
Director Powers and Responsibilities



Overview

“District Supervisor” is the title given to individuals who have been elected or appointed to serve on a Conservation District board. Nevada Conservation Districts are political subdivisions of state government but are not state agencies. They are considered municipal corporations, a form of local government that is required to follow many of the same laws that govern state agencies. The Conservation Districts work with landowners, communities, federal, state and local agencies, and organizations to protect natural resources and maintain a healthy environment.

Key Points

Powers of the Board

- Dillon’s Rule: A local government may exercise powers that are expressly provided for by law or are necessarily implied.
- Individual Board members do not have individual powers and authorities.
- Individual Board members may be given authority or power to act on behalf of the Board.
 - Power is granted through Board action and must be recorded in the Minutes.

Responsibilities of Supervisors to the Board

- Attend and actively participate in all Board meetings.
- Come to the meetings prepared, informed and on time.
- Carry out committee responsibilities.
- Represent the Board positions and actions.
- Treat fellow Board members, staff and public with respect.
- Stay abreast of local conservation issues.
- Attend area and state meetings of the state Association.
- Participate in training opportunities.
- Promote the District’s work to local landowners, local and state agencies, legislators, and other organizations.

Surety Bonds, Liability and Workers’ Compensation Insurance

- The District may provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.
- Liability and Workers’ Compensation insurance can be provided by the District. This insurance is currently available to districts, at a reduced rate, from the State of Nevada.

Nevada Department of Conservation
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Conservation Districts Program
775-684-2700
dcnr.nv.gov/conservation-district-program/

Resources

Conservation Districts Program
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Publication: *Nevada
Conservation District Guidebook*

Applicable Laws and Rules

Governing Statutes
Nevada Revised Statutes (NRS)
Chapter 548 and Chapter 241

Nevada Administrative Code
(NAC) Chapter 548 –
Conservation

Basic Legal Requirements in NRS 548 and NAC 548

- Hold at least (3) regularly scheduled meetings in different calendar months.
- Give proper Notice of meetings with agendas (NRS 241)
- Annual Work Plan and Budget
- Annual Report
- Annual Financial Report
- Annual Meeting and Notice

District as Employer



Overview

When a district hires an employee, the district is subject to the legal responsibilities of being an “employer.” There are a number of required personnel obligations and compliance requirements ranging from hiring practices to tax reporting. It is important to have well defined district policies and procedures, trained staff, and directors knowledgeable in personnel matters.

Key Points

Basic Legal Responsibilities

- Register as an employer.
- State and Federal withholding tax.
- Federal Medicare and Social Security taxes.
- Unemployment tax.
- Worker’s Compensation Insurance.
- Employment eligibility verification.
- New hire reporting.
- Year-end tax reporting responsibilities.
- State and Federal posting requirements.

Additional Responsibilities of an Employer

- Maintain an updated Personnel Policy Manual.
- Correctly classify and compensate employees.
 - Exempt vs. non-exempt
- Adequate and appropriate supervision of employees.

Employee vs. Independent Contractor

- Common law Rules – Three Categories
 - Behavioral: Does the district control or have the right to control what the worker does and how the worker does his or her job?
 - Financial: Are the business aspects of the worker’s job controlled by the district?
 - These include things like how the worker is paid, whether expenses are reimbursed, who provides tool/supplies, etc.
 - Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the district?
- The IRS has numerous “tests” that must be met in order to call an employee a contractor.

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Bureau of Labor and Industries
(BOLI)
775-684-7260
<http://dirweb.state.nv.us>

Nevada and Federal Posting
Requirements
http://www.laborcommissioner.com/form_s_pubs.html

Nevada Employment Division
<http://www.nevadajobconnect.com>

Internal Revenue Service
800-829-1040
Employee vs. Contractor Info
<http://irs.gov/Businesses/Small-Businesses-&Self-Employed/Independent-Contractor-Self-Employed-or-Employee>

Nevada Dept. of Taxation
866-962-3707
<http://tax.state.nv.us>

Worker's Compensation Div.
775-684-7260
<http://dirweb.state.nv.us/WCS/wcs.htm>

Reporting



Overview

The Conservation Commission uses reports from the Districts to determine if monies are being used appropriately. Reporting in a timely manner is very important. This information is used by the Conservation Commission to determine if a District is in “good standing” and can therefore continue to receive State funds.

Key Points

Minutes and Agendas

Minutes and Agendas must be submitted to the Conservation District Program Office within (30) working days of the meeting date.

Draft Minutes are fine if that is what is available.

