To enlist the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts; and to facilitate arrangements under which the conservation districts may serve city or town governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.
- (6) To disseminate information throughout the state concerning the activities and programs of the conservation districts organized under this chapter, to make available information concerning the needs and the work of the conservation districts and the committee to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public.
- (7) Pursuant to procedures developed mutually by the committee and other federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from those agencies for review and comment suitable descriptions of their plans, programs and activities for the purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among those plans and programs, to call attention to omissions, and to avoid duplications of effort.
- (8) Whenever the committee determines that there exists a substantial conflict between the resources conservation program of a district and the proposed plans or activities directly affecting resource conservation prepared by any other local governmental unit or agency of the federal government, or this state, and that the conflict cannot be resolved through the consultation procedures provided for in this section, the committee shall submit a report of the conflict through the department of environmental management to the governor.
- (9) To compile information and make studies, summaries, and analyses of natural resource conditions in cooperation with local conservation districts and conservation programs on a statewide basis.

- (10) Except as otherwise assigned by state law, to carry out and coordinate the policies of this state in programs at the state level for the conservation of the renewable natural resources of this state and to represent the state in matters affecting those resources. This includes the formulation and development of state guidelines, as deemed necessary, for the conservation of soil, water and related natural resources of the state. When developing these guidelines the committee, working with the conservation districts, may secure the assistance of state and federal agencies and Rhode Island schools of higher learning to make such investigations and studies as are necessary.
- (11) To offer technical assistance to the department of environmental management and/or other state agencies in the development of recommendations for the general assembly of any natural resource legislation deemed necessary for the conservation, preservation, protection and development of the renewable natural resources of this state. This legislation may include, but is not necessarily limited to, provision for erosion and sediment control, flood plain regulation and the conservation of watershed resources.
- (12) To assist conservation districts in obtaining legal services from the attorney general.
- (13) To require annual reports from conservation districts, the form and content of which shall be developed by the committee.
- (14) To establish by regulations, with the assistance and advice of the appropriate state fiscal officers, adequate and reasonably uniform accounting and auditing procedures which shall be used by conservation districts, and when the situation requires on a vote of at least four (4) members, to impound all district funds and assets subject to ratification at a hearing on the action in accordance with the administrative procedures act, chapter 35 of title 42.
- (15) To approve and issue within ninety (90) days after the end of each fiscal year a detailed annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state of its activities for the preceding year. The report shall provide a review and synopsis of the state conservation district activities; an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a summary of the work of the farm, forest and open space subcommittee including the list of current values for farm, forest and open space; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of any legal matters related to the authority of the council; a summary of any training courses held pursuant to subsection 2-4-6(18); a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically as prescribed in § 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of this provision.
- (16) To establish by regulation the procedure for removing a district director from office either for excessive absence or for other cause. The procedure shall include a hearing before the committee at which time the affected director may seek to rebut the charges.

- (17) To have supervision and control of any funds appropriated by the general assembly to finance the activities of the committee and the conservation districts; to administer the provisions of any act enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; to distribute to conservation districts funds, equipment, supplies and services received by the committee for that purpose from any source, subject to the conditions that shall be made applicable thereto in any state or federal statute or local ordinance making available those funds, property or services; to issue regulations establishing suitable controls to govern the use by conservation districts of those funds, property and services; approve all budgets, administrative procedures and operations of those districts to ensure that districts conform with applicable laws and regulations.
- (18) To conduct a training course for newly appointed and qualified members and new designees of ex officio members within six (6) months of their qualification or designation. The course shall be developed by the chair of the committee, approved by the committee, and conducted by the chair of the committee. The committee may approve the use of any committee or staff members or other individuals to assist with training. The course shall include instruction in the following areas: the provisions of chapters 2-4, 42-46, 36-14 and 38-2; and the committee's rules and regulations. The director of administration shall, within ninety (90) days of the effective date of this act [April 20, 2006], prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2.

D. Conservation District Powers and Authorities

The general powers and authorities of conservation districts in Rhode Island are described in (RI Gen Law § 2-4-12. *Powers of districts and directors*). A conservation district organized under the provisions of this chapter shall constitute a subdivision of the state conservation committee, a quasi-public corporation exercising public powers, and the district, and directors of the conservation district, shall have the following powers, in addition to other(s) granted in sections of this chapter:

RI Gen Law § 2-4-12. Powers of districts and directors

- (1) To conduct surveys, investigations and research relating to the conservation of renewable natural resources and preventive and control measures and the works of improvement needed, and to publish the results of those surveys, investigations, or research and to disseminate information concerning those preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;
- (2) To develop necessary guidelines deemed necessary for the conservation of renewable natural resources of the district. In cooperation with the state committee, develop and formulate statewide guidelines deemed necessary for the conservation of the renewable natural resources of the state; encourage local government to implement those guidelines in the planning and development of renewable natural resources under their jurisdiction; and offer any available technical and other assistance necessary to local government for this purpose.
- (3) To conduct educational and demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of these lands, and of any other lands within the district upon obtaining the consent of the occupier of the lands or the necessary rights or interests in the lands, in order to demonstrate by example the means, methods, measures and works of improvement by which the conservation of renewable natural resources may be carried out;

- (4) To carry out preventive and control measures and works of improvement for the conservation of renewable natural resources within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of these lands, and on any other lands within the district upon obtaining the consent of the occupier of the lands or the necessary rights or interests in the lands;
- (5) To cooperate, or enter into agreements with, and within the limits of appropriations made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district, in carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to any conditions that the directors may deem necessary to advance the purposes of this chapter;
- (6) To obtain options upon and to acquire, by purchase, exchange, lease, gift, bequest, grant, or devise, any property, real or personal or rights or interests to maintain, administer, and improve any properties acquired, to receive income from those properties and to expend income from those properties in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests in furtherance of the purposes and the provisions of this chapter;
- (7) To make available, on any terms it shall prescribe, to land occupiers, cities or towns, municipalities or the state within the district, machinery, equipment, materials and any other services that will assist those land occupiers, cities or towns, municipalities, or the state to carry on operations upon their lands for the conservation of renewable natural resources;
- (8) To construct, improve, repair, operate and maintain any structures or other works of improvement that may be necessary or convenient for the performance of any of the operations or activities authorized in this chapter;
- (9) To prepare and keep current a long-range program for the conservation of all of the renewable natural resources of the district. The program is directed toward the conservation of resources for their best uses and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, water supplies for urban and rural areas; water for agricultural and industrial uses, watershed protection, control of soil erosion, retardation of water runoff, flood prevention and control, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, the prevention or reduction of sedimentation and other pollution in rivers, streams, reservoirs, and the protection of groundwaters, and the location of urban facilities and structures that will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program includes an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs; to prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range program that are of the highest priorities. Each district shall submit to the state committee a copy of its long-range program and annual work plans for review and comment;

- (10) To acquire, by purchase, lease, or otherwise any property, real or personal, and to administer any project or program concerning the conservation of renewable natural resources located within its boundaries undertaken by federal, state, or other public agency; to manage as agent of the federal, state or other public agency any project or program concerned with the conservation of renewable natural resources located within its boundaries; to act as agent of the federal, state, or other public agency in connection with the acquisition, construction, operation, or administration of any program or project concerning the conservation of renewable natural resources within its boundaries;
- (11) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend those moneys, services, materials or other contributions in carrying out the purposes of this chapter; and
- (12) To have perpetual succession unless terminated or hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, regulations and rules not inconsistent with this chapter; to carry into effect its purposes and powers.

E. Related Statues and Authorities

Additionally, the RI SCC and the conservation districts are subject to the provisions of other State of Rhode Island Revised Statutes and U.S. Codes including those outlined below. The listing in the following table is not be a complete listing and organizations are encouraged to check with the federal and state offices including, but not limited to, the RI Secretary of State, the Department of Labor and Training, and the Rhode Island Attorney General, for additional laws and regulations that may affect the course of business of the organization.

Description	Law	Link
Americans with Disabilities Act of 1990	28 CFR Part 35—Part 36 (Title II and III)	www.ada.gov/2010_regs.htm
Civil Rights Act of 1964-Title VII: Equal Opportunity Employment, Sexual Harassment and Discrimination	Volume 42 USC Chapter 21 Subchapter VI, Section 2000e — 2000e-17	www.eeoc.gov/laws/statutes/titlevii.cfm
Government Ethics (Applies to all directors, employees, and agents)	R.I. Const. art. III, Sec. 8. In 1992 — <i>RHODE ISLAND CODE OF ETHICS IN GOVERNMENT AND REGULATIONS</i> (As Amended October 3, 2018)	http://www.ethics.ri.gov/code/Code%20of%20Ethics%202018Bookmarked.pdf
Open meetings	RI Gen Law, 42-46 Open Meetings	http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-46/INDEX.HTM
Public Records	RI Gen Law, 38-2 Access to Public Records	http://webserver.rilin.state.ri.us/Statutes/TITLE38/38-2/INDEX.HTM
Tort Actions Against Public Bodies	RI Gen Law Sec. 9-31-1 et seq.: Government Tort Liability	

3

RI State Conservation Committee Members and Conservation District Directors

A. RI State Conservation Committee Members

§ 2-4-3. State conservation committee.

(a) There is established, within the department of environmental management to serve as an agency of the state and to perform the functions conferred upon it by this chapter, the state conservation committee. The following shall serve as members of the committee: the director of the department of environmental management, or his or her designee, and four (4) members of the public appointed by the governor with the advice and consent of the senate. At least one member shall be appointed from each of the state's conservation districts and, in making appointments under this section, the governor shall give due consideration to recommendations made by the state's conservation district directors.

(f) The committee shall keep a record of its official actions, and may perform any acts, hold any public hearings, and promulgate any rules and regulations that may be necessary for the execution of its functions under this chapter.

(g) The director of the department of environmental management shall direct staff to support the committee within the constraints of available resources.

B. Committee Appointments and Vacancies

§ 2-4-3. State conservation committee.

(b) Members of the committee as of the effective date of this act [April 20, 2006] shall continue to serve for the balance of their current terms. Thereafter, members shall be appointed to terms of three (3) years. Members shall hold office until a successor has been selected. Vacancies shall be filled for any unexpired terms. The selection of successors to fill an unexpired term or for a full term shall be in the same manner in which the respective state committee member had been selected.

(d) Gubernatorial appointments made under this section after the effective date of this act [April 20, 2006] shall be subject to the advice and consent of the senate. All persons appointed to the committee after the effective date of this act [April 20, 2006] shall be residents of the state.

Committee members serve by appointment of the Governor and serve until one of the following events occurs:

- the member submits a letter of resignation to the Chair of the Committee (with closing date of appointment);
- the Governor notifies the member that his/her appointment will come to an end; or
- the Conservation District submits a new name for consideration as its appointee when the term their expires.

Committee vacancies are filled as described in § 2-4-3. State conservation committee.

B. Committee Advisors

The RI SCC has both statutory advisors and others who can assist it and the conservation district in carrying out their responsibilities, including legal advice. The following statute citations provide information on who these advisors, agencies and others are.

§ 2-4-3. State conservation committee.

(e) The committee shall invite the director of the cooperative extension service and agricultural experiment station, chief of the office of state planning, director of transportation, the president of the Rhode Island association of conservation districts, the state conservationist of the USDA soil conservation service, the state executive director of the USDA agricultural stabilization and conservation service, the chairperson of the water resources board, and the executive director of the coastal resources management council, and any other agency representatives necessary to carry out the intent of this chapter to serve as advisors to the state committee.

§ 2-4-4. Agents and employees – Assistance by other agencies – Delegation of powers.

The committee may employ an administrative officer and any technical experts and any other agents, and employees, permanent and temporary, that it may require, and shall determine their qualifications, duties, and compensation. It has the authority to delegate to its chairperson, to one or more of its members, or to one or more agents or employees, any powers and duties that it may deem proper. Upon request of the committee, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning shall, insofar as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the committee members of the staff or personnel of the agency or institution of learning, and make any special reports, surveys, or studies that the committee may request. The committee may call upon the attorney general for any legal services it may require.

D. Conservation District Directors

§ 2-4-8. District board – Organization – Quorum – Expenses and audit.

(a) The governing body of the districts is be the board of directors consisting of five (5) directors, elected or appointed. The directors shall elect one of their members to be chairperson and may, from time to time, change that designation. The term of office of each director is three (3) years. A director holds office until a successor has been elected or appointed and has qualified. Vacancies shall be filled for any unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring directors were, respectively, selected. A majority of the board constitutes a quorum and all actions of the board shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

“Director” is the title given to a person who is elected or appointed to serve on a conservation district board (RI Gen Law **§ 2-4-2 Definitions.** (4) “Director” means one of the members of the governing body of a district, appointed or elected in accordance with the provisions of this chapter).

In Rhode Island, two conservation district directors are elected during the Annual Meeting held in the fall/winter of the calendar year. Directors serve three-year terms. Appointments of three directors occurs through the RI State Conservation Committee from nominations provided by the respective conservation district.

Director terms are staggered so that all positions are not typically appointed/elected simultaneously. Staggered terms help provide continuity on the board and maintain operational consistency. A conservation district board may appoint a person to fill a vacant director position between elections.

E. Roles and Responsibilities of Directors and Boards

RI Gen Law § 2-4-12. *Powers of districts and directors* outlines the general statutory powers granted to conservation district boards (see Chapter 2). Individual directors do not have individual powers and authorities under statute, unless granted by the conservation district board. Individual directors may be given authority or power to act on behalf of the board for specific limited tasks. This authority or power is granted through board action (resolution, motion or policy) and must be recorded in the conservation district board meeting minutes.

Conservation district boards may choose to limit or grant authorities to individual directors relating to different actions, such as:

- Staff supervision.
- Obligating conservation district funds.
- Serving as a conservation district spokesperson for public presentations, media.
- Managing projects.
- Obligating or committing conservation district staff time or other conservation district resources.
- Signing documents.

Effective boards work cooperatively as a unit to plan and oversee the implementation of their conservation district's programs. As a representative of the conservation district board, opinions expressed publicly by individual directors should be consistent with established board policy, regardless of the individual's personal agenda or opinions.

F. Director Position Descriptions and Policy

Although conservation district directors do not have individual powers and authorities under statute, unless granted by the conservation district board, it is in the best interest of the conservation district to identify the duties and responsibilities expected of individual directors. This can be accomplished by establishing conservation district director position descriptions or conservation district policy as individual conservation district supplemental policies to this Handbook upon review and acceptance by the RI SCC. Customary duties and responsibilities of individual directors include:

- Attend and actively participate in all board meetings.
- Come to meetings prepared.
- Carry out committee responsibilities.
- Stay abreast of local conservation issues.
- Attend area and state meetings of the various state associations and other conservation partners.
- Participate in training opportunities.
- Promote the conservation district's work to local landowners.
- Promote the conservation district's work to its constituency.
- Promote the conservation district's work to agencies and organizations.
- Promote the conservation district's work to legislators and other decision makers regarding the conservation district's funding.

G. Conservation District Board Responsibilities

In order to effectively exercise the powers and authorities as stated in RIGL 2-4-12, conservation district boards should:

- Identify local conservation needs, programs, and services.
- Keep its conservation district's mission ("reason for being") in focus.
- Work effectively with conservation district staff, cooperating agencies, and partners.
- Implement conservation district programs effectively.
- Be knowledgeable about laws that govern board operations, such as budget, audit, open meetings, and contracting.
- Develop and implement a long-range plan and an annual work plan.
- Report to the public on conservation district programs and accomplishments.
- Inform legislators and local government officials of conservation district accomplishments.
- Recruit, train, and utilize volunteers and associate directors.
- Participate with the Rhode Island Department of Agriculture in a periodic review of conservation district operations.
- Recruit new conservation district directors and associate directors.
- Seek new partners in conservation efforts.

H. Director Eligibility, Elections and Appointments

RI Gen Law 2-4-9 § 2-4-9. *Designation of district directors – Appointments – Elections*. Describes the eligibility requirements for a person to become a conservation district director.

RI SCC is the ‘filing officer’ for conservation district elections and appointments. Conservation districts and candidates must follow the below specific guidelines to have candidate names placed on the ballot for election or appointment. RI SCC notifies each conservation district: which positions are up for election or appointment; procedures for candidates and conservation districts; applicable laws and rules; and timelines.

Conservation districts and candidates are responsible to submit the required forms and information to RI SCC before the deadlines. Candidates are responsible for providing any requested information to the conservation district to be forwarded to the RI SCC.

Election laws are enacted and only can be modified only by the Rhode Island Legislature. Prior to the beginning of the election process, RI SCC provides each conservation district a packet with candidate instructions and filing forms, positions on the ballot, and information about process changes and procedures for conservation district director elections. It is the responsibility of the conservation district and candidates to make sure election deadlines are met.

Director positions that will be on the election ballot are:

- Positions with the term ending that election year.
- Elected positions that are vacant.

I. Director Election Procedures

The following statues govern the procedure for nomination and election of at-large district directors. These regulations were developed by the Rhode Island State Conservation Committee in compliance with the 1972 revision of the State Conservation Law (RI Gen Law 2-4-9 § 2-4-9. *Designation of district directors – Appointments – Elections*).

Conservation Districts may choose to stagger the two elected positions in order to create overlapping of terms to provide more continuity to the board makeup.

RI Gen Law 2-4-9 § 2-4-9. *Designation of district directors – Appointments – Elections* (d) The conservation districts shall give notice and hold elections for the two (2) directors for each district on or before **January 15** of the year following the expiration of these elected directors’ terms. All occupiers of lands lying within the district shall be eligible to vote in the election. The two (2) candidates who shall receive the largest number, respectively, of the votes cast in the election shall be the elected directors for the district.

(e) All elections of directors shall be supervised and conducted by the district directors of the districts involved. The elections shall be held during a period prescribed or approved by the state conservation committee and in that manner and under any rules and regulations that the state committee prescribes. The cost of conducting elections shall be borne by the district involved. The board of directors shall certify to the state committee the names of the elected directors. The state committee shall issue certificates of election to each certified director, and shall publish the results of the election in some newspaper of general circulation in the area.

Specifically:

1. The election shall be held no later than November and must be held on or before the last Friday in November.
2. Place (s) and hours of election shall be arranged by the District Directors.
3. Publication of the dates, times and places is the responsibility of the District Directors and shall be published in a newspaper of general distribution at least seven days and not more than fourteen days prior to the election. A copy of said notice shall be submitted to the State Committee.
4. A three-person nominating committee appointed by the District Directors shall nominate two but not more than three nominees to be placed on the ballot.
5. Provision shall be made for write-ins on the ballot.
6. Registration of the voters shall be at the time of the election.
7. Ballots shall be counted by tellers appointed by the District Directors and the counting shall be open to the public. Ballots shall be transmitted to the RI State Conservation Committee within five days following the election.
8. Ballots shall be retained by the RI State Conservation Committee until **January 31st** unless contested and then until the dispute is settled.
9. In the event of a tie vote, the District Directors shall settle the vote by lot.
10. These regulations shall be posted and available to the voters at the time of the election.

J. Director Appointment Procedures

RI Gen Law § 2-4-9. Designation of district directors – Appointments – Elections.

(a) Three (3) directors will be appointed by the state conservation committee and shall be persons who are by training and experience qualified to perform the services which will be required of them in the performance of their duties. In appointing directors, the state committee shall take into consideration the recommendations of the representative of the state committee from the area in which the district is located, as well as representation of the various interests of the district such as agricultural, woodland, wildlife, recreation, community and conservation groups.

(b) The committee shall receive nomination petitions for directors, whose terms have expired, by or before **January 15** of the year following their expiration and shall take action to approve or reject the nominees within thirty (30) days of receipt. The committee has the authority to extend the time within which nominating petitions may be filed.

I No nomination petition shall be accepted by the committee unless it is subscribed to by twenty-five (25) or more occupiers of lands lying within the boundaries of the district. Land occupiers may sign more than one nominating petition to nominate more than one candidate for director.

K. Vacating an Inactive Board Position / Dismissal of Board member

The RI SCC, upon the written recommendation of a majority vote of the active members of the board of a conservation district, may declare vacant the position of a director who is absent from three publicly advertised meetings of the conservation district board within a 12 month period.

An 'absence' from a meeting results when a board member fails to notify the chair in advance of the meeting (minimum of 4 hours) of an impending absence due to work, family, sickness or prearranged event (e.g. vacation, travel out of the area or other event). Board members will be noted as absent on minutes of meetings and upon two absences in a 12 month period, the chair will notify the board member of the pending action if a third absence occurs.

Conservation district boards should use the following process in Section L. to fill an inactive board position.

Directors may also be removed for misfeasance or malfeasance.

A. Filling a Vacant Position by Appointment

According to **§ 2-4-8. District board – Organization – Quorum – Expenses and audit.** A board may fill a vacancy by (a) The governing body of the districts ... A director holds office until a successor has been elected or appointed and has qualified. Vacancies shall be filled for any unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring directors were, respectively, selected. ...is present.

In the event that the remaining board directors fail to elect or identify a candidate, RI SCC may make an appointment to fill the vacant position for the expired term.

An appointed/elected candidate must meet the director eligibility requirements as described above. For example, a conservation district board cannot fill a vacated director position with an associate director unless the associate director meets eligibility requirements.

M. Election Issues

During each election, issues may arise that cause difficulties for a conservation district board.

Some examples follow:

- No candidate files to have their name on the ballot (write-ins)
If no candidate files to have their name placed on the ballot, the position becomes open for write-in votes on the ballot. In order for the write-in votes to be counted for an individual should submit (file) to the Board and forward to the RI SCC a letter of intent and qualifications.

- No candidate filed to be listed on the ballot or to have write-in votes counted
If no individual files to have their name placed for election on the ballot or appointment and no person files to have the write-in votes counted, then the Board may not count any votes cast for the position. The position becomes vacant on January 1 following the election. The conservation district board director previously holding the position does not continue serving in the position after January 1 following the election, and the position remain vacant until the position is filled by the board according to RIGL Section 2-4-8.
- Tie votes
If a board position in the election ends in a tie vote, an automatic recount results. RI SCC will be informed of the tie vote and a recount. If, after the recount is done, there is still a tie vote, the winner is identified by drawing lots (e.g., flip of a coin, drawing of a straw). The law does not state how the lot is to be drawn. The RI SCC may draw the lot if requested. If the RI SCC draws the lot, the candidates who are tied shall be invited to be present for the drawing.
- Employee serving as director on another conservation district board
An employee of one conservation district may serve on the board of another conservation district, as long as the director eligibility requirements are met. An employee of a state, federal or local agency or of another public/private entity may also serve on a conservation district board, as long as the director eligibility requirements are met and conflicts of interest do not occur. For conservation districts that receive funding from such agencies or entities, employees of those agencies or entities serving on the conservation district board or being a committee member would constitute a conflict of interest.
- Holding more than one position
An individual cannot hold more than one position on the same conservation district board.
- Winner not qualified
If an individual gets the majority of the votes, by write-in or otherwise, for a conservation district director position at the election but does not meet the eligibility requirements for that director position, the eligible individual getting the next highest number of votes ~~does not~~ assumes the position.

Conservation districts can expand conservation district capabilities by appointing associate directors and director emeritus. Associate directors and director emeritus do not vote on board decisions. However, they can augment the board's knowledge and experience level and assist with conservation district programs and activities. Associate directors and director emeritus, once officially appointed by the conservation district board, it is recommended that they are covered by the same Tort Liability Insurance as the directors while doing conservation district work. More information on Tort Liability Insurance is provided in Chapter 4.

N. Administrative Structure

It is recommended by the RI SCC that conservation districts should also appoint other officers and committees as needed. It is the responsibility of each conservation district board to identify its needs and define duties and procedures for each of its officials.

Conservation districts should select and adopt board meeting operating procedures and provide this information to all board members and others attending conservation district board meetings. Some conservation districts post their board meeting rules on the wall or provide a written copy of these rules to people attending the meetings to help them understand the procedures under which the board conducts meetings. The following is a list of customary officer positions and responsibilities.

i. Chair

The chair is selected by vote by the conservation district board to carry out certain leadership functions and responsibilities. The chair is typically given responsibility to:

- Set meeting agendas.
- Preside at meetings.
- Appoint committees.
- Assign responsibilities.
- Request reports.
- Orient new directors.
- Any other functions and responsibilities as determined by the board.

One of the main roles of a chair is to preside at conservation district board meetings. The chair usually conducts the meeting according to some common parliamentary procedures or according to other established conservation district policy (see Appendix 4, *Roberts Rules of Order Simplified* for recommended guidance). Generally the chair entertains motions from other members of the governing body, calls on people to speak, appoints committees if necessary, limits discussion, and facilitates the process to conduct business.

Serving as the chair does not preclude a director from voting. In fact, one of the most important functions of an elected official is to participate in the official decision-making process. All directors, including the chair, should vote on all motions and decisions unless there are any compelling circumstances, such as an actual conflict of interest. No statute prohibits any director or the chair from making or seconding a motion.

ii. Vice Chair

Conservation districts may choose to elect a vice chair as one of its officers. If a conservation district decides to have a vice chair, the district should identify the roles and responsibilities for the position. Some of the responsibilities may include:

- Act in place of the chair when needed.
- Advise the chair on program and policy.
- Arrange special programs for regular board meetings.
- Serve as chair of standing committees.
- Other responsibilities defined by the conservation district board.

ii. Secretary

Every conservation district may select a director to serve as the board secretary. However, the conservation district director selected as secretary is not required to perform all secretarial or clerical functions within the conservation district. A conservation district board may delegate secretarial duties to an employee, associate director, contractor, or volunteer if desired. It is common for conservation district staff to record conservation district board minutes and prepare information, agendas, correspondence, reports, and public meeting notices.

iii. Treasurer

Conservation districts may elect a treasurer as one of its officers. The board-elected Treasurer will be responsible for oversight of all financial transactions, check signing and for setting up accounts with financial institutions. A conservation district can employ an administrative assistant to serve as the Assistant Treasurer and as such will be responsible for keeping the books, preparing checks for signature, preparing financial reports for board review and tracking accounts payable and accounts receivable.

Typical functions of a treasurer include:

- Oversee the conservation district's finances;
- Serve as chair of the finance committee;
- Obtain/provide fidelity or surety bonds for persons handling funds (to protect from theft and misuse of conservation district funds);
- Lead budget development;
- Receive, deposit and disburse funds;
- Keep complete financial records;
- Present financial statements at conservation district board meetings; and
- Other responsibilities defined by the conservation district board.

iv. Other Officers and Director Roles

Conservation district boards may designate additional officers or identify other roles for directors based on local need. Examples might be, a meeting facilitator, timekeeper, volunteer coordinator, public relations, media contact and/or spokesperson.

v. Committees

Committees can be an effective way for conservation districts to plan and implement their work. There are two primary types of committees:

1. A *standing committee* is a regular committee charged with working on a basic aspect of conservation district work. Standing committees may have a focus of education, finance, personnel, resource concerns, community relations, land use planning, water quality, or other important issue.
2. A *short term* or “*ad hoc*” *committee* is a temporary committee charged with a specific task, or for a specific time period. Ad hoc committees may focus on an election, annual meeting, grant writing, or other specific task. Ad hoc committees are disbanded when the assigned task or timeframe is completed.

When forming committees, conservation districts should clearly identify:

- Purpose of the committee.
- Expected outcome
- Desired role and participation of each entity on the committee (e.g., voting roles, consultation, advisory only).
- Time frame for reporting back to the conservation district board or completing tasks.

