



SUPERVISOR'S HANDBOOK

REV 07.20



DELAWARE ASSOCIATION *of* CONSERVATION DISTRICTS

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Introduction

Whether you are becoming or continuing as a District Supervisor with the local board of supervisors, this handbook is provided to familiarize you with the basic duties and responsibilities of a supervisor.

To effectively carry out the function and duties of a District Supervisor, you must have a clear understanding of your responsibilities and of the programs you represent. You need to know the cooperating agencies which assist districts in carrying out their programs, along with the problems associated with the soil and water resources and the wise use and protection of those natural resources. You must be an initiator of innovative solutions to diverse conservation problems and be able to work with others to achieve those solutions.

As an elected or appointed local governmental official, you are charged with properly conducting the affairs of your local Conservation District as set forth in [Delaware Code, Title 7, Chapters 39-41](#). By better understanding your responsibilities and by becoming involved, you can make an important difference in your community.

You are looked upon as a leader, decision-maker, spokesperson, and information provider. Your fellow district board members count on you to be an active member of the team and to represent the people from your community as board decisions are made. Your opportunity to serve is unlimited! Your challenge is great!

This handbook is a reference, a source of information. Full details and documentation are readily available. It will take time and effort to gain a working knowledge of your conservation district program and its vital

working relationships with others. To help you with this task, training programs will be made available to you. Your participation in these programs is very important to your success as a supervisor and the success of your conservation district.

A representative of the Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship serves as the Department's Administrator for your district board. This individual will be happy to help you individually with your questions, problems or projects. Since your advisor works with different districts, they can provide a wealth of ideas and experiences that can help you carry out your responsibilities and achieve your goals. Any questions regarding the contents of this handbook, or requests for more explanation should be referred to the advisor or Delaware Association of Conservation Districts (DACD).

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Purpose of Handbook

Congratulations on becoming a District Supervisor. As you take office as an appointed or elected official of the State of Delaware to serve as soil conservation District Supervisor, you are joining the ranks of the Delawareans who are prepared to work for soil and water conservation. WELCOME! This handbook has been prepared to provide you with facts you need to know as a conservation District Supervisor. Read it! Study it! It will help you be more effective at board meetings and as a representative of your district. It will explain what a conservation district is, its purpose, how it functions, and how it differs from any other agencies of local, state, or federal government.

In Delaware, each of the three counties is a conservation district bearing the name and conforming to the physical boundaries of the county.

Districts are made up of cooperators that are landowners, rural and urban, who join together voluntarily within the district in planning for and controlling soil erosion, sedimentation, flooding, and managing animal wastes, fertilizers, and agricultural chemicals to protect farmland and water quality.

Districts provide technical services in urban areas by reviewing development plans, zoning applications, and sediment control and stormwater management plan review and field inspection.

Districts function under the supervision of the district board of supervisors who receive the guidance of the State Department of Natural Resources and Environmental Control - Division of Watershed Stewardship as provided by the Delaware Code. Districts are usually funded through a variety of sources including federal, state,

and county appropriations, grants, fees for special services, and contributions from local sources. All income is used to promote conservation of our natural resources.

District offices illustrate the unique three-way partnership which enables districts to function. Personnel servicing district cooperators are usually a mixture of federal, state and district employees, all working together toward one common goal. They share office space and perform their duties as a team. The team is usually made up of USDA - Natural Resources Conservation Service, the Delaware Department of Natural Resources and Environmental Control, and the Conservation District employees funded by local, state, and/or federal government.

You should be aware that, in addition to this three-way partnership, there are several other agencies, groups, etc. which are vital members of the conservation team. It is important that you know them and that you recognize the full scope of district responsibilities and authority given a district supervisor.

One of the purposes of this handbook is to assist you in understanding these relationships and the distinctions and responsibilities of the agencies, departments, and committees involved in soil conservation district activities. Another is to make you aware of your responsibilities to your district.

Your fellow district supervisors and staff look forward to working with you as a team member. Together we can accomplish conservation goals far beyond the scope of an individual. We welcome you as a fellow steward of our most precious natural resources: soil and water.

History of Conservation Districts

In 1929, the United States Congress appropriated about \$160,000 for erosion control experiments. The work of research centers established with these funds expanded as the economic disaster of the dust bowl in the Midwest became a cause for national concern.

The Soil Erosion Service (SES) of the U.S. Department of the Interior was created as a temporary organization in 1933. Its purpose was to demonstrate the values of soil and water conservation by placing conservation measures on farms in cooperation with landowners. In addition, the federally-created Civilian Conservation Corps (CCC) was assigned to aid in erosion control work across the country. Two years later, in 1935, Congress established a definite federal policy concerning soil conservation. The CCC's were active in Delaware.

By an Act of Congress on April 27, 1935, the personnel and resources of the Soil Erosion Service were transferred to Soil Conservation as part of the U.S. Department of Agriculture. This was the first step in creating a local voluntary system around a core of federal expertise and support.

On February 27, 1937, President Franklin D. Roosevelt sent a letter to all state governors recommending enactment of soil conservation district legislation. The proposed act suggested establishing districts to direct and manage soil erosion control programs using local citizens participating

voluntarily in planning and installing conservation practices. Each district so designated would be empowered to determine local needs, would have personal contact with local individual landowners within the community, and would thus be able to encourage maximum cooperation on a voluntary basis.

The first soil conservation district in the United States was organized on August 4, 1937, in North Carolina. Kent County became the first conservation district formed in Delaware, on October 6, 1943. Sussex County was formed on February 16, 1944 and New Castle County was formed on August 9, 1944. Today, all 50 states, Puerto Rico, and the Virgin Islands have passed the enabling legislation necessary for the creation of approximately 3,000 local districts.

Delaware's enabling act was passed on April 12, 1943. The Act created the Soil Conservation Commission to determine the need for districts, define their boundaries, conduct election of the first Boards of Supervisors and assure that district programs conformed to legislative intent. The functions of the Commission were transferred to the Division of Soil and Water Conservation when State Government was reorganized in 1969 and the Department of Natural Resources and Environmental Control was created.

The following table shows key dates for Delaware Conservation Districts.

