

# **CALIFORNIA RESOURCE CONSERVATION DISTRICT**



## **DIRECTORS' HANDBOOK**

Produced by: California Department of Conservation  
Division of Land Resource Protection

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# INTRODUCTION & HISTORY



## *Introduction*

Resource Conservation District (RCD) directors play a vital role in the protection and improvement of local natural resources. As representatives of their community, directors have the responsibility to assess local conservation needs and develop programs to meet those needs. This handbook is designed as a reference tool for directors to use as they fulfill their important duties. The handbook provides an overview of directors' powers, authorities, roles and responsibilities. The book was designed to be useful for both new and established directors. For more information about any of the topics covered in this handbook, directors can consult the RCD guidebook. A copy of the guidebook is included in this binder on compact disc. To read the files on the compact disc, you will need to download Adobe Acrobat reader. The reader can be downloaded for free off the Adobe website at:

<http://www.adobe.com/products/acrobat/readstep.html>

This handbook contains several references to government codes. Please remember that these codes are subject to change. Directors should review these codes frequently in order to remain up-to-date. Codes can be accessed on the Internet by visiting the legislative information website at

<http://www.leginfo.ca.gov> Once you reach the site, click on the blue and yellow box at the bottom of the page that says California Law. This will take you to a page that lists all the main codes. Most references to Resource Conservation Districts can be found in the Public Resources Code. However, there are other codes, such as the Government Code, that can also apply to RCDs. Click on the box next to the code you are interested in, then enter any keywords you are searching for in the space provided. For example, if you were looking for the portion of the Public

Resources Code that applies to RCDs, you would simply click the box next to Public Resources Code and type Resource Conservation Districts in the box provided. This will give you a list of all the sections of the code that contain the words “resource conservation district.”

### *History*

In response to the national “Dust Bowl” crisis of the 1930’s, the federal government passed legislation in 1937 establishing the Soil Conservation Service (SCS). Shortly after the formation of the SCS, conservationists realized that a federal agency in Washington might not be sufficiently responsive to local needs, so Soil Conservation Districts were set up under state law to be controlled by local boards of directors. In 1938, California passed legislation authorizing the formation of Soil Conservation Districts under Division 9 of the Public Resources Code. These districts assisted landowners with erosion and flood control problems (primarily on agricultural lands), functions originally envisioned by the formation of the SCS.

Under Division 9, Soil Conservation Districts were empowered to manage soil and water resources for conservation, but these powers were expanded in 1971 to include related resources including fish and wildlife habitat. This expansion of power was reflected in the change of name from “Soil” Conservation District to “Resource” Conservation District.

Districts receiving property tax revenues prior to the passage of Proposition 13 in 1978, generally continue to receive county-collected property taxes; however, most districts receive very little regular funding through local taxation and rely heavily on

competitive grants and other types of fundraising to stay in operation.

Today, there are 103 districts that manage diverse resource conservation projects over more than 85 percent of the state.

# DIRECTOR BASICS



RCD boards consist of five, seven or nine directors as specified in section 9301(a) of Division 9. The number of directors can be changed through a resolution adopted by the majority of the board of directors. However, the change must be published at least once in a newspaper of general circulation within each county the district serves.

Section 9314 of Division 9 states that RCD directors serve four-year terms. Directors can either be elected in a general election or appointed by the county board of supervisors. In cases where the district is in more than one county, the board of supervisors that represent the largest portion of the RCD appoints the directors after conferring with the other counties. Both new and multiple term directors must qualify for office and take an oath of office upon election or appointment.

### ***Qualifications***

To qualify to serve as an RCD director, candidates must be a registered voter in the state. Candidates must also (1) reside within the district or (2) have two or more years of experience as an associate director of the RCD, or (3) be a designated agent of a resident landowner within the district. Suisun RCD and Grasslands RCD are exempt from the district residency requirement. Even if all qualifications are met, an individual cannot be a county supervisor and an RCD director simultaneously.

### ***Conflict of Interest***

As elected or appointed officials of a public agency, RCD directors must avoid conflicts of interest. Directors have a responsibility to disclose actual or potential conflicts before their appointment. The degree to which directors must disclose assets or

business interests in a conflict of interest statement varies by county; directors should check with their county clerk to determine reporting requirements. Many counties require directors to fill out a Conflict of Interest Form 400 annually as well as upon assuming office and upon leaving office.