Planning Reports

Annual Plans

An Annual Plan of Work outlines specific objectives and activities to complete long range plans.

Annual Plans are to be filed with the Conservation Commission by June 1st of each year.

Proposed Budget

The Proposed Budget shows how the District intends to receive and disburse funds. This will include recurring costs such as wages and insurance as well as specific financial events such as grants.

The Proposed Budget is to be filed with the Conservation Commission by June 1st of each year.

Basic Financial Responsibility

- Create and maintain a district budget.
- Manage funds consistent with fiduciary responsibility.
- Maintain accurate and complete financial records and reports.
- Manage cash deposits, investments, and other financial holdings.
- Review monthly financial and treasurer reports.
- Report to appropriate local, state, and federal entities.
- Provide an annual audit of the accounts of receipts and disbursements. (NRS 548.320)

Final Financial Reports are to be filed with the Conservation Commission by September 30th of each year.

Annual Reports are to be filed with the Conservation Commission by September 30th of each year.

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Audits

- Districts should conduct an annual audit of accounts, receipts, and disbursements. The District’s Treasurer leads this effort. An audit can also be completed by an outside accounting firm.

Annual Reports

The Annual Report explains what your District accomplished in the last year. It should include:

- The Treasurer’s Report.
- Highlights or special events of the year.
- Accomplishments (conservation projects, workshops, etc.).
- Goals that were not met.
- Any other information for the public to better understand what you’ve done.

Effective Board Meetings



Overview

Board meetings are fundamental to conducting conservation district business. They are often long, inefficient and discouraging. Effective board meetings can be conducted with planning and good facilitation by the Board Chair and participation by Supervisors.

Key Points

General Tips

- Send a clear and detailed agenda to board members at least one week before the meeting. Include a draft copy of the previous meeting's minutes, staff reports and other needed information.
 - Put the person responsible for each agenda topic on the agenda.
 - Write an "anticipated action" for each agenda item.
 - Put a timeline for discussion and action on the agenda.
- Start and End on time.
- Have staff submit written reports that are sent with the agenda. Use the staff report time at the meeting to highlight important items in the report and/or ask for feedback and decisions.
- Use at least a modified version of Robert's Rules of Order to keep the meeting moving and on track.
- Make sure the room is comfortable (temperature, chairs, etc.).
- Write up draft minutes and distribute them to board members as soon as possible after the meeting.

Responsibilities of Individual Board Supervisors

- Come prepared and have read Board packet before the meeting.
- Arrive on time.
- Respect fellow Supervisors and staff, their opinions, and the decisions of the board.
- Represent the board decisions and positions even when they are not the individual Supervisor's position.

Responsibilities of the Board Chair

- Keep the meeting on schedule. Ask permission to extend discussions.
- Manage side discussions and help board stay focused.
- Encourage "dumb" questions.
- Manage dissent and disagreements firmly and with respect.
- Recap each agenda item and the resulting action.
- Make sure each Supervisor has input on at least one thing at every board meeting.
- Don't be afraid to be creative!

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A Good Board Will:

- Have all members contributing.
- Trust each other.
- Work through conflict.
- Have immediate resolution.
- Be accountable.
- Question practices.
- Understand the financials.
- Read and research topics before the meeting.

A Good Board Member Will:

- Turn off 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 as disrespectful as words.
- Keep an open mind and focus on the facts. Do not attack other board members, staff or public.
- Be respectful of differences and seek to reach a consensus.
- Listen to and respect others while they speak.
- Participate in discussions respectfully and in a constructive manner.

A Good Board Chair Will:

- Be interested and enthusiastic.
- Set and keep ground rules for the meeting.
- Ask open-ended questions.
- Listen carefully to each person.
- Avoid stating that a person is wrong.
- Clarify assumptions.
- Summarize the discussion.
- Ask for feedback and take action.

Ethics for Public Officials



Overview

Public officials are held personally responsible for complying with the provisions in Nevada Ethics in Government law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, or when to disclose the nature of conflicts of interest. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official's government employer or the governing body represented by the public official.

Key Points

Who is covered?

- Public Officials.
- Volunteers with regular duties.
- Relatives, members of the household, and businesses with which you are associated.

Prohibited Uses

- Using or attempting to use an official position to obtain financial gain, or avoidance of financial detriment, which would not otherwise be available, but for the holding of your official position or office.
- Solicitation or promise of future employment based on decisions made or actions taken.
- Use of confidential information for personal gain.
- Conflict of interest.