District	Petitioned	Referendum	Signed
Kent	6/17/43	7/30/43	10/6/43
Sussex	9/17/43	12/10/43	2/16/44
New Castle	4/28/44	7/25/44	8/9/44

Powers of Conservation Districts

A conservation district constitutes a governmental subdivision of the state and as a public body exercises public powers. As the governing body of the district, supervisors have the following powers:

1. To develop comprehensive plans and carry out preventive and control measures and works of improvement for the prevention of erosion, floodwater, and sediment damages and the conservation, development and utilization of land and water resources.
2. To conduct surveys, investigations, and research relating to the conservation, protection, development and utilization of land and water resources, the prevention of soil erosion and degradation of water quality, and the effectiveness of preventive control measures.
3. To cooperate or enter into agreements with any person, agency, or legal organization to furnish aid to any land occupier within the district to furnish financial aid for the purpose of installing soil and water conservation practices.
4. To make available to any district landowner or legal organization within the district, in accordance with Supervisors' terms, any material or equipment used to assist in the installation of soil and water conservation.
5. To make available to any cooperator who is a resident of the State and who owns land in a neighboring state, any material or equipment for the benefit of such cooperator's land in the neighboring state.
6. To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of soil and water conservation.
7. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, or otherwise, any real or personal property or rights or interests in it.
8. To accept the cooperation of, and financial, technical and material assistance from the Federal Government agencies, State agencies or subdivisions, or from any other source, for use in carrying out the purposes of the district.
9. To sue and be sued in the name of the district; to make and execute contracts and other legal instruments with any federal, state or local agency, or with any person; and to receive and expend funds.
10. To promote the conservation, protection, development and utilization of land and water resources through various informational and educational activities as the Board may deem necessary in the furtherance of its duties.
11. To approve or disapprove plans for land disturbing activities pursuant to the [Chapter 40, Title 7, Delaware Code Annotated](#) relating to erosion and sediment control and stormwater management.

12. To recommend a fee system to cover the cost of grading and sediment and stormwater management plan review and approval to be enacted by the local governing body. Any fees collected under this system are supplementary to county and state funds and may not be used to reduce county or state funds nor should the fee exceed the cost of plan review.
13. To receive petitions for the formation of the tax ditches and determine if the formation appears practicable, feasible, and in the public interest. If so, forward the petition to Superior Court for action.
14. Nominate candidates for Superior Court to consider when appointing three tax ditch commissioners and three alternates to assist in tax ditch formation in each county.

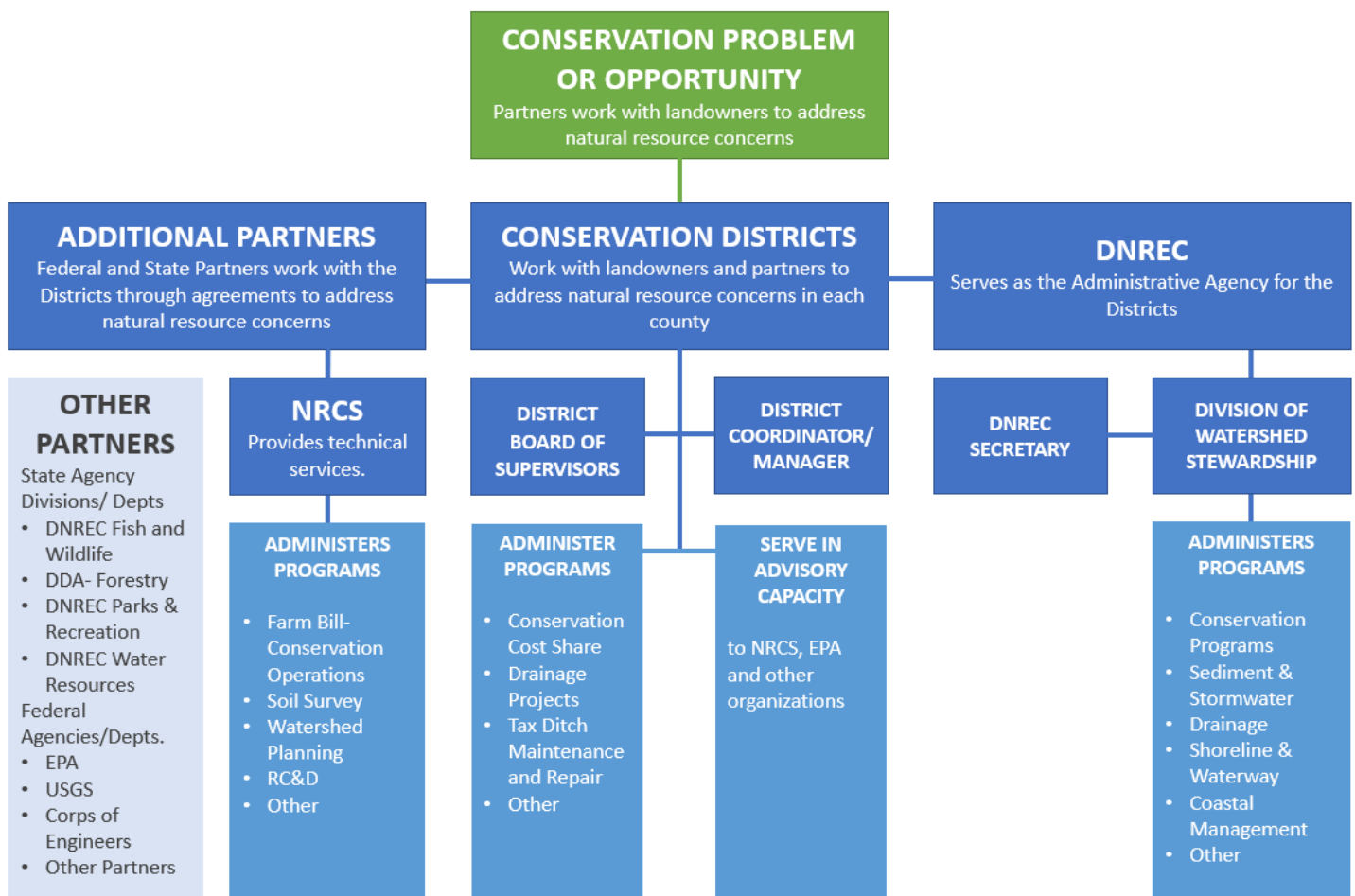
The district does **NOT** have the powers of taxation, police, or eminent domain that are normally associated with a subdivision of state government. (Tax Ditch Drainage Associations do have taxation powers.)

The powers of districts are presented here in an abbreviated form. In some instances they have been paraphrased. For exact reference, see the Delaware Code, Title 7, Chapter 39, 40, and 41.

Organization and Functions of Soil Conservation Districts

Although it is difficult to show exactly how your district is structured, Delaware districts are generally organized in the same manner. The Board of Supervisors provides overall supervision and sets policy assuring that the district performs those tasks required by law and memorandums of understanding.

The everyday business of running a district is handled by district staff. The district coordinator or manager is responsible for the day-to-day management of district operations, personnel management, and field operations. The USDA-Natural Resources Conservation Service district conservationist is responsible for providing technical supervision. They report to the Board of Supervisors and provide the board with the information it needs to make policy and planning decisions. See the organizational chart below:



Title 7 Chapter 39 Delaware Code- The Conservation District movement was initiated to provide a locally managed organization to bridge the gap between the Federal Erosion Control Programs and landowners conservation problems eg. Erosion, Flooding, Drainage, Drought, etc.