Section 9304 of Division 9 states: “No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials or services to the district.” Directors are prohibited from receiving any compensation for their work as a director. For example, being a director and an employee of the district at the same time is prohibited. To avoid potential conflicts of interest, it’s important to remember that directors cannot receive *any* financial benefits from the district. For example, a director who owns an equipment yard could not rent equipment to the district.

Division 9 does allow directors to be reimbursed for travel expenses to and from meetings. The board should establish reimbursement amounts in a district travel policy.

### *Vacancies*

To ensure that districts retain experienced directors at all times, RCD directors are divided into two approximately equal



classes. Since boards consist of an odd number of directors (five, seven, or nine), one class will have fewer directors. Every other year one of the classes of directors will be up for reelection or appointment. The four-year terms terminate at noon on the last Friday in November of the second even-numbered

year after taking office. When a term expires it creates a scheduled vacancy that can be filled by either election or appointment. However, directors hold their office until his or her successor has met all qualifications, or upon their resignation effective date. According to section 9314 of Division 9, “The expiration of the term of any director does not constitute a vacancy and the director shall hold office until his or her successor has qualified.”

*Elections:*

When RCDs choose to fill vacancies by election they must follow the Uniform District Election Law, sections 10500-10556 of the Election Code. Elections are held on the first Tuesday after the first Monday in November. Every other year one class of directors will be up for reelection. All registered voters from the district at large are eligible to vote for directors. Remember, a retiring director does not leave his position until his or her successor has qualified for office unless the director has submitted an official resignation letter, with a copy sent to the Board of Supervisors. Division 9 requires applications for election to be signed by at least 10 voters within the district.

*Appointment:*

The Legislature makes it clear that it would prefer directors to be selected through the election process. However, in 1985, Division 9 was amended to allow directors to be appointed by their county board of supervisors. To exercise this option, the RCD must submit a request to the board of supervisors of the principle county no later than 125 days prior to Election Day in any election year. The board of

supervisors then reviews candidates and selects directors after consulting with any other counties within the district. Section 54974 of the Government Code requires districts to post notice of a vacancy within 20 days after a vacancy occurs and allow at least 10 working days to receive applications. Candidates should file their applications with the appropriate county officials. Check with the county to determine who should receive the application. The board of supervisors has the responsibility to solicit recommendations for new directors from a variety of organizations and interests within the district. Furthermore, it is the intent of the Legislature, that the supervisors only appoint applicants that have demonstrated an interest in soil and water conservation. (Section 9314, Division 9)

### *Unscheduled Vacancies*

Unscheduled vacancies are created when any of the following events occur:

- A director dies.
- A director resigns. If a director wishes to resign he/she must notify the board of supervisors of the principal county in writing.
- A director is disqualified. (See Disqualification section below)
- A competent tribunal declares his/her election or appointment void.

The procedure for filling an unscheduled vacancy depends on whether the exiting director was appointed or elected. If the director was originally elected to the board, the remaining RCD directors can

either (1) fill the vacancy themselves by making an appointment until the next election or (2) hold an election at the next election date. If the directors make an appointment, **they must first post a vacancy notice and allow 15 days for responses.** It's a good idea to post the notice in a generally circulated newspaper within the district. If the board of supervisors appointed the director that is leaving, the supervisors have a responsibility to appoint a new director to fill the vacancy. The new director will serve until the end of the unexpired term. **It is the responsibility of the RCD to notify the board of supervisors of an unscheduled vacancy.** Often, RCDs will suggest a replacement to the supervisors based on the qualifications as outlined above.

### *Disqualification*

According to Section 1770 of the Government Code, directors can be disqualified for the following reasons:

A court declares the director physically or mentally incapacitated due to disease, illness, or accident and there is reasonable cause to believe that the director cannot perform his or her duties for the remainder of the term.

- The director ceases to be a resident of the state or district. The director does not need to be a resident landowner within the district if he or she is a designated agent of such a landowner. Suisun and Grasslands RCD directors are exempt from the residency requirement.