Conflict of Interest

A "conflict of interest" is the private or personal interest of a public officer or someone close to a public officer that is sufficient to affect his or her independence of judgment or the objective exercise of public duty.

Public officers must disclose conflicts of interest at the time a matter is being considered – often at the opening of an item on a public meeting agenda. (NRS 281A.420)

Who is a public official?

A public official is a person elected or appointed to a position established by the Nevada constitution, state statute, or county or city ordinance who exercises a public power, trust or duty (NRS 281A.160)

In Nevada, a public office is a public trust held for the sole benefit of the people.

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<http://dcd.nv.gov/index.htm>

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Applicable Laws and Rules

The Nevada Ethics in Government Law is limited to Chapter 281A of the Nevada Revised Statutes (NRS). It consists of five sections:

1. General Provisions
2. Commission on Ethics
3. Code of Ethical Standards
4. Miscellaneous Provisions
5. Financial Disclosure Statement

Who is a "relative" of a public official? (Partial list)

- Spouse.
- Your children or spouse's children.
- Siblings and spouses of siblings.
- Your spouses' siblings and their spouses.
- Your parents and spouse's parents.
- Any person for whom you have a legal support of obligation.

Open Meeting Law

Overview

The Nevada form of government requires an informed public aware of the deliberations and decisions of governing bodies, and the information upon which such decisions are made. It is the intent of the 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 "closed sessions."

Key Points

Basic Requirements

- Open to the public. (closed sessions exemption)
- Advance Notice is given.
- Minutes are taken.
- Votes are made publicly and recorded.
- Audio recordings of all public meetings.

Notice

- Posted at the principal office of the public body, and at the building in which the meeting is to be held.
- Posted at not less than three other separate, prominent places within the jurisdiction of the public body.
- Posted on CDs website if one exists.
- Posted on State of Nevada Public Meeting website.
- Posted no later than 9 a.m. of the third working day before the meeting. (the day of the meeting does not count)
- Notice must include time, place and agenda.
- Agendas and support material must be made available to the public.
 - The name and contact information for a designated person who keeps supporting material for the public body and a list of locations where the supporting material is available to the public must be included on every agenda.

Minutes

- Written Minutes must be provided of all meetings.
- Contents:
 - All persons present.
 - All motions, proposals, resolutions, orders, ordinances, and measures and the dispositions.
 - The results of all votes.
 - The substance of any discussion on any matter.
 - A reference to any document discussed at the meeting.



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Applicable Laws and Rules

Governing Statutes
Nevada Revised Statutes (NRS)
Chapter 548 and Chapter 241

Definitions

- *Governing bodies* are two or more members of any public body that makes decisions or recommendations.
- *Public bodies* include committees, subcommittees, and advisory groups that have authority to make decisions for or recommendations to a public body.
- A *meeting* is the convening of a governing body for which a quorum is required to make a decision or deliberate toward a decision.
- *Quorum*:
 - A majority of Board members must be present.
 - Majority vote of all members of a Board must occur to make a decision.

Public Records Law



Overview

The policy that underlies the Public Records Law is that the public is entitled to know how the public's business is being conducted. The Public Records Law details this policy by granting 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 confidential statute. Public Records Retention rules provide for the retention and disposition of public records.

Key Points

Basic Law

- “The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law”. (NRS 239.001(1))

Definitions

- *Governmental entity*: Governmental entity means any elected or appointed officer of this State or of a political subdivision of this State and an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State.
- *Public Records*: Public record includes any information relating to the conduct of public business that is prepared, owned, used, or retained by a public body regardless of medium in which the public record is readily available.
- *Privatization contracts*: Privatization contracts executed by or on behalf of a governmental entity is a public record and must be open to inspection.

Public Records Requests

- An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record.
- Must segregate confidential material from public material and disclose the non-confidential material.
- Must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public records.
- May consult with counsel before responding to a request.
- May establish fees to reimburse for the actual cost in making records available, but may not exceed the actual cost.

The Conservation Districts Program provides the service of maintaining records for the Districts and providing them to Libraries and Archives when appropriate.

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Applicable Laws and Rules

Governing Statutes
Nevada Revised Statutes (NRS)
Chapter 239

Public Records Retention and Disposition

- A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained in accordance with NRS 239.080
- Copies of minutes and agendas are retained for a period of (5) calendar years from the date submitted.
- Disposition will be through transfer to the State Archives.
- Do not “selectively retain” some records longer than others.
- “Disposition holds” may occur that require a stop to the regular disposition of records.