Committee members may include conservation district directors, members, associate directors, directors emeritus, conservation district advisors, representatives of cooperating agencies and associations, or interested citizens. However, if there is a quorum of conservation district directors on the committee, the committee meetings are subject to public meeting law.

vi. Director emeritus

Director emeritus may be an appointed position with a conservation district. The position is reserved for a person who previously served as a conservation district director in the United States or its territories where conservation districts exist. A director emeritus does not vote when the board makes an official decision. A director emeritus serves until January 1 in odd numbered years. Every two years conservation district boards may select individuals they wish to reappoint as directors emeritus.

v. Associate Director

Associate Director is defined in RI Gen Law § 2-4-2. **Definitions.** “Associate Director” means a designated representative of any community who serves to advise and consult with the board of directors of a district and serves until January 1st in odd numbered years. Every two years conservation district boards may identify individuals they wish to appoint or reappoint to associate director positions through public announcement of opportunities to assist the board.

RI Gen Law 2-4-9 § 2-4-9. Designation of district directors – Appointments – Elections. (f) The board of directors may appoint associate directors, as deemed necessary, to advise and consult with the board and to broaden representation from the communities within the district.

Associate directors serve as advisors and representatives. Associate directors do not vote on board decisions, but augment knowledge and experience of the directors. They should serve on district committees when requested and attend monthly board meetings. They will receive the same initial orientation as a director and be involved in as many projects as possible. They also may receive reimbursement for travel related expenses. A majority vote of the board of directors may serve to remove an associate director from office at their discretion.

The conservation district should record in its minutes when a person is appointed to be an associate director. An associate director may be appointed or elected to a director vacant position. The associate director must meet the statutory requirements for director eligibility as set out in Sections H., I. and J. above.

O. Director Compensation and Reimbursement

Every conservation district board has the statutory authority to compensate and/or reimburse its directors for costs incurred while doing conservation district business.

Compensation: A conservation district director may receive an amount not to exceed \$25 for each day, or portion thereof, as compensation for services performed as a member of the board. Director compensation shall be subject to payroll withholding as required by federal and state law including the Social Security Act.

Reimbursement: The conservation district board may reimburse a director for actual and reasonable traveling and other expenses necessarily incurred by the director while performing official duties.

RI Gen Law § 2-4-8. District board – Organization – Quorum – Expenses and audit. (d) Directors shall receive twenty-five dollars (\$25.00) per meeting for their services, and are entitled to other expenses at a rate set by the state committee, including per diem and traveling expenses, necessarily incurred in the discharge of their duties. All payments for compensation and expenses are contingent upon availability of funds and at no time shall meeting or travel expenses supersede necessary conservation expenditures.

Q. Listing of RI State Committee Members and Conservation District Directors (Sample format can be found in Appendix 15 and will be maintained by the RI SCC)

4 RI State Conservation Committee and District Operations

A. Staying Legal

The purpose of this chapter is to highlight information regarding RI State Conservation Committee and conservation district operations. This information was gathered from many sources and identified within the chapter and reviewed by RI DEM legal counsel.

Planning and Reporting:

As required by State of RI enabling legislation RIGL Sections 2-4-6 and 2-4-12, the RI SCC and the conservation districts will prepare and keep current annual reports and prepare long-range (strategic) plans which are to be reviewed by the organizations and updated every three to five years. The conservation districts will supply an approved Annual Plan of Work with a proposed budget each spring in advance of the start of the fiscal year (July 1) and an Annual Report each fall to the RI State Conservation Committee.

§ 2-4-6. Powers and duties of committee.

In addition to the duties and powers conferred upon the committee, it has the following duties and powers:

(13) To require annual reports from conservation districts, the form and content of which shall be developed by the committee.

(15) To approve and issue within ninety (90) days after the end of each fiscal year a detailed annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state of its activities for the preceding year. The report shall provide a review and synopsis of the state conservation district activities; an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a summary of the work of the farm, forest and open space subcommittee including the list of current values for farm, forest and open space; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of any legal matters related to the authority of the council; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of any legal matters related to the authority of the council; a summary of any training courses held pursuant to subsection 2-4-6(18); a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically as prescribed in § 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of this provision.

§ 2-4-12. Powers of districts and directors. (9) To prepare and keep current a long-range program for the conservation of all of the renewable natural resources of the district. ... Each district shall submit to the state committee a copy of its long-range program and annual work plans for review and comment;

B. The Five Minimum Requirements

RI SCC and the conservation districts are governed by specific enabling legislation RI Gen Law Title 2-4. The RI SCC and conservation districts are also subject to other statutes and administrative rules effecting state government and are identified throughout this Handbook.

All RI SCC members and conservation district boards and their staffs should become familiar with the five basic requirements identified below. At a minimum, both the R SCC and the conservation districts need to comply with these five requirements to stay legal and be eligible for grant funds administered by RI SCC.

The following table provides a list of the five requirements for conservation districts on these requirements:

Requirement	Action	Date
C 1. Long-Range Plan (RIGL Sec. 2-4-12)	Each conservation district shall submit to the RI SCC its proposed long-range (strategic) program for review and comment.	Every third to fifth year
C 2. Annual Work Plan (RIGL Sec 2-4-12)	District to submit annual work plans for next fiscal year to RI SCC for review.	Annually in May
C 3. Annual Meeting	Annual RI SCC and CD meeting with Annual Report and elections/appointments.	Oct-Nov
C 4. Annual Report	Fall of each year the Committee and boards, by giving due notice (no later than 15 days prior to the annual meeting), shall call an annual meeting of the landowners in the district and present an annual report of activities ending June 30.	Oct-Nov
C 5. Annual Financial Reports	<p>Records; Financial Reviews/Audits. The Committee and board of directors for a conservation district (to the RI SCC) shall: Provide for the keeping of full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted.</p> <p>Provide for a financial review or an annual audit of the prior fiscal year of the accounts of receipts and disbursements in accordance with accepted accounting procedures.</p>	Oct-Nov

C. Long-range (strategic) Business and Annual Work Plans

Planning is the basic tool to develop RI SCC and conservation districts programs. To develop and maintain an effective conservation program, members, directors and staff must identify local conservation needs, often referred to as 'resource concerns;' set corresponding goals; develop clear measurable objectives towards those goals and identify the tasks needed to accomplish those objectives.

Rhode Island RIGL Section 2-4-12 requires the conservation districts to create and submit to the Rhode Island Committee both an (up-to-date) long-range (strategic) business plan and an annual work plan. The long-range (strategic) business plan, annual work plan and annual budget should all work together to guide the daily operations and programs of the conservation district.

C 1. Long-range (strategic) Business Plans

A long-range (strategic) business plan is developed and updated every three to five years as a broad outline of the RI SCC and conservation district's purpose, response to natural resource concerns, and current and future operations. The long-range (strategic) business plan is a living document and should be reviewed annually and used to provide guidance in developing the annual work plan. The long-range (strategic) business plan should have goals and objectives that can be connected to the individual tasks of the organization's annual work plan.

A good long-range (strategic) business plan can be used to educate the public, partners, and potential funding agencies about the mission, available programs, and needs of the organizations. The plan can identify areas for collaboration, where responsibilities overlap with partners, and identify where help is needed. It is important to include the public and partners in the long-range (strategic) business plan development and updates as much as possible. The RI SCC and Conservation Districts will conduct scheduled events to engage both partners and the public in an outreach effort to update the long range plans, including events like annual meetings of the organizations and partner meetings. The organizations may also want to review the long-range and strategic plans of their partners, in particular NRCS and their local municipalities and other local partners to determine areas of potential collaboration.

Contents of a long-range business plan

The following is a general outline and explanation of the contents of a typical conservation district long-range business plan:

1. An executive summary.
2. Geography and agriculture of the conservation district.
3. The structure and governance of the conservation district.
 - a. This can include an explanation of the enabling and governing legislation, history of the conservation district, and a description of the conservation district leadership.

4. The mission statement of the conservation district.
 - a. A mission statement describes the fundamental purpose of the conservation district, succinctly describing why it exists and what it does to achieve its vision.
5. The vision statement of the conservation district.
 - a. A vision statement outlines what the conservation district wants to be, or how it wants the county in which it operates to be.
 - b. The vision statement is a long-term view and concentrates on the future.
6. Values and/or guiding principles of the conservation district.
 - a. Values are beliefs that are shared among the stakeholders of the conservation district.
 - b. Values drive the conservation district's culture and priorities and provide a framework in which decisions are made.
7. The roles and responsibilities of the conservation district and partners.
8. The goals and objectives of the conservation district.
 - a. Goals are broad outlines of where the conservation district wants to go.
 - b. Goals are usually long-term.
 - c. Objectives are concrete steps to reach the goals and have measurable outcomes.
 - d. In the conservation district's annual work plan, the individual items will be the tasks needed to reach the objectives.
9. The natural resource concerns of the conservation district.
 - a. The list of natural resource concerns should include current conditions and expected outcomes.
10. The conservation district's programs.
 - a. The conservation district should think about how the services of the conservation district fit into program areas that relate to both the natural resource concerns and the goals of the conservation district.
11. The current capacity and future needs of the conservation district.
 - a. This is the section of the long-range business plan where the conservation district can justify the need for additional funding and resources.

C 2 . Annual Work Plans

An annual work plan outlines specific activities the conservation district will pursue in the next fiscal year to address the goals and objectives defined in the long-range (strategic) business plan. The annual work plan describes in detail who is going to do **what, by when, and how**.

The plan should be completed prior to the beginning of the fiscal year and cover the activities planned over the next fiscal year (July 1 to June 30).

The annual work plan shall be submitted to RI SCC for review in May of each year and comment as part of the application process to be eligible for the legislative support grants.

The annual work plan should include work and tasks that can realistically be accomplished during one year. Each task should be tied to a specific goal and objective from the long-range (strategic) business plan.

Tasks should define a planned completion date, identify who is responsible to implement it, and estimate the amount of time to complete the task. Some annual work plans also include a budget for each task. The annual work plan should include the daily operations of the conservation district as well as programs, events, water quality projects, and Scope of Work tasks. Daily operations include staff and board meetings, answering public inquiries, bookkeeping, partnership meetings. Conservation district programs should be broken down to the project and task level in order to accurately develop timelines and completion dates, and to assign the responsible person(s).

A workload analysis is often included in an annual work plan. Workload analysis is a method used to determine the time, effort, and resources necessary to carry out the conservation district's operations, resulting in identifying the conservation district's actual staffing needs to complete the annual work plan. In its simplest form the workload analysis includes each staff, board member, and volunteer assigned a particular amount of time (either in hours or days) to complete each task of the annual work plan. Adding up the total hours or days assigned to each person and comparing that number to the maximum available time will allow the conservation district to determine if each person is under-worked, overworked or working to their capacity.

When calculating maximum available hours or days, be sure to include holiday, vacation, and sick days. After performing an initial workload analysis, the conservation district may need to re-balance task assignments, scale back planned programs, and/or hire additional staff. The annual work plan is also a useful tool for performance evaluations to help determine if staff are meeting goals and completing assigned tasks.

D. Other Legal Requirements

Conservation districts should become familiar with the other statutes and administrative rules relating to conservation district operations identified below and in other chapters of this Handbook. Of particular importance, are the statutes and administrative rules relating to open meetings and public records, conflict of interest, employment laws, open contracting, civil rights, and discrimination.

E. Posting Requirements

As an employer of record, a conservation district is required by law to post certain information at a readily visible site in the conservation district office. These laws are commonly referred to as federal and state posting requirements, and provide legal information to employees on minimum wage, family and medical leave, and other employment laws.

6. Open Meeting Law (RIGL § 42-46)

The Rhode Island form of government requires an informed public be aware of the deliberations and decisions of governing bodies, and the information used to make the decisions. It is the intent of Rhode Island's open meeting law that decisions of governing bodies be arrived at openly.

Thus, open meeting law provides that any member of the public must be permitted to attend any meeting of the governing body, except for those designated as "executive sessions." Open meeting law addresses meeting access by the public, notice of meetings, minutes and the recording of public votes. Open meeting law will be discussed in Chapter 7.

G. Public Records Law (RIGL § 38-2).

The legislative policy that underlies Rhode Island's access to public records act substantiates that the public is entitled to know how the public's business is being conducted. The public records law advances this policy by granting the public a broad right to examine records created, maintained, cared for, or controlled by public bodies. Additionally, public records retention rules provide for the retention and disposition of public records. Public records law and retention rules will be covered in Chapter 8.

H. Government Ethics Law (RI Code of Regulations and RIGL 36-14)

The Code of Ethics

The Rhode Island Constitution vests the Ethics Commission with the authority to adopt a Code of Ethics pertaining to, among other things, conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure (**R.I. Const. art. III, Sec. 8**). The Rhode Island Supreme Court has recognized the Ethics Commission's constitutional authority, and has held that the General Assembly also has authority to adopt provisions of the Code of Ethics that are not inconsistent with those adopted by the Ethics Commission.

Due to the concurrent authority of the Ethics Commission and the General Assembly in the area of ethics, the Code of Ethics contains both regulations adopted by the Ethics Commission and statutes passed by the General Assembly. Therefore, the complete Code of Ethics cannot be found solely within either the Rhode Island Code of Regulations (RICR) or the Rhode Island General Laws. Instead, the Ethics Commission publishes a complete Code of Ethics, with regulatory and statutory provisions combined, on its website (see link below) and in hard copy available at the Ethics Commission's office.

Informal Guidance and Advisory Opinions

The Ethics Commission staff is available by telephone at (401) 222-3790 to answer questions and provide informal guidance concerning the application of the Code of Ethics. The Ethics Commission has also issued General Commission Advisories (GCAs), found on the Ethics Commission's website, providing general guidelines and examples that explain in simple terms provisions found in the Code of Ethics.

To receive formal and binding advice as to the Code of Ethics, public officials and employees may also request a written advisory opinion which will be considered and issued by the Ethics Commission at an open meeting. Please contact the Ethics Commission staff to discuss any concerns and the procedures for obtaining appropriate advice. Additional information can be obtained at <http://www.ethics.ri.gov/code/>.

Who is covered

R.I. Gen. Laws § 36-14-2 Definitions.

(1) "Any person within his or her family" means a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

(4) "Employees of state and local government, of boards, commissions and agencies" means any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission or corporation;

Prohibited Activities

R.I. Gen. Laws § 36-14-5 *Prohibited Activities* provides an extensive list of those actions, instances and conditions that are covered as prohibited activities under the Code of Ethics. This listing can be found in Appendix 13 Prohibited Activities and shall be reviewed by those serving in a public capacity

I. Conflict of Interest

An “**actual conflict of interest**” is that which **would** result in private monetary or pecuniary benefit or detriment of that public official. If a director or board member has an actual conflict of interest he or she must announce publicly the nature of the conflict (i.e., have it recorded in the minutes), and refrain from participation in discussion, debate, or voting on the issue.

The director or board member with the actual conflict of interest may not vote except in circumstances where their vote is required to meet the minimum quorum requirements. If other public officials not in an elected position (associated director, employee, volunteer) have an actual conflict of interest, they must notify their appointing official (supervisor) in writing of the conflict of interest.

A “**potential conflict of interest**” is that which **could** result in private pecuniary benefit or detriment. If an elected director has a potential conflict of interest, he or she must announce publicly the nature of the potential conflict prior to taking any action. Additionally, he/ she must fill out the Statement of Conflict form found in Appendix 14: *How to Give Notice and Recuse and form*.

Additional resource information can be found in the document from the Rhode Island League of Cities and Towns at the following website:

<https://www.rileague.org/DocumentCenter/View/24/Ethics-and-Conflict-of-Interest?bidId=>

R.I. Gen. Laws § 36-14-6 Statement of Conflict of Interest.

Any person subject to this Code of Ethics who, in the discharge of his or her official duties, is or may be required to take an action, make a decision or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to said person, or spouse (if not estranged) or any dependent child of said person, or business associate or any business by which said person is employed or which said person represents, shall, before taking any such action or refraining therefrom:

(1) Prepare a written statement sworn to under the penalties for perjury describing the matter requiring action and the nature of the potential conflict; if he or she is a member of a legislative body and he or she does not request that he or she be excused from voting, deliberating or taking action on the matter, the statement shall state why, despite the potential conflict, he or she is able to vote and otherwise participate fairly, objectively and in the public interest; and

(2) Deliver a copy of the statement to the Commission, and:

(i) If he or she is a member of the general assembly or of any city or town legislative body he or she shall deliver a copy of the statement to the presiding officer of the body, who shall cause the statement to be recorded in the journal of the body and, upon request of the member, may excuse the member from votes, deliberations or any other action on the matter on which a potential conflict exists; or

(ii) If said person is not a legislator, his or her superior, if any, shall, if reasonably possible, assign the matter to another person who does not have a Conflict of Interest. If he or she has no immediate superior, he or she shall take such steps as the Commission shall prescribe through rules or regulations to remove himself or herself from influence over any action on the matter on which the Conflict of Interest exists.

J. Recusal

1.2.1 Additional Circumstances Warranting Recusal (RIGL 36-14-5002)

A. A person subject to this Code of Ethics must also recuse himself or herself from participation in accordance with R.I. Gen. Laws § 36-14-6 when any of the following circumstances arises:

1. Any person within his or her family, or a household member, appears or presents evidence or arguments before his or her state or municipal agency.
2. His or her business associate or employer appears or presents evidence or arguments before his or her state or municipal agency.
3. His or her business associate, employer, household member or any person within his or her family authorizes another person, on his or her behalf, to appear or to present evidence or arguments before his or her state or municipal agency.

B. A person subject to this Code of Ethics is not required to recuse himself or herself pursuant to this or any other provision of the Code when:

1. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency, solely in an official capacity as a duly authorized member or employee of another state or municipal agency, to participate in non-adversarial information sharing or coordination of activities between the two agencies, provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.
2. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency during a period when public comment is allowed, to offer comment on a matter of general public interest, provided that all other members of the public have an equal opportunity to comment, and further provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

1.2.2 Limitations on Recusal (RIGL 36-14-5003) The notice and recusal provisions of R.I. Gen. Laws §§ 36-14-5(e)(I) and 36-14-5(f) shall not be interpreted so as to permit a person subject to this chapter to make use of such provisions on a regular basis. If such actions occur with such frequency as to give the appearance of impropriety, the person subject to this chapter may be deemed to have violated the provisions of this chapter, unless such actions are necessitated by circumstances beyond the control of such person and are the only legal course of action available to such person in order to protect a vested property interest.

K. Procurement, Contracts and Agreements

Public procurement, contracting and agreements can be a complicated process. RI SCC provides limited technical assistance or legal advice. The RI SCC, an independent agency of the RI Department of Environmental Management will follow state procurement practices. Rhode Island conservation districts, established as quasi-public corporations, will follow procurement policies set forth in rules and regulations adopted and provided in Appendix 12. Conservation districts are encouraged to seek assistance from legal counsel, attend trainings and workshops, and contact other agencies that have training and experience. RI SCC and conservation districts will follow federal contracting and agreement rules and regulations when dealing with federal agencies.

L. Public Contracting

Conservation districts, if working on contracts under the direction of the RI SCC, are required to follow state contracting law. Each conservation district should follow public procurement rules and regulations that outline the method for which public contracts, services, and goods are procured.

M. Interagency Agreements and Charters

An *interagency agreement* (or Charter) is a document, generally between government agencies and departments, that defines cooperative work between them. The agreement defines the parties involved, the work performed and the transfer of technologies and funds. These agreements and charters must be approved by the RI SCC.

Government agencies routinely support each other in the execution of their duties. Since state and local agencies may be governed by different organizations/departments and have different funding sources, a written agreement is necessary to define the roles the two parties play in their collaborative efforts. This document is known as an interagency agreement.

The agreement spells out the reason for the collaboration, the time period it is in effect, the agencies or departments involved, payment considerations and delegation of authority to carry out the agreement. It can be written as a cooperative agreement, or an agreement where one or more agencies do work for others.

Like a contract, the agreement contains a section indicating the exact work to be accomplished. It also includes a cost estimate of the funds required to carry out the work.

Typical agreements include a memorandum of understanding, inter-service support agreement, government-wide agency contract and a cooperative research and development agreement.

N. Hold Harmless or Indemnity Clauses and Review of Draft Contracts and Agreements

It is important to include a “hold harmless or indemnity” clause in contracts and agreements. A hold harmless clause specifies that the conservation district will not be responsible for any actions by the vendor, contractor or others party to the contract that cause damage to others. Any contract or agreement prepared by an entity other than the conservation district should be reviewed carefully to insure that the hold harmless clause does not hold the conservation district accountable for the actions of the other party.

Tort Liability Insurance Coverage, only covers the conservation district for its representatives’ actions, not those of another party.

The standard “hold harmless” clause for conservation district contracts and agreements is:

“The conservation district agrees to be responsible for any damage or any third party liability which may arise from its (name of project) subject to the limitations and conditions of the Rhode Island Tort Claims Act to the extent of liability arising out of negligence of the conservation district.”

RI SCC has resources available to review contracts and agreements. RI SCC can help conservation districts determine if there are any concerns or problems in the contract or agreement, provide guidance to minimize the risk to the conservation district, and help modify the wording of the liability or indemnity portions of the contract or agreement. However, conservation districts are encouraged to have contracts and agreements reviewed by legal counsel and/or other appropriate entities.

O. Contract Liability—Loss of Tort Coverage

Tort liability does not apply to liability assumed under a contract. If a conservation district contracts with a person to do something, that person has the same rights as if they had contracted with a private company. If something goes wrong and the conservation district breaches the contract, the conservation district could be sued (e.g., if the conservation district fails to make payment for work performed under the contract). If that happens, the general liability insurance provided through RI SCC and the Department of Administrative Service, Risk Management Program does not apply. Tort liability insurance only covers legal actions involving torts. Also see sections Y. and Z. below.

Insurance coverage for conservation districts

All conservation district directors, associate directors, employees, and volunteers are provided tort liability coverage under the state’s self-insurance program. Every two years, RI SCC may provide, upon request, each conservation district a copy of the insurance documents.

Conservation District directors and staff should review and become familiar with the insurance documents and the provisions of this coverage, and be clear about what is and is not covered. The information in the documents will be helpful when determining what additional insurance is needed or desired for the conservation district.

Automobile insurance coverage for conservation district employees.

Rhode Island's financial responsibility law requires every driver to insure his or her motor vehicle with at least the minimum coverage of automobile insurance. Conservation district representatives are not covered by the state's self-insurance policy for operating their own vehicle while performing their job and may not be provided liability protection under the Rhode Island Tort Claims Act while operating a privately-owned vehicle. If a conservation district wishes to obtain its own comprehensive automobile insurance for collision, fire, theft, replacement, and other costs, the conservation district will need to purchase the additional insurance coverage through a private carrier.

Rhode Island tort claims act exclusions

Be advised there may be some exclusions from coverage under the Rhode Island Tort Claims Act. Specifically, the limits and protections of the Rhode Island Tort Claims Act do not apply when conservation districts operate vehicles or work outside the state of Rhode Island. If conservation districts are operating vehicles and/or conducting business outside of the state of Rhode Island, they should purchase extra liability insurance that would cover claim costs exceeding the limits provided under the state's policy.

Conservation districts may choose to purchase additional insurance to cover identified exclusions that affect their conservation district, such as the use of watercraft or other equipment. Conservation districts should consult with insurance providers to determine additional insurance needs and coverage requirements.

P. Use of Personal Vehicles

Personal vehicles are often used by conservation districts for official business. It is important that all conservation districts ensure that employees who use personal vehicles have at least the minimum insurance required by state law.

It is essential to have policies and procedures regarding the use of personal vehicles for official conservation district business. These policies and procedures apply to directors, associate directors, directors emeritus, staff, volunteers, and any other agents of the conservation district.

The policies and procedures at a minimum include:

Checklist of Action Items Needed for Use of Personal Vehicle	
Licensing and insurance documents (e.g., drivers license, vehicle registration, insurance)	X
Accident and/or claim reporting requirements and procedures	X
The conditions under which vehicles can be used such as, what is official business, or what approval is needed to use a personal vehicle.	X
Reimbursement rates	X
Mileage documentation requirements	X
Safety requirements, equipment, and/or inspection and maintenance of vehicles (seat belts, operational standards)	X
Clarification that conservation district is not responsible for repairs and/or maintenance of personal vehicles	X

An accident occurs with a personal vehicle being used on conservation district business?

A person's own automobile insurance takes first position. It is imperative upon employees and staff to confirm with their personal insurance company that they have coverage for use of their personal vehicle for business purposes. If the limits of the person's insurance are exceeded, then the liability coverage (if available) from the conservation district takes second position and covers the damages up to established policy limits.

Q. Use of State or Federally-owned Vehicles

Conservation districts often ask about the insurance requirements when using USDA, Natural Resources Conservation Service (NRCS) or other non-conservation district-owned vehicles. NRCS guidance pertaining to insurance requirements when conservation districts use Natural Resources Conservation Service (NRCS) vehicles is contained in the *Rhode Island Supplement to the NRCS General Manual 120, part 405 subpart F*.

R. Equipment

I. Equipment Accountability

All equipment purchased by a conservation district is public property. The conservation district is responsible for keeping an up-to-date inventory of this equipment, its use, and its location (e.g., where it is stored, or who is using it and how). As outlined in Rhode Island government ethics law, public officials are prohibited from using public equipment for personal purposes. Conservation district resource use must be consistent with appropriate conservation district policy to avoid actual or perceived misuse of public equipment.

II. Equipment Insurance

Each conservation district needs to determine whether it wishes to purchase appropriate property insurance for equipment, tools, etc.b.

III. Disposal of Used Equipment and Property

In general, the conservation district board should vote on the need to declare the used equipment as surplus, and decide how it is to be disposed. Before disposal of any used equipment, conservation districts need to be aware of any possible conditions by funding sources that purchased the equipment on limitations for disposal.

Disposal may include actual disposal in the trash, recycling, donation to other organizations (governmental or private/non-profit), or sale. The board should ensure there is no violation of Rhode Island government ethics law in the disposal process. If the equipment was purchased by another funding source, conservation districts need to be aware of conditions limiting disposal.

Conservation districts have two primary options for selling equipment they no longer need:

Option #1

A conservation district may sell its equipment itself, seeking bids locally. If this option is used, the conservation district must be very careful not to be “in conflict of interest,” and must be ethical in how it goes about the sale and/or bid process.

Example: A direct sale to a conservation district director or friend of the family, may be considered both a conflict of interest and unethical.

All interested persons must have an equal opportunity to bid on the item for sale. Items for sale should be advertised for at least two weeks.

Option #2

A conservation district may choose to work with Department of Administration (DOA) to take care of everything from advertising to the actual sale. The equipment can be left at the local site, but the sale would be handled through DOA in Providence and the funds would go to the conservation district. This option takes away the conservation district’s risk of a conflict of interest and the potential for an ethics violation, since DOA manages the process.

IV. Rhode Island's state and federal surplus property

Conservation districts may be eligible to obtain/purchase state and federal surplus equipment if they meet eligibility. In addition to surplus equipment, conservation districts are eligible to shop at the federal Surplus Property store.

General Federal surplus personal property donation programs enable certain nonfederal organizations to obtain property the federal government no longer needs. Contact a State Agency for a Surplus Property (SASP-representative, in the applicable geographic location below, to confirm eligibility. SASPs are state-run organizations that administer the federal program for the donation of federal surplus property to public, tax-supported entities and eligible private nonprofit tax-exempt organizations.

Contact for surplus property is through the Director at Rhode Island State Agency for Surplus Property, Division of Capital Asset Management, 19 Foster Road, Building 84, Cranston, RI 02920.

U. Insurance/Risk Management

I. Risk Management Concepts

All individuals, small companies, corporations, and various types of governments assume risk when conducting business. Conservation districts, like any other entity, assume and expose themselves to certain types of risk while acting as either a quasi-public corporation, as part of the RI SCC, as an employer, and/or in other roles they assume (e.g., landowner, contractor). Conservation districts can employ different techniques and methods to manage and reduce their exposure to risk.