Unique among Districts is that in Delaware, a member of county government and the County Extension Agent are valuable ex-officio members.

The Board of Supervisors

In Delaware, there is a Board of Supervisors for each district which consists of four elected supervisors, and an optional supervisor who, in Kent County shall be a member of the Levy Court and in Sussex County shall be a member of the County Council and in New Castle County shall be the County Executive or his/her designated representative. Boards also include two (2) optional supervisors who shall not be farmers and who may be appointed by the Secretary of the Department of Natural Resources and Environmental Control upon the request of the district involved. The vote and authority of each supervisor shall be equal. The County Agricultural Agent shall serve as Secretary to the board but shall have no vote.

The elected members of the Kent and Sussex districts shall be farmers residing in those respective counties. In New Castle, two (2) of the elected supervisors shall be farmers residing in the southern portion of the County, and the remaining two who shall not be farmers, shall reside in the northern portion of the county.

The term of each elected supervisor shall be four (4) years. The term of office of a supervisor appointed by the Secretary of the Department of Natural Resources and Environmental Control shall be three (3) years. An optional supervisor appointed by the Levy Court of Kent County, or the County Council of Sussex County, shall hold office during the pleasure of that body so long as he remains a Levy Court or County Council member. The Secretary of the Department of Natural Resources and Environmental Control may fill the vacancy of any elected supervisor appointed by the Secretary of the Department of Natural Resources and Environmental Control occurring otherwise than by expiration of term, by appointment of a qualified individual to serve the remainder of the term.

Rules and Procedures pertaining to Election of Members of County Board of Conservation District Supervisors can be found in Appendix E.

Responsibilities of Supervisors

As an elected or appointed government official, the conservation district supervisor assumes an obligation to the citizens he represents to carry out a sound resource management program.

The Board of conservation district supervisors is the key to the success of the district. They direct the conservation program at the local level. They exercise the primary leadership roll in planning and implementing conservation programs. They must provide the strong leadership necessary to involve landowners and occupiers in effective voluntary land management programs, and to foster a strong commitment to soil and water conservation.

District supervisors should seek to develop a strong and credible working relationship with local tax ditch managers and government officials in the district's jurisdiction, including planners, zoning administrators, county commissioners and executives, mayors, city managers, and city council members. Similar contacts should be developed and strengthened with major farm organizations, such as: Farm Bureau, Grange, Farm Service Agency, County committees, and with Chamber of Commerce officers, independent realtors and developers.

District supervisors should be aware of local and statewide programs and problems. They must be willing to commit the time and effort required to assess district operations, develop overall policies and strategies to accomplish short and long-range goals, and to provide district staff the guidance and supervision necessary to attain the district's stated objectives as defined by law and according to agreements or memorandums of understanding entered into with other agencies, federal, state, or local, to implement specific plans or programs.

As an individual, or as a member of the District Board, supervisors have administrative, programmatic, information/educational and fiduciary responsibilities.

Administrative Responsibilities

- Attend and participate in all Board meetings and functions.
- Accept the responsibilities of any office to which you are elected on the District Board. Serve on committees and present reports of accomplishments and activities, fulfilling all offices to the best of your ability.
- Cooperate with fellow Board members in establishing district policies.
- Review and approve conservation agreements, particularly Memorandum of Understandings with NRCS, DNREC, CES, DDA and any other state or federal entities working with the district.
- Development and execution of a sound conservation program (annual plan of work). This plan should prioritize programs and projects to be accomplished, ranking them in order of their impact in terms of preventing potential erosion and pollution damage. Supervisors set project priorities and require progress reporting on a quarterly basis throughout the year.
- Developing an annual budget which should cover all aspects of the proposed conservation program (annual plan of work), for presentation to various funding sources including federal, state, and county governments. This budget should include operating funds, equipment and staffing needs, etc. Each supervisor should be knowledgeable and aware of the needs of the district office and be willing to work with various funding sources to obtain the necessary support to achieve district objectives.
- Become thoroughly acquainted with Delaware's soil conservation and water quality laws.
- Maintain complete and correct minutes of meetings and records of district business.
- Hold an annual election of officers/supervisors.
- Establish sound business procedures required for adequate accounting and financial management of the district's fiscal affairs to be in accordance with state law.

- Provide for an annual audit district accounts in accordance with state law.
- Encourage the use of and proper management of all district equipment.
- Promote efficiency and economy in all district operations.

Program Responsibilities

- Participating in developing, publishing, and distributing an annual report of district activities and accomplishments.
- Keep informed on legislation and policy of county, state, and federal government pertaining to conservation matters in particular and environmental matters in general. This includes maintaining contacts with local, state, and national public officials to keep them informed of the landowners viewpoints and concerns.
- Participate in planning and conducting meetings for district cooperators on proposed laws and policies concerning and/or affecting conservation.
- Encourage enrollment of district residents and landowners as cooperators with the district.
- Be willing to maintain an active membership in the National Association of Conservation Districts (NACD), and the Delaware Association of Conservation Districts (DACD), attending and participating in national, state, and area association meetings.
- Maintain close contact with the Division of Watershed Stewardship through the Conservation Programs, Program Administrator, and the Natural Resource Conservation Service State Conservationist through the District Conservationist.

Information/ Education Responsibilities

- Publicize the activities of the district through personal contacts, local news media, newsletters, brochures, posters, etc.
- Promote conservation through district-sponsored activities such as contests, exhibits, demonstrations, and field days.
- Inform prospective cooperators concerning the variety of assistance and programs available to help implement conservation measures.
- Encourage and invite representatives of other conservation-related organizations to attend and participate in district meetings, particularly when matters on the agenda include projects and programs pertinent to their field of work.
- Set an example to others by applying and maintaining sound conservation measures to their land.
- Encourage participation and inclusion of local volunteers in district activities.
- Inform the people in urban areas of the importance and role of the conservation district by providing programs to civic clubs, women's clubs, and other organizations in the district.

- Work to form committees of key community people to deal with issues affecting soil and water conservation.
- Encourage teaching of soil and water conservation in every school system in the district and participate in or provide sponsorship for an annual essay and/or poster contest.
- Provide conservation materials to school libraries; participate in soil stewardship observances by providing educational material to churches in relation to Soil Stewardship Week.
- Promote and encourage conservation projects and contests through youth groups such as 4-H, FFA, Boy Scout, Girl Scout, and Campfire Girl Groups.
- Promote conservation tours both within your district and in other areas or states.
- District supervisors are and will continue to be responsible for an ever increasing number of important duties, including plan development, plan review and approval, budget submittal, staff supervision, and attendance at DACD meetings, NACD meetings, and informational seminars and workshops. Because of the importance of active participation in all district activities, it is the responsibility of all supervisors to be aware of current issues, and to participate in the decision-making process fully.

