



## Butte County RCD: Building Partnerships

In 2004, the Department of Conservation (DOC) awarded 48 Watershed Coordinator (WC) grants throughout the state. A primary goal of the grant program was to promote partnerships and to facilitate cooperation and communication within watersheds. Butte County RCD, established in 2002, embraced this regional approach and built a coalition to address critical issues throughout the area. The RCD worked with their partners to submit a proposal that provided partial funding for four watershed coordinators from four different organizations, including: Big Chico Creek Watershed Alliance, Little Chico Creek Watershed Group, Butte Creek Watershed Conservancy, and the Cherokee Watershed Alliance.



*Watershed Coordinators*

Building any organization is an immense challenge, but doing so while managing a grant that includes five different groups is a testament to the RCD's dedication, perseverance, and commitment to excellence. Most RCD boards would hesitate at this challenge Butte County RCD's is approaching the task enthusiastically! In the very beginning, the RCD recognized the need to reach out and work cooperatively with other organizations within the watershed. The grant offered the ideal opportunity to begin the process of building long lasting partnerships. Instead of each organization addressing issues in isolation, the group meets at least once a month to discuss problems together. In addition, often county, state and federal employees attend the meetings. Everyone provides input, ensuring that every organization's viewpoint is considered. This process facilitates communication and cooperation.

Although each organization has specific goals, integrating the groups is a major objective of the RCD. Projects are planned together so that resources can be used efficiently and effectively. This ensures that watershed activities are integrated supporting an overall plan and addressing the needs of the entire watershed. Adjacent projects are integrated to maximize benefits and leverage funding. All the watershed coordinators work together to ensure that events and activities are all-inclusive and reach the maximum number of stakeholders. Recently, the coalition conducted a workshop to educate stakeholders on grant writing techniques. Later this year, the



*Grant Writing Workshop*

## Butte County RCD Partnerships

coalition will sponsor a “*Meet the Funders*” event so that stakeholders, agency representatives, and other coalition partners can interact and discuss critical local issues. The event will encourage collaboration and dialogue.

Over the past three years, the RCD has demonstrated its commitment to the community. Recognizing the need for collaboration and cooperation, the RCD reached out to its partners and built a coalition. Although the RCD has accomplished a lot, much remains to be done. If history is any indication, the future looks bright.

*Written by Robert Shun, DOC Grant Manager*

### E-mail and the Brown Act



The Brown Act, also known as the Open Meeting Law, requires that all business of local agencies be conducted openly. The Brown Act is contained within the Government Code sections 54950 to 54963. Section 54950 states, “It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” Simply put, the intent of the Act is to ensure that the public can take part in all conversations and communications relating to RCD business.

54952.2(b)  
*Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.*

The Brown Act is not limited to board meetings. Contacts between board members, staff, and others outside of regular board meetings can also be subject to the Brown Act. This includes contacts that are made face to face, by phone, by e-mail, or through any other communication device. Specifically, Section 54952.2(a) prohibits the use of direct communication, personal intermediaries, or technological devices that are employed by a majority of the members of a legislative body to develop a collective concurrence as to action to be taken.

E-mail could result in a type of meeting called a “serial meeting” which is prohibited by the act. For example if director A emails director B about a district issue, then director B emails director C about the same issue, and so forth until a majority of the board has heard each others opinions about the matter, a serial meeting has occurred. A serial meeting can also take the “hub and spoke” form. This can occur when a director e-mails a staff member, the staff member emails the other directors, and enough directors have heard each others opinions on an issue.

The act specifically states that such meetings that take place through direct communication, personal intermediaries, or

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## Brown Act (cont.)

technological devices are prohibited. Technological devices include telephones, e-mail, fax or any other communication mechanism. In a 2001 Attorney General Opinion (84 Ops.Cal.Atty. Gen.30) the Attorney General's office wrote, "that a majority of a body would violate the Act if they e-mailed each other regarding current issues under the body's jurisdiction even if the e-mails were also sent to the secretary and chairperson of the agency, the e-mails were posted on the agency's Internet Website, and a printed version of each e-mail was reported at the next public meeting of the body." The attorney general also wrote, "we find no distinction between e-mails or other forms of communication such as leaving telephone messages or sending letters or memorandums."