Risk management must be an integral part of conservation district activities. The strategies districts develop to minimize risk will help guarantee continued operations. Risk assessments are valuable tools for districts to use. Risk assessments can be done at anytime and by anyone. They help identify and develop strategies to eliminate or minimize risk. Risk management extends into securing all permits, permissions, agreements and other legal or contractual documents for any activity.

The following basic questions outline the beginning steps to conduct a risk assessment:

What are your conservation district's activities?

- What will you be doing?
- Where will it be done?
- Will it be done in the State of Rhode Island?
- What materials or substances will be used?

Who will be performing these activities?

- Are they your agents, employees, board members, or volunteers?
- Are they independent contractors, or employees of the conservation district, county, city, or municipality?

What are the risks associated with these activities?

- Injury to your agents, employees, board members, or volunteers.
- Injury to others covered by their employer's workers' compensation coverage.
- Injury to third parties.
- Third-party property damage.

Rank the risks.

- What is the chance of a loss occurring: high, medium, or low?
- How much might this loss cost?

How are these risks covered?

- Are they covered by the state tort liability policy?
- Is there a contract with the service provider?
- Does the contract transfer the risk and require insurance coverage?
- Do you have a commercial insurance policy covering the risk?
- Is the risk so low that it can be uninsured?

Are there other ways to minimize the risk?

- Are the participants properly oriented and trained?
- Is supervision required?
- Are there clear expectations?
- Are there policies and procedures?
- Are the duties clearly delineated?
- Are you acting in good faith?
- Are you following reasonable, professional, and industry standards?
- Is it best to use an experienced professional in this case?
- What level of professional or industry standard is needed?
- Are you meeting this standard?
- Are you a good neighbor?
- Have you addressed community concerns?
- Do neighbors know when and where the activity will begin?
- Do they know how the task will be accomplished and the length of the project?
- Do all participants recognize and know how to handle endangered species and culture resource issues?
- Have you filed a permit with U.S. Fish and Wildlife for exemption from accidental or unintentional "take" of an endangered species?

II. Policies and Procedures

A common way to reduce and/or transfer risk is develop and adopt district policies and procedures. Policies and procedures are the self-imposed written rules and procedures under which the district directors, staff, and volunteers operate. Policies and procedures should be developed for many areas of district operations. If policies are adopted, it is important to follow those policies otherwise the conservation district may be held responsible for not following its own policy.

Some areas may include:

- Personnel Management
- Orientation and Training
- Financial Management and Budgeting
- Long-range Business Planning
- Equipment and Vehicle Use
- Ethics and Conflict of Interest
- Roles of Directors and Officers
- Roles of Associate Directors
- Volunteers
- Public Contracting
- Parliamentary Procedure
- Meeting Management
- Public Records Requests
- Communications
- Agreement with Partners
- Memorandum of Understanding
- Fund Raising
- Campaigning
- Risk Management
- Sexual Harassment Prevention
- Safety
- Americans with Disabilities Act
- Drug and Alcohol Use
- Entry on to Private Property

Several of these operation and policy areas are covered in other parts of this Handbook and Appendix 3: Rhode Island Conservation District Personnel Handbook.

V. Legal Assistance to Conservation Districts

If a legal issue or a potential legal issue arises in a conservation district, the RI SCC should always be contacted. RI SCC will be able to direct the conservation district to sources of assistance or to resources about which the conservation district might not be aware.

W. Attorney General Legal Counsel

If it is a matter that pertains to conservation districts statewide, then a request for Attorney General assistance should be made through RI SCC. In addition, the RI SCC SWCD Program keeps a record of all Attorney General Opinions relating to conservation districts (**RI Gen Law § 2-4-6. Powers and duties of committee.** (12) To assist conservation districts in obtaining legal services from the attorney general.)

X. Entering Private Lands

The directors or designated representatives of a conservation district have authority to go upon any lands within the district when the district has either expressed permission or when working with a cooperater of the conservation district and only after notifying the owner or operator for the purpose of the visit in carrying out the responsibilities with which the directors or representatives are vested by law. The directors or representatives shall take due precaution at all times to prevent injury to growing crops or livestock.

Y. Tort Insurance

Tort Liability Insurance Coverage

Conservation districts are provided protection from tort liability for their actions while doing conservation district business through tort liability insurance coverage. A tort is defined as a wrongful act, injury, or damage (not involving a breach of contract), for which a civil action can be brought. RI Gen Laws §§9-31-1 et seq. defines a tort liability coverage.

RI Gen Law § 9-31-1 Tort liability of state. – (a) The state of Rhode Island and any political subdivision thereof, including all cities and towns, shall, subject to the period of limitations set forth in § 9-1-25, hereby be liable in all actions of tort in the same manner as a private individual or corporation; provided, however, that any recovery in any such action shall not exceed the monetary limitations thereof set forth in this chapter.

(b) Except as otherwise provided herein, neither the State nor any other public body of the State of Rhode Island shall have any liability for any claim arising prior to December 31, 2002, from the failure of a computer, software program, database, network, information system, firmware, embedded chip, or any other device, whether operated by or on behalf of the State of Rhode Island or one of its agencies, departments, divisions, or any public body as defined in § 9-1-31.1(a)(1), to interpret, produce, calculate, generate, or account for a date(s) or time(s) which date(s) or time(s) is associated with the year 2000 date change. This provision of this section shall apply without limitation to cities, towns, school committees, regional school committees, housing authorities, public libraries, sewer district, water districts, fire districts, agencies, authorities, boards, committees, subcommittees, councils and commissions. Provided that nothing herein contained shall exempt any public body from liability:

(1) For acts or omissions not in good faith, or

(2) For any malicious, willful, wanton, reckless or grossly negligent acts or omissions.

Provided that the public entity will only be liable for the proportion of damages attributable to its own degree of fault, and provided further that any such liability shall be governed by the monetary limitations of this chapter.

Z. Insurance coverage for conservation districts

As previously discussed, all conservation district directors, associate directors, employees, and volunteers are provided tort liability coverage under the state's self-insurance program.

Rhode Island tort claims act exclusions

Be advised that there are some exclusions from coverage under the Rhode Island Tort Claims Act. Specifically, the limits and protections of the Rhode Island Tort Claims Act do not apply when conservation districts operate vehicles or work outside the State of Rhode Island. If conservation districts are operating vehicles and/or conducting business outside of the State of Rhode Island, they should purchase extra liability insurance that would cover claim costs exceeding the limits provided under the state's policy.

Some conservation districts may choose to purchase additional insurance to cover identified exclusions that affect their conservation district, such as the use of watercraft over 25 feet. Conservation districts should consult with insurance providers to determine additional insurance needs and coverage requirements.

Questions Regarding Tort Liability Insurance

Is tort liability insurance coverage provided for conservation districts?

Yes. All Rhode Island conservation districts have a local government liability policy. The policy is subject to the Rhode Island Tort Claims Act and the Rhode Island Constitution.

Who is covered?

All conservation district directors, associate directors, directors emeritus, employees, and volunteers are covered when they meet of the following criteria:

1. All conservation district directors, associate directors, directors emeritus, and employees who are under the direction of the board.
2. All conservation district volunteers involved in conservation district projects. A volunteer is a person who:
 - a. The conservation district appoints to perform official conservation district business.
 - b. Receives no compensation for this service.
 - c. Works at the conservation district's request or consent, under the conservation district's direction and control.
3. Individuals who are employed by the conservation district and get direction from the conservation district board and staff.

When does coverage begin?

- Coverage for conservation district directors begins when an elected or appointed director takes the “Oath of Office” at a conservation district board meeting, and it is recorded in the conservation district’s board meeting minutes.
- Coverage for an associate director or a director emeritus begins when the conservation district board votes to appoint a person to that position. The board meeting minutes should reflect the name of the person who has been appointed to the associate director or director emeritus position.
- Employee coverage begins on his or her employment starting date.
- Volunteers become covered on the date a signed Volunteer Agreement form is received by the conservation district. The board meeting minutes should reflect the volunteer’s appointment and should specify the terms of volunteer service, including tasks, length of service.

Are participants in conservation district-sponsored activities, and/or field trips on private property covered?

Before conducting a field trip, it is important for the conservation district to determine who is covered and who isn’t. Only those conservation district-related persons who are normally covered by the tort liability insurance are covered on a field trip. State and federal agency participants in field trips have coverage through their agencies, but other individuals may not be covered. The conservation district should ask them to sign a Field Trip Waiver of Liability form before accepting them as participants in the field trip.

Also, the property owner hosting the event is not covered by the conservation district’s liability insurance. The conservation district should always verify with the property owner that he or she has adequate comprehensive liability insurance coverage before plans for the field trip are finalized. It is recommended that the conservation district enter into a written agreement with the property owner to hold an event on the property.

Is the conservation district’s tort liability insurance coverage in effect when conservation district officials are driving a conservation district, state, or federal vehicle on conservation district business?

Yes, it is in effect.

Is the conservation district’s tort liability insurance coverage in effect when conservation district officials are driving a personal vehicle on conservation district business?

Yes. Anyone driving a personal vehicle on conservation district business must also have his or her own liability coverage, at least to the minimum required by Rhode Island law. Conservation districts should be aware that private insurance pays first in the event of a claim.

Does the conservation district's liability insurance coverage include physical damage insurance coverage?

No. The tort liability insurance coverage is only for liability. The conservation district must obtain physical damage insurance coverage when using conservation district, state, or federal vehicles. The conservation district must purchase a commercial auto insurance policy that includes non-owned auto coverage. Be aware that some potential insurers claim that a commercial auto insurance policy that includes non-owned auto coverage is a liability policy, not a physical damage policy. Risk Management Program will verify that it is a physical damage insurance policy, not a liability insurance policy.

What isn't covered?

- Criminal complaints or actions.
- Acts not arising in the performance of duty.
- Slander.
- Malfeasance in office, or for acts due to willful or wanton neglect of duty or that were committed maliciously with intent to injure.
- For the assumption of liability to another party because of negligence, unless a written agreement was entered into prior to a loss.
- Workers' compensation.
- Open meetings Law violation claims.
- Protective relief actions.
- Pollution.
- Aircraft.
- Watercraft over 25 feet in length.
- Personal property.
-

What should the conservation district do in the event of an accident or occurrence, or if someone makes a claim or suit against it?

1. Notify the RI SCC of any accident or occurrence that may result in a claim. Include how, when, and where the occurrence took place, and the names and addresses of any injured persons or of any witnesses.
2. Notify the RI SCC Program promptly of any actual claims or suits. Send copies of demands, notices, summons, or legal papers to the contact information RI SCC provided in the Resources section at the end of this chapter.
3. Cooperate in the investigation, settlement, or defense of the claim or suit.

When will the state represent me in a lawsuit?

The tort liability insurance contract policy includes providing defense for any public official, employee, or agent from any tort claim or demand which arose out of an alleged act or omission occurring in the performance of duty. If it is unclear whether the lawsuit arose from a conservation district's representative's duties, the Attorney General's Office will tell the conservation district early in the investigation if they will defend the conservation district. Once the State decides to defend the conservation district, it will continue to defend the conservation district unless the conservation district fails to cooperate in the investigation, or acts to prejudice the case.

Under certain circumstances, individuals are personally liable for their actions. Being personally liable means an individual pays his or her own attorney, court costs, settlements, judgments, and other expenses. Some clear cases of personal liability include, but are not limited to:

1. Charge of ethics violation.
2. Traffic or motor vehicle citations.
3. Charge of criminal act or criminal contempt.
4. Wrong allegedly done when an individual was acting outside the scope of his or her conservation district employment or board position.
5. When the alleged wrong, if true, constitutes intentional harm, a willful neglect of duty, malfeasance in office, or gross recklessness.
6. Failure to cooperate or acting to prejudice the state's defense.
7. Professional licensure sanctions, complaints, or discipline.
8. Payments of transfers of state funds or property in violation of the law.
9. Negligent or willful damage, or loss to state assets.

5 Finances

The purpose of this chapter is to highlight information regarding RI SCC and conservation district finances. While this information was gathered from many sources listed at the end of the chapter in the Resources section.

A. Public Funds

All funds obtained by the RI SCC and a conservation district are considered public funds, whether they come from public or private sources. Committee and Board members have a fiduciary responsibility to ensure that these public funds are expended in a proper and lawful matter.

It is the policy of the RI SCC that it is unlawful for any public official to expend any moneys in excess of the amounts provided by law, or for any other or different purpose than provided by law. RI statutes are clear on a number of issues of misuse of public funds, including, but not limited to: Bribery, punishable by a fine of between \$5,000 and \$50,000, or 3 times the value of the bribe, or imprisonment of no more than 20 years. 11 R.I. Gen. Laws Ann. § 11-7-5; Embezzlement and fraudulent conversion, punishable no more than \$50,000 or 3 times the value embezzled or converted, and imprisonment for no more than 20 years, unless less than \$100 embezzled, in which case max penalty is \$1,000 and imprisonment of no more than 1 year. 11 R.I. Gen. Laws Ann. § 11-41-3; and Extortion by a public official, punishable by maximum 15 years imprisonment and \$25,000 fine. 11 R.I. Gen. Laws Ann. § 11-42-1.1.

As public officials, RI SCC committee members, conservation district board members and employees of those organizations can be held civilly liable for misuse of public funds. A civil suit against a public official or employee can be brought by the state's attorney, or if the expenditure constitutes malfeasance in office or willful or wanton neglect of duty, by any taxpayer of the State of Rhode Island.

B. Fiscal Administration

The RI SCC and the Districts shall operate on a fiscal year that begins on July 1 and ends on June 30. Fiduciary responsibility is arguably the most important function of a conservation district's board of directors.

State Committee and Districts shall maintain a standardized financial management system that follows accepted procedures that provide for the following:

- Create and adopt a budget.
- Develop any additional internal financial control policies with RI SCC approval.
- Manage funds consistent with fiduciary responsibility.
- Maintain accurate and complete financial records and reports including:
- Revenues and expenditures.
- Property and assets (e.g., cash, equipment, furniture, vehicles, inventory).

- Manage cash deposits, investments, and other financial holdings.
- Review monthly financial or treasurer's report.
- Report to appropriate local, state, and federal agencies and governments.
- Annual Reviews/Audits.

C. Budgets

A budget is a financial plan that estimates the resources and expenditures required to conduct business in the upcoming year. A properly prepared budget allows lawful appropriations, which provides the authority to spend money. The preferred method of preparing a RI SCC and a conservation district's budget is to follow "fund accounting" principles. Fund accounting means there are different funding sources that identify different parts of the budget (i.e., general funds, specific grant funds, tax revenues).

When developing an annual budget, the RI SCC and conservation district should consider the following:

- Projected workload (workload analysis). The estimated time and costs required of directors, staff, and volunteers to achieve the objectives and actions identified in the Annual Work Plan.
- Anticipated resources and revenues from all sources, including, but not limited to:
 - Beginning fund balances.
 - Federal and state grants.
 - Private and corporate sources.
 - Local funding.
 - Tax revenues.
 - Fund-raising activities.
 - Use of savings.
 - Transfers from other funds.
 - Interest earned
 - Donations.
 - Other sources of income.
- Projected expenditures for all purposes including, but not limited to:
 - Operating expenses (e.g., rent, utilities, insurance, bonds, board meetings, audits, reports).
 - Personal expenses (e.g., salary/wages, benefits, taxes, health insurance).
 - Materials and supplies (e.g., office supplies, printing, postage, first aide).
 - Equipment (e.g., computers, GPS units, printers, cameras, scanners).
 - Capital outlay (e.g., large equipment, vehicles, buildings, furniture).
 - Project expenses (e.g., fence posts, plants).
 - Field equipment (e.g., sprayers, weeders, brush cutters).
 - Contracted services (e.g., contractors, consulting, lab work, web site, publishing).
 - Training (e.g., RIF, RIACD, SDAO).
 - Travel and mileage (e.g., reimbursement for food, lodging and other travel expenses).
 - Debt service (e.g., interest and repayment of loans).
- Other financial requirements:
 - Operating contingency.
 - Reserve funds.
 - Transfers to other funds.

The budget may be prepared by the entire board/committee, a designated budget officer or treasurer, a finance committee, a consultant, or designated staff. Once prepared and reviewed, the budget from the RI SCC/conservation district is adopted. CD budgets are presented to the RI SCC for review. By adopting the budgets, the RI SCC/CD board is authorizing the committee/conservation district to conduct transactions as outlined in the budget.

RI SCC and conservation district boards should review their budget on a regular basis to monitor transactions and determine whether the organizations will stay within its budget during the fiscal year. RI SCC and conservation district will need to revise their budgets during the year to allow for (1) receipt of new or unanticipated revenues, or (2) payment of expenditures which were not anticipated in the current budget. Procedures for revising budgets will be based up needs presented to the full board/committee and voted on by the organization.

D. Internal Financial Control Policies

The RI SCC and conservation district's financial policies and procedures, as outlined in this Handbook, demonstrate the manner in which the organizations record and report their financial transactions. These policies should include procedures on the:

- Recording and reporting of transactions.
- Authorization of expenditures and the paying of bills.
- Establishment and authorization to use credit cards and revolving accounts.
- Transfer of funds.
- Reconciliation of bank statements.
- Security of checks, credit cards, and bookkeeping record.

Some conservation district boards choose to retain their authority to review and approve transactions by official board actions at regular board meetings as this can affect the timely payment of bills or ability to conduct other necessary financial transactions. The board may authorize a specific board member or staff person to administer financial transactions within the approved budget categories and/or within certain financial limits and report those activities back to the full board for their notice.

E. Financial Reports and Records

Financial reports provide the necessary information for directors to make accurate financial decisions. RI SCC and conservation district are also required to provide a variety of financial reports and records in order to satisfy statutory requirements, grant agreements and internal control needs. Financial information can also be used when conducting organizational outreach activities and to show the public how the RI SCC conservation district are using their funds. A properly prepared financial statement provides transparency in the organization's operations.

There are four basic types of financial reports that should be provided by the RI SCC and conservation districts to be entered into the record at those meetings/times listed below:

Type	Frequency	Due Date
Treasurer's Report: <ul style="list-style-type: none"> • Statement of income and expenses • Check register • Fund balances • Budget vs. actual 	Monthly	In advance of the board meeting so directors can receive the report and review it before the meeting.
Annual Budget	Annually; revised as needed	July 1 (beginning of fiscal year) for RI SCC and conservation districts
Audit, Financial Review or Secretary of State Report	Annually	Audit and/or Financial Review—December 31. Secretary of State Report—September 30.
Year-End Financial Summary or Audit	Annually	Presented at the annual meeting with the annual report.

All of these reports should be made available and accessible to the public, partners, grantors, and other interested parties. These reports can also be useful to prepare informational materials and public presentations regarding conservation district programs.

F. Audits and Bonding Requirements

Rhode Island Audit Law

The RI SCC is an independent agency within the RI Department of Environmental Management (RI Gen Law Title 2-4-2 *Definitions* (2) “Committee” or “state conservation committee” means the agency created in § 2-4-3. All references in this chapter to “state conservation committee”, “state committee”, or “committee” shall be deemed to be references to “state conservation committee”.

As an agency of the state Rhode Island General Law § 35-7.1-1 authorizes the Office of Internal Audit to perform audits of state departments, state agencies, or private entities that are recipients of state funding or state grants. The audits are determined in accordance with a risk-based evaluation, unless there is an issue of misappropriation.

RI Conservation Districts operate as a subdivision of the RI SCC and as a quasi public corporation (RI Gen Law Title 2 *Definitions* (5) “conservation district” means a subdivision of the state conservation committee, and a quasi public corporation organized in accordance with the provisions of this chapter, for the purposes, with the powers, and subject to the restrictions set forth.

It should be noted that if either or both the RI SCC and conservation districts are recipients of federal funds, an audit may be conducted (see below) in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*. Prior to conducting such an audit, the organization should consult with either the federal agency or the State Auditor General as to the applicability of the audit to fulfill either federal or state requirements.

All non-Federal entities that expend \$750,000 or more of Federal awards in a year are required to obtain an annual audit in accordance with the Single Audit Act Amendments of 1996 (pdf), OMB Circular A-133, the OMB Circular Compliance Supplement and Government Auditing Standards. A single audit is intended to provide a cost-effective audit for non-Federal entities in that one audit is conducted in lieu of multiple audits of individual programs.

G. The Financial Review and Audit Process

When obtaining a certified public accountant (CPA) to do either a financial review or full audit, the CPA must be licensed by the appropriate state board. The CPA must be licensed to practice as a CPA to audit government, quasi public corporations and/or non-profit entities in Rhode Island. When doing a financial review or audit, the CPA fills out any required summary forms required or provided by the Secretary of State’s office. The CPA sends the summary form to the Secretary of State’s office if required. If required, the RI SCC and/or the conservation district is responsible for filing the “In Lieu of Audit Report” to the Secretary of State if an audit is not being conducted.

Audit vs. Review²

Audit and *review* are two terms most commonly used in the accounting field. Both are actually types of financial statements. The third type is the compiled financial statement. But in this note, we will only be talking about *audit* and *review*. The CPAs (Certified Public Accountants) are the ones responsible for preparing or assisting in the process of making financial statements. The CPAs create the type of financial statement report depending on their mutual agreement among their clients. However, the type of report is determined based on the following factors: client need, creditors or investors' needs, business size and complexity and more.

What is an audited financial statement?

It could be said that the audited financial statement is the CPA's highest level of assurance services because in this type of financial report, the CPA does all of the steps included in a compiled financial statement and reviewed statement. In other words, all works done in compilation and review are also done in an audit. But of course, the CPA also works with the verification and substantiation procedures concerning the amounts owed, inventories, minutes and contracts inspection, and others. The CPA also does his/her very best to understand the client's entity system with regard to internal control. In ending the report, the CPA would state that the audit was done in accordance with the accepted auditing standards, as well as expressing his/her views fairly regarding the client's financial status and operational results – also known as positive assurance.

What is a review financial statement?

On the other hand, a review financial statement prompts the CPA to do the inquiry and analytical procedures aside from the process being done in the compilation type of report. When completed, the CPA is tasked to state that a review has been done which is in accordance with the AICPA professional standards. The CPA would also state that the review has less scope than in an audit, and that he/she did not become aware of any material modifications, and etc. This is called limited assurance. A CPA prepares this type of financial report for his/her clients who have outside investors, bank loans, trade creditors, etc.

Their Differences

The main difference between an *audit* and *review* lies in their objectives. For an audit, the objective should be in accordance with the generally accepted auditing standards. On the other hand, the objective of a review should be in accordance with the standards for accounting and review services. An audit also requires the CPA to express a positive assurance while in a review; it requires the CPA to express a limited assurance. Also, when it comes to an audit, the CPA would state his/her opinion about the financial statement as a whole; whereas, a review does not since it doesn't undertake the process of understanding the entity's system of internal control. In other words, an audit is more in depth than a review, which only spans a lesser area.

² <http://www.differencebetween.net/business/finance-business-2/differences-between-audit-and-review/>

I. Fidelity and Surety Bonding

A fidelity/surety bond indemnifies an employer (i.e. the CD) for losses caused by fraudulent or dishonest acts by the RI SCC or the conservation district employees or officials such as:

- Stealing cash/money or other items;
- Writing unapproved checks to others or to oneself;
- Falsifying financial records; and/or
- Taking publicly-owned equipment, furnishings, or supplies for personal use.

RI Gen. Law TITLE 2, § 2-4-8. District board – Organization – Quorum – Expenses and audit. States in item (b) “The directors may employ a secretary and other employees, technical experts, personnel, regular and temporary, as they may require and shall determine their qualifications, duties, and compensation. The directors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property; shall provide for the keeping of a record of all proceedings and orders issued or adopted; and shall provide for a periodic audit of the accounts of receipts and disbursements in accordance with procedures prescribed by regulations of the state committee. “

Suspected financial losses or fraud may be investigated under the following options:

- RI Office of the Auditor General performs or directs investigations as needed.
- Rhode Island Office of Attorney General to take the lead on potential losses with a criminal component (i.e., embezzlement).

J. Sources and Mechanisms for Funding

The first step in planning for RI SCC and conservation district funding is to define the organization’s need for funds. The organizations should refer to their annual work plan, long-range business plan, and workload analysis to determine funding needs. The organizations should then assess what funds are available from state and local appropriations, federal and state grants, local income-producing projects, individuals, corporations, businesses, foundations, and any other appropriate sources.

K. Local, State, Federal and other Funds

State legislative funds to support RI SCC and conservation district operations have been appropriated by the Rhode Island Legislature to the RI SCC. The primary purposes of these funds for these organizations are to provide basic operational funds for each of the organizations. Funds for conservation projects and programs are available from a number of other sources, including state agencies, local governments, federal agencies, NGOs, workshops, fund raising, income from projects and other such opportunities. Some possible sources for funding include but are not limited to:

- USDA—Natural Resource Conservation Service
- USDA—Forest Service
- USDA—Farm Service Agency
- Environmental Protection Agency
- U. S. Fish and Wildlife Service

L. Grant Funds

'Grant' funds are awarded to an entity on a competitive basis for a fixed period of time and usually for a specific purpose. Federal and state governments, along with private and industrial foundations are all sources of grants. However, many private foundations and corporations, grant funds only to entities that have an Internal Revenue Service (IRS) 501(c)(3) non-profit status designation. A discussion on the eligibility of RI SCC and conservation district IRS 501(c)(3) non-profit status designation follows later in this section.

M. Fund-Raising

Conservation districts have the legal ability to undertake local fund-raising activities as per **RI Gen Law § 2-4-12. Powers of districts and directors**. A conservation district organized under the provisions of this chapter shall constitute a subdivision of the state conservation committee, a quasi-public corporation exercising public powers, and the district, and directors of the conservation district, shall have the following powers, in addition to other(s) granted in sections of this chapter:

(5) To cooperate, or enter into agreements with, and within the limits of appropriations made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district, in carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to any conditions that the directors may deem necessary to advance the purposes of this chapter;

(6) To obtain options upon and to acquire, by purchase, exchange, lease, gift, bequest, grant, or devise, any property, real or personal or rights or interests to maintain, administer, and improve any properties acquired, to receive income from those properties and to expend income from those properties in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests in furtherance of the purposes and the provisions of this chapter;

(7) To make available, on any terms it shall prescribe, to land occupiers, cities or towns, municipalities or the state within the district, machinery, equipment, materials and any other services that will assist those land occupiers, cities or towns, municipalities, or the state to carry on operations upon their lands for the conservation of renewable natural resources;

(8) To construct, improve, repair, operate and maintain any structures or other works of improvement that may be necessary or convenient for the performance of any of the operations or activities authorized in this chapter;

(10) To acquire, by purchase, lease, or otherwise any property, real or personal, and to administer any project or program concerning the conservation of renewable natural resources located within its boundaries undertaken by federal, state, or other public agency; to manage as agent of the federal, state or other public agency any project or program concerned with the conservation of renewable natural resources located within its boundaries; to act as agent of the federal, state, or other public agency in connection with the acquisition, construction, operation, or administration of any program or project concerning the conservation of renewable natural resources within its boundaries;

(11) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend those moneys, services, materials or other contributions in carrying out the purposes of this chapter;

Be sure that the district is not promoting or endorsing a specific name brand or product when holding a fund-raising activity.

Examples of fund-raising activities include:

- Conservation equipment rental (e.g., no-till drill, weed pullers).
- Retail sales (e.g., trees, plants, hats, books, posters).
- Silent Auction.
- Special events (e.g., bake sales, golf tournaments, walk-a-thons).
- Testimonials-charge a specific amount of money for a dinner in testimony to someone.
- Service fees paid for providing conservation services (e.g., soil testing, tree planting).
- Direct appeals for donations through media, mail, web sites, or telephone.
- Memorials, bequests, and honorary gifts (e.g., the relative of a deceased conservation-minded person establishing a scholarship or conservation fund in his/her memory).
- Membership (e.g., annual contributions from individuals, agencies, and/or organizations).
- Sponsorship for individual projects (e.g., sponsorship of Envirothon participants or a workshop).
- Advertisement in district newsletter.