Fiduciary Responsibilities

As public officials, supervisors are charged with assuring proper management and expenditure of public funds. All SCD fund sources are considered public funds. These include fees collected, money collected through fundraising activities, funds received from county, state or federal sources to deliver or administer programs or activities and donations. Public funds must be spent for programs and activities that are consistent with the SCD's mission to promote and support soil conservation and the protection of natural resources.

Remember the supervisor's obligations as a public official. It is the responsibility of any supervisor who finds it impossible to fulfill these obligations because of poor health, lack of time, or any other reason, to resign from office in order to maintain the effectiveness of the district.

Volunteers

Volunteers can be a profitable tool to the Board and Staff by helping understaffed and overworked offices objectively reach their goals. Job descriptions are written for each volunteer position when local needs have been assessed. Recruitment and selection then follow. Orientation, training, supervision, and selection are an important part of this program.

The USDA-Natural Resource Conservation Service currently conducts a volunteer program where EARTH TEAM members are placed throughout each district and state office as the need arises. The program has been in operation since 1986 and all offices have been utilizing volunteers to assist in program delivery.

District Board Meetings

Board meetings should be held at least once a month. These meetings require planning and participation by all involved in the district's programs to be productive. Board meetings are the means by which district business is conducted, policy and programs developed, and progress reviewed. Delaware Sunshine Law requirements are applicable for these meetings.

A regular meeting date and time should be set and board members notified and provided with an agenda in advance of each meeting to assure the presence of a quorum to conduct the official business of the district. Meetings should be conducted in a business-like fashion, with action being taken on each item of business.

Possible Agenda Items

- 1) Call to Order – Chairperson
- 2) Approval of Minutes of Previous Meeting
- 3) Financial Report – Treasurer
 - a) Approval of Treasurer's Report
 - b) Review of Bills and Approval for Payment
- 4) Correspondence
- 5) Equipment Report (If applicable)
- 6) Committee Activities
- 7) Old Business
 - a) Unfinished business from previous meetings
 - b) Review of long-range and annual plan of work
 - c) Review and bring up-to-date the calendar of activities previously planned by the board.
- 8) New Business
- 9) Staff Reports
 - a) District Manager
 - b) District Conservationist
 - c) Report from other staff
- 10) Reports from DACD, Cooperating Agencies and/or Visitors
- 11) Future meetings (set date, time, plan)
- 12) Adjourn

Common Rules for Conducting a Business Meeting

- After the minutes have been read, the Chair may ask if there are any corrections or additions to the minutes as read. If there is no response, the Chair may ask for a motion that the minutes be approved as read. Upon a motion, second, and vote, the minutes may be approved.
- “Main motions” are motions which introduce business when no other motions are pending and must be seconded. When it is moved that the report of a nomination committee report be accepted or that nominations cease, or that the secretary be instructed to cast a unanimous ballot for those nominated, this is a “main motion” and requires a second. “Main motions” should be opened for discussion before putting to a vote. A “call for the question” is a demand that the motion be voted upon.
- A motion should not be discussed until it has been seconded, and then restated by the chairman.
- Amendments to a motion must be seconded the same as the main motion which it amends. It should be voted on before action is taken on the main motion.
- Nominations made from the floor do not need a second. For example: when nominating a candidate from the floor who has not been nominated by the nominating committee, or when nominations from the floor are called for.
- The chair cannot ignore a motion. A motion must be voted on if properly made and seconded.
- The chair does not vote (except in the case of ties) when the vote is by acclamation (a voice vote signifying approval). The chair may always vote by ballot or roll call.

Executive Meeting

A public body may call for an executive session, but only for the following purposes:

- Discussion of an individual citizen’s qualifications to hold a job or pursue training unless the citizen requests such a meeting be open.
- Preliminary discussions on site acquisitions for any publicly funded capital improvements.
- Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.
- Discussions which would 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 said contribution by the contributor.

- Discussion of the content of documents such as the following:
 - Any personnel or medical file.
 - Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature.
 - Investigatory files compiled for civil or criminal law-enforcement.
 - Intelligence files compiled for law-enforcement purposes.
 - Any records specifically exempted from public disclosure by statute or common law.
 - Any records involving labor negotiations.
 - Any records pertaining to pending or potential litigation which are not records of any court.
- The hearing of employee disciplinary or dismissal cases unless the employee requests a public hearing.
- Personnel matters in which the names, competency and abilities of individual employees are discussed, unless employee requests such a meeting.

The purposes of districts are presented here in an abbreviated form. In some instances they have been paraphrased. For exact reference, see the Delaware Code, Title 29, Chapter 100.

The District Board may hold an executive session upon affirmative vote of a majority of members present. The vote on the question of holding an executive session should take place at a meeting of the public body which shall be open to the public, and the results of the vote shall be made public. The purpose of executive sessions should be set forth in the agenda.

Minutes

It is the responsibility of the County Extension Service employee appointed to the Board to serve as Secretary and keep a complete and accurate set of minutes of official Board meetings. It is suggested that minutes be kept in a book, and that a complete record of all official business be carefully maintained.

Minutes should include the following minimum information:

- Date, time, and place of meeting.
- Type of meeting: regular, special, or executive; if special, the purpose of the meeting.
- Name of presiding officer, names of supervisors present, whether or not there was a quorum present.
- Names of advisory personnel and visitors present.

- Statement that the minutes of preceding meeting were read and approved. If corrections were necessary, the corrections should be stated.
- Brief review of each item of correspondence and action taken on each item.
- Each item of old and new business brought before the board.
- A record of each motion made, using the exact wording of the motion and the voting result.
- Authorization for expenditure of funds. Expenditures should be itemized.
- Summaries of committee and staff reports.
- Comments by visitors.
- Time of adjournment.

Executive Minutes

Minutes should be kept of all executive sessions. The results of votes in executive session should be recorded in the minutes. Any minutes or public records pertaining to executive sessions may be withheld from public disclosure so long as public disclosures would defeat the lawful purpose for the executive session, but no longer.

Reports

An annual budget, financial report, and monthly treasurer's report are required of each district.

Annual budgets are prepared by the district board with assistance from district staff. They are then submitted to the appropriate agencies for review and approval. This budget and accounting process is essential for sound financial management and is required to justify the district's annual request to the Division for state appropriated funds.

The district's financial records should be audited annually. This audit should be prepared by a Certified Public Accountant.

At the conclusion of each fiscal year, the district is encouraged to develop and publish an annual report which is to be submitted to the Division of Watershed Stewardship and the USDA - Natural Resource Conservation Service State Conservationist by September 1st of each year. The purpose of this report is to inform the Division of Watershed Stewardship, USDA-Natural Resource Conservation Service, other cooperating agencies, and local citizens about the progress that has been made during the previous fiscal year. Copies should be sent to all local offices and state and federal Senators and Representatives. The report may be published in the local newspaper or printed in booklet form.