- The director ceases to perform his or her duties for a period of three consecutive months and the absence is not due to illness.
- The director is convicted of a felony or violation of his or her official duties.
- The director refuses or neglects to file his or her oath of office within 20 days after receiving the certificate of election or appointment.
- A court declares the director's election or appointment void.
- A director is committed to a hospital or sanitarium as a drug addict, inebriate or stimulant addict.

### ***Associate Directors***

Associate director positions were established to give those who did not meet the qualifications of a director a chance to take an active role in the district. Under Division 9, associate directors can qualify for a position on the board after they have served as an associate for two or more years, even if they do not own property within the district.

Associate directors do not have the right to vote on board matters. However, they can attend meetings and provide the district with extra expertise. Frequently associate directors also contribute by serving on various district committees.

# POWERS AND AUTHORITIES



The overall function of an RCD Board of directors is to provide resource conservation leadership to people and communities within the district. The primary role of an RCD board is that of a decision-making body to set policy, envision a resource management program to meet the needs of the community, create and implement plans, and educate the public about resource conservation issues.

Division 9 of the California Public Resources Code gives RCDs several powers and authorities. It is important for directors to be familiar with Division 9 as they conduct district business. This section of the handbook outlines and explains the powers given to RCDs.

### ***Management***

In section 9401 of Division 9, RCD directors are empowered to manage district operations, projects, improvements, and any property owned by the district. Day-to-day district management can involve the management of daily operations as well as district projects.

### ***District Operations***

Directors have a responsibility to oversee the management of day-to-day district operations. Directors must ensure that the RCD follows state and federal laws such as the Equal Opportunity Employment Practices Act. Furthermore, directors have the critical task of envisioning a district program to meet local conservation needs. In order to accomplish both important duties, the district should develop policies and procedures to manage daily operations more efficiently. Having procedures and policies in place that all directors understand, can

help the directors focus more effort on developing RCD goals and less effort on the every day details of operations. Division 9 does not require districts to develop policies, but policies are an extremely useful tool for managing district operations.

Procedures can range from simple to complex. For instance, assigning one director to handle district media relations is considered a procedure. Procedures are simply the way the district routinely handles district business. Some policies, such as a personnel policy, are vital for a successful operation that complies with local, state and federal laws. RCDs may also consider adopting policies for vehicle use, public records requests, fiscal operations, purchasing, travel, record keeping, document retention, travel, fees for services, safety, or any other district concerns.

### *Projects*

RCDs get involved in a wide variety of resource conservation projects. Projects can take place on both public and private lands. Some examples of projects a district might be involved in include: conservation education, erosion control, installing best management practices, demonstration projects, fuels reduction, road management or maintenance, developing watershed plans, and more. Project management will vary depending on the nature of the project; however there are some basic management steps that will apply to all projects. The first step in project management is to identify a need and create a plan to address that need. The next step is to secure funding and identify partnerships that need to be developed. The district then executes the plan once funding and partnerships are in place. The final step

in project management is to monitor and report on success.

### ***Lands, Easements, and Property***

Division 9 also gives districts the right to own and manage land, easements, and property. There are many reasons a district may want to own property. For instance, if there is a piece of land within the district in need of extensive conservation treatments, it may benefit the district to buy the land to administer the treatments. Districts can also purchase easements for conservation purposes. One source of funding for such easements is the Department of Conservation's California Farmland Conservancy Program. Division 9 allows districts to purchase office space as well. Furthermore, RCDs can also purchase equipment or tools to help them complete their conservation work. They may also purchase land and a building to house the district.

### ***Cooperating and Coordinating***

Districts can cooperate with other entities to plan, receive funding, and deliver services. Many districts are involved in cooperative efforts to develop watershed and other resource management plans. Such efforts are commonly referred to as Coordinated Resource Management and Planning (CRMP). Frequently districts work with other entities to receive funding through grant programs. It's also common for districts to work with agencies such as NRCS, UC Extension, Bureau of Land Management, water agencies, Environmental Protection Agency, and others to provide landowners with technical assistance through Memoranda or Understanding (MOUs). Division 9 also gives districts the right to develop partnerships with other districts to discuss and address common issues or problems. Many