The most effective way to successfully raise funds is to develop and follow a fund-raising plan. Conservation district directors should be active in fund-raising planning and events. Staff can help, but the directors are ultimately responsible. When budgeting staff time for fund-raising activities, the board should determine if sufficient income could be recovered from the investment of that staff time.

N. Tax Deductibility for Donations/Contributions

IRS Code, Section 170I(1) defines contributions or gifts to a state or any of its political subdivisions (i.e., conservation districts) as “charitable” contributions for tax purposes, and therefore tax deductible.

RI SCC and conservation district have the authority under RI Gen Laws § 2-4-12. **Powers of districts and directors.** “(6) To obtain options upon and to acquire, by purchase, exchange, lease, gift, bequest, grant, or devise, any property, real or personal or rights or interests to maintain, administer, and improve any properties acquired, to receive income from those properties and to expend income from those properties in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests in furtherance of the purposes and the provisions of this chapter;”

RI SCC and conservation district should consult the *IRS Publication 526: Charitable Contributions* for more information on the requirements for contributions, limits, reporting, receipts, see Resources for a link to this publication.

O. Tax Exempt vs. Nonprofit

RI SCC and conservation district are classified by the IRS as tax exempt under the IRS Code, Section 115. RI SCC and conservation district may qualify as nonprofits under the IRS Code, Section 5011(3).

Tax Exemption Eligibility

IRS Code, Section 115 specifically excludes the income of local governments/corporations (which includes conservation districts) from its definition of gross income; therefore, making RI SCC and conservation district tax exempt. Conservation district are classified as **quasi-public corporations**, rather than agencies of the state, for this purpose.

As a special service to government entities, the IRS will provide, without charge, a “government affirmation letter” as documentation of tax-exempt status. RI SCC and conservation district may request a letter by contacting the IRS or visiting the IRS web site.

Nonprofit Ineligibility

A state or municipal instrumentality may qualify under IRS Code, Section 5011(3) for *nonprofit* status if it is organized as a separate entity from the governmental unit that created it and if it otherwise meets the organizational and operational tests of Section 5011(3). RI SCC is a political subdivisions of state government, whereas the conservations districts have been organized as both as subdivision of the RI SCC and as a quasi public corporations and as such, may meet a sufficient number of the IRS Code, Section 5011(3) non-profit status eligibility criteria to get approved as IRS Code, Section 5011(3) non-profit entities.

Although RI SCC may not seek to qualify for IRS Code, Section 5011(3) nonprofit status, conservation district may or they can partner with other entities that have this eligibility, such as the Rhode Island Association of RI Conservation Districts, or foundations formed through the Resource Conservation and Development (RC&D) program in the state.

Non Profit vs. Not for Profit

Not for profit describes a type of organization that does not earn profits or its owners. All of the money earned by or donated to a not-for-profit organization is used in pursuing the organization’s objective and keeping it running. Typically, not-for-profit organization are tax-exempt charities or other types of public service organizations, and as such, they are not required to pay most taxes. Conservation districts, by their status as tax exempt, public organization, may explore the use of not for profit state from the IRS.

6 Political Campaigning and Lobbying

The purpose of this chapter is to selectively highlight important information regarding political campaigning and lobbying from many sources.

A. Political Activity

Introduction

Hatch Act Information: The Federal Hatch Act restricts the political activities of certain employees in State government whose principal employment is in connection with an activity financed, in whole or in part by federal loans or grants. On December 19, 2012, Congress passed the Hatch Act Modernization Act of 2012. The Amendment allows most state and local government employees to run for partisan political office. Prior to this change, state and local government employees were prohibited from running for partisan office if they worked in connection with programs financed in whole or in part by federal loans or grants.

With the change, state and local government employees may now run for partisan office unless the employee's salary is paid for completely by federal loans or grants. Please do not assume that either your job or your political activities are not subject to the Hatch Act. You should check with your agency's finance officer to see if your job is fully funded by the Federal Government.

If you have any questions about whether the Hatch Act applies to you, please contact the United States Office of Special Counsel. For more information, see the Hatch Act Guidance Memo or go to the Office of Special Counsel website.

In addition, Rhode Island General Laws prohibits classified employees from seeking the nomination of or being a candidate for any elective State Office and also contain prohibitions on classified employees regarding campaigning for public officials during working hours and soliciting political contributions for or being solicited for political campaigns (for example, see RIGL § 36-4-51 through § 36-4-54). Violations of these statutes can result in demotion or dismissal.

The State Merit System Act limits the ability of a State employee to participate in the political process. As an initial matter RIGL 36-4-51 of the Rhode Island General Laws prohibits a classified service employee from seeking any elective state office.

*Hatch Act/Political Activity*³

The Hatch Act restricts Executive Branch employees in any agency of State government whose principal employment is in connection with an activity financed, in whole or in part by federal loans or grants from being a candidate in any partisan contested election.

Please do not assume that either your job or your political activities are not subject to the Hatch Act. Should this Act apply to you, we recommend you seek an advisory opinion from the United States Office of Special Counsel.

In addition, Rhode Island General Laws contain prohibitions on classified employees from seeking the nomination of or being a candidate for any elective State Office and also contain prohibitions on classified employees regarding running for partisan political office, campaigning for public officials during working hours and soliciting political contributions for or being solicited for political campaigns. Violations of these statutes can result in demotion or dismissal.

Refer to the pamphlet entitled, "Political Activity and the State and Local Employee" which can be found on the Division of Human Resources website at <http://www.hr.ri.gov> or by RI DEM human resources office.

B. Political Activities of RI SCC members and Conservation District Staff, Directors/Associate Directors

Directors, as appointed/elected officials, may spend their work time on ballot measures. Elected officials may spend their work time on ballot measures, whether the position they hold is paid or unpaid. A governing body of elected officials can take positions on ballot measures. The courts have recognized the right, if not the duty, of public officials to speak out on major issues, particularly on matters that affect the governmental body on which they serve. However, elected officials must be careful not to involve staff in their advocacy campaign (e.g., staff persons cannot type advocacy statements or speeches for elected officials on agency time or use agency resources).

Essentially, *public employees* (are defined here as employees of the conservation districts and RI SCC) may not engage in political activity while on the job. These statutes define what it means to promote or oppose ballot measures and candidates, and when a public employee is "on the job during work hours."

Additionally, a person, including public employers and appointed/elected officials, may not require a public employee to promote or oppose any political committee or any initiative, referendum or recall petition, ballot measure or candidate.

³ *State of Rhode Island Employee Handbook Posted August 30, 2010*

C. Overview of Restrictions and Allowable Activities

The overriding principle is that public employees may not use their work time to support or oppose measures, candidates, political committees, or petitions. Rhode Island election law does not specify any amount of work time that may be used before a violation occurs, so a public employee may be found in violation even though they used a minimal amount of work time.

An elected official or any other employer of a public employee may not require or direct public employees to prepare or distribute advocacy materials.

D. Who is Covered

As a general rule, all non-elected public employees are covered by the Act. Elected officials are covered insofar as they might direct other public employees to engage in political activities. Public employees interact on a frequent bases with other state and state agency employees and need to be aware that federal employees are covered by the federal Hatch Act. Contact the U.S. Office of Special Counsel for more information if concerns arise.

E. Salaried vs. Hourly “On the Job”

Public employees have the right to participate in political activity on their own time; however, salaried employees’ work time is not as easily measured as hourly workers. If the work performed falls generally within the job duties of the public employee, the work is performed in an official capacity, regardless of the time of day or location.

If a salaried employee applies for expense reimbursement for a function, they are considered “on duty.” A “regular workday” may not be definable for a position, or may not have a specific time period. It is based on the activities and whether the person is acting, or appears to be acting in an official capacity.

During public appearances, the employee should specifically announce to the audience that they are not acting in their official capacity if they are engaging in political advocacy. Such an announcement would not negate a subsequent statement or action in circumstances that show the public employee is acting in his or her official capacity.

Common activities that are always undertaken in an official capacity (regardless of time of day or location), and are therefore subject to the requirements of the Act include:

- Posting material to an official web site and approving material to be posted to an official web site.
- Drafting or distributing an official publication from the jurisdiction.
- Appearing at an event as a representative of a jurisdiction.

F. Candidates and Elected Officials

Elected officials cannot command public employees to engage in political advocacy. A request made by an elected official is considered a command. An elected official may only solicit volunteer help from public employees during the employee's breaks or other personal time.

An elected official, as part of a governing body, may vote to support or oppose a measure put before the body. The elected official may publicly discuss the vote. Elected officials may not use public employee staff time, except for ministerial functions. An elected official's opinion piece, letter, or speech advocating a political position may not be published in a jurisdiction's newsletter or other publication produced or distributed by public employees.

G. Equal Access to Public Resources

In general, the RI SCC and conservation districts may make certain resources available for advocacy activities and candidates for public office, but must grant equal access for all political groups and candidates. This includes charging the same fee or requiring the same permit. Public resources may include meeting spaces, equipment, and contact lists that are normally available to the public.

H. Information in the Media

Use of public employee title

Use of a public employee's working title tends to indicate that he or she is acting in their official capacity. Even if the material is produced on the employee's personal time. Use of their title may indicate to the public that they are speaking on behalf of their organization. The Secretary of State would consider the use of a working title, one factor when determining if a public employee was on the job, or acting in their official capacity, when they engaged in political advocacy.

Guest opinions and letters to the editor

If a public employee is asked in their official capacity to produce a guest opinion related to a ballot measure or candidate, the content must be impartial. A public employee may write a letter to the editor that contains political advocacy so long as they do so on their own time and not in their official capacity.

Elected officials are not subject to these limitations. They may produce guest opinions or letters to the editor related to a ballot measure or candidate without an impartiality subject to other limitations of the Act. These limitations include publications in conservation district newsletters, web sites, and mailings.

Conservation district interaction with the media

A spokesperson for a conservation district may respond to media inquiries about the possible effects of a measure or petition, so long as the information they provide is impartial. The public employee must not state or imply support or opposition.

A public employee may draft and distribute an impartial news release, except for a news release regarding a resolution advocating a political position on a measure. Information that is entirely factual may nonetheless be considered advocacy (e.g., by omitting required cost information).

Material Produced by Governing Bodies

Any materials produced by public employees while on the job, during work hours must be impartial. The Secretary of State is available to review documents prior to publication to ensure compliance with the Act. If the document is submitted to the Secretary of State, and approved in writing, there will be no violation of the Act as long as what is printed does not deviate from the approved version. This review process will be completed within a reasonable time period of the submission of the document.

Web sites, E-mails, and New Media

No advocacy material may be posted on any organization's web site or blog, unless it is part of an official function (this should start with the Farm Service Agency as the initial paragraphs are not about partners and are duplicative) of the organization. Candidates and other political groups may link to government web sites, but government web sites may not contain links to advocacy material. Government web sites may contain public records about measures or candidates. Those public records must be treated the same as other public records, which do not contain advocacy.

Public employees may open and read e-mails that contain political advocacy. They may not, while on the job during work hours, send or forward e-mails that contain advocacy, except as outlined below:

- A public employee may forward an e-mail containing advocacy to their personal e-mail, so long as this does not violate the employer's policies.
- A public employee may forward an e-mail containing links to advocacy material only when that material is relevant to the government agency and the public employee does not provide commentary.

Public employees may not post to government Twitter or Facebook, material that contains political advocacy.

Resolutions (vote taken) by a RI SCC or conservation district board

Appointed/elected members/boards of RI SCC/conservation districts may take a position on a ballot measure (or initiative, referendum, or recall petition) provided there is no use of public employee work time to advocate that position.

The following table outlines what a public employee may or may not do in regards to a RI SCC/conservation district's resolution that advocates a political position on a ballot measure, initiative, referendum, or recall.

May	May Not
Edit the jurisdiction's name and board member names to conform it to the requirements for the resolution.	Draft, type, or edit the resolution.
Prepare neutral, factual information for the board to use in taking a position on the measure, including impartial information on how the measure could affect the jurisdiction.	Recommend how to vote on the resolution.
Be available at the board meeting to offer impartial information upon request.	Sign a resolution, unless the public employee's signature is ministerial and included only to attest that the board took the vote.
Respond to direct questions from the media about the resolution, if their response is impartial.	Prepare a news release or other announcement of the resolution.
If the jurisdiction has a history of listing all action items from meetings in a regularly published publication, they may include the vote in an impartial manner.	Include the vote or position of the governing body in a jurisdiction newsletter or other publication.
Use work time to record the vote if that is part of the employee's work duties.	Use work time for regular job duties, such as responding to public records requests, taking minutes, retyping the resolution to conform to the required format.

RI SCC/Conservation district members/board discussing possible effects of a measure with public employees

A member/board may tell employees about the possible effects of a measure so long as the information presented is impartial and balanced. They may not encourage (implicitly or explicitly) public employees to support or oppose the measure.

Pursuant to the Act, it is a crime to threaten loss of employment (or other loss) or offer a thing of value to induce someone to vote in a particular manner.

Public employers discussing possible effects of a measure with public employees

A public employer may tell employees about the possible effects of a measure so long as the information presented is impartial and balanced. They may not encourage (implicitly or explicitly) public employees to support or oppose the measure.

Measure debates

A forum to allow political proponents and opponents to debate ballot measures may be held using public employee work time as long as equal access is granted.

Political Action Committee

To avoid confusion of the use of work time by public employees and use of public funds to advocate for a particular ballot measure, interested citizens may want to form a Political Action Committee (PAC), which can legally solicit contributions and produce and distribute advocacy materials. The formation of a PAC must occur before any funds are collected.

Personal Expression by Public Employees

Distribution of political material

Public employees may not distribute material that contains political advocacy while on the job during work hours, except public employees may, as part of their job duties, process and distribute incoming mail addressed to specific employees that contains political advocacy.

Political material may be distributed in public jurisdictions if the person doing the distribution is not on the job, if other people would be granted equal access, and if it does not violate the jurisdiction's policies.

Verbal communication

The Act does not restrict the right of a public employee to express personal political views during their personal time. However, it does restrict some verbal communication while on the job during working hours (or while acting in an "official capacity").

A public employee cannot promote or oppose a political position while they are on the job during work hours.

Public presentations and speeches

A public employee cannot give a speech or presentation advocating a political position if they are on the job or acting in their official capacity. A conservation district board member may give political presentations and speeches, so long as no public employee work time is utilized.

When making a presentation that contains political advocacy during non-work time, the public employee should announce that they are acting in their capacity as a private citizen. The employee should also document that they were not on the job.

Meetings

Public employees may attend meetings at which political issues are discussed, so long as they do not engage in political advocacy themselves while on the job or acting in their official capacity.

Public employees cannot be compelled to attend political presentations. If a conservation district has a mandatory staff meeting and a political group is making a presentation, the agency must make it clear that attendance at the political presentation is optional. Public employees who do attend the political presentation must do so during non-work time. Political advocacy presentations should not occur in close proximity to events requiring public employee attendance.

Political buttons and clothing

Public employees may wear political buttons or clothing at work so long as it does not violate conservation district policy. A conservation district board may not request or require that public employees wear political clothing, buttons.

Lobbying

The primary source is the Rhode Island Secretary of State CHAPTER 42-139.1, *The Rhode Island Lobbying Reform Act*. This law clarifies, and strengthens lobbying laws in Rhode Island, which became effective January 1, 2017. Individuals can view the entire statute online or request a printed copy from the Secretary of State's Public Information Office. The new rules and regulations are also available online or from the Public Information Office.

The Rhode Island Lobbying Reform Act:

Clarifies the definitions of who does and does not have to register their lobbying relationships. The Lobbying Reform Act has combined all previous types of lobbying activity into one category and the requirements are the same whether you are lobbying the executive branch or the legislative branch of our state government;

Simplifies the registration and reporting process for those engaged in lobbying activity. The new Lobbying Registration Desk makes it easier to keep track of and report on "money" and "anything of value" given to certain public officials and improves the accuracy of how compensation to lobbyists and firms is displayed to the public; and

Strengthens penalties for violations. Anyone found not in compliance with the law can be fined up to \$5,000 and debarred from lobbying in Rhode Island for up to three years.

Definition

The Act defines *lobbying* as "acting directly or soliciting others to act for the purpose of promoting, opposing, amending, or influencing any action or inaction by any member of the executive or legislative branch of state government, or any public corporation."

What is Lobbying

You are lobbying when you:

Talk or write to a legislator or to his or her staff to influence legislative action. This includes:

- Testimony favoring or opposing a bill or budget.
- Proposing amendments to a bill, including technical amendments.
- A letter, memo, or e-mail favoring or opposing a bill or budget.
- Formal or casual conversations favoring or opposing a bill or budget.
- Talk or write to a legislator or to his or her staff to promote good will toward an agency or program.
- Talk or write to others with the intent to ask them to influence legislative action. This includes:
 - Meetings where you ask people to support or oppose a bill or budget.
 - Letters, memos, e-mails, or newsletters asking people to support or oppose a bill.

You are not lobbying when you:

- Talk or write to a legislator or to his or her staff merely to provide facts. Facts may include fact estimates and expert opinions of fact. The facts may apply to any program, budget, bill, or issue.
- Work within your agency to research, write, or otherwise develop a bill or budget.
- Research or write testimony supporting or opposing a bill.
- Are waiting to present testimony or meet with legislators or staff.
- Write or talk to anyone to solicit their input on an agency's legislative proposals or budget.
- Support work for an agency's lobbying activities, but do not communicate, yourself, with legislators or their staff.

7

Open Meetings Law

The purpose of this chapter is to provide information for open meetings and public records. Rhode Island's Open Meetings and Public Records Laws are the foundation for open and transparent government.

The Rhode Island form of government requires an informed public be aware of the deliberations and decisions of governing bodies and the information upon which decisions are made. The public is entitled to know how the public's business is being conducted. Information in this section has been taken from the Secretary of State website and Rhode Island General Laws.

A. Open Meetings

State law RI Gen Law 42-46) requires most state and municipal departments, agencies, committees and councils to file notices and agendas of upcoming meetings with the Secretary of State. Most meeting notices must be filed at least 48 hours before the date and time of the meeting. In addition, most departments, agencies and commissions within the Executive branch of state government must file meeting minutes with Secretary of State within 35 days of a meeting.⁴

Although law does not specify the frequency of Rhode Island State Conservation Committee (RI SCC) and conservation district board meetings it is common practice, and highly recommended by RI SCC, that conservation district boards meet monthly. Meetings are fundamental to conducting both RI SCC conservation district business.

Regularly scheduled committee and board meetings have several purposes, among which are:

- To discuss and act on regular an organization's business;
- To review and establish policy and procedures;
- Identify natural resource issues and concerns and how to address them;
- Formulate annual work plans and long-range business plans;
- Monitor the implementation of annual and long-range work plans;
- Provide information and receive reports;
- Review and approve Farm, Forest and Open Space plans;
- Manage organization's finances (e.g., authorize budgets, pay bills, appropriate resources);
- Act on personnel matters (e.g., hire, review);
- Conduct executive sessions, as needed; and
- Report to the public and hear public comment.

⁴ RI Secretary of State website <http://sos.ri.gov/publicinfo/openmeetings/>

B. Open Meetings Law

It is the intent of open meetings law that decisions of governing bodies be arrived at openly. Open meetings law applies to all meetings of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. The RI SCC and conservation districts are each a governing body and a public body according to RI GL Chapter 2-4, and is therefore subject to Rhode Island's open meetings law. With the exception of executive sessions, open meeting law requires that meetings be open to the public, have advance notice given, have minutes taken, and that votes be made publicly and recorded.

Meetings of the RI SCC and a conservation district board must be open to the public, unless specifically exempted by law. In order to be considered a meeting, a majority of the board (i.e., a quorum) must be present to make a decision or deliberate toward a decision on any matter. An advisory board, committee, subcommittee, task force, or other official group that has authority to make decisions or recommendations to the conservation district on policy or administration, is also required to comply with open meetings law. A staff meeting is not covered under the open meetings law, because it does not require a quorum, and staff simply make recommendations to the board for consideration. However, if a staff meeting includes enough board members to form a quorum, then it must be open to the public.

Open meetings law is not a "public participation law." The right of the public to attend open meetings does not include the right to participate by giving testimony or comment. However, the public must be allowed to give comment on the employment of a public officer, or the standards to be used in hiring a chief executive officer.

What is an "open" meeting?

RIGL CHAPTER 42-46 *Open Meetings* Section 42-46-2 (1) defines an open meeting as, "the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.

What is a quorum?

Rhode Island's open meetings law does not define quorum. However, RIGL does define what constitutes as quorum. A quorum for the RI SCC and a conservation district board means a **majority of the board positions** must be present whether or not all positions are actually filled at the time. If there is a gathering of less than a quorum at a meeting, under Rhode Island's open meetings law, **no binding decisions can be made.**

For the **RI SCC, RIGS § 2-4-5. Chairperson of the committee – Quorum – Expenses – Surety bonds – Records – Audit.** A majority of the committee constitutes a quorum, and all actions of the committee shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

For the conservation districts, **RIGS § 2-4-8. District board – Organization – Quorum – Expenses and audit.** (a) A majority of the board constitutes a quorum and all actions of the board shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

What should a board do if it discovers it has violated open meetings law by making a formal decision without having a quorum present?

A decision made by a governing body of a public body in violation of Open Meeting Laws shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with open meeting laws. A decision that is reinstated is effective from the date of its initial adoption.

Does an advisory board, council, committee, subcommittee, task force, and other official group have to comply with open meetings law?

Any advisory board, council, committee, subcommittee, task force, or other official group of two or more members that has been granted authority by the board to make (a) recommendations to or (b) decisions on behalf of the board on policy or administration is a considered a “governing body,” and; therefore, must adhere to open meetings law. This is true regardless of the number of elected board members, if any, on the advisory board.

Can several RI SCC members or conservation district directors meet informally, other than at the monthly board meeting, to discuss organizational business?

If a quorum of the governing body meets to discuss conservation district business outside the jurisdiction of the publicly advertised conservation district board meeting, they are violating open meetings law. A quorum of the conservation district directors of a board may attend a social gathering together, but they may not deliberate toward or make a decision regarding conservation district business, unless the conservation district advertised the gathering as a place and time where the conservation district would conduct official business.

Are RI SCC and conservation district “retreats” subject to open meetings law?

The answer depends on the matters discussed at the retreat. If the retreat were confined for instance, to training and personal interaction, the open meetings law would not apply. However, if at the retreat the governing body deliberates or makes a decision on official business, the open meetings law applies (i.e., a public notice must be published, minutes prepared, and the location needs to be consistent with open meetings law).

May a quorum of members of a governing body participate in a “community retreat” sponsored by a chamber of commerce?

Yes, so long as they avoid getting together as a group for any deliberations.

What of a “retreat” for employees and administrators of the public body, attended by members of the governing body?

Such a “retreat” can be organized to avoid the meeting of a quorum of the governing body for the purpose of gathering information or “deliberation” toward decisions on matters within their responsibility. However, it is also very easy for information gathering or policy deliberations by members of the governing body to occur, in violation of the open meetings law.

Are there limitations on where an organization can hold its meetings?

Yes. An organization:

1. may not hold a meeting in a facility in which discrimination is practiced; and
2. must hold its meetings in a facility that is accessible by everyone, including those with disabilities.

If a conservation district uses a facility which discriminates on the basis of race, creed, color, gender, age, national origin, or disability, it is out of compliance with the Civil Rights Act of 1964 as amended, and the Americans with Disabilities Act (ADA). For example, if a conservation district’s usual meeting place is on the second floor of a building that has no wheelchair access to that floor, (i.e., an elevator or other device) the conservation district is out of compliance with the Americans with Disabilities Act. Each conservation district should become familiar with the requirements of these two Acts and insure compliance.

May a conservation district board hold its meetings outside the geographic boundaries of its jurisdiction?

Yes, in certain circumstances. Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location.

Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Rhode Island Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Rhode Island Indian tribes has jurisdiction or at the nearest practical location.

Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.”

Can open meetings be held by telephone conference calls or other electronic communications?

Yes. Notice to the public must be given and adherence to RIGL § 42-46-5., and the board must provide at least one place where the public can listen to the meeting by speakerphone or other devices. The minutes of the meeting must reflect that it was held by teleconference and that provisions were made for the board members and public to hear the entire conversation and all decisions.

RIGL § 42-46-5. Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct.

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.

(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 and:

(i) Cannot attend meetings of that public body solely by reason of his or her disability; and

(ii) Cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication in accordance with the process below.

(4) The governor's commission on disabilities is authorized and directed to:

(i) Establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) Grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) Any waiver decisions shall be a matter of public record.

I This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

E-mails: Communication between and among a quorum of members of a governing body convening on electronically-linked personal computers (i.e. e-mail, cell phone, texting) are subject to the open meetings law if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.

Therefore, caution should be used both by board members and conservation district staff when communicating by e-mail between and with board members to ensure that there is no violation of public meeting law.

Are interpreters required to be provided at meetings?

Conservation districts should make every effort to provide an interpreter for a disabled person if requested and all meeting notices will offer assistance when announcing meetings.

- a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in state law.
- b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.
- c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- d) If certification of interpreters occurs under state or federal law, the Rhode Island Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.
- e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services.

The Americans with Disabilities Act may impose requirements beyond state law. The ADA requires public bodies to ensure that their communications with persons with disabilities are as effective as communications with others. For deaf or hard-of-hearing individuals who do not use sign language, other means of communication, such as assistive listening devices, may be necessary. If the meeting is held by electronic means, the needs of persons with vision or hearing impairments may need to be considered. Also, if written materials will be used during the public meeting, the governing body must make the material available, when requested by individuals with vision impairments, in a form usable to them, such as large print, Braille or audiotapes. A public body cannot charge a person with a disability to cover the cost of providing such additional aids and services.

With whom are complaints or suits filed by a person who feels a conservation district has not complied with Rhode Island's Open Meetings Law?

§ 42-46-8. Remedies available to aggrieved persons or entities.

(a) Any citizen or entity of the state who is aggrieved as a result of violations of the provisions of this chapter may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general determines that the allegations of the complaint are meritorious he or she may file a complaint on behalf of the complainant in the superior court against the public body.

(b) No complaint may be filed by the attorney general after one hundred eighty (180) days from the date of public approval of the minutes of the meeting at which the alleged violation occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred eighty (180) days from the public action of a public body revealing the alleged violation, whichever is greater.

(c) Nothing within this section shall prohibit any individual from retaining private counsel for the purpose of filing a complaint in the superior court within the time specified by this section against the public body which has allegedly violated the provisions of this chapter; provided, however, that if the individual has first filed a complaint with the attorney general pursuant to this section, and the attorney general declines to take legal action, the individual may file suit in superior court within ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.

(d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff, other than the attorney general, except where special circumstances would render such an award unjust. The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars (\$5,000) against a public body or any of its members found to have committed a willful or knowing violation of this chapter.

(e) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

(f) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner.

(g) The attorney general shall consider all complaints filed under this chapter to have also been filed under § 38-2-8(b) if applicable.

C. Voting Requirements

How many affirmative votes are required to take official action or pass a motion at a conservation district board meeting?

A majority vote is required of all appointed/elected members/directors of the RI SCC/conservation district for the decision of a topic. The following is an example for a conservation district with a five-member board.

If three board members are present, and only two members vote in favor of a motion, the motion will have insufficient votes to pass, because two votes will not provide concurrence of the majority of the governing body. With three members present, all board members need to vote in favor of a motion for it to pass. If four or more members are present, and there are at least three votes in favor of a motion with one or more against, the motion will pass, because there is concurrence of the majority of the governing body.

Is consensus an appropriate decision-making method for official board decisions?