Annual Planning

The primary responsibility of the Board of Supervisors is to develop and carry out a program which will result in conservation and protection of soil and water resources.

Each district official should be familiar with existing or potential problem areas within the district, and should take an active role in designing a realistic long-range conservation plan, considering projected workloads, the number and qualifications of district staff available to implement the plan and the number of programs the district is currently addressing.

Once a long-range plan is developed, an annual plan can be designed to address relatively short-term goals within the long-range framework.

The process of doing long-range and annual planning provides an excellent opportunity for the Board to include all cooperating agencies, groups, or individuals with interest and responsibilities in conservation, planning and implementation of a dynamic, coordinated, integrated conservation program broad enough in scope to achieve the desired results.

The annual plan of work should be used as a measuring stick throughout the year. It should be reviewed monthly, and should be amended as new priorities, programs, or problems arise.

It is important to remember that the annual plan of work and the budget are closely interrelated. Securing the funds can only follow documentation in the work plan.

District Programs

Delaware's Conservation Districts serve a diverse population throughout the state, and as such, the focus of conservation efforts varies between counties. On a statewide basis, the Districts manage programs that provide the following services:

- Agricultural Conservation (including urban ag in New Castle)
- Nutrient Management
- Large Animal Mortality Management
- Sediment and Stormwater
- Urban Water Management
- Tax Ditch Maintenance
- Equipment Services (in Kent and Sussex)
- No-Till Planter Rentals (in New Castle and Sussex)
- Information and Education

Funding

In Delaware, districts receive grant monies for operations, equipment and contractual personnel. Districts also obtain funding for the administration of technical and financial assistance for agricultural conservation programs, and by charging fees for sediment and stormwater plan review and administering projects for cooperating agencies. Brief descriptions of these programs are listed in Appendix A.

Districts also receive support from county governments for review and approval of sediment and stormwater control plans, and from cooperating agencies for administering and supervising other types of conservation programs.

Districts need to provide for an annual audit of districts accounts in accordance with state law.

Committees

Use of committees can be an effective means of carrying out different parts of a district program. Committees are appointed by the Chair of the Board of Supervisors to do a certain job and given specific responsibilities. Membership is not limited to supervisors, but is made up of persons with interests and skills in the specific area to be addressed by the committee.

Below are some of the examples of the kinds of committees a district might use most often. Do not be limited by this list. Districts can create committees appropriate to any kind of activity.

- Program Planning and District Operation
 - Activities - See that annual work plan is developed, contact and make arrangements for all involved parties to participate in program planning; ensure any necessary revisions of long-range plan are completed when necessary.
- Finance
 - Activities - Prepare annual budget, documenting specific budget requests; perform an annual audit of district accounts; review district personnel and equipment needs in order to make necessary budgetary adjustments.
- Information and Education
 - Activities - Promote the use of district programs and services available to the community, publish a district newsletter, sponsor soil stewardship, release articles and pictures to the news media, make radio and TV appearances, promote and sponsor conservation essay and/or art contests, develop conservation education in schools, arrange for tours and demonstrations, hold annual cooperator's meeting, purchase Cooperator's and roadside signs, furnish displays for schools, fairs, special events; promote soil judging in 4-H and FFA, select and sponsor

youth to forestry and conservation camps and distribute conservation material and booklets in schools.

- Legislative
 - Activities - Work with both Delaware and National Associations of Conservation Districts in sponsoring and promoting needed legislation regarding natural resource conservation.
- Tax Ditch and Watershed
 - Activities - Assist local residents in developing watershed projects. Assist in organization and administration of watershed protection associations. Review reports on petitions for tax ditch formation. Coordinate and provide for annual maintenance follow up and any technical assistance needed within the tax ditch.
- Land Use
 - Activities - Promote conservation and wise use of land. Work with county and local planners and zoning officials to assure consideration of soil conservation and water quality issues in plan development, review development plans for sediment control and stormwater runoff and assist local landowners to participate in the agricultural land preservation program.
- Soil Stewardship
 - Activities - Order and distribute materials, arrange for a tour for ministers, work out activity plan for Soil Stewardship Week.
- Soil Judging
 - Activities - Encourage participation of 4-H, FFA, and Vo-Ag students; help select sites for judging; see that ribbons and plaques are provided for winners and participants.
- Youth
 - Activities - Organize youth Boards of Supervisors to plan youth conservation projects and programs. Assist other youth groups in conservation work. Involve youth in all phases of conservation work and programs.
- Awards
 - Activities - Develop programs to recognize local cooperators and organizations which have contributed to the success of the district program. Work on annual DACD meeting and assist district in selecting and/or submitting nominations for other state, regional, and national award programs.

- Personnel
 - Activities - Develop personnel policy and job description. Take necessary action on administrative items concerning: classification, pay and fringe benefits, promotion, eligibility, rejection of candidates, appointment, paid leave, probation, reinstatement, performance records, layoff, discharge, grievances, work schedules, and working conditions.
 - Reimbursable travel expenses shall be authorized by the Board, to reimburse supervisors for their expenses, including travel expenses, necessarily incurred in the discharge of their duties as members of the Board. Reimbursements should be in compliance with Internal Revenue Service requirements.
 - Reimbursable travel expenses shall be authorized by the Board, to reimburse supervisors for their expenses, including travel expenses, necessarily incurred in the discharge of their duties as members of the Board. Reimbursements should be in compliance with Internal Revenue Service requirements.

Partners to Delaware's Conservation Districts

The districts under the guidance of the Division of Watershed Stewardship have developed a three-way partnership of federal, state, and local agencies. The continuance of this working relationship is vital to the work of soil and water conservation. The following agencies are all integral working parts of a multi-agency team effort to preserve our natural resources.



DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC)

DNREC is the administrative agency within Delaware that has oversight of Delaware's Conservation Districts. DNREC also has a wide and diverse range of responsibilities. The Department is responsible for controlling everything from mosquitoes to toxic substances; from draining flood water to protecting wetlands; and from managing parks to cleaning up hazardous waste dumps. Basically, the responsibilities of the Department can be grouped into four categories: 1) Protecting public health and safety; 2) Protecting and enhancing the state's valuable lands, water, and wildlife; 3) Providing high quality recreational opportunities; and 4) Providing assistance to the citizens of Delaware.

All of the Department's Divisions have programs and responsibilities that relate to each of these four goals, and most programs contribute to several of the goals simultaneously. The areas of professional expertise complement each other. Most of the Divisions of DNREC have Advisory The

Chairpersons of the several councils constitute the Governor's Council on Natural Resources.