You may ask what exactly is meant by "collective concurrence". The Attorney General has written, "Conversations which advance or clarify a member's understanding of an issue, or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications which contribute to the development of a concurrence as to action to be taken by the legislative body." In other words, any discussions, e-mails, faxes, or other forms of communications that occur between a majority of the members can contribute to the development of a collective concurrence. This may deny the public the right to participate in the deliberative process. The important thing to remember is that the intent of the act is to allow the public free access to the deliberations and decision making of the legislative body.

For more information about this and other Brown Act issues, you can download information from the Attorney General's website at <http://www.ag.ca.gov/publications/index.htm> The site also contains helpful information about California Conflict of Interest Laws and other information that may be of interest to RCDs. And remember, if you are ever in doubt, it is a good idea to seek the advice of legal council.

## Does Your RCD Have New Directors?

If your district has a new director we would like to send them some material that explains their duties. We'd like to be able to send out the new director material as soon as possible after they start, so we need your help to identify new directors. Send us their contact information and we will send your new directors materials to help them get started in their new positions.

## Training Available

Remember, we are always available to provide training on a variety of topics. Past RCD training has included: grant writing, the Brown Act, marketing, strategic planning, Division 9, and more. Also, if you have a question about anything related to RCD operations just give Jenny a call at 916-324-0774. She will do her best to answer your questions or find an answer for you. Remember, the RCD Assistance Program is especially designed to provide support for RCDs. We are here to help you!

## The Tax Exempt Status of RCDs

As special districts of the state of California, RCDs are considered not-for-profit entities. Section 9003 of the California Public Resources Code states, "The Legislature hereby finds and declares that resource conservation districts are legal subdivisions of the state and, as such, are not-for-profit entities." RCDs are tax-exempt but they are not 501(c)(3) nonprofit organizations. 501(c)(3) organizations are nonprofits created under the IRS tax code. Similar to 501(c)(3)'s, RCDs and other special districts are eligible to receive tax-deductible donations from individuals and corporations.

### **Some Relevant Government Codes**

**Ca Public Resources Code Division 9 Section 9003** – declares RCDs are legal subdivisions of the state.

**Title 26 USC (Internal Revenue Code) – Section 170(a)(1)** allows charitable contributions to be claimed as a deduction.

**Title 26 USC - Section 170(c)(1)** says donations to States; political subdivisions of states, and the United States are charitable contributions.

Title 26 of the United States Code, the Internal Revenue Code, allows individuals and corporations to deduct donations to RCDs and other government entities. Section 170(c)(1) states, "...a charitable contribution means a contribution or gift to or for the use of – A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or District of Columbia, but only if the contribution or gift is made for exclusively public purposes." When you put this together with Section 9003 of the California Public Resources Code it is apparent that donations to RCDs are tax deductible.

Many taxpayers are not aware that donations to special districts are tax deductible and may want evidence of the RCD's tax-exempt status. Some districts keep highlighted copies of Division 9 and the Internal Revenue Code on hand to provide potential donors with proof. Another option is to keep a letter on file from either the IRS or the Franchise Tax Board that verifies the tax-exempt status of the RCD. According to the IRS website, "Government entities can request a government affirmation letter by calling 1-877-829-5500". If you call make sure the person you are talking with understands that the RCD is a political subdivision of the state created under Division 9 of the Ca Public Resources Code. You can also obtain a letter from the Franchise Tax Board (FTB). According to FTB staff, all the RCD needs to do to get a tax exemption letter is send a request to the following location: Franchise Tax Board, Exempt Organizations Unit, PO Box 1286, Rancho Cordova CA 95741-1286. FTB can be reached by phone at 916-845-4171. Again, it is important to stress that the district is not a 501(c)(3), but a political subdivision of the state. It might be helpful to cite the portion of the Public Resources Code that defines RCDs as special districts.