Since there are varying descriptions and levels of consensus, it is recommended that conservation district boards make official decisions by recording votes. A board may be in consensus on a particular issue, but it is recommended that boards make decisions based on votes of the members present.

Can RI SCC members or conservation district directors vote by “secret ballot”?

No. All RI SCC/conservation district decisions must be made by public vote. Secret ballots are prohibited. If the vote is unanimous, the meeting minutes can state such, as long as the directors present at the time of the vote are identified in the meeting minutes. However, if the vote is not unanimous, the vote of each member must be recorded by name in the minutes. Written ballots are permitted, but each ballot must identify the member voting and the vote must be publicly announced.

Can associate directors and directors emeritus vote when the conservation district board makes official decisions?

No. Associate directors and directors emeritus are not voting members of the board.

If there are not enough directors at a RI SCC/conservation district board meeting to have a quorum, can the conservation district call a board director who is not in attendance on the phone to get their vote on an agenda item?

Only if the conservation district board has provided a speakerphone or other device by which everyone in attendance at the conservation district board meeting can hear the conversation provided by the director who has been called. The director must participate in the full discussion of the matter at hand, not just participate in the vote. If the conservation district uses this procedure, the meeting minutes must state that the vote was cast in that manner and that meeting participants heard the conversation on a speakerphone or other device. The director on the speakerphone or other device should state their name for the record and so that the public has confirmation of the director's identity.

D. Executive Session

The open meetings law authorizes governing bodies to meet in executive session in certain limited circumstances.

§ 42-46-4. Closed meetings.

(a) By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.

An executive session is a meeting that is closed to certain persons or organizations for the purpose of discussing sensitive matters. Because violations of executive session provisions of public meeting law are subject to civil penalties and investigation by the Rhode Island Ethics Commission.

RI SCC members/ conservation district boards should exercise care when entering into executive sessions.

For what purposes can a conservation district board enter into executive session?

RIGL 42-46—5 outlines the topics governing bodies have authority to call for an executive session.

§ 42-46-5. Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct.

(a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

- (5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
- (6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.
- (7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.
- (8) Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.
Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
- (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.
- (10) Any discussion of the personal finances of a prospective donor to a library.

The following offers further explanations and guidance on subjects most common for conservation district boards:

1. Employment of public officers, employees, and agents—a meeting to discuss the specific hiring of a public officer, employee, or staff member. An “individual agent” for this purpose means an independent contractor.
2. Discipline of public officers and employees—a meeting called to discuss the discipline or termination of a public officer, employee, or staff member, unless the person requests an open hearing.
3. Labor negotiations—labor negotiations can be held in an open meeting unless both sides of the negotiations request that they be held in executive session. Labor negotiations are not subject to noticing requirements contained in open meetings law.
4. Real property transactions—a meeting to discuss or negotiate on a property transaction.
5. Exempt public records—if any of the records considered exempt from public records law are discussed at a meeting then the conservation district may hold an executive session.
6. Trade negotiations—to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competitions with governing bodies in other states or nations.

7. Legal counsel—a meeting may be held in executive session for the purpose of consulting with legal counsel concerning the legal rights and duties of current litigation or litigation likely to be filed. The governing body must bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent, or contractor of a news media organization that is a party to the litigation.
8. Performance evaluations—a meeting to review the performance of a chief executive officer, other officers, employees, and staff members of the conservation district if the person whose performance is being reviewed and evaluated does not request an open hearing. In order to permit the affected person to request an open hearing, the governing body must give sufficient advance notice to the person of his or her right to decide whether to require that the performance evaluation be conducted in open session.
9. Public investments—an executive session may be called to negotiate with private persons or businesses regarding a proposed acquisition, exchange, or liquidation of public investments.

May the RI SCC or a conservation district board reach a decision in an executive session?

No. The RI SCC or a conservation district board may not reach a final decision in executive session, but it may informally decide or reach a consensus. The board must then go to open session to act formally on the matter.

What if the decision is to take no action? For example, a complaint with respect to a public official, informally concluded to be without sufficient merit to warrant discipline.

It is appropriate, but probably not required to announce in open session that the matter was not resolved, that no decision was reached, or that in the absence of a motion for action, no action will be taken. However, if a final “no action” decision is made by vote of a quorum of the board, the decision must be made and announced in open session.

Is a public notice required to hold an executive session that is not associated with a regularly scheduled board meeting?

Yes. If the conservation district wants to hold an executive session that is separate from the regularly noticed board meeting, the executive session must be noticed in the same manner as a regular board meeting.

Can an executive session be called during a regular conservation district board meeting without having advertised the executive session as part of the board meeting agenda?

Yes. An executive session can be called during a regular board meeting that has been publicly noticed, even though the executive session was not part of the meeting notice. However, the presiding officer must announce the statutory authority for the executive session, RI Gen Law **42-46-4**, before going into executive session. The reason for the executive session must be one of the acceptable categories identified in RI Gen Law 45-46-5.

Are minutes from an executive session required and how should they be kept?

Minutes of an executive session are required. A record of any executive session to be kept in the form of a sound recording, which need not be transcribed unless otherwise provided by law.

May a governing body reviewing or evaluating a public employee's performance in executive session exclude the employee from attending?

If the employee requests a public session, the meeting must be held in public, and the employee may not be excluded. If the employee makes no such request, then the employee may be excluded.

With whom are complaints or suits filed concerning executive sessions?

Complaints concerning violations of executive session law are made to the Rhode Island Attorney General's Office (RIGL Section 42-46-8) for review and investigation.

E. Notice Requirements

A conservation district board is required to give public notice of its meetings. The public notice must provide the time and place of the meeting. Open meetings law also requires that a notice of any meeting include a list of the principal subjects anticipated to be considered at the meeting. The notice of meeting should be provided far enough in advance of the meeting to give interested persons an opportunity to attend.

Meeting notices

Participants, including the general public, should be notified well ahead of the meeting as a courtesy to the public. Notice should be posted a minimum of two weeks (14 calendar days) in advance of the meeting. Also advised, is that the RI SCC or conservation district create and provide an annual calendar of regular board meetings available to the public (RIGL Section 42-46-6(a)).

The public must be notified of the time and place of RI SCC or conservation district board meetings. Also, the RI SCC or a conservation district board must give notice to the persons and the media that have stated in writing they wish to be notified of every meeting.

The notice of any meeting that will include an executive session should be given to the media and public. The notice must state that the executive session is closed to the public, and include the statutory reason why it is closed.

The public must be provided with an agenda for all regular, special, and emergency meetings. The agenda need not go into detail, but it must include a list of the principal subjects anticipated to be discussed at the meeting. It must be clear enough that interested persons will have an accurate idea of what the meeting will cover.

Not every proposed item of business is required to be on the agenda. The conservation district must make a “reasonable” effort to include all of the important items, but if an additional subject arises too late to be included in the notice, it may still be discussed at the meeting.

The following requirement of RIGL 42-46-6(a), below are suggested ways to meet the public meeting notice requirement for regular, special, and emergency meetings:

1. **Press releases:** Press releases should be given to the appropriate publications and news services. These commonly include:
 - a. RI DEM
 - b. Local media representatives: If the meeting involves a local matter, then the notice should be sent to local media.
 - c. Trade papers: Special interest publications and professional journals.
2. **Mailing lists:** RI SCC and conservation districts maintaining mailing lists of persons or groups for notice of open meetings should send notices to the persons on the list.
3. **Interested persons:** If the RI SCC or a conservation district is aware of persons interested in receiving notice of a meeting, these persons should be notified. Persons who request in writing to be noticed of meetings, must be given notice.
4. **Notice boards:** Some smaller communities have a designated area or bulletin board for posting notices. Governing bodies may want to post notices of meetings in such areas. Posting to a notice board or to a web site alone does not satisfy the notice requirement.

Paid display advertising is not required. A conservation district is not required to ensure that the press release is published. News media requesting notice of meetings must be given notice.

Regularly scheduled meetings: The notice for a regular meeting must be reasonably calculated to give notice of the time and place for the meeting “to interested persons including media which have requested notice.” Notice should be provided a minimum of two weeks prior to the meeting.

Special meetings: Special meetings require at least 24-hours notice. Press releases should be given to wire services, other media, and interested persons. News media requesting notice must be notified.

Emergency meetings: Meetings are considered an emergency if they are called with less than 24-hours notice. An actual emergency must exist and the meeting minutes must describe the reason for the emergency. The conservation district must still make an effort to contact the media and issue public notice.

F. Commonly Asked Questions and Answers

How far in advance must a public body give notice of its meetings?

Far enough in advance to reasonably give interested persons actual notice and an opportunity to attend. Because the notice must specify the principle subjects to be covered, it must be given separately for each meeting. An example, even though the public and news media know that the conservation district board meets every Wednesday evening, the conservation district must provide adequate notice of each meeting as required by statute.

Is a notice on a bulletin board or conservation district web site sufficient?

No.

Must meeting notices be published as legal notices?

No.

May a governing body issue a single notice for a “continuous session” that may last for several days?

In most circumstances yes, if the governing body can identify the approximate times that principle subjects will be discussed.

Does the open meetings law notice requirement require the purchase of advertising?

No, it requires only appropriate notice.

Must a notice be posted for a meeting that is exclusively an executive session?

Yes. The notice requirements are the same and must include statutory authority for the executive session.

Is a meeting without proper notice an illegal meeting?

Yes. A meeting without proper notice violates the open meetings law.

If a news medium requests notice of meetings, is it sufficient for that notice to be mailed “general delivery” to that news medium?

In most circumstances yes, if mailed far enough in advance. It is up to the news medium to establish procedures to ensure that the proper person receives the notice. For a special or emergency meeting, a telephone call to a responsible person is necessary.

Is a media request to receive notice of any meetings sufficient to require notice of special and emergency meetings?

Yes.

7. Effective RI SCC and Conservation District Board Meetings

Committee and Board meetings are fundamental to conducting RI SCC and conservation district business, and can often be inefficient, long, and discouraging. The presiding officer can conduct effective committee and board meetings with planning and good facilitation. RI SCC and conservation district boards with effective board meetings follow committee and board meeting policies, have clear and detailed agendas, stay on schedule, and have respectful conduct of director behavior.

Each conservation district should determine and develop its own procedures for holding meetings. It is customary that the chair serves as the presiding officer over meetings and it is their responsibility to follow the agenda. The presiding officer or the board itself may elect to appoint a person to facilitate a discussion on a topic or issue. This person can be a board member, staff, volunteer, or consultant. The person's role as facilitator will be to lead the board through a discussion, and lead the group through decision-making processes. While following the agenda is important, meetings should be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner.

Many conservation districts have a policy to contact board members and committee members by telephone a day or two before the meeting to encourage good participation. Setting a yearly calendar for all board meetings will help people know in advance when meetings will take place.

A clear and detailed agenda is sent to the board members at least one week in advance. An agenda is an important tool for planning and holding effective meetings. An agenda identifies:

- All items to be brought before the board for discussion.
- The persons responsible for facilitating and/or providing the information for each agenda item.
- An "anticipated action" for each agenda item.
- Timeline for discussions and action for each agenda item.

Items may be added to or modified on the agenda, but conservation districts should make every effort to follow the agenda as a courtesy to the public and invited guests.

Clearly defined meeting time limits

Board meetings should start and end on time. As a courtesy to board members, staff, partners, and the public, conservation districts are encouraged to limit their meetings to two hours.

Ways to shorten meeting times include:

- Well-planned agenda.
- Presiding officer (or appointed time keeper) keeps board on schedule and on task.
- Board decision to postpone, assign to committee, or eliminate items from the agenda.

- Advance written or e-mailed reports from staff, committee chairs, treasurer, provided to the board for review in advance of the meeting, using the meeting time for “highlights.”
- Utilize established policies and procedures for conducting meetings (e.g., *Robert's Rules of Order*, conservation district policies and procedures).
- Assign responsibilities to investigate and prepare background information on an item to be discussed (e.g., location for annual meeting, new equipment specifications).
- If it is determined during the course of the meeting that more information is needed on an agenda item, assign the item to a person/committee to gather information.
- Schedule a second meeting to discuss topic or move agenda item to the end, or add to the next regular meeting if it can wait.
- Be courteous when scheduling invited guests or participants. Advise them of their time limit and when they will be presenting. Accommodations should be made for travel times and efficiency of meeting time when scheduling speakers.
- Define the action requested of the board. Clearly identify what the board is asked to do. Separate items into “action” items and “discussion” items.

Committee and board members and the board chair act responsibly

A good board member will:

- Come prepared and read the board packet before the meeting.
- Arrive on time.
- Respect fellow board members and staff, their opinions, and the decisions of the board.
- Quiet all cell phones and refrain from using personal electronic devices during the meeting.
- Be conscious of body language and non-verbal responses; body language can be just as disrespectful as words.
- Keep an open mind, focus on the facts, and will not attack other board members or staff.
- Be respectful of differences and seek to reach a consensus.
- Listen and respect others while they speak.
- Participate in discussions respectfully and in a constructive manner.
- Represent the board decisions and positions, even when they are not the individual board member’s position.

A good committee or board chair (or presiding officer) will:

- Keep the meeting on schedule. Ask permission to extend discussions.
- Manage side discussions and help board stay focused.
- Encourage “dumb” questions, respectful dissent, and authentic disagreements.
- Recap each agenda item and the resulting action.
- Make sure each person says at least one thing at every board meeting.

H. Public Participation

The presiding officer in a public meeting has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public participation is to be part of the meeting, the presiding officer may regulate the order and length of appearances to presentations of relevant points. Any person who fails to comply with reasonable rules of conduct, or who causes a disturbance may be asked or required to leave and upon failure to do so, becomes a trespasser. However, it is questionable whether a governing body may exclude a member of the public, because the person engaged in misconduct at a previous public meeting.

Does the open meetings law grant the public the right to testify before the conservation district board?

No. The open meetings law is a public attendance law, not a public participation law. It does not give the public the right to interact with the conservation district board during its meeting. The board; however, may request public participation or provide time on the agenda for public comment. Public comment may be restricted to a time limit.

What can be done if a person causes a disruption in a board meeting and refuses to comply with reasonable rules of conduct? The presiding officer has inherent authority to keep order and to impose any reasonable restrictions necessary to conduct an efficient and orderly meeting. Any person who isn't willing to follow the rules or restrictions imposed, or causes a disturbance, may be asked or required to leave, and if he or she refuses to do so, becomes a trespasser and may be arrested.

May a person who has disrupted prior meetings, assaulted board members, be excluded from a public meeting?

It is doubtful that a person may be excluded for prior conduct. The person who causes the disruption may be arrested for trespass.

I. Public use of Recorders, Cameras, and Microphones

Members of the public cannot be prohibited from unobtrusively recording the proceedings of a public meeting.

Can anyone record a conservation district board meeting?

Yes. Anyone can record or videotape a meeting, subject to reasonable rules of the conservation district board to avoid disruption.

Must the governing body be informed of the intent to record?

No.

J. Minutes of Meetings

Minutes provide a written record of the proceedings of the meeting, are considered public record and filed with the Secretary of State (42-46-7(d)), and must be made available to the interested general public within a reasonable time period.

RI SCC and conservation districts are to keep minutes of all meetings.

(1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- a) All members of the governing body present and absent;
- b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- d) The substance of any discussion on any matter; and
- e) Subject relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall contain only the material required under RIGL. Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting is authorized to be held, that material may be excluded from disclosure.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document.

(4) A public body may charge a person a reasonable fee for the preparation of a transcript from a recording.

Minutes of executive sessions should be kept separately from minutes of open meetings.

It is recommended that draft minutes be distributed as soon as possible after the meeting. Minutes distributed to board members and participants have a written reference to commitments they made, and can note corrections or additions to the minutes while the meeting is still fresh in memory.

It is highly recommended that RI SCC and conservation districts follow consistent procedures on how minutes are produced and distributed. Suggestions include:

1. Staff position or board member responsible for writing the minutes.
2. Board reviews minutes at next regular board meeting.
3. How minutes are amended.
4. Adoption of minutes.
5. Designated signer (e.g., board members, chair, secretary, staff) of approved minutes.
6. Distribution of minutes.

Distribution of minutes

Minutes must be provided to any person that has requested a copy. All minutes or recordings shall be available to the public within a reasonable time after the meeting.

The RI SCC should be on each conservation district's mailing list for both meeting announcements and approved minutes. Minutes should clearly indicate the date of board approval.

Minutes that are sent in draft form will not be retained by RI SCC. In addition to RI SCC, several conservation partners may request to regularly receive RI SCC and conservation district meeting minutes.

Retention of minutes

1. Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in county records) must be retained permanently by the conservation district in paper or microfilm form.
2. Executive session minutes must be retained for 10 years.
3. Audio or visual recordings must be retained for one year after minutes are prepared and approved.
4. Other records and exhibits not pertinent to minutes must be retained for five years.

Do committee or board meeting minutes need to be written verbatim?

No. Meeting minutes need not be a written verbatim transcript. There should be enough detail to provide an adequate reflection of subjects discussed, views of committee or board members and participants, and a record of final disposition.

Can committee or board meeting minutes be withheld from the public, because the minutes will not be approved until the next board meeting?

No. After the committee or board meeting minutes are prepared, they cannot be withheld from the public, even though they have not yet been approved by the committee or board. Minutes must be prepared and available within a “reasonable time after the meeting”. It is advisable; however, to mark any copies provided to the public, before they are approved by the committee or board as “DRAFT.” Following review and approval, the final minutes should be signed and dated for the official record.

8

Public Records and Retention Rules

Public records law grants the public a broad right to examine records created, maintained, cared for, or controlled by public bodies. This law is primarily a disclosure statute, not a confidentiality statute.

The Rhode Island Secretary of State Office oversees records management functions within state government.

The Rhode Island Secretary of State works with agencies to develop records retention and disposition schedules, enabling timely disposal or retention as permanent records of the state.

Inactive records of state agencies can be stored at the State Records Center, managed by the Public Records Administration. Inactive records are those records that agencies no longer require immediate access to, but that are not yet eligible for disposal because of administrative, fiscal or legal requirements. Access to these records is provided only through the expressed permission of the originating state agency.

The Secretary of State Office maintains the rules and regulations for state agencies, boards and commissions.

A. Public Records Law

RIGL § 38-2-1. Purpose.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

Who is subject to the public records law?

RI Gen Law Chapter 38-2, *Access to Public Records* applies to any public body in Rhode Island. Public body as defined in § 38-2-2. *Definitions* (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to: any department, division, agency, commission, board, office, bureau, authority; any school, or water district, or other agency of Rhode Island state or local government that exercises governmental functions; any authority as defined in § 42-35-1(b); or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.

What records are covered by the law?

RI Gen Law Chapter 38-2, *Access to Public Records* defines public record as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

Writing includes: handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. Additionally, e-mails and electronic communications are also considered public records.

Records need not have been prepared originally by the public body to qualify as public records. If the information is owned, used, or retained by the public body, it is subject to public records law.

RIGL 38-2-2 (4) “Public record” or “public records” shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A)(I)(a) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files.

(b) Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects that are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state, municipality, or public works contractor or subcontractor on public works projects, employment contract, work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section “remuneration” shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems, as well as all persons who become members of those retirement systems after June 17, 1991, shall be open for public inspection. “Pension records” as used in this section, shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records

concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.

I Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) Could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution that furnished information on a confidential basis, or the information furnished by a confidential source; (e) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records that would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records that disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

(H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant to chapter 46 of title 42.

(K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.

(L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or

abandoned; provided the law of eminent domain shall not be affected by this provision.

(O) All tax returns.

(P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken, provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.

I Requests for advisory opinions until such time as the public body issues its opinion.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law or rule of court.

(T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(U) Library records that, by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(V) Printouts from TELE – TEXT devices used by people who are deaf or hard of hearing or speech impaired.

(W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.

(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.

(Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

(Z) Any individually identifiable evaluations of public school employee.

What is the time frame to respond to public records requests?

If a request is made in writing, the RI SCC or conservation district must provide a response acknowledging receipt of the request as soon as practicable and without unreasonable delay. It should be possible to make requested records available within 10 business days; however, recognizing that in some cases more time may be required Agencies can request an additional 20 business days if necessary.

§ 38-2-7. Denial of access.

(a) Any denial of the right to inspect or copy records, in whole or in part provided for under this chapter shall be made to the person or entity requesting the right in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body.

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended in accordance with the provisions of subsection 38-2-3(e) of this chapter. All copying and search and retrieval fees shall be waived if a public body fails to produce requested records in a timely manner; provided, however, that the production of records shall not be deemed untimely if the public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

I A public body that receives a request to inspect or copy records that do not exist or are not within its custody or control shall, in responding to the request in accordance with this chapter, state that it does not have or maintain the requested records.

May a public body charge a fee per page for copies of public records and for time spent putting the information together?

Yes. A public body may charge not to exceed \$0.15/page max for copies or \$15/hour for retrieval time, but no charge for the first hour to make the records available for inspection or for furnishing copies.

§ 38-2-4. Cost.

(a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval. For the purposes of this subsection, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request.

I Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body upon request, shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

Can a public body require prepayment of a public records request?

Yes.

What public records are exempt from disclosure?

There may be specific and limited types of records that are exempt from public disclosure under Rhode Island public records law. These exemptions are not covered in this Handbook. RI SCC or the conservation districts should consult the Attorney General's office for specific information and guidance (see RIGL Section 38-2-2(4)).

When should the federal Freedom of Information Act (FOIA) be considered?

Records that pertain to the use of federal funds (e.g., the Conservation Reserve Enhanced Program records) may be covered under FOIA. Care should be taken when determining the disclosure or exemption of such records. The conservation district may want to consult legal counsel.

Where does a person go for review of a denial of records in the custody of a public body made up of elected officials?

According to RIGL 38-2-8 the Rhode Island Attorney General's Office:

§ 38-2-8. Administrative appeals.

(a) Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the custodian of the records or the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

I The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

B. Public Records Retention

The Rhode Island Attorney General and the Secretary of State oversees records management functions within state government.

The Rhode Island Secretary of State works with agencies to develop records retention and disposition schedules, enabling timely disposal or retention as permanent records of the state.

Inactive records of state agencies can be stored at the State Archives, with reason to be preserved for historical or landmark or regulatory need. Inactive records are those records that agencies no longer require immediate access to, but that are not yet eligible for disposal because of administrative, fiscal or legal requirements. Access to these records is provided only through the expressed permission of the originating state agency.

The Rhode Island Secretary of State maintains the rules and regulations for state agencies, boards and commissions.

Records Destruction

Before records are destroyed, agencies must submit a request to the Rhode Island Secretary of State (RIGL § 38-1-10, RIGL § 38-3-6(j), and RIGL § 42-8.1-10). Certificates of Records Destruction authorize the disposal of records and act as the legal replacement for the actual records subsequently destroyed.

Recommended Policy

RI SCC and conservation districts should develop, adopt, and follow a policy for the orderly retention and disposition of public records regardless of the format of the records.

9

Personnel (Conservation District as Employer)

Introduction

Conservation districts are public agencies, and district officials are public officials. As such they are responsible for administering district programs in the most effective way. District officials bear responsibility and accountability for the personnel management policies and decisions needed to make that staff effective and productive.

District officials are responsible for formulating and administering district personnel policies. Once policy is established and distributed to employees, it serves as a binding agreement with the district board. Care should be taken to assure the district board members and employees understand the personnel policy, and that the policy is consistent with personnel governing laws.

This chapter is meant to be a resource for the conservation district as an employer. Employees of the Rhode Island Conservation Committee are considered employees of the State of Rhode Island and are governed by those personnel policies and procedures ([http://www.hr.ri.gov/documents/Policies & Communications/Personnel Rules.pdf](http://www.hr.ri.gov/documents/Policies%20&%20Communications/Personnel%20Rules.pdf)) and will not be addressed in this Handbook.

Separate personnel policies and guidance as well as employment resources information, references, and samples are can be found in a separate document, entitled “Rhode Island Conservation District Personnel Handbook”, found in Appendix 3.

The purpose of this personnel policy and guidance is to provide district officials and employees with a written documentation of personnel management policies in order to make decisions and be a more effective employer, comply with current laws, and provide a healthy working environment for all employees, volunteers, directors and associate directors. This handbook is not legal advice. Conservation districts should consult their own legal counsel or personnel management professional for specific questions.

A. Employee vs. Independent Contractor

It is important for conservation districts to be clear if they are hiring an employee or an independent contractor. The laws, rules, and responsibilities governing each are different. Failure to properly classify those working for or with the conservation district can lead to fines, penalties, and considerable legal expenses.

An employee is anyone who performs services for pay for another person or organization under the direction and control of the person or organization. The employer has the legal right to control the method and result of the services, even if the employer does not always exercise that right.

In general, independent contractors must be free from direction and control of the hiring organization, subject to the right to specify the desired result. In Rhode Island, workers may only be classified as independent contractors if they meet the provisions of laws and court decisions that define independent contractor and employer-employee relationships.

The definition of an independent contractor for the purposes of this Handbook can be found below, but should not be used on its own. Definitions and “tests” to determine if a person is an independent contractor may vary from agency to agency. Any conservation district considering hiring an independent contractor should consult the appropriate government agencies and possibly their legal counsel. Some of the common tests include the Internal Revenue Service’s *20 Factor Test*.

Whether a worker is an “employee” or an “independent contractor” is critical when it comes to important issues such as pension eligibility, workers’ compensation coverage, wage and hour law, and many other matters. In some situations, federal law will govern, but the question is most often resolved by looking to state law, particularly in areas such as unemployment tax liability, workers’ compensation, and state wage and hour requirements.

Independent contractors are specifically excluded from coverage under Rhode Island’s workers’ compensation law (*RI Gen. Laws Sec. 28-29-2*). A person is presumed to be an “independent contractor” for purposes of Rhode Island’s workers’ compensation law if he or she has filed a written notice of designation as an independent contractor on form DWC-11-IC with the director of the Department of Labor and Training (*RI Gen. Laws Sec. 28-29-17.1*). The filing of the notice of designation creates a presumption that the individual is an independent contractor not covered by workers’ compensation. This presumption does not preclude a finding of independent contractor status by a court when the notice is not filed with the director. The designation applies until it is withdrawn.

Rhode Island uses the Internal Revenue Service’s tests for determining independent contractor or employee status for purposes of coverage under the unemployment compensation requirements (*RI Gen. Laws Sec. 28-42-7*).

Last reviewed on September 11, 2017.

B. District Director Responsibilities

As the “Employer of Record,” the conservation district board of directors has ultimate responsibility for the conservation district employees. Therefore, responsibility for personnel management lies primarily with the conservation district directors. The responsibilities listed below should not be delegated to others, although directors should seek out advice and assistance from agencies, personnel professionals, other conservation districts, and their employees.

Conservation district directors should take responsibility for:

- Developing and operating a personnel management system.
- Developing, approving, and administering written personnel policies and are based upon merit principles.
- Ensuring all employees are regularly evaluated by their supervisors, including the evaluation of the conservation district manager by the conservation district board.

- Providing training for conservation district board members and employees on personnel policies.
- Ensuring that employees are well trained and work well together as a team.
- Providing appropriate working conditions and resources to ensure employee success performing their job duties.
- Maintaining complete, written records documenting all pertinent policies, personnel actions, and management decisions.

The conservation district board may delegate supervision in several ways. These include:

- Assigning a conservation district manager supervisory responsibility to other employees. It is important that the board of directors maintain active supervisory responsibility over the conservation district manager.
- Assigning an individual board member supervisory responsibility over employees. This is often the method used in small conservation districts with only one or two employees.
- Appointing a personnel committee to supervise responsibility over employees. This method can be cumbersome and confusing to employees, because there is more than one person acting as their supervisor.

Regardless of the method of supervision, it is important that clear lines of communication and authority be outlined in conservation district policy. It is important for both supervisors and employees to know and understand who is to guide the work activities of employees, authorize overtime and leave, and conduct performance reviews and disciplinary actions.