NATURAL RESOURCES CONSERVATION SERVICE (USDA-NRCS)

NRCS is the federal agency created to administer several funding programs, including the Agricultural Cost Share Program (ACP), Conservation Reserve Program (CRP), Farm Service Agency (FSA), and commodity programs such as feed, grain and dairy buy-out programs. In addition, NRCS administers federal emergency or disaster funding to farmers. NRCS offices are located with or near district offices in many county seats to provide close liaison with conservation districts. Districts provide the technical assistance required for all NRCS programs.



DELAWARE DEPARTMENT OF AGRICULTURE (DDA)

DDA's mission statement is "To advance the economic viability of the food, fiber, and agricultural industries of Delaware; promote the sound utilization of resources; and protect the health and welfare of the general public". The Department has three divisions: Consumer Protection, Promotion and Production Support, and Resource Management. Each one contains individually managed sections which implement specific program priorities. Examples include the Forestry and AgLands Preservation Sections in the Division of Resource Management, Marketing Section in the Division of Resource Management, Marketing Section in the Division of Promotion and Production Support, and Pesticide Compliance and Weights and Measures Sections within the Division of Consumer Protection.

DELAWARE NUTRIENT MANAGEMENT COMMISSION

The Nutrient Management Commission was established in 1999 through House Bill 250 which became Title 3, Chapter 22: Nutrient Management. This Chapter set up a Nutrient Management Commission within DDA to protect and improve water quality, establish a certification program, establish a nutrient management planning program and to formulate a program which both maintains agricultural profitability and improves water

quality in Delaware. The voting members include representatives from DNREC; farmers; commercial nursery; agricultural nutrient applicators and lawn care; nutrient consultants and public citizens. Programs include cost-sharing programs, relocation programs, nutrient management planning, and certification classes.

COUNTY GOVERNMENTS

County governments have a member that serves on the District board in each county, therefore districts have developed individual relationships with county governments depending on the type of services needed by the county. In accordance with their responsibilities for soil erosion control plan review and approval, many Delaware districts receive substantial financial support from counties. All districts are encouraged to become involved in providing service to local governments as a means of obtaining strong local support.



UNIVERSITY OF DELAWARE COOPERATIVE EXTENSION

The UD County Agent serves as Secretary of the Board of Supervisors in each county, recording minutes of district meetings. Extension provides materials and information for use by the district in public relations and educational outreach efforts

and develops and provides management programs for nutrients, chemicals, and fertilizers to farmers, homeowners, and the general public.

Extension also provides information and education programs, seminars, and workshops for district supervisors and staff in its role as the information and education leader.

DELAWARE AGRICULTURAL EXPERIMENT STATION

Housed at the University of Delaware, this program conducts the research program of the College of Agriculture. Agricultural research is carried out in many areas. Of specific interest to conservation districts is research concerning nutrient and chemical movement as contributors of agriculturally caused pollution, no-till, irrigation, and crop residue management.



SOIL AND WATER CONSERVATION SOCIETY (SWCS)

SWCS is a private organization of conservationists which was created to “advance the science and art of good land use”. Recognizing the soil conservationist as a professional in land-use and land

management techniques, the Society brings together a multi-disciplined group of conservationists with expertise in soil science, agronomy, biology, engineering, hydrology, forestry, and communications, presenting an integrated and holistic approach to the conservation of natural resources.

Pocomoke Chapter of SWCS serves Delaware and the Eastern Shore of Maryland. District supervisors are encouraged to join this organization. Members receive the outstanding publication “Journal of Soil and Water Conservation”.

TAX DITCH ORGANIZATIONS

Tax Ditch Organizations have been organized and reorganized until there are now over 135 active organizations operating under the 1951 Drainage Law as amended. The largest is the 56,000 acre Marshyhope Creek Tax ditch and the smallest serves just 2 acres in suburban Wilmington.

Tax ditches for community drainage are a part of Delaware’s heritage. Tax ditches basically are man-made extensions of existing drainage patterns into poorly drained upland flats.

The Division of Watershed Stewardship and the Conservation districts have primary responsibility to assist petitioning landowners to achieve status as a tax ditch, a governmental subdivision of the state through action of the State’s Superior courts.

The Division and Districts will continue to assist with tax ditch organization and to assist organized tax ditches to carry out their court ordered programs by providing technical, financial, administrative, and other services as needed.

Broadening the Horizons of the Districts

DELAWARE ASSOCIATION OF CONSERVATION DISTRICTS (DACD)

DACD is a non-profit organization. The association was formed to become part of the National Association of Conservation Districts and to facilitate the conservation and orderly development of Delaware's land and water resources through means of local self government.

The first district was formed in North Carolina in 1973. Within 10 years, there were enough districts throughout the United States to warrant forming a national organization of soil conservation districts. The Sussex District sent its Chairman J. B. Hudson to Chicago to represent Delaware in the discussion. The Delaware Association of Soil Conservation District Supervisors was formed in 1950. The name was changed later to conform to a change in the name of the national organization to the National Association of Conservation Districts.

All supervisors of Delaware's conservation districts are members of DACD. The governing body of the association is a Board of Directors comprised of the Chairmen/Supervisors of Delaware's three district boards of supervisors. The board of directors meet at the call of the President and in the past it has been three (3) times a year; the general membership meets annually in January. Standing committees meet as necessary.

Officers of the Association are elected by the voting membership for a three-year term at the annual meeting. The President, 1st Vice President, and 2nd Vice President may not succeed themselves to such office. The Secretary and Treasurer may succeed

themselves to such office. Recording Secretary shall be appointed by the President. The officers of the Association serve without compensation, but are entitled to be reimbursed for their travel and other expenses incurred in connection with their official duties. An annual convention of the members is open to attendance by all District officials; by officers of the State Association; by non-voting members; and by guests of the Association. Principle purpose of the convention is to enable all members of the Association to express themselves on the activities, problems, and objectives of the Association and to benefit from an interchange of information and experience.

DACD serves as a forum to exchange information, develop position statements, and to support the position of conservation districts before local, state, and federal legislative bodies. It acts as liaison between local districts and the National Association of Conservation Districts, and sends representatives to regional and national meetings to inform others about Delaware programs and issues and to learn about programs and issues being addressed in other areas.

As members, conservation district supervisors are expected to attend all state meetings and to actively take part in DACD sponsored programs.

NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS (NACD)

NACD is a national organization representing more than 3,000 member districts organized in all 50 states, Puerto

Rico, and the Virgin Islands. NACD has a national office at 509 Capitol Court, NE, Washington, D.C. 20002-4946. Established in 1946, NACD represents state associations and maintains liaison with various conservation and environmental organizations, government agencies, and members of Congress, providing information and guidance in conservation matters. NACD serves and provides districts with a national voice which can be heard in Washington, D.C. It develops national policies on a continuing basis and establishes and maintains cooperative relationships with other organizations and agencies concerned with natural resources.