districts are members of the California Association of Resource Conservation Districts (CARCD). There are ten CARCD regions throughout California, designed keeping basic bio-regions in mind. Regional meetings generally take place twice a year to discuss issues of importance to the area. Districts are also encouraged to develop partnerships with local, state, federal, and tribal governments. For example, the Western Shasta RCD developed a strong partnership with the US Bureau of Land Management, the California Department of Forestry and Fire Protection, and a homeowners association to assist them in implementing a strategic fuels reduction plan that will reduce fire risk within portions of the district. Districts also form alliances with other organizations including for profit and non-profits, as well as individuals, to help them achieve their goals. The Surprise Valley RCD has enlisted a local Boy Scout troop to help them map noxious weeds. This partnership is mutually beneficial. The RCD is able to find volunteer labor and the Boy Scouts are given the opportunity to learn how to use mapping equipment and develop maps. This partnership will result in a noxious weed map and the Boy Scouts will be given a valuable learning opportunity.

Another advantage to these partnerships is that RCDs can coordinate with partners to more effectively reach government decision makers. Working together to present a unified message often results in a much stronger legislative outreach program. (*see legislative education below*)

### ***Education and Outreach***

Sections 9402, 9411, and 9419 of Division 9 specifically give RCDs the power and the responsibility to educate their communities regarding resource conservation issues. Districts can provide

both adult and youth conservation education. Directors are also encouraged to keep their local, state, and federal legislative representatives informed about district activities.

### *Adult Education*

RCDs should be creative about providing education and outreach to adults. In order to reach different people and interest groups it is important to develop a wide variety of education and outreach methods. The following are some suggestions for education and outreach methods.

Section 9402 of Division 9 empowers districts to conduct surveys, investigations, and research related to resource conservation. Once this work is completed, the RCD should disseminate their findings to other agencies doing similar work and to the public in order to reduce duplication of efforts. In plain language, this means that when RCDs conduct surveys or research within their district they should share their results. Other agencies or organizations will then be able to use information collected by the RCD to further their own goals.

In the past, RCDs have used a wide variety of adult education and outreach strategies. Awards, media outreach, public appearances, demonstration projects, and direct instruction are five common education and outreach methods.

- **Awards:** Some RCDs have a “cooperator of the year” award to recognize contributions local landowners have made to resource conservation efforts. Other districts offer scholarships to graduating high school students. Such awards are

an excellent way to encourage good stewardship and publicize the RCD.

**Media Outreach:** Media outreach can be an effective way for RCDs to reach their constituents. Many RCDs send out monthly or quarterly newsletters or conduct other direct mailings. To view sample newsletters see Appendix U of the RCD Guidebook. Another common form of media outreach is the Internet. More and more RCDs are developing websites to publicize district activities and reach out to constituents they might not otherwise be able to reach. Districts should research website hosting services available in their areas. The National Association of Conservation Districts offers discounted Internet and email services in some areas. Districts can also advertise special programs or upcoming events in newspapers or on the radio.

- **Newsletters/ Direct Mailings:** Some districts chose to publicize their activities and educate the public through monthly or quarterly newsletters. Newsletters can contain information about upcoming events, district activities, and educational articles. Some districts sell advertising space in their newsletters to help pay for publication costs. Direct mailings can also be an effective outreach tool. For example, if a district conducts or plans a demonstration project that reduces runoff from a dairy, they may want to distribute invitations to workshops and provide information on techniques to all area dairy farms.

- **Public Appearances:** RCDs should take advantage of all opportunities to publicize their work and educate the public. County fairs and other community events are an ideal opportunity for RCDs to garner public support for their activities. Public speaking can also be an

effective way to engage the public. For example, speaking at meetings held by other organizations, such as the Farm Bureau or Homeowners Association, can result in new partnerships and improved public awareness of conservation issues.

- **Demonstration Projects:** Section 9411 of Division 9 states that directors have the authority to carry out demonstration projects on public land, with the consent of the agency administering the land, or on private lands, with the consent of the landowner. Demonstration projects not only educate but also showcase the value of new and proven conservation techniques.
- **Direct Instruction:** Workshops and field trips are another useful education and outreach tool. They provide landowners an opportunity to learn from experts about improving environmental health and about advances in conservation technology. Workshops and public meetings can also give landowners a chance to voice their opinions on RCD activities.

### *Educating Young Adults/Children*

Section 9419 of Division 9 states that each district may develop and disseminate conservation education programs for use in kindergarten through 12<sup>th</sup> grade. Districts are also encouraged to use existing conservation education programs. There are many ways an RCD can provide educational opportunities for children. The following are a few ideas about how to provide youth conservation education.