Board members need to remember that they do not have any individual supervisory role except that authorized by the board of directors through board action. Employees should not have five or seven individual supervisors making individual decisions on their work activities. It is confusing and creates a difficult work environment.

Clear supervisory roles should not preclude communication between non-supervisory board members and staff, but communication should be appropriate, limited to information sharing, and not undermine the authority of the employees' delegated supervisor.

Employee supervision is both an art and a science, requiring many skills. Conservation districts should invest in continual training for supervisors.

10

Developing and Maintaining Partner Relationships

This chapter discusses some of the agreements the RI State Conservation Committee (RI SCC) and the conservation districts need to maintain, and covers some of the common partners these organizations are likely to work with. The RI SCC and conservation districts can do an even better job fulfilling their mission when they partner with a variety of different groups, such as local governments, non-governmental organizations, watershed groups, land trusts, and state and federal agencies.

A. Types of Agreements and Memorandums of Understanding

There are many different types of agreements to formalize the relationship between conservation districts and other organizations, both public and private. The following is a partial list of agreements that are commonly used with RI SCC and conservation district partners:

1) Intergovernmental Agreement

An Intergovernmental Agreement (IGA) is a contract between two governmental entities. An IGA is a legally binding document that defines the obligations of all parties involved in a project or providing a service. An IGA often involves a financial component.

2) Memorandum of Understanding

A Memorandum of Understanding (MOU) is a document describing an agreement between two or more parties. An MOU expresses an understanding for an intended common purpose or action. An MOU is often used in cases where parties either do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. An MOU is usually more general than a Memorandum of Agreement and outlines general agreement of principles and does not obligate parties to funding commitments.

3) Memorandum of Agreement

A Memorandum of Agreement (MOA) is a document written between parties to cooperate on an agreed upon project or meet an agreed objective. The purpose of an MOA is to have a written understanding of the agreement between parties and typically involves funding or other resource commitments. It is generally more specific in scope and responsibility than a MOU.

4) Cooperative (Operational) Agreement

A Cooperative (Operational) Agreement is similar to a MOU and is used by organizations like the Natural Resource Conservation Service (NRCS) and others, and can provide funds and other resources to achieve specific objectives for specific time frames.

5) Contribution Agreement

A Contribution Agreement is similar to a MOA and is used by organizations, like the Natural Resource Conservation Service (NRCS) when there is a conveyance of funds or other resources and typically requires a match of funds when working on a mutual project or projects.

B. Relationships & Partners

- Rhode Island Department of Environmental Management

TBD

- Rhode Island State Conservation Committee

In 1944, the Rhode Island Legislature passed legislation (RIGL Chapter 2-4, Soil Conservation) to establish conservation districts in Rhode Island. The RI General Laws established the RI State Conservation Committee “as an agency of the state” within the RI Department of Environmental Management (RIGL § 2-4-3). The three conservation districts (Eastern RI Conservation District (ERICD), Northern Rhode Island Conservation District (NRICD) and the Southern Rhode Island Conservation District (SRICD)) are each a “subdivision of the state conservation committee, and a quasi public corporation” (RIGL § 2-4-2 (5)), established by RI General Laws § 2-4-7.

The powers and duties of the RI SCC are defined by RI Gen Law § 2-4-6 be found in Chapter 2, and can be generalized as

- Coordinating board member elections.
- Administering grants.
- Providing technical assistance, training, resources, templates, tools, and fact sheets.
- Reviewing annual work plans and long-range business plans.
- Receiving and archiving conservation district minutes.
- Soliciting legal advise from the attorney.

Membership

The RI SCC consists of five members...

RI Gen Law § 2-4-3. State conservation committee.

(a) There is established, within the department of environmental management to serve as an agency of the state and to perform the functions conferred upon it by this chapter, the state conservation committee. The following shall serve as members of the committee: the director of the department of environmental management, or his or her designee, and four (4) members of the public appointed by the governor with the advice and consent of the senate. At least one member shall be appointed from each of the state's conservation districts and, in making appointments under this section, the governor shall give due consideration to recommendations made by the state's conservation district directors.

Additionally, the RI SCC has non-voting advisory members, who represent various state and federal agencies, and other organizations. Current advisors represent the U.S. Department of Agriculture Natural Resources Conservation Service, Farm Service Agency, University of Rhode Island, ...

RI Gen Law § 2-4-3. State conservation committee.

(e) The committee shall invite the director of the cooperative extension service and agricultural experiment station, chief of the office of state planning, director of transportation, the president of the Rhode Island association of conservation districts, the state conservationist of the USDA soil conservation service, the state executive director of the USDA agricultural stabilization and conservation service, the chairperson of the water resources board, and the executive director of the coastal resources management council, and any other agency representatives necessary to carry out the intent of this chapter to serve as advisors to the state committee.

- Eastern Rhode Island Conservation District

The Eastern Rhode Island Conservation District (ERICD) is a non-profit, quasi-public organization that functions as a facilitator for meeting the needs of the local land user in the conservation of soil, water and other related natural resources.

The function of the Conservation District is to take available technical, financial and educational resources, whatever their source, and focus or coordinate these resources to meet the needs of the local land user and promote the conservation of soil, water and other natural resources.

Our Vision

Progressive Preservation, Stewardship and Conservation of Farmland and Open Spaces

Our Mission

To provide information and technical assistance in order to encourage the people of Newport and Bristol Counties to conserve their natural resources and generate farm viability.

Our Focus

The Eastern RI Conservation District (ERICD) is dedicated to helping the residents of Newport and Bristol Counties with their natural resource concerns. Preserving our cultural landscapes and maintaining a healthy interaction between land, air, water, plants and animals establishes a lasting legacy for future generations.

ERICD works to create a beneficial relationship between our natural resources and our personal, community, and economic needs. Preserving our past, enjoying our present and planning for our future must foster interactions that balance all aspects of our surroundings for the benefit of our local communities.

ERICD will address any natural resource concern no matter how large or small. We place emphasis on protecting and enhancing our open spaces, encouraging agricultural enterprises, and improving our precious water – in both our inland watersheds and our marine bay system.

ERICD works with municipalities within its District addressing natural resource concerns. It is also on the on leadership committee of the RI Green Infrastructure Coalition that looks for long-term sustainable funding to help manage stormwater runoff.

ERICD is governed by a volunteer Board of Directors, consisting of five voting directors and associate directors. These local individuals provide administrative guidance and focus the actions of the Eastern District.

- Northern Rhode Island Conservation District
TBD
- Southern Rhode Island Conservation District
TBD
- Rhode Island Association of Conservation Districts
TBD
- Resource Conservation and Development
TBD
- Natural Resources Conservation Service
TBD

Appendices

- Appendix 1 Rhode Island Conservation District Personnel Handbook
- Appendix 2: Sample Annual Meeting Resolution
- Appendix 3: Nomination Paper form for RI Conservation District Director
- Appendix 4: Roberts Rules of Order Simplified
- Appendix 5: Sample Event Wavier
- Appendix 6: Sample Meeting Motion Policy
- Appendix 7: Executive Session Checklist
- Appendix 8: Basic Checklist for Hiring New Employees
- Appendix 9: List of Draft Position Descriptions
- Appendix 10: Conservation District Statement of a Drug-Free Workplace
- Appendix 11: Employment Eligibility Verification (USCIS Form I-9)
- Appendix 12: Conservation District Procurement Rules and Regulations
- Appendix 13: Prohibited Activities
- Appendix 14: How to Give Notice and Recuse
- Appendix 15 Listing of RI State Committee Members and Conservation
District Directors (Sample format)

Appendix 1

Rhode Island Conservation District Personnel Handbook

A. Introduction

Conservation districts are public agencies, and district officials are public officials. As such they are responsible for administering district programs in the most effective way. District officials bear responsibility and accountability for the personnel management policies and decisions needed to make that staff effective and productive.

District officials are responsible for formulating and administering district personnel policies. Once policy is established and distributed to employees, it serves as a binding agreement with the district board. Care should be taken to assure the district board members and employees understand the personnel policy, and that the policy is consistent with personnel governing laws.

The purpose of this personnel policy is to provide district officials and employees with a written documentation of personnel management policies and decisions. The policies included are not intended to supersede any state personnel management policies, laws, or rules and regulations.

The purpose of this personnel section is to provide district officials a sample of acceptable personnel management policies. The policies included are not intended to supersede any state personnel management policies, laws or rules and regulations.

B. Employee vs. Independent Contractor

It is important for conservation districts to be clear if they are hiring an employee or an independent contractor. The laws, rules, and responsibilities governing each are different. Failure to properly classify those working for or with the conservation district can lead to fines, penalties, and considerable legal expenses.

An employee is anyone who performs services for pay for another person or organization under the direction and control of the person or organization. The employer has the legal right to control the method and result of the services, even if the employer does not always exercise that right.

In general, independent contractors must be free from direction and control of the hiring organization, subject to the right to specify the desired result. In Rhode Island, workers may only be classified as independent contractors if they meet the provisions of laws and court decisions that define independent contractor and employer-employee relationships.

The definition of an independent contractor for the purposes of this Handbook can be found below, but should not be used on its own. Definitions and “tests” to determine if a person is an independent contractor may vary from agency to agency. Any conservation district considering hiring an independent contractor should consult the appropriate government agencies and possibly their legal counsel. Some of the common tests include the Internal Revenue Service’s *20 Factor Test*.

Whether a worker is an “employee” or an “independent contractor” is critical when it comes to important issues such as pension eligibility, workers’ compensation coverage, wage and hour law, and many other matters. In some situations, federal law will govern, but the question is most often resolved by looking to state law, particularly in areas such as unemployment tax liability, workers’ compensation, and state wage and hour requirements.

Independent contractors are specifically excluded from coverage under Rhode Island’s workers’ compensation law (*RI Gen. Laws Sec. 28-29-2*). A person is presumed to be an “independent contractor” for purposes of Rhode Island’s workers’ compensation law if he or she has filed a written notice of designation as an independent contractor on form DWC-11-IC with the director of the Department of Labor and Training (*RI Gen. Laws Sec. 28-29-17.1*). The filing of the notice of designation creates a presumption that the individual is an independent contractor not covered by workers’ compensation. This presumption does not preclude a finding of independent contractor status by a court when the notice is not filed with the director. The designation applies until it is withdrawn.

Rhode Island uses the Internal Revenue Service’s tests for determining independent contractor or employee status for purposes of coverage under the unemployment compensation requirements (*RI Gen. Laws Sec. 28-42-7*).

Last reviewed on September 11, 2017.

C. District Director Responsibilities

As the “Employer of Record,” the conservation district board of directors has ultimate responsibility for the conservation district employees. Therefore, responsibility for personnel management lies primarily with the conservation district directors. The responsibilities listed below should not be delegated to others, although directors should seek out advice and assistance from agencies, personnel professionals, other conservation districts, and their employees.

Conservation district directors should take responsibility for:

- Developing and operating a personnel management system.
- Developing, approving, and administrating written personnel policies and are based upon merit principles.
- Ensuring all employees are regularly evaluated by their supervisors, including the evaluation of the conservation district manager by the conservation district board.
- Providing training for conservation district board members and employees on personnel policies.
- Ensuring that employees are well trained and work well together as a team.
- Providing appropriate working conditions and resources to ensure employee success performing their job duties.
- Maintaining complete, written records documenting all pertinent policies, personnel actions, and management decisions.

D. Merit Principles

The following is a series of merit principles, which are recommended for use in the district personnel management policies. These principles are:

1. Recruitment, selection and advancement of employees will be based on ability, knowledge and skills, including consideration of qualified applicants for initial employment.
2. Compensation for initial employment will be equitable and adequate.
3. Employees will be trained as needed to ensure high quality performance.
4. Employees will be retained based on the adequacy of their performance; provision will be made for correcting inadequate performance, and removing when adequate performance is not maintained.
5. Applicants and employees will be treated fairly in all aspects of personnel administration, without regard to race, color, religion, sex, national origin, political affiliation, age, handicap or other non-merit factors and with proper regard for their privacy and constitutional rights.
6. Employees will be protected against coercion for partisan political purposes and will be prohibited from using their official authority for the purpose of interfering with or affecting the end result of an election or a nomination for office.

E. Employment

Employment Classes

a. Regular Full-Time Employee:

An employee who has been hired to fill a continuing position requiring a minimum of 35 hours per week of work and who has successfully completed a 30 day probationary period.

a. Regular Part-Time Employee:

An employee who has been hired to fill a continuing position requiring less than 35 hours of work per week on a regular and recurring schedule and who successfully completed a 30 day probationary period.

b. Temporary Employee:

An employee who has been hired to fill a position of limited duration, serves no probationary period, and is paid an hourly wage for the hours actually worked.

Legal Responsibilities of an Employer - When a conservation district hires an employee, the conservation district takes on the legal responsibilities of being an employer.

F. Registration

Rhode Island employers are required to both register with the State of Rhode Island and obtain a Federal Employer Identification Number (EIN) prior to hiring any employee. An EIN can be obtained online, over the phone, or by mail from the IRS.

G. Workers' Compensation Insurance

All employers are subject to the Rhode Island Workers' Compensation Law. Employers must obtain workers' compensation insurance before they employ. Failing to provide workers' compensation coverage will subject employers to penalties and liability for all claims costs if an employee is injured on the job. Insurance can be provided through a private insurance company or through the Rhode Island Insurance Plan, see Resources section.

H. Taxes

There are several types of federal and state taxes that must be withheld from an employee's wages, in addition to following is a summary of the different taxes.

Federal Payroll Taxes

Employers are required to withhold federal income, Medicare, and Social Security taxes. In addition, employers are required to pay matching Medicare and Social Security taxes at the same time.

Conservation districts, as employers, make monthly or quarterly deposits to the IRS and file a Form 941 quarterly. IRS's Publication 15, *Circular E, Employer's Tax Guide* provides payroll reporting guidelines, as well as withholding rates and tables. This publication is normally mailed to all registered employers annually.

State Withholding Tax

All Rhode Island employers must withhold state taxes from an employee's wages, each time the employee is paid. Most Rhode Island employers' due dates for paying state withholding taxes is the same as the due dates for making federal tax withholding, Medicare, and Social Security deposits.

Unemployment Tax

Employers are required to pay unemployment insurance.

I. Year-End Tax Reporting

Employers are required to file year-end reports with state and federal authorities.

These forms include:

- W-2s to each employee.
- W-3 (summary of all W-2s and all original W-2s) to the Social Security Administration.
- IRS form 1099s to all contractors, vendors, and certain others paid by the conservation district beyond the minimum dollar amount established by the IRS.
- IRS form 1096 (summary of 1099s and original 1099 forms) to the IRS.

Conservation districts can contact the IRS and State of RI Division of Taxation for more information and to obtain copies of needed forms.

J. Posting Requirements

Small Rhode Island employers (less than 25 employees) need to provide the following postings and notices:

- Rhode Island State Minimum Wage poster
- OSHA poster
- Federal Minimum Wage poster
- EEO is the Law poster

K. American with Disabilities Act

The American with Disabilities Act (ADA) is a federal law that prohibits discrimination against disabled persons in the areas of employment, public accommodation, and public service. Information on the requirements of the ADA can be found in the Resources section.

L. Employment Discrimination Laws

Most of us are aware of the traditional equal rights based on one's race, age, gender, color, disability, or religion, but state and federal laws cover a host of other protected classes and activities. Numerous and sometimes confusing legal provisions and interpretations have been made regarding employment discrimination laws. The issues are not only difficult to define, but require informed diligence to comply with them. Discrimination against an employee who belongs to one of the protected classes is usually a violation of the law.

Statements of Non-Discrimination

i. Non-discrimination

Applicants and employees will be treated fairly in all aspects of personnel administration, without regard to race, color, religion, sex, reproductive origin, political affiliation, age, disability or other non-merit factors and with proper regard to their privacy and constitutional rights.

ii. Religion

Employees' religious practices will be accommodated, unless to do so would create an undue hardship upon the employer.

iii. Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment and will not be tolerated.

M. Workplace Safety and Safety Committees

Rhode Island conservation districts should establish a safety committee or hold safety meetings regardless of the number of employees. The requirements of safety committees or holding safety meetings vary depending on the number of employees employed by a conservation district and the type of work they perform. These requirements include the frequency of meetings and taking of minutes.

Every person working for a conservation district has the right to a safe place in which to work, without undue worry about dangerous conditions. Every person who participates in the affairs of the conservation district, whether they are employees, managers, directors, associate directors or volunteers, must accept responsibility for a safe workplace. It is vitally important for conservation districts to have not only policies and procedures to ensure the safety of their employees, but also a culture of safe work practices. Both federal and state laws govern workplace safety, and many of the provisions of the laws vary by the type of work performed.

Conservation districts should review OSHA's web site for an overview of laws and requirements that govern each individual conservation district's particular work environment. OSHA not only investigates workplace injuries and fatalities, but also conducts site visits to determine compliance with safety laws. It is important that conservation districts develop and adopt policies and procedures that address workplace safety. These policies should include:

- Proper use of equipment, tools, and personal protective equipment.
- Driving and vehicles.
- Reporting of unsafe working conditions and accidents.
- Safety committees and/or safety meetings.
- Workplace violence.
- Substance abuse and treatment.

N. Political Activities

Political activities of employees, as well as conservation district board members, are restricted while an employee is on the job. Limitations on political activities are covered in detail in Chapter 6.

O. Hiring Employees

Hiring an employee is one of the most important decisions a conservation district can make. There are several steps and important considerations to hiring an employee. The following section is a brief description of the basic steps to follow.

Determine need

Before hiring an employee it is important to determine the purpose and needs of the conservation district. Some of the questions the conservation district should ask itself are:

- What work needs to be done that is not currently being done?
- Is this work that is on-going or for a limited duration?
- Is this work that can be accomplished with a full-time or part-time employee, or can this work be accomplished by existing staff, directors, or a volunteer?
- What sources of funds are available to fund the position?
- What knowledge, skills, and abilities are required to do the job successfully?

Qualification Requirements for Employees

Qualification standards are skills, knowledge, abilities and experience required for each position. They are based on the demands of the position and are invalid if not job related.

Following are Rhode Island Conservation District and State Conservation Committee policies for establishing qualification or selection standards.

1. They should be based on a thorough and realistic appraisal of the job requirements.
2. Non-job-related items, such as race, sex, religion, etc., must be excluded.
3. Experience, education, knowledge, skill, legal minimum age, valid driver's license and physical condition are the major areas where selection standards can be set with reasonable objectivity. Other areas, such as personality, attitude, and judgment, are more difficult to assess but should be considered when establishing qualification standards as they are important to a successful job performance
4. Only those qualifications necessary for proper job performance should be included
5. Requirements should be restrictive enough to weed out applicants not suited for the job but not so restrictive as to exclude (good) quality applicants.
6. Qualification standards should include all conditions of the appointment. Standards should never be compromised in order to hire a friend or an associate, or for any reason that is not job related
7. Written qualification standards can be used to develop a job announcement if necessary. They can also be used as the basis for interviewing applicants and for developing job descriptions. Qualification standards for District positions will be based on the sample standards found in the personnel management handbook. These standards are the minimal requirements for positions to be filled in Rhode Island. The Rhode Island State Conservation Committee or other jurisdiction will be contacted for counsel and advice before new district qualification standards are adopted.

Develop a Job Description

A well-written job description is essential to the successful recruitment and retention of potential employees. Job descriptions are important not only in the hiring process, but also for employees and employers to understand job expectations, boundaries, and for performance evaluations. The following should be considered while writing a job description:

- Job title.
- Primary purpose of the job.
- Employee status: full-time, part-time, exempt, non-exempt.
- Anticipated job start date and duration if limited.
- Supervision.
- Wage.
- Essential functions and secondary functions.
- Minimum qualifications and requirements.
- Work schedule.
- Work conditions (outdoor, night or weekend meetings).
- Trial service period.

Example job descriptions are available Appendix section.

Recruitment

Once a well-written job description is developed there are important steps in the recruitment process. The conservation district will want to outline a recruitment plan, which should include the following:

- Develop or obtain an application form and questions to be included in the application.
- Determine how long the recruitment will remain open.
- Advertise position in as many appropriate places as possible. Be sure to include the Rhode Island Employment Department, RIACD e-mail list, local, and regional newspapers.
- Establish a committee to evaluate applications and interview candidates.

Interviews

Prospective employees of conservation districts will be personally interviewed by a committee appointed by the district board. The committee conducting the interviews will make a recommendation to the district board. The board as a body will act on the recommendation and do the hiring.

Be cautious of a potential or actual conflict of interest that might exist between a member of the interview committee and a candidate due to family or business relationships.

- Develop a set of interview questions to be asked of all candidates and score sheets to evaluate applications and score interviewees.
- Review applications for minimum requirements and suitability for the position.
- Select and interview candidates.
- Check references and conduct background checks (highly recommended).
- Interview committee makes a recommendation to the conservation district board of directors for selection of a candidate.

Hire Employee

Once a candidate has been selected, there are still several steps to complete before the candidate becomes an employee and begins work.

- A written job offer is developed using the job description. The job offer should include a clarification of wages, benefits, job title, and general duties. The conservation district may need or want to negotiate with the candidate on some of these items, especially if a wage range was described in the job description.
- The candidate and representative of the conservation district sign the job offer. Upon signing of the job offer, the district should notify the other applicants that the position has been filled and thank them for their interest.
 - Fill out the appropriate forms on the first day on the job:
 - Federal forms: W-4 (tax withholding), W-5 (earned income credit advance payment, if the person qualifies), and I-9 (employment eligibility verification).
 - State forms.
 - Conservation District Forms: Employee Information Sheet, Emergency Contact Information.
 - Provide the new employee with an orientation.

Q. Trial Service

Probationary Period

The district may establish a probationary period. The probationary period is a test period with an evaluation of the employee's performance to determine whether the district wishes to retain the employee. The probationary period will be of 30 days. At intervals throughout the probationary period the supervisor will discuss job performance with the employee. Supervisor(s) will conduct a formal evaluation before the end of the probation period. During the probationary time of 30 working days, a person may be terminated with one-week notice of termination, or at the end of the probationary period for any reason.

R. Employment of Relatives

Hiring or influencing others to hire members of one's own family (nepotism) is prohibited. The district will avoid even the appearance of favoritism associated with employing immediate family members of district officials, district employees, or agency personnel having close working relationships with districts. District policy on nepotism includes:

1. Employees should not supervise other members of their family.
2. Those who make or influence selections should not hire their relatives.
3. When relatives of a district official are employed in a conventional manner, selection should be deferred to another director or committee.

These recommendations are made solely to eliminate the appearance of preferential treatment. The definition of members of the immediate family will be as defined by the Rhode Island Ethics Commission. Aunts, uncles, nephews or nieces by marriage, and cousins are not regarded as members of the family. District officials should avoid conduct that would appear to create a conflict of interest situation.

S. Compensation

Tour of Duty

The normal tour of duty for regular full-time employees will be a 7-hour shift. The start and end times are to be determined by the supervisor(s) in discussions with the employee. The District also offers a "flextime" schedule. Salaried employees who work in excess of 35 hours per week will be compensated with an equal amount of time off with pay. District employees shall maintain a time sheet to report hours worked and any leave taken. Pay days will be every two weeks. The use of various types of leave will begin after the completion of the probationary period.

Salary Progression

The compensation of district employees will be comparable with other similar positions located within the local area. The salary will be reviewed after the first six months for a new employee and annually thereafter as part of the performance evaluation process.

Merit Salary Increases

All salary increases, except cost-of-living increases, will be based only on the quantity and quality of work performed. The salary of an employee is based upon the responsibility and difficulty accorded to the position and to the merit of the individual in that position, as evidenced by a job related performance evaluation. The supervisor(s) will conduct the

performance evaluation/compensation review and recommend an appropriate salary increase. The board will then act on the recommendation and set a new salary.

Cost-of-Living Increases

Cost-of-living increases can be given by the district as a separate salary increase designation based on the current Northeast Regional Cost of Living published by the Department of Commerce. A cost-of-living increase applies to all employees at all salary levels.

Social Security Taxes for Conservation District Employees

The Omnibus Budget Reconciliation Act of 1990 (OBRA) contains certain provisions, which expanded social security retirement benefit coverage to employees of districts and other public agencies who are not already covered under a retirement program. Any district employees, including temporary part-time and seasonal employees, shall be covered under social security.

Federal and State Income Tax

Federal income tax and Rhode Island state income tax will be withheld from the wages of all district employees.

T. Employee Performance Evaluations

Employee Performance Evaluations

It is very important for a conservation district board or manager to provide input to its employees on how well they are meeting the work expectations of the conservation district as outlined in the job description. Although considerable communication and feedback may occur on a regular basis, it is helpful to an employee to have an overall evaluation of their performance and for a clarification of expectations.

Good performance evaluations also include an opportunity for the employee to not only comment on their own performance, but also provide input on how well their supervisor (e.g., the board of directors or conservation district manager) is providing direction for the employee. If there are weaknesses in the communication process, in either direction, the performance evaluation interview is a good time to identify them. Employee performance evaluations should be conducted both in writing and orally.

The district board also has the authority to terminate an employee for just cause. An employee terminated because of disciplinary action will lose all rights to benefits (except as mandated by COBRA) unless the district board specifically authorizes continuation of certain benefits for a limited time. An employee who resigns will be authorized payment for or asked to take accumulated annual leave. No payments will be made for accumulated Personal leave.

U. Terminating Employees

Terminating Employees

Rhode Island is an “at-will” employment state. That means an employer can terminate an employee at any time, for any reason or no reason at all (see below for ‘exceptions’). The employee is also free to leave employment at any time for any reason. However, laws and court cases have placed major restrictions on an employer’s right to terminate employees or to treat some employees differently from others. State and federal laws prohibit discrimination against employees. The conservation district may be liable in court for employment actions that violate public policy.

At Will Employment and Wrongful Termination Laws in Rhode Island

In Rhode Island, employers are bound by wrongful termination laws when it comes to letting go of their employees. When considering whether to fire an employee, employers must look at several factors governed by these laws. For example, employers cannot terminate an employee if doing so would result in a breach of an employment contract, in retaliation or based on discrimination. It is crucial employers understand these laws to avoid a wrongful termination lawsuit. At-will employment is a key factor involved in wrongful termination laws, and require careful consideration when employers develop and implement company policies.

At-Will Employment in Rhode Island

At-will employment laws enable employers in Rhode Island to terminate workers at any time without giving them prior notice or reason why they are being fired. In addition, employers are legally allowed to alter the terms of employment, such as wages and benefits, without giving the employee notice. Similarly, employees have the legal right to go on strike or quit at any time. What's more is they do not have to give notice to their employers that they are doing so.

Wrongful Termination in Rhode Island

Although Rhode Island is an at-will employment state, there are several exceptions to the rule. Federal and state laws ban employers from taking advantage of employees by outlining certain circumstances as to where the at-will employment laws do not apply. Employers cannot fire an employee due to discrimination, retaliation or when it breaks an employment contract. Employees who are terminated under these exceptions may have legal grounds to file a lawsuit against their employer for wrongful termination.

Breach of Contract: When an employer has an employment contract with a worker, he or she does not the legal right to fire that worker if it goes against the terms outlined in the contract. Employers who break a legal contract could face legal repercussions. While several states recognize implied contracts, Rhode Island does not. An implied contract is one where the terms of the agreement are given orally or assumed rather than actually written out in a document. In order for a contract to be valid and enforceable in the state, Rhode Island requires the terms of the employment contract be clearly written out.

Discrimination: A number of wrongful termination claims involve issues pertaining to discrimination. Employers in Rhode Island cannot terminate an employee based upon his or her race, age, sexual orientation, sex, gender identity, color, religious preferences or disability. Furthermore, workers cannot be fired for participating in a public hearing or acting in an official investigation.