Direct services provided to districts include printing of district newsletters, providing plaques, pins, stewardship materials, signs, and other promotional material. The “Conservation Briefs”, “NACD News and Views” and “E-Notes” are NACD’s newsletters and contain current information on federal legislation and conservation activities across the nation.

NACD is primarily concerned with the conservation of America’s land and water resources through local self-government. It provides one voice for conservation districts nationwide.

Delaware is a member of the NACD’s Northeast region, and is served by the Northeast Regional representative who is a full-time paid professional. The Northeast Region includes New Hampshire, Maine, Vermont, Connecticut, Rhode Island, New York, Massachusetts, Maryland, Pennsylvania, New Jersey, West Virginia, the District of Columbia, and Delaware.

NACD’s Council

The Council is made up of one representative from each state association of

conservation districts. Each state association determines the method of selection and the term of office of its representative. If a state association fails to designate its representative, the President of the state association automatically serves as the representative.

Each state association may designate an alternate representative to the Council. In order to enable the alternate representative to become familiar with the work and procedures of the Council, such alternate members may attend meetings of the Council, participate in discussions, but shall not vote on questions before the Council; except that an alternate may vote as a substitute for the member of the Council from his state in the absence of the regular representative.

The Council is the policy-making body of NACD. Their powers and duties include advising and consulting in the development of basic policies and procedures; approving the election of the of the Board of Directors; receiving reports from officers and committees of NACD; considering and taking appropriate actions on proposed resolutions submitted to them; and considering and taking appropriate actions on proposed amendments to NACD’s Bylaws.

Northeast Regional Council

Consists of the presidents of the state associations of Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

National Board of Directors

Three regional directors are elected by a majority vote of the council members from that region. Election of the directors takes place at the NACD National Meeting or at the last regional meeting held before the annual meeting. Directors assume office at the end of the NACD Annual Meeting. A member of the Board of Directors shall

serve for three years and may succeed themselves once. NACD's national officers: President, Vice President, Immediate Past President, and Secretary-Treasurer are members of the Board of Directors with full voting rights except for election of officers. The officers are elected by the Board of Directors. Cashar Evans and Isaac Thomas served effectively as NACD directors during the early years of NACD.

Appendix A: Funding and District Programs

Federally funded programs have been available to districts for the past 50 years. More recently, state supported programs have been added to the list administered and/or implemented by conservation districts.

State Conservation Cost-Share Funding

The Districts partner with DNREC to administer conservation cost-share funding allocated by the state and designed to assist cooperators in resolving soil and water resource concerns. This program provides varying levels of financial support of the cost of installation of eligible conservation practices, including cover crops and practices for animal feeding operations. Cost share funds are often used to co-cost share a project with other cost share funds.

In recent years, DDA has also received funding specifically for cover crop cost-share, and has also partnered with the Districts to administer this program.

NRCS Conservation Funding

The Districts partner with NRCS to provide technical and financial assistance for conservation planning and practice implementation. A few of the conservation programs available to Delaware landowners include:

- **Environmental Quality Incentives Program (EQIP)** provides financial and technical assistance to agricultural producers to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, increased soil health and reduced soil erosion and sedimentation, and improved or created wildlife habitat.
- **Conservation Stewardship Program (CSP)** helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. Participants earn CSP payments for conservation performance—the higher the performance, the higher the payment.
- **Regional Conservation Partnership Program (RCPP)** promotes coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. NRCS provides assistance to producers through partnership agreements and RCPP conservation program contracts.

The Districts and DACD develop Contribution Agreements to support District staffing and resources that can assist with the implementation of these programs.

CONSERVATION RESERVE PROGRAM (CRP) AND CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

The Conservation Reserve Program (CRP) is administered by NRCS, and is designed to lease highly erodible land from a farmer on the condition that the land be taken out of production

for a period of ten years. Erosion problems must be stabilized and financial assistance may be provided for this purpose.

The Conservation Reserve Enhancement Program (CREP) is a joint Federal-State program that retires portions of farmland from production in order to minimize significant environmental effects related to agriculture. The Delaware CREP is a voluntary program designed to reduce nutrient and sediment loadings to impaired streams, improve water quality, increase upland wildlife habitat and create wildlife corridors. No minimum acreage is required. Farmers may participate in the Delaware CREP by removing farmland from production and implementing any of the following conservation practices: Grassed filter strips; riparian forested buffers, wildlife habitat, wetland restoration, and hardwood tree plantings.

Nonpoint Source 319 Funds

The Delaware Nonpoint Source Program administers a competitive grant made possible through Section 319 of the Clean Water Act. The grant provides funding for projects designed to reduce nonpoint source (NPS) pollution in Delaware. NPS pollution can be defined as any pollution that originates from a diffuse source (such as an open field or a road) and is transported to surface or ground waters through leaching or runoff.

Reduction of NPS pollution may often be achieved through incorporation of specific best management practices (BMPs) into project workplans. Projects may target any source of NPS pollution, but most frequently involve agriculture, silviculture, construction, marinas, septic systems, and hydromodification activities. Proposals are reviewed and evaluated, and those which are determined to meet specific requirements are eligible for funding. All projects must include matching funding from a non-Federal source totaling at least 40 percent of the overall project cost.

Chesapeake Bay Funding

There are two EPA grant funding sources that are specific to the Chesapeake Bay Watershed: Chesapeake Bay Implementation Grants and Chesapeake Bay Regulatory and Accountability Program Grants. DNREC is the agency in Delaware tasked with the administration of both these funding sources.

Chesapeake Bay Implementation Grants (CBIG) provide competitive funding for local partners for water quality improvement projects in Delaware's portion of the Chesapeake Bay Watershed. The program targets cost-effective best management practices (e.g., forest buffers, water control structures, tree plantings, grass buffers, cover crops, and wetland restoration) in specific land river segments in the watershed that are the most effective at delivering pollutants to the Chesapeake Bay.

The Chesapeake Bay Regulatory and Accountability Program (CBRAP) aids the states in the Chesapeake Bay Watershed in implementing and expanding their regulatory, accountability, assessment, compliance and enforcement capabilities in support of reducing nutrient and sediment pollution to the Chesapeake Bay.

3921 Funds

The name “3921 funds” or “state and county matching funds” describes the equal annual appropriation made by the General Assembly and the government of each county to the Division of Watershed Stewardship, Drainage Section for use in the respective counties. The name “3921” refers to the location of the section within Title 7, Chapter 39 of the Delaware Code that authorizes the appropriation. The money appropriated shall be used by the Division of Watershed Stewardship to pay or assist in paying all costs, including personnel, required for the planning, construction, installation and maintenance of tax ditches, public group ditches, highway ditches and resource conservation projects in each of the three counties. Typically conservation districts submit an annual budget to the Division Director describing their proposed use of “3921 funds”. The funds are made available to the districts once their budget has been approved by the Division Director.