RCDs are in an ideal position to receive tax-deductible donations from constituents that want to help support the work of the district. Many RCDs actively solicit and receive donations. Donations can include anything that would help the RCD achieve its goals. Solano RCD recently started a Friends of Wildlife Fund to solicit donations for RCD activities. After advertising in just one newsletter the RCD received donations totaling \$450. The RCD has also received pots, containers, seeds, drills, volunteer labor, and much more. San Mateo RCD is another example of an RCD that actively solicits

## RCD Tax Exempt Status (Continued)

donations. They even have a Help the RCD page on their website which provides information on how to donate to the district. They have successfully obtained several cash donations. Western Shasta RCD also encourages donations. Usually they receive donations for specific projects like spawning gravel on a specific stream. Other RCDs have received donations of land, equipment, chemicals to spray noxious weeds, plants, cash, labor, and more. These are just a few examples of tax-deductible assistance that RCDs have received.

Volunteer labor is an extremely helpful donation that many RCDs receive on a regular basis. It is important to understand that donations of labor, cash, equipment, materials, and property are all tax deductible. If the RCD receives such a donation they should provide the donor with a letter, on RCD letterhead, that thanks the donor for the donation, includes the dollar value of the donation, and states how the RCD used or will use the donation. The letter should also quote the portion of the Internal Revenue Code that allows such donations to be tax deductible, Title 26 USC 170(c)(1). To qualify as a tax-deductible donation, contributions must be used entirely for a public purpose.

Both government entities and 501(c)(3) organizations can receive tax-deductible donations. However, some grant opportunities are only open to 501(c)(3) organizations. To access these funding opportunities, RCDs can either apply through an existing 501(c)(3) or create their own 501(c)(3). CARCD is a non-profit 501(c)(3) that RCDs can work through to submit proposals. Another possibility would be to start a local 501(c)(3). Western Shasta RCD started the 501(c)(3) Shasta Conservation Fund (SCF) in part to access grant opportunities that RCDs cannot. The SCF has been successful at obtaining funding to support the natural resource restoration goals and objectives of the RCD. However, before starting a 501(c)(3), it's important to be certain that the district absolutely needs it. 501(c)(3)s are separate organizations with different rules and laws, separate board meetings, and different reporting requirements. Starting a 501(c)(3) may allow access to additional grant funding, but it is also requires a great deal of time and work.

Even though RCDs are not 501(c)(3) nonprofit organizations, the United States Code gives them the right to accept tax-deductible donations. RCDs should understand the codes and be able to explain them to potential donors. Below is a list of helpful websites to consult for more information.

### Helpful Websites

**Office of the Law Revision Counsel:** <http://uscode.house.gov> click on search then type 26 in the title box and type 170 in the section box.

**IRS Publication 526 Charitable Contributions:**

<http://www.irs.gov/pub/irs-pdf/p526.pdf>

**IRS Information Website for Federal, State, and Local Governments:**

<http://www.irs.gov/govt/fslg/index.html>

**California legislative information website:** <http://www.leginfo.ca.gov>

Here you can download Division 9 of the Public Resources Code and any other legislation you may be interested in.

**Department of Conservation**

801 K Street, MS 18-01  
Sacramento CA 95814

Phone: 916-324-0774

Fax: 916-327-3430

Email: [rcd@conservation.ca.gov](mailto:rcd@conservation.ca.gov)



**Flex your power**

<http://www.fypower.org/index.html>

Save Money, Save Energy, Save Natural  
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**Flex Your Power at the Pump**

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*Edited by: Jenny Di Stefano*

The RCD Outlook newsletter is intended to provide RCDs with helpful tips and updates on RCD work statewide. If you would like to be added to the mailing list or have an article to contribute please feel free to call the RCD program staff at 916-324-0774 or send an email to [rcd@conservation.ca.gov](mailto:rcd@conservation.ca.gov).