Retaliation: Under the Rhode Island Whistleblowers' Protection Act, employers do not have the legal right to fire an employee because he or she has reported that the company is in violation of the law. This includes instances where an employee reports an issue involving occupational health and safety, misuse of hazardous substances, minimum wage or overtime violations, filing for workers' compensation, acts of discrimination and/or wage discrimination to law enforcement officials or other state or federal officials. For example, a worker cannot be fired because he or she makes a claim to officials that a company is not adhering to minimum wage laws.

Public Policy: Under the public policy exception, employers cannot require employees to perform tasks that act against general public interest or are in violation of state or federal law. For instance, a waiter who refuses to serve alcohol to an intoxicated guest is acting in accordance with the law, and therefore cannot be disciplined because he or she refused to serve the guest. Also, an employer cannot fire an employee because he or she engages in certain acts that are in the public interest, such as joining the National Guard or performing jury duty.

Rhode Island employees are considered to be at-will employees unless that status is changed by contract provisions, personnel policies, or oral promises which convert the employee's job into a "property right." If at-will status is altered, the employee may be terminated only for good cause and must be afforded due process.

The conservation district must have clear personnel policies, job descriptions, job offers, and other documents that define the job as at-will. Conservation districts should not use words like permanent (this conflicts with the earlier section that uses the term permanent) in job descriptions, documents, and communications, and do not make a promise of a regular, full-time position. It is recommended that the term regular be used instead. Policies should state at the very beginning that they are not a contract and that the conservation district reserves the right to employ at-will, and both the conservation district or the employee can terminate the employment relationship at any time.

There are several possible legal ramifications that come with terminating an employee. At-will employers may still be required to defend their actions in court. It is prudent for conservation districts to have good records documenting legitimate business reasons for any substantial personnel action. This includes employee performance evaluations, discipline for conservation district policies, or any other similar actions.

V. Leave and Benefits (this could be deleted as section W covers it in a more general way)

Employee benefits include all compensation received by the employee in excess of the base wage. A broad range of benefits are available. There are some leave benefits that are mandatory by law.

Benefits are offered at the discretion of the District Board of Directors for individual positions, as allowable by the financial state of the District. The Board may add the benefits as stated below for regular employees.

Annual Leave (Vacation)

Annual leave is provided for annual vacation periods of rest and recreation, for taking care of personal business, and for emergencies. It is the general policy of the districts to grant employees annual leave if the work program or activities of the district permits their absence. Annual leave will be accumulated at the rate of **2 hours** for each **35-hour period** worked for employees with less than 3 years of service. Employees with more than 3 years of service will earn annual leave at the rate of **3 hours for each 35 hours worked**; and with more than 15 years service, 4 hours for each 40 hours worked. Regular part-time employees will earn annual leave pro-rated according to the number of hours worked. A maximum of 30 days of annual leave can be accumulated and carried over into another year. The board reserves the right to negotiate adjustments to these rates on an individual basis.

Taking of annual leave requires prior approval of the supervisor(s). Approval will be dependent upon adequate staffing, workload, or accrued leave. Annual leave cannot be used during the probationary period. Payment may be made for all or part of accrued annual leave at time of: termination, retirement, death and/or other paid or unpaid leave of absence.

Holiday Leave

The following have been designated as holidays for pay and leave purposes for regular employees:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day (July 4th)
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Floating Holiday
- Christmas Day

The holidays will be pro-rated for any regular part time employees. If a holiday falls on a Saturday, it will be observed on Friday. If a holiday falls on a Sunday, it will be observed on Monday.

Floating holidays can be taken on any day chosen by the employee with prior approval by their supervisor(s).

By the Civil Rights Acts, appropriate arrangements must be made for employees to take leave or religious holidays other than those on the defined list, as long as such leave does not cause undue problems to the district. This may or may not be paid leave, but equal treatment must be given all employees.

Personal Leave

Personal leave includes time off for illness, doctor appointments, family leave, bereavement, voting, or religious observance. Personal leave will be earned by regular employees at the rate of 2 hours for each 35 hours worked. Earnings will be pro-rated for part-time employees. A maximum of 30 days of Personal leave can be accrued. Payment will not be made for all or part of accrued Personal leave at time of termination, retirement, death and/or other paid or unpaid leave of absence. Personal leave credits may not be earned during unpaid leave of absence.

Employees cannot take any personal leave during their probationary period. Employees need to understand that personal leave is a privilege to be used only when a valid need arises. All leave requires notification of the supervisor(s).

Personal leave is allowed for any of the following:

1. Personal illness (including family leave)
2. Personal medical appointments
3. Care and attendance for member of immediate family (including family leave)
4. Medical appointments of immediate family
5. Exposure to a contagious disease endangering the health of coworkers.
6. Bereavement for death in the immediate family
7. Accident not occurring on the job
8. Time needed to vote in an election
9. Religious observance

Court Leave (Jury Duty)

Employees will be paid for an average workday while serving jury duty. Any compensation from the courts to the employee will be deducted from their pay while on jury duty.

General Leave Without Pay

Leave Without Pay is available to regular employees, prorated for part-time employees, for up to 6 months with prior approval by the supervisor(s).

Benefits and employment credit will not be accrued during leave without pay. Payment for accrued (annual, sick) leave time may be made at the beginning of the leave or held as credits for use after return from leave. Granting leave without pay is at the discretion of the supervisor(s) or district board. Such reasons include:

1. Increased job ability: extended education or training.
2. Protection or improvement of employee's health: mental health, alcohol or drug abuse program, extended medical treatment.
3. Retention of a desirable employee: temporary personnel requirements, election campaign/elective office.
4. Furtherance of a program of interest to the district: temporary community service, appointive office.
5. Legal requirements: parental leave, jury leave, or military leave unless covered separately.

Overtime and Compensatory Time

Conservation District boards may establish district specific policies that provide employees compensatory time (e.g. time off in lieu of monetary overtime compensation), also known as "comp time," for work in a week exceeding 40 hours or overtime pay when the time worked in a week exceeds 40 hours. Overtime is typically paid at 1.5 times the regular rate for the extra hours worked.

Work performed by the employee, but away from the employer's premise or job site is considered work time. If the employer knows or has reason to believe that work is being performed, the time spent must be counted as work. It is the duty of the employer to exercise control to ensure only authorized work is occurring. The mere adoption of a policy against unauthorized and overtime work is not enough.

Mandatory Leave Benefits

The following are mandatory leave benefits. However, some benefits may not apply to your conservation district due to the number of employees.

- Court Leave and Jury Duty.
- Military Leave.
- Disability Leave.
- Leave for On-the Job Injuries.
- Rhode Island Family Leave Act (25 or more employees).

Optional Benefits

Conservation districts may choose to offer optional benefits and leaves. The employer sets the rules for accrual and use of benefits in policy.

Conservation district policy needs to state if it allows a “use it or lose it” practice. Conservation district policy should clearly outline the benefits and leaves offered, as well as their manner of use and accrual. The following is a list of common benefits offered in both the public and private sector.

- Vacation Time
- Sick Leave
- Holidays
- Personal Time Off (PTO)
- Unpaid Leave
- Bereavement
- Religious Accommodation
- Insurance (e.g., medical, dental, vision, life)

X. Supervision of Employees

Administrative Supervision and Technical Oversight

The District Board is responsible for the administrative supervision and control of its personnel. The board has delegated the administrative supervision responsibility to the district manager as well as the technical oversight of other district employees. The district manager is directly responsible to the district board. The Natural Resources Conservation Service Staff assists with technical oversight to ensure quality control of the technical assistance rendered to cooperators. The duties outlined below will be followed as appropriate for both administrative supervision and technical oversight.

Administrative Supervision

- a. Ensure district employees and those providing guidance or direction to them understand district personnel policies.
- b. Establish and maintain current job descriptions and ensure current duty requirements are the same.
- c. Establish a work schedule.
- d. Set priority of work.
- e. Determine training needs, see that training is provided and follow up to ensure performance is satisfactory.
- f. Review and evaluate performance.
- g. Consider and approve pay increases so as to maintain pay that is commensurate with duties performed.
- h. Authorize employees to attend meetings.
- i. Approve leave, vacation time, holidays and other fringe benefits.
- j. Commend exceptional work.
- k. Respond to employee grievances.
- l. Establish and maintain satisfactory working arrangements and conditions.
- m. Decide disciplinary actions if necessary.

Technical Oversight

- a. Review work to ensure it meets technical standards and specifications.
- b. Ensure employees are provided quality technical training according to their needs.
- c. Provide input to the district board on the technical competence of employees.

The conservation district board of directors is the "Employer of Record" for the conservation district. As the employer of record, the conservation district board is responsible for administrative oversight of employees. A conservation district with more than one employee may assign one of the employees the responsibility of daily administrative oversight of the other employees, but ultimately the board is responsible.

The conservation district board may delegate supervision in several ways. These include:

- Assigning a conservation district manager supervisory responsibility to other employees. It is important that the board of directors maintain active supervisory responsibility over the conservation district manager.
- Assigning an individual board member supervisory responsibility over employees. This is often the method used in small conservation districts with only one or two employees.
- Appointing a personnel committee to supervise responsibility over employees. This method can be cumbersome and confusing to employees, because there is more than one person acting as their supervisor.

Regardless of the method of supervision, it is important that clear lines of communication and authority be outlined in conservation district policy. It is important for both supervisors and employees to know and understand who is to guide the work activities of employees, authorize overtime and leave, and conduct performance reviews and disciplinary actions.

Board members need to remember that they do not have any individual supervisory role except that authorized by the board of directors through board action. Employees should not have five or seven individual supervisors making individual decisions on their work activities. It is confusing and creates a difficult work environment.

Clear supervisory roles should not preclude communication between non-supervisory board members and staff, but communication should be appropriate, limited to information sharing, and not undermine the authority of the employees' delegated supervisor.

Employee supervision is both an art and a science, requiring many skills. Conservation districts should invest in continual training for supervisors.

Applicable RI Statutes

- [Merit System Law \(Chapter 36-4\)](#)
- [Code of Ethics \(Chapter 36-14\)](#)
- [Civil Rights Act of 1990 \(Chapter 42-112\)](#)
- [Fair Employment Practices \(Chapter 28-5\)](#)
- [Equal Opportunity and Affirmative Action \(Chapter 28-5.1\)](#)
- [The Rhode Island Military Family Relief Act \(Chapter 30-33\)](#)
- [Rhode Island Parental and Family Medical Leave Act \(Chapter 28-48\)](#)
- [The Rhode Island Whistleblowers' Protection Act \(Chapter 28-50\)](#)
- [Workplace Violence Protection \(Chapter 28-52\)](#)

Appendix 2: Sample Meeting Resolution

Sample Annual Meeting Resolution

(Print on district letterhead)

**Resolution of the _____ Soil and Water Conservation District
Resolution # _____**

A Resolution Establishing the Date of the _____ CD's Annual Meeting

Whereas Rhode Island Revised Statute states that by resolution of the board, by giving due notice, the board of directors shall call an annual meeting of the landowners in the district and present an annual report and audit; therefore,

Be It Resolved that the Annual Meeting of the _____ CD will be held on _____ at _____ and,

Be It Further Resolved that the Board of Directors of the _____ CD authorize the District Manager and staff to plan and execute all necessary tasks to plan and present the Annual Meeting.

Signature of District Chair

Date of Board Action

Appendix 3: Nomination Paper form for RI Conservation District Director

Nomination Paper form for RI Conservation District Director

Nomination Petition For Northern/Eastern/Sothern (circle one) RI Conservation District Director

We the undersigned being occupiers of the land* in the above RI Conservation District , do nominate _____ to be a District Director.

Date of election/appointment _____ Date term Expires _____

	NAME {Please Print}	SIGNATURE	ADDRESS OF OCCUPIED LAND (City/Town)
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

*" Land Occupier" or occupier of land" includes any person, firm or corporation who shall hold title to, or shall be in possession of any lands lying within a district organized under the provision of this chapter, whether as owner, renter, lessee, tenant, town, municipality or otherwise.

Appendix 4: Roberts Rules of Order Simplified

Robert's Rules of Order Simplified

Some of the main aspects of Robert's Rules are below. The language used in Robert's Rules is very formal, so more down-to-earth terminology has been included. These guidelines will help people to hold more productive meetings.

Agenda – when organizations use Robert's Rules they usually follow a strict agenda that adds structure to their meetings. Many on-line sites have an agenda that can be used to provide a good meeting structure.

Motion – motions are used to discuss a new item of business. They are introduced on the agenda, and can also be suggested at the meeting. The word "motion" is quite old-fashioned in many organizations, but it means an idea or subject for discussion. Motions can also be used to suggest an action to be taken or a decision that should be made by the organization. Motions must be made, **seconded** by a different person (a person who seconds a motion is someone who supports it), debated and then voted on. If there is no second or in other words, no support for the motion, it is dropped.

Postpone Indefinitely – this move is taken if a motion is to be not discussed further at this meeting, though it may be reintroduced again at a later meeting. The decision to postpone indefinitely must be seconded and voted on. The **Parking Lot** functionality is a technique that allows you to do this by letting you move topics there during the meeting.

Table – this action is used to postpone discussion of an item until later in the meeting or at a later date. Again, the decision must be seconded, and voted on. This is also the same as the idea of moving a topic to the Parking Lot .

Question – this can be used to terminate a debate so that a motion can be voted on. As with all of the other actions, it needs to be seconded by a different person. Directly after this a vote is held and a two-thirds majority is needed for it to pass. In the case of the vote passing, the motion is then voted on directly.

Amend – sometimes a motion needs to be changed after it has been debated a bit. Someone might suggest an amendment, and in this case, it must be seconded to be voted on. If accepted, the amendment stays.

Commit – one step that can be taken with motions is to have them researched further by a separate committee and reported back on at the next meeting. This job might be assigned to an existing committee or a newly organized committee. It must be seconded and be passed by majority vote for this action to occur.

Adjourn – someone will make a motion to end the meeting. Once again, this motion must be seconded and followed by a vote to adjourn the meeting. The agenda helps to set a time and schedule and usually the chairman will call to end the meeting. If applicable a follow-up meeting should be scheduled.

Minutes – the minutes of the meeting will be documented throughout and distributed to the attendees—and those invited who could not attend—after the meeting is over. Robert's Rules requires that only the main motions are documented in the minutes.

Appendix 5: Sample Event Waiver

Sample Waiver

I, (insert name), hereby request permission of the (insert name of district) Conservation District (CD) to allow me to accompany the district as a participant in its (insert event name) on (insert date of event). I have been made aware and I understand that, by participating in this (insert event name), I am not protected by the CD's Tort liability insurance coverage. I knowingly and voluntarily assume any and all risk associated with my participation in this (insert event name). I also agree that in the event of any accident, illness, or incapacity, or death associated with my participation in the (insert event name), I or my estate will assume and pay for all of my medical and emergency care expenses and any other costs arising from any damage, loss, or injury to my property or person.

In exchange for permission to participate in this (insert event name), I hereby release and hold harmless the State of Rhode Island and its agencies, officers, employees, and agents, including the (insert name of district) CD, from any or all actions, claims, or demands whatsoever that may arise out of my participating in the field trip. I intend this release and hold harmless agreement to forever bind myself as well as my estate, personal representatives, guardians, conservators, parents, heirs, executors, administrators, or assigns. I hereby agree to the terms and conditions set forth above for this (insert event name).

By my signature below, I hereby represent that I understand and consent to the terms, conditions, and release from liability pertaining to the (insert event name) sponsored by the (insert name of district) Conservation District.

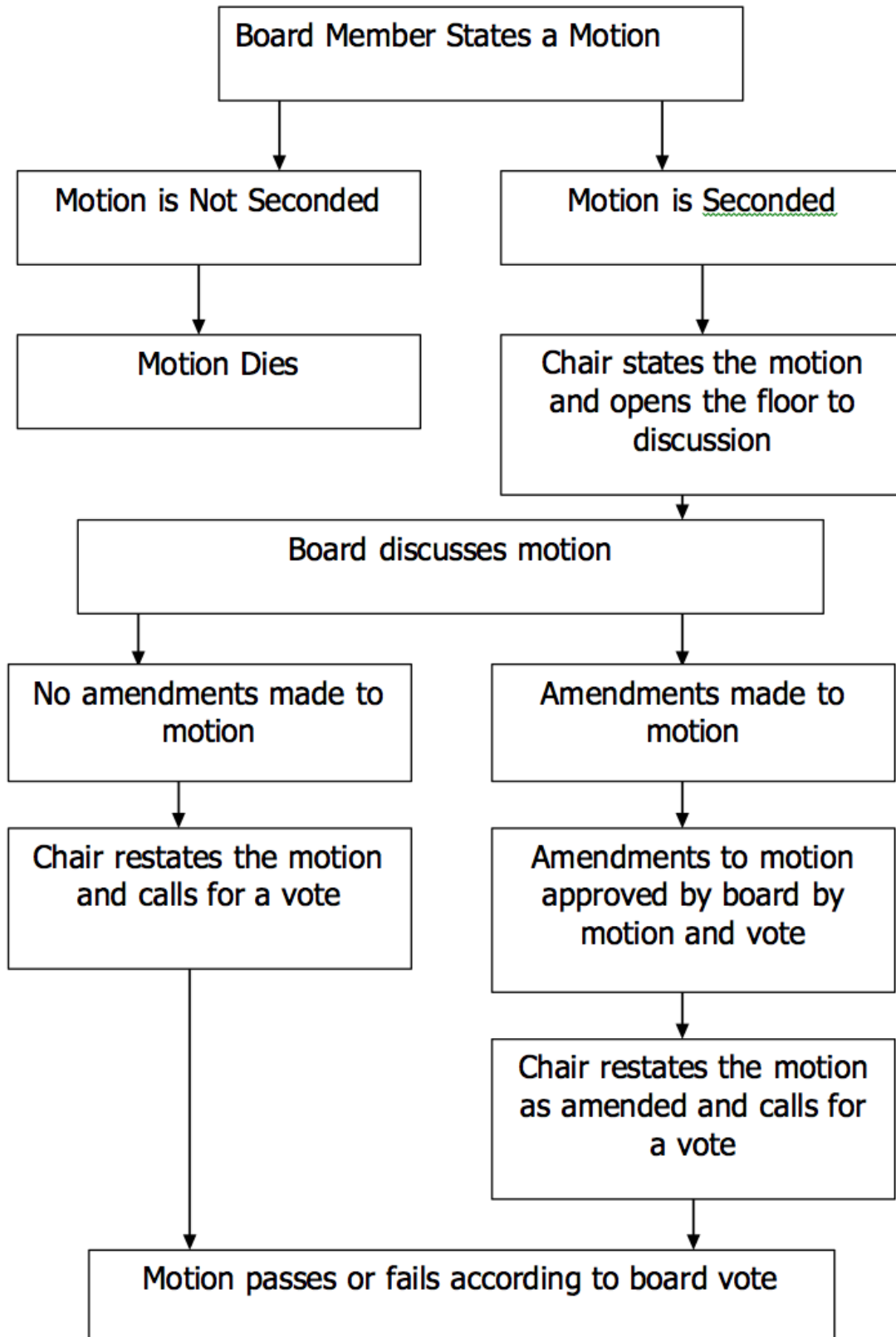
Signature (Guest)

Date

District Witness

Date

Appendix 6: Sample Meeting Motion Policy



Appendix 7: Executive Session Checklist

PERMISSIBLE GROUNDS TO HOLD EXECUTIVE SESSION	DOES NOT INCLUDE
To consider the employment of an officer, employee, staff member or agent.	<ul style="list-style-type: none"> ❑ Not for establishing hiring criteria ❑ Not for filling vacancies on the board or committees ❑ Not to discuss general employment policies
To consider dismissal or discipline of or complaints against an officer, employee, staff or agent.	Only if the individual does not request an open meeting.
To conduct deliberations with persons you have designated to carry on labor negotiations.	
To conduct deliberations with persons you have designated to negotiate real property transactions.	
To consider information or records that are exempt from disclosure by law, including written advice from your attorney.	
To consult with your attorney regarding current litigation or litigation that is more likely than not to be filed.	
To evaluate the performance of an officer, employee or staff member.	<ul style="list-style-type: none"> ❑ Only if the individual ❑ Not to review a district goal, operation or policy directive.
To negotiate under with private persons or businesses to acquire, exchange or liquidate public investments.	

Notice: Provide notice of an executive session in the same manner you give notice of a public meeting. The notice must cite the specific statutory provision(s) authorizing the executive session.

Voting: All final decisions must be made outside of the executive session. The public must have a chance to be aware of the final decision. A vote of the district board relating to information discussed in the executive session can satisfy this requirement. However, executive sessions may not be held for the purpose of taking any final action or making any final decision.

When to call: Executive sessions may be called during regular meetings, special, or emergency meetings, for which proper notice has been given. Also, a meeting may be called which is only an executive session.

Citing the statute: The presiding officer must first announce the statutory authority for the executive session before going into session.

Media Representatives: The media cannot be excluded from an executive session, except for sessions regarding labor negotiations. Media representatives in attendance at an executive session should be instructed not to report or disclose matters discussed at the session; if such instruction is not given, the media may disclose the discussions. The presiding officer may prohibit the media from recording an executive session. The media includes news-gathering representatives (i.e., reporters) of news media that ordinarily reports activities of the public body, or ordinarily report matters of the nature under consideration by the public body.

Other participants: Even though certain persons can be excluded from executive sessions, it does not restrict the authority of the governing body to invite persons not part of the board to attend executive sessions.

Appendix 8: Basic Checklist for Hiring New Employees

EMPLOYER'S CHECKLIST

Hiring employees requires a great deal of preparation. The following is a basic checklist of recommendations to help you when hiring the first employee for your business.

1. Starting Out - Determine Employer Status

Employer

Employee

Independent Contractor

2. Obtain Federal Tax ID Number

3. Obtain Workers' Compensation Insurance

Who Needs Coverage?

How Do I Get Coverage?

What it Provides

Compliance

Workers' Compensation Assessments

4. File Combined Employer Registration Forms

Who is an Employee?

Due Dates

Requirements

Get a Business
Identification Number
(BIN)

5. State and Federal Withholding Tax

Who must Withhold?

Requirements

6. State and Federal Unemployment Tax

Who pays State Unemployment Tax? Requirements

Who Pays Federal Unemployment Tax?

7. Obtain Immigration & Naturalization I-9 Forms for Each Employee

8. Report New Hires to Department of Justice, Division of Child Support

9. Contact BOLI for Employer Information

Required Employer Compliance Posters

10. Determine If You Comply With ADA

11. Contact Rhode Island-OSHA About Safety & Health Regulations

Appendix 9: List of Draft Position Descriptions

Rhode Island State Conservation Committee (RI SCC) Position Description

Job Title: Program Coordinator Date:
(or Title Approved by RI SCC Personnel Committee)

Reports to: RI SCC Chair

Date Description last revised: 05/15/15

GENERAL SUMMARY/ OVERVIEW STATEMENT

The Program Coordinator will continually assess and direct a wide range of programmatic issues including long range planning, developing projects, analyzing administrative workflow, maintaining databases, communicating with committee members, conservation district board members (and their staff) and RI SCC advisory agencies and the general public regarding a range of issues, and managing internal and external program relations.

Assists the RI SCC in directing an organization's accounting functions. These functions include establishing and maintaining an organization's (and providing guidance to the three conservation districts) accounting principles, practices, and procedures. Oversees the preparation and evaluation of budgets and other financial operating reports, and presents findings and recommendations to top management.

PRINCIPAL DUTIES AND RESPONSIBILITIES

- Provides support and meets regularly with the Chair concerning office management issues and activities and the status of projects. Identifies and evaluates the methods for improving workflow and cost effectiveness and makes recommendations to the RI SCC for improvement.
- May assist in program-level policy development.
- Provides both administrative and fiscal support (and, if needed, supervision) to interns and others hired or assigned to work on identified RI SCC programs.
- Acts as a liaison between committee members, conservation district board members (and their staff) and RI SCC advisory agencies and the general public when necessary.
- Establishes relationships and acts as a liaison to other RI DEM divisions and outside organizations regarding program development and coordination.
- Develops contractual agreements and memorandums of understandings (MOUs) with others to carry out the mission of the RI SCC.
- Oversees the development and management of the Strategic Plan and annual Operational Plan.
- Oversees the development and management of the "Rhode Island Conservation Directors Handbook" for both RI SCC and conservation district use, including policies and procedures to conduct the business of each.
- Oversees committee and conservation district-level training and orientation.
- Informs committee and conservation district (CDs) of inter and intra-agency policy and procedure changes, with assistance from RI DEM legal office,

- Tracks, reports, and ensures compliance with procedures regarding initial and re-credentialing of staff for both SCC and CDs employees.
- Oversee annual reviews of programs, contracts, and initial and re-credentialing of trainees.
- Manages materials for program specific needs.
- Develops, implements, and oversees the maintenance of filing, record keeping, distribution of materials, and other types of office/program systems. Evaluates and standardizes office procedures and effectively troubleshoots and resolves issues for both SCC and CDs.
- Maintains/oversees databases for RI SCC programs.
- Oversees all purchasing for the office/program. Assesses equipment acquisition and training needs, and makes recommendations to the Chair. Orders equipment and supplies for the office.
- Plans annual events including orientation, planning retreats, as well as various meetings and program-related events.
- Organizes meetings and prepares and distributes materials (agendas, minutes and reference materials) for regularly schedule meetings and special meetings called by the Chair.
- Manages an 'Action Register' for use with the operational and strategic plan.
- Develops brochures, invitations, or advertisements for events.
- Creates and/or maintains external program advertising/media through websites, brochures, postcards, publications and other such media. Creates/edits annual publications regarding the programs. Maintains RI SCC and its program's website.
- Tracks and processes initial paperwork for payment requests, in conjunction with the Chair (or his/her designee).
- Assists in the preparation for program and internal fiscal reviews/audits.
- Receives inquiries from the general public and processes them as necessary to others within the conservation districts, department or advisory agencies.
- Performs other duties as assigned by the Chair.

QUALIFICATIONS

Minimum of 3-5 years of office administration experience, preferably in a non-profit, governmental agency and/or education setting. Requires a bachelor's degree in a related areas. Familiar with a variety of the field's concepts, practices, and procedures in budgeting and account management.

SKILLS/ ABILITIES/ COMPETENCIES REQUIRED

- Excellent written and verbal communication skills.
- Ability to organize information.
- Ability to handle sensitive information with absolute confidentiality.
- Relies on extensive experience and judgment to plan and accomplish goals.
- Ability to perform a variety of inter, intra-dependent tasks.
- Ability to lead and direct the work of others.
- A wide degree of creativity and latitude is expected.
- Working knowledge of software applications including Microsoft Word, Excel, and PowerPoint.
- Ability to make decisions independently or to escalate issues as needed.

WORKING CONDITIONS

Works within the identified RI SCC office.

SUPERVISORY RESPONSIBILITY

Provides administrative supervision to assigned staff as requested and guidance to CD staff regarding administrative issues, due dates, and deadlines. May supervise, train and guide new staff within identified programs. May hire temporary office assistance with approval of the Chair.

FISCAL RESPONSIBILITY

Develops, monitors and reports on the program budget. Works with the Fiscal agents of the CDs to ensure accuracy of monthly budget statements and develops yearly budgets. Responsible for recurring purchase orders for the RI SCC program, processing all check requests, and paying bills associated with the program's activities. May be responsible for management of grants awarded to programs.

APPROVAL

Name (Print): _____

Signature: _____ Title: Chair Date: _____

Civil Engineer Technician:(General Service grade 3-5)

Job Description

This person provides engineering assistance working with landowners, groups and units of government to apply and maintain a variety of conservation practices. This job also includes the responsibility of designing engineering practices, preparing engineering drawings, computing quantities and preparing cost estimates. This position does not require an engineering degree.