Resource Conservation and Development (RC&D) Funds (State Funds for Drainage Projects)

Resource Conservation and Development Funds (“RC&D”, or formerly “21st Century Funds”) are allocated through the Delaware General Assembly. The RC&D Program targets funds to “enhance the health of communities by improving watershed and drainage issues statewide.” Projects that receive RC&D funds require approval by the Joint Committee on Capital Improvement, and at least 10% of the total project cost must be from another source.

Resource Conservation and Development (RC&D) (Federal Program for Agricultural Conservation)

The Resource Conservation and Development (RC&D) Program, approved by Congress in 1962, is designed to speed up resource development and environmental protection in multicounty areas. Natural Resource Conservation Service is responsible for administering the program.

USDA agencies cooperate to help local sponsors plan and carry out an RC&D area program with assistance from State and other Federal agencies. To participate, local sponsors apply to the Secretary of Agriculture with the concurrence of the Governor and the Natural Resource Conservation Service State Conservationist. If the application is endorsed by the Governor and authorized by USDA, the Natural Resources Conservation Service may assign an RC&D Coordinator to review with the sponsors the problems and opportunities for resource development and environment protection. This study leads to a plan of action. USDA, if it accepts this plan, provides technical and financial aid to help carry it out.

PL 83-566 Funds

Natural Resource Conservation Service administers watershed projects for USDA under Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954. These projects help

urban and rural communities protect, improve, and develop the water and land resources of watersheds of up to 250,000 acres. PL 83-566 projects can be multipurpose.

Rural and urban residents in hundreds of communities have learned that by working together through watershed projects they can help solve their land use and water problems. They can: reduce erosion, siltation, and flooding; manage water for agriculture; improve fish and wildlife resources; recharge groundwater reservoirs; and maintain and improve water quality.

Watershed projects begin with local initiative and responsibility. Local proposals are reviewed by the State, which may make financial and other assistance available. Federal technical and financial assistance is also available.

State agencies and qualified nonprofit local organizations can sponsor a watershed project. Qualified local groups include conservation districts; municipalities; counties; recreation and park districts; watershed, flood control, conservancy, drainage, and irrigation districts; Indian tribes and tribal organizations; and associations of water users.

The Federal Government gives technical help in planning and installing the project measures, pays the full cost of construction for flood prevention, and shares the cost for other purposes.

Appendix B: List of District Board Supervisors (Past & Present)

Kent Conservation District

Harvey E. Wilson*	C. Author Taylor*	Lyndon D. Caulk, Sr.*
Isaac Thomas*	Jonathan S. Willis	William E. Tarbell*
Ernest Blendt*	Charles Blendt*	John Tarburton
Merritt Camper	Joseph Hughes	William Wells
David Robbins	Alvin Brown*	Parker Fifer
Donald Appenzeller	George Vapaa*	Frank Webb
David H. Woodward	Nancy Tieman	Ernest J. Zimmerman*
Edwin Alexander	Frederick T. Mott	Lisa Miller
Robert Winkler	Alfred M. Moor III	Bruce L. Carlson*
William Paskey, Jr.	Richard Barczewski	Jack Peterman
Ron Breeding	Robert Hochmuth	Terry Pepper
David Burris	Gordon Johnson	Barbara Reed
Paul Davis	Bruce Snow	Elesa Cottrell*
Harold Brode	Allan Angel	Eric Buckson
Glen Howell	Michael Brown	Phillip Sylvester
Mike Twining	Jake Jones	Matt Webber

New Castle Conservation District

E. Sherman Webb*	Charles Pryor*	Marvin Klair
Levis Phipps*	Lester Daniels*	Ralph Walson*
J. Clifford Rhoades*	W. F. Haas	Rodman Smith*
Edward H. Schabinger*	W. F. Haas, Jr.*	Josef A. Burger
Ivan Hansen*	Robert Harms	James Stepler
Richard B. Weldon	Jack Casey	Daniel C. Rakestraw
John Webster	Dean C. Belt	Richard Koch
Charles Anthony	Rita Justice	Richard Baccino
Dennis E. Greenhouse	Robert Mulrooney	Richard L. Seidel*
Rick Collins	Mel Slawick	Warren O'Sullivan
Mary (Jornlin)Theisen	Thomas P. Gordon	David Woodward
Robert Baker	Glen Pusey, II	Carl Davis
Paul Morrill, Jr.	Mike Harris	Anna Stoops
Kathy Klein	J. Christopher Roberts	Robert Emerson
Paul Clark	Meghan Lester	Richard Morris
Dan Severson	Brandon Yerkes	S.R. Smith
Julian Pellegrini	Gwen Pierce	Mike Harris
Norman Pierce		

Sussex Conservation District

I. B. Hudson*	Robert Short*	Earl White*
H. B. Mitchell*	Manford Penuel	William Henderson
Alden Short*	Kenneth West	Hylon Smith*
William Vanderwende	R. Elwood Tucker*	R. Glen Mears
Theodore H. Palmer, Jr.	Cashar Evans*	J. Otis West*
W. Howard Workman*	Maurice Daisey	Richard Clendaniel, Jr.
William McGowan	Greg McCabe	Dean C. Belt
William Stevenson	S. Derby Walker	Robert E. Williams
John C. Mitchell*	Oscar Campbell*	Levi S. Warrington*
Clarence Lingo*	John L. Briggs	Findley B. Jones
Raymond Townsend	Ralph Benson	Fred West
Ron Breeding	Donald V. Collins, Jr.	Sam Wilson
Dale Ockels	Wendy O. Baker	Sonny Clogg
Joel Wharton	Roland Hill	Joe Booth
Richard Carlisle	Corey Whaley	

Appendix C: List of DACD Presidents (Past & Present)

DACD - PRESIDENTS

Charles Blendt Kent*

Cashar W. Evans – Sussex*

Ivan Hansen - New Castle*

Frederick T. Mott - Kent

Levis Phipps - New Castle

Hylon Smith - Sussex*

John Tarburton - Kent

Isaac Thomas - Kent*

R. Elwood Tucker - Sussex*

Fred Mott - Kent

Earl White - Sussex*

Terry Pepper - Kent

Ron Breeding - Sussex

Wendy Baker- Sussex

Edwin Alexander- Kent

Josef A. Burger- New Castle

W. F. Haas, Jr. - New Castle

Marvin Klair - New Castle

Lyndon D. Caulk, Sr. - Kent*

Alden Short - Sussex*

Rodman Smith - New Castle

C. Arthur Taylor - Kent*

Nancy Tieman - Kent

William Vanderwende - Sussex

Richard B. Weldon - New Castle

Dean C. Belt - Sussex

Daniel Rakestraw - New Castle

Paul Morrill, Jr. – New Castle

Robert Emerson- New Castle

*