**Contests:** RCDs can develop their own conservation related contests or they can take part in existing contests. Each year CARCD sponsors a

“speak-off” contest for California’s high school students. A different topic is chosen annually for the contest. Students participate in a series of events, held first at an RCD meeting, then at a CARCD regional meeting, and finally at the CARCD annual state meeting. To find out more about this event, talk to your CARCD regional chair or the Chair of the Education Committee for CARCD.

**Extra Curricular Activities:** Activities outside of the regular school day can also be an effective way to educate school children. Some examples include, clean up days, field trips, competitions, or similar events. The Envirothon program is an annual program that many RCDs take part in. Students from high schools across California learn about, discuss and develop plans about different aspects of environmental science. At the end of the year they compete in a statewide competition to test the knowledge they have gained. The winning team goes on to compete in a nationwide competition. Other districts participate in Range Camp, a once yearly camp that covers various environmental topics over a week-long residential stay.

**Classroom Education:** On-site programs are another option for youth education. RCDs can develop curriculum to be used in the classroom or they can promote existing programs. Adopt-A-Watershed and Food, Land and People are examples of existing programs. Adopt-A-Watershed involves curriculum developed for kindergarten through 12<sup>th</sup> grade. The curriculum provides students with an in-depth education on the science behind watersheds. Students learn what a watershed is, how to monitor water quality, how to improve watershed health and much more.

## *Legislators*

It is important for directors to maintain a relationship with their local, state and national legislators, and neighboring American Indian tribal governments if applicable. RCDs should send legislators and leaders newsletters, annual reports, annual plans and other materials that highlight the district's work. Each year CARCD hosts a "Day in the Capitol" in Sacramento. This event gives RCDs the opportunity to meet with their state legislators to provide information on RCD activities and needs relative to their own constituents. Day in the Capitol is also an opportunity for RCDs to offer assistance to legislators with any projects and needs the legislators would like to see addressed.

## *Accepting Funding*

Division 9 gives RCDs the right to accept funds to use for resource conservation work within their district. RCDs can accept grants and gifts from federal, state, and private sources. Section 9403.5 of Division 9 also gives RCDs the right to establish fees for the services they deliver. Before charging for their services, RCDs should consult legal council and secure appropriate insurance. RCDs can also accept contributions from individuals, organizations, or other entities.

## *Employees and Contractors*

Section 9404 of Division 9 allows RCDs to hire employees, contractors or agents as needed. Employees can help the district reach their goals and objectives. RCDs can also hire contractors for short term specialized work. For more information about employees and contractors see the personnel and volunteers section on page 39.

## ***Legal Powers***

RCDs have the right to sue and can also be sued. Division 9 states that RCDs have the right to consult their county district attorney or county counsel. Districts can also hire private legal services and consultants.

## ***Annual and Long-Range Planning***

Directors have a responsibility to assess the conservation needs of their district and devise plans to meet those needs. Plans should be based on input from communities the district serves.

As of January 2000, Division 9 requires RCDs to develop both annual and long-range plans in order to be eligible for grant funding through the Department of Conservation. Annual plans should be adopted by March 1<sup>st</sup> of each year. This handbook provides detailed information about the planning process in the planning section starting on page 59.

## ***Continuing Director Development***

Directors have a responsibility to expand their knowledge of local conservation issues, district operations, and other topics related to their district. Several organizations and agencies can help directors accomplish this task.

The Department of Conservation's RCD Assistance Program has staff available to provide RCDs with training pertaining to board operations, the rules and regulations RCDs must follow, grant writing and fundraising, strategic planning and policy development, and community outreach and education. The Assistance Program provides training

in other areas upon request. The program also has a staff member to help RCDs obtain the necessary permits for conservation projects.

CARCD also provides directors with training and assistance with RCD issues. Periodically, they send out newsletters containing various RCD related information. CARCD also has a weekly email newsletter that contains information about upcoming events, upcoming workshops and current grant opportunities. To receive the weekly newsletter, send an email to [staff@carcd.org](mailto:staff@carcd.org) requesting to be added to their list. CARCD also provides various training opportunities at their annual conference.