General Job Duties

- Assists in survey work, basic CAD work, and data collection
- Performs basic GIS, quantity computations, and drafting/CAD
- Assists in construction surveys, inspection and testing

Recommended Qualifications

4-year course of study above high school leading to a bachelor's degree in an appropriate field of engineering, construction or industrial technology

Bachelor's degree must include at least 24 semester hours in any combination of courses such as engineering, engineering or industrial technology, construction, physics, drafting, surveying, physical science or mathematics

At least 6 of the 24 semester hours must have been in drafting

Sample CONSERVATON PARTNERSHIP Work Experience

Under supervision, gathers basic required survey data

Under supervision, collects basic data and carries out required analyses

Under supervision, performs basic design computations

Under close supervision, develops an awareness of computer-aided drafting and design standards

Under close supervision, performs required calculations to analyze survey data

Sample CONSERVATON PARTNERSHIP Training

Farm safety

Why Should We Care About Air Quality?

Effective Interpersonal Skills

1. MISSION RESULTS

Demonstrates support for business strategic goals and initiatives within the organization and contributes to the achievement of overall initiatives. Stresses accountability and continuous improvement to managers, makes timely and effective decisions, and produces results through strategic planning and the implementation and evaluation of programs and policies.

Ensures a high degree of responsiveness to organizational leadership, the public, and internal and external customers. Continually reviews, monitors, and strives to improve organizational performance to achieve conservation partnership goals

Demonstrates support for business strategic goals and initiatives within the organization and contributes to the achievement of overall conservation partnership initiatives. Stresses accountability and continuous improvement to managers, makes timely and effective decisions, and produces results through strategic planning and the implementation and evaluation of programs and policies.

Ensures a high degree of responsiveness to organizational leadership, the public, and internal and external customers. Continually reviews, monitors, and strives to improve organizational performance to achieve conservation partnership mission results.

Standard:

- Solutions developed demonstrate improvements in work methods. Identifies ways to reduce workload at the field.
- Work products do not require substantive revisions and are in accordance with established applicable standards (i.e. USDA NRCS, State of RI, etc.).
- Identifies engineering training needs within the area and communicates need to the area engineer. Provides technical training to field staff as assigned.
- Ensures conservation partnership programs are effectively implemented within policy and in compliance with instructions.
- Ensures 90% of the assigned engineering practice workload scheduled is designed.
- Assists the field to ensure that the engineering practices scheduled this fiscal year are implemented in accordance with producer's ability.
- Completes assigned conservation practices / work assignments according to assigned gency policy and guidance of which 90% of the work is completed without substantial revision and corrections.

2. CUSTOMER SERVICE/COMMUNICATION

Provides advice that is timely, responsive and accurate. Maintains appropriate rapport with internal and external customers. Develops and establishes working relationships with external organizations as required. Keeps leadership informed of difficult and/or controversial issues and unique problems. Takes swift and deliberate action to effectively resolve problems before they have an adverse impact on the organization or employees.

Standard:

- The lead engineer is kept informed of activities, problems and issues. Identifies situations in which innovative thinking can create conservation projects.
- Keeps supervisor(s) informed of difficult and/or controversial issues and unique problems.
- Trip reports, when required, will be written within 10 working days of field office assistance and a copy provided to the RISCC.
- Responds to an initial request for assistance from field offices within 10 working days. Initial service will be provided to customers within 45 days of receipt of request or other agreed upon schedule.
- Receives no more than 2 valid complaints during the review period.
- Responds positively and effectively to changing priorities and job assignments.
- Represents conservation partnership in a way that leads to trust, confidence, and credibly.
- Maintains appropriate rapport with internal and external customers coordinating with diverse entities to enhance the effective implementation of conservation partnership goals and objectives.

- Provides engineering practice implementation guidance to field office staff that ensures consistence of technical application.
- Develops and shares schedules with internal customers using agreed-to process over 90% of the time.
- Oral and written communications are clear, correct, timely, and presented in an understandable, professional manner.

3. INDIVIDUAL CONTRIBUTIONS TO THE TEAM

Is dependable, and reliable, and promotes open communication. Contributes creative ideas and actively participates in team meetings resulting in added value to the team's produces and services. When problems arise, explore causes and assists in resolving them. Works with team members to appropriately implement decisions. Is open to new ideas and approaches in implementing the team's goals.

Standard:

- Attends all technician meetings and participates as assigned by the lead engineer.
- Attends all staff meetings unless excused by supervisor.
- Attends conservation planner meetings as requested by the lead engineer.
- Works with other area staff to complete tasks. No more than 2 valid complaints during the review period are received that indicate an unwillingness to work together with other area staff members.
- Willingly accepts and acts on constructive criticism.
- Ensures development and maintenance of a work schedule.
- Keeps supervisor informed of critical issues and actions taken to solve.
- Provides innovative thinking to create solutions for conservation problems.
- Assists supervisor recognize exemplary employee performance and provides related written information to supervisor.
- Provides supervisor with written documentation of potential practice implementation problems and provides recommendations to solve.
- Ensures fund and time accountability by accurately recording personal time and attendance charges 90% of the time and according to the proper program, activity and county where work was completed.

4. EQUAL OPPORTUNITY AND CIVIL RIGHTS

Assists leadership to implement the strategic objectives for ensuring civil rights. Adheres to all civil rights laws, rules, regulations, and executive orders. Assists managers and supervisors accountable for achieving measurable civil rights goals and objectives in employment, program delivery, and procurement activities.

Standard:

- Completes of all required EO/CR training in a timely manner.
- Ensures that assistance is provided in a fair and equitable manner at all times.

- Assures bias-free written and oral communications refraining from using gender-specific language or language that is perceived to be offensive to individuals or groups.
- Uses the appropriate non-discrimination statement in accordance with conservation partnership policy in oral and/or written communications.
- No valid complaints are received during the review period.
- Performs duties which consistently demonstrate fairness, cooperation, and respect towards coworkers, office visitors, and all others in the performance of official business.
- Recognizes and values diversity, thereby demonstrating trust, respect, and concern for the welfare of all people within the Agency, customers, partners, and stakeholders.
- Demonstrates an awareness of EO/CR policies and responsibilities and ensures.
- Contributes to a working environment that is free of discrimination and sexual harassment and is accessible to individuals with disabilities.

5. CUSTOMER SERVICE/COMMUNICATION

Provides advice that is timely, responsive and accurate. Maintains appropriate rapport with internal and external customers. Develops and establishes working relationships with external organizations as required. Keeps leadership informed of difficult and/or controversial issues and unique problems. Takes swift and deliberate action to effectively resolve problems before they have an adverse impact on the organization or employees. Enhances cooperative services using the Overarching Strategies (Cooperative Conservation, Watershed Approach, Market Based Approach) described in the conservation partnership Strategic Plan.

Standard:

- The lead engineer is kept informed of activities, problems and issues. Identifies situations in which innovative thinking can create conservation projects.
- Keeps supervisors informed of difficult and/or controversial issues and unique problems.
- Trip reports, when required, will be written within 10 working days of field office assistance and a copy provided to the RI SCC.
- Responds to an initial request for assistance from field offices within 10 working days. Initial service will be provided to customers within 45 days of receipt of request or other agreed upon schedule.
- Receives no more than 2 valid complaints during the review period.
- Responds positively and effectively to changing priorities and job assignments.
- Represents conservation partnership in a way that leads to trust, confidence, and credibility.
- Maintains appropriate rapport with internal and external customers coordinating with diverse entities to enhance the effective implementation of conservation partnership goals and objectives.
- Provides engineering practice implementation guidance to field office staff that ensures consistence of technical application.
- Develops and shares schedules with internal customers using Outlook over 90% of the time.
- Oral and written communications are clear, correct, timely, and presented in an understandable, professional manner.

District Manager

Position Description

Position Summary

The incumbent provides managerial, administrative, supervisory, educational, and technical support to the Southern Rhode Island Conservation District Board in carrying out the District's program in conformance with the purpose of the District as defined in the RI General Laws. This professional position requires skills and experience in program development and administration, communications and financial management. The position may also require supervision of other District employees. The incumbent must also possess technical knowledge and/or work experience in agriculture and urban natural resources management.

Primary Responsibilities

1. PROGRAM DEVELOPMENT/MANAGEMENT/ADMINISTRATION

- a. Understands the purpose, powers, programs, and responsibilities of the District.
- b. Seeks information and keeps Directors (Board and Associate members) informed about local, state and federal regulations, laws, programs and/or activities that may impact the District.
- c. Assists in coordinating District programs with the programs and activities of personnel from NRCS, RI State Conservation Committee (SCC), URI CES, USDA FSA, other Conservation Districts and other agencies involved in the conservation of soil, water and related natural resources.
- d. Works with the District Board Treasurer and SCC staff to draft an annual program budget.
- e. Prepares grant applications and other funding proposals as opportunities arise to enhance the District's program and/or accelerate the application of best management practices and technologies to improve soil and water quality and related natural resources in the two county area.
- f. Serves as the day-to-day manager/administrator for all district conservation program grants received.
- g. Assists partnership staff with information and education about conservation programs available to address resource concerns of land users.
- h. Assists the District chairperson in planning and conducting monthly board meetings.
- i. Assists the Directors in planning and conducting the District's Annual Meeting.
- j. Assists the Directors in developing their 3-5 year business plan, annual plan of action and publishing a report on the District's mission, priority resource concerns, goals, planned actions and accomplishments.
- k. Assists Directors in developing closer working relationships with local units of government as well as local, state and federal elected officials.
- l. At the request of the Directors, the incumbent may be required to supervise other District employees, prepare and update job descriptions, conducts evaluations, and recommend needed training, disciplinary action, and recognition of employee efforts.
- m. Assures that all funds are received and disbursed according to guidelines in the SCC Operations Manual.
- n. Responds to telephone calls and walk-in requests for assistance and/or directs the requests to the appropriate CD, NRCS or agency personnel for assistance. Assists partnership staff in servicing technical assistance requests as time permits.
- p. Assures the inventory of office supplies and publications is sufficient to allow operations to continue efficiently and cost-effectively.
- q. Performs other duties as requested by the District Directors.

2. INFORMATION/EDUCATION

- a. Provides leadership in planning and implementing the District's information and education program.
- b. Prepares or oversees the preparation of a District newsletter and an annual report.
- c. Utilizes news releases, radio and TV interviews to promote the District's mission and programs.
- d. Presents programs to key groups about the District's mission, programs and accomplishments. (i.e. civic clubs, farm organizations, environmental groups, developers etc.)
- e. Helps arrange technical tours, workshops and programs for landusers interested in improving soil, water and related natural resources. Seeks cooperation and collaboration with URI Cooperative Extension Service and other conservation partners in planning and implementing these events.
- f. Helps provide soil, water and related natural resource information, educational resources, programs, and training to local school teachers (i.e.: Envirothon, etc.) in cooperation with the Extension Service and others.

3. TECHNICAL

- a. Explains planning and application of conservation practices and how they improve soil and water quality.
- b. Advises landusers about programs available to provide technical and financial assistance for applying conservation practices on their land.
- c. Helps provide soils information for agricultural, residential and/or commercial development to the District.

Position Requirements

- a. College degree strongly preferred, however, extensive experience in a similar position will be considered. College degree in agriculture, natural resources or extensive technical experience in a related field desirable.
- b. Ability to communicate effectively, both orally and in writing, including a thorough knowledge of English grammar, spelling, and punctuation rules.
- c. Ability to prioritize efforts, delegate tasks and efficiently manage time independently to accomplish a variety of tasks.
- d. Ability to work with persons from many other organizations, agencies, and groups in a professional manner to project a favorable image of the District.
- e. Ability to use computer for word processing, data and financial management.
- f. Normal work hours will be 8 a.m. until 4:30 p.m. Monday through Friday. Limited attendance at night meetings or weekend activities will be necessary. The Directors determine policies on compensatory time as needed.
- g. Travel outside the office and the area on behalf of the District will be necessary and will be reimbursed at a rate determined by the Directors in accordance with SCC employee policies.
- h. A valid Rhode Island driver's license is required.

Supervisory Relationships

- a. This position is under the direct supervision of the Chair of the Southern Rhode Island Conservation District. Performance appraisal of this employee and decisions regarding salary and other compensation, disciplinary actions and termination of employment are the responsibility of the SRICD Board.
- b. The Chair will determine the incumbent's work schedule. Paid holidays, vacation leave, sick leave, leaves of absence, and employee conduct will follow the SRICD Personnel Policies Handbook.

AGRICULTURE CONSERVATION TECHNICIAN BERKS COUNTY CONSERVATION DISTRICT

GENERAL STATEMENT OF DUTIES

Assist landowners within Berks County with needs determination, design, layout, and installation of agricultural best management practices (BMPs) which will help protect the soil and water resources of Berks County, the waters of the Chesapeake Bay, the Delaware and the Schuylkill Watersheds. Develop farm conservation plans. Provide status reviews for nutrient management. The Agriculture Conservation Technician is immediately supervised by the District Manager and is ultimately accountable to the District Manager and the District Board of Directors of the Berks County Conservation District (BCCD).

JOB DUTIES AND RESPONSIBILITIES

A. Primary Responsibilities:

1. Design layout and provide construction inspection of agricultural best management practices (BMPs) as listed in a landowner's conservation plans.
2. Work with contractors during construction, carry out the necessary construction checks, and certify (as per job approval level) that the practice was installed according to NRCS specifications.
3. Provide sign-up assistance to any landowner interested in conservation planning and nutrient management program.
4. Review nutrient management plans and conduct status reviews as required by Act 38.
5. Complete the goals and objectives of BCCD as dictated by contract and/or delegation agreements with partnering agencies.
6. Develop farm conservation plans in accordance with NRCS standards and/or as per Chapter 102 regulations.

B. Education and Instruction:

1. Encourage landowners to cooperate with (BCCD) and other partnering agencies.
2. Inform landowners of their responsibility to care for Berks County's natural resources.
3. Explain to landowners the technical resources and funding opportunities that are available to them through private (Grants, Nutrient Trading, etc.) and public sources. (Co, State, Fed).
4. Using the media and by personal speaking at agricultural meetings and workshops and at civic groups to inform the public of what the Conservation District is doing to preserve our natural resources.

C. Training & Certification:

1. Become certified and maintain certification for PA Nutrient Management Act 38.
2. Attend training to remain proficient and keep up-to-date with Ag BMP design, layout, and installation.
3. Attend any training declared mandatory by the BCCD, DEP, NRCS, or PDA.
4. Obtain appropriate NRCS Job Approval.
5. Attend training in other areas where the employee's development plan indicates that competence would be important for future job performance.
6. Employee is encouraged to become certified in those areas that will improve the employee's image as he/she carries out his/her duties (NICET, ACI).
7. Attain sufficient computer training to efficiently use the software supplied by the BCCD and NRCS (eg, Microsoft Word, Excel, PowerPoint, Toolkit, Arcview).
8. Complete annual computer security training required by NRCS.

D. Reports

1. Prepare the required monthly and quarterly progress reports for BCCD and other programs and other partnering agencies as required.
2. Complete progress reporting on the appropriate NRCS (Con-6, red line drawings) and/or computer reporting system.

DISTRICT ACTIVITIES

1. Serve on District committees as a volunteer or as appointed.
2. Prepare articles for newsletter or annual report summaries as requested.
3. Attend staff, team, and other meetings as required.
4. Other duties as assigned by the District Manager or BCCD Board of Directors.

MINIMUM EDUCATION AND EXPERIENCE

1. Bachelors Degree in Agronomy, Environmental Resources Management, Environmental Science, Agricultural Engineering, or related subject. An Associate's Degree in Agronomy with extensive agricultural experience may qualify at the discretion of the BCCD.
2. One to three years combined knowledge and experience with agriculture.

MINIMUM KNOWLEDGE, SKILLS, AND ABILITIES

1. Knowledge in related coursework in soils, hydrology, land use, geography, stream morphology, and/or ecology.
2. Ability to organize and prioritize effectively.
3. Ability to show initiative in completing tasks with minimal supervision.
4. Ability to communicate effectively both orally and in writing.
5. Ability to establish effective working relationships with various organizations, age groups, and education levels.
6. Working knowledge of basic computer operation and software.
7. Valid driver's license.
8. Pass and maintain the PA Department of Agriculture certification in accordance with the Nutrient Management Act.
9. Ability to traverse difficult terrain, including woods, wetlands, pastures, and water.
10. Ability to work outdoors in a variety of seasons and weather conditions.

WORKING ENVIRONMENT

Approximately 75 % of the work for this position is expected to be carried out in the field.

This position description serves as a guideline for communication of the essential functions and other information about the position to the applicant/employee. It is not intended to create a binding employment contract nor cover every detail of the position and may be changed by the District Manager and/or the BCCD Board of Directors.

Appendix 10: Conservation District Statement of a Drug-Free Workplace

Conservation District STATEMENT OF A DRUG-FREE WORKPLACE

10. The Northern/Eastern/Southern (circle one) RI Conservation District is committed to maintaining a drug-free workplace in compliance with applicable state and federal laws. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances is prohibited on CD premises. Violation of this policy may result in the imposition of employment discipline as defined for specific employee categories by existing CD policies, statutes, rules, regulation, employment contracts, and labor agreements. Any employee convicted of a drug offense involving the workplace shall be subject to employee discipline or required completing satisfactorily a drug rehabilitation program as a condition of continued employment.

20. The illegal use of controlled substances can seriously injure the health of employees, adversely impair the performance of their responsibilities and endanger the safety and well being of fellow employees, students and members of the general public. Therefore, the CD encourages employees who have a problem with the illegal use of controlled substances to seek professional advice and treatment.

30. As a condition of employment, employees are asked to abide by this statement. In addition, those employees working on a federal contract or grant must notify their supervisor if they are convicted of a criminal drug offense occurring in the workplace within five days of the conviction. The CD will notify the granting or contracting federal agency within 10 days of receiving notice of a conviction of any employee working on a federal contract or grant when said conviction involves a drug offense occurring in the workplace. A copy of this statement shall be given to all employees assigned to a federal contract or grant.

40. This statement and its requirements are promulgated in accordance with the requirements of the **Drug-Free Workplace Act of 1988** and shall be interpreted and applied in accordance with this law and the rules and regulations promulgated pursuant thereto.

*This is to acknowledge that I have received, read and understand the above “**Statement of a Drug-Free Workplace**” for the Northern/Eastern/Southern RI Conservation District (circle one).*

Signed by employee

Appendix 11: Employment Eligibility Verification (USCIS Form I-9)

Instructions
Start Over
Print



Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name (Family Name) ?		First Name (Given Name) ?		Middle Initial ?	Other Last Names Used (if any) ?	
Address (Street Number and Name) ?			Apt. Number ?	City or Town ?	State ?	ZIP Code ?
Date of Birth (mm/dd/yyyy) ?	U.S. Social Security Number ?	Employee's E-mail Address ?			Employee's Telephone Number ?	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States ?	
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions) ?	
<input type="checkbox"/> 3. A lawful permanent resident ? (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work ? until (expiration date, if applicable, mm/dd/yyyy): ? _____ Some aliens may write "N/A" in the expiration date field. (See instructions)	
Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.	
1. Alien Registration Number/USCIS Number: ? _____ OR 2. Form I-94 Admission Number: ? _____ OR 3. Foreign Passport Number: ? _____ Country of Issuance: ? _____	QR Code - Section 1 Do Not Write In This Space

Signature of Employee ?	Today's Date (mm/dd/yyyy) ?
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Preparer and/or Translator Certification (check one): ?

I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator ?		Today's Date (mm/dd/yyyy) ?	
Last Name (Family Name) ?		First Name (Given Name) ?	
Address (Street Number and Name) ?		City or Town ?	State ? ZIP Code ?

Click to Finish

STCPI
Employer Completes Next Page
STCPI



Instructions

Start Over

Print

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1: Last Name (Family Name), First Name (Given Name), M.I., Citizenship/Immigration Status

Form with columns: List A Identity and Employment Authorization, OR, List B Identity, AND, List C Employment Authorization. Includes fields for Document Title, Issuing Authority, Document Number, Expiration Date, and an Additional Information section with a QR code area.

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): (See instructions for exemptions)

Signature and contact information fields: Signature of Employer or Authorized Representative, Today's Date, Title of Employer or Authorized Representative, Last Name, First Name, Employer's Business or Organization Name, Address, City or Town, State, ZIP Code.

Click to Finish



Instructions

Start Over

Print

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

Employee Name from Section 1:	Last Name (Family Name) ?	First Name (Given Name) ?	Middle Initial ?
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Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable) ?			B. Date of Rehire (if applicable)
Last Name (Family Name) ?	First Name (Given Name) ?	Middle Initial ?	Date (mm/dd/yyyy) ?

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title ?	Document Number ?	Expiration Date (if any) (mm/dd/yyyy) ?
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I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative ?	Today's Date (mm/dd/yyyy) ?	Name of Employer or Authorized Representative ?
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Click to Finish

LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 		<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p align="center">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 		<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

Appendix 12: Conservation District Procurement Rules and Regulations

Rhode Island conservation districts, established as quasi-public corporations will follow procurement policies set forth in rules and regulations adopted and provided in this Appendix 12 at a future date.

Appendix 13: Prohibited Activities

R.I. Gen. Laws § 36-14-5 *Prohibited Activities* provides an extensive list of those actions, instances and conditions that are covered as prohibited activities under the Code of Ethics. This listing can be found below.

R.I. Gen. Laws § 36-14-5 Prohibited Activities. (a) No person subject to this Code of Ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, as defined in section 36-14-7.

(b) No person subject to this Code of Ethics shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(c) No person subject to this Code of Ethics shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or employment or use any such information for the purpose of pecuniary gain.

(d) No person subject to this Code of Ethics shall use in any way his or her public office or confidential information received through his or her holding any public office to obtain financial gain, other than that provided by law, for him or herself or any person within his or her family, any business associate, or any business by which the person is employed or which the person represents.

(e) No person subject to this Code of Ethics shall:

(1) Represent him or herself before any state or municipal agency of which he or she is a member or by which he or she is employed. In cases of hardship the Ethics Commission may permit such representation upon application by the official and provided that he or she shall first:

(i) Advise the state or municipal agency in writing of the existence and the nature of his or her interest in the matter at issue, and

(ii) Recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue, and

(iii) Follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.

(2) Represent any other person before any state or municipal agency of which he or she is a member or by which he or she is employed.

(3) Act as an expert witness before any state or municipal agency of which he or she is a member or by which he or she is employed with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him, or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents.

(4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2) or (e)(3) of this section for a period of one year after he or she has officially severed his or her position with said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter of public record in a court of law.

(f) No business associate of any person subject to this Code of Ethics shall represent him or herself or any other person or act as an expert witness before the state or municipal agency of which the person is a member or by which the person is employed unless:

(1) He or she shall first advise the state or municipal agency of the nature of his or her business relationship with the said person subject to this Code of Ethics; and

(2) The said person subject to this Code of Ethics shall recuse him or herself from voting on or otherwise participating in the said agency's consideration and disposition of the matter at issue.

(g) No person subject to this Code of Ethics or spouse (if not estranged) or dependent child or business associate of the person or any business by which the person is employed or which the person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the person would be influenced thereby.

(h) No person subject to this Code of Ethics and or any person within his or her family or business associate of the person or any business entity in which the person or any person within his or her family or business associate of the person has a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.

(i) No person shall give or offer to any person covered by this Code of Ethics, or to any candidate for public office, or to any person within his or her family or business associate of any such person, or to any business by which said person is employed or which the person represents, any gift, loan, political contribution, reward or promise of future employment based on any understanding or expectation that the vote, official action or judgment of said person would be influenced thereby.

(j) No person shall use for any commercial purpose information copied from any statements required by this chapter or from lists compiled from such statements.

(k) No person shall knowingly and willfully make a false or frivolous complaint under this chapter.

(l) No candidate for public office or any person within his or her family or business associate of the candidate or any business by which the candidate is employed or which the candidate represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action or judgment of the candidate would be influenced thereby.

(m) No person subject to this Code of Ethics, shall, either directly, or indirectly, through any government agency, or through a business associate, or through any other person, threaten or intimidate any complainant or witness or any family member of any complainant or witness in any proceeding before the state Ethics Commission.

(1) In addition to any rights a complainant or witness may have under the Rhode Island Whistleblower Act, chapter 50 of title 28 or under any other statute, a complainant or witness may bring a civil action in superior court for appropriate injunctive relief, or actual damages, or both and attorney's fees within three (3) years after the occurrence of the alleged violation of section (n) above.

(2) The initiation of litigation by a complainant or witness pursuant to section (m)(l) shall not constitute a violation of any confidentiality provisions of this chapter.

(n) (1) No state elected official, while holding state office and for a period of one (1) year after leaving state office, shall seek or accept employment with any other state agency, as defined in section 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the time of enactment of this subsection, except as provided herein.

(2) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any state elected official to a senior policy-making, discretionary, or confidential position on the general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions herein prohibit any state elected official from seeking or accepting a senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(3) Nothing contained herein shall prohibit a state elected official from seeking or being elected for any other constitutional office.

(4) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

(o) (1) No person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly shall seek or accept any other employment by any state agency as defined in section 36-14-2(8)(i), while serving as such policy-making, discretionary, or confidential staff member and for a period of one (1) year after leaving such state employment as a member of the state elected official's or the general assembly's senior policy-making, discretionary, or confidential staff.

(2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary, or confidential staff position who has a minimum of five (5) years of uninterrupted state service shall be exempt from the provisions of this section. "State service" as used herein means service in the classified, unclassified and non-classified services of the state, but shall not include service in any state elective office.

(3) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any such senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly to any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions hereof prohibit any senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly from seeking or accepting any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(4) Nothing contained herein shall prohibit a person holding such a senior policy-making, discretionary, or confidential staff position from seeking or being elected for any constitutional office.

(5) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

Appendix 14: How to Give Notice and Recuse

Statement of Conflict of Interest pursuant to R.I. Gen. Laws § 36-14-6

I _____ holding the position of _____
_____, hereby under oath depose and say:
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving _____
is presently before _____
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

3. [Please select one of the following]:

A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this _____ day of _____, 2_____.

Signature

How to Give Notice and Recuse under the R.I. Code of Ethics

1. Write and sign a memo OR complete a form called ~~the~~ Statement of Conflict of Interest.
 - A. Include your name
 - B. Include your office/position
 - C. Describe the nature of the potential conflict
 - D. Recuse (abstain from participation)
 - E. Sign the memo/form.

2.
 - A. If you are a public employee, present the original to your appointing authority, director or immediate superior. You may use a form provided by the Ethics Commission, one provided by your employer, or draft your statement as a memorandum. This statement should be kept on file.

 - B. If you serve on an elected or appointed body, present the original to the presiding officer during an official meeting. You may use the form provided by the Ethics Commission, one provided by your public body, or draft your statement as a ~~memorandum~~. This statement should be kept on file.

3. Send a copy of the memo/form to the Ethics Commission. The Commission will keep the form on file to verify your public disclosure and your recusal.

4. For more information, see R.I. Gen. Laws § 36-14-6 or contact the Rhode Island Ethics Commission, 40 Fountain Street, Providence, R.I. 02903, (401) 222-3790.

Appendix 15 Listing of RI State Committee Members and Conservation District Directors (Sample format)

RI State Conservation Committee	Name of Member	Year Appointed
Governor's Appointment		
RI DEM Director (appointment)		
Eastern Appointment		
Northern Appointment		
Southern Appointment		

Conservation District	Name of Director	Year Elected	Year Appointed
Eastern	1.		
	2.		
	3.		
	4.		
	5.		
Northern	1.		
	2.		
	3.		
	4.		
	5.		
Southern	1.		
	2.		
	3.		
	4.		
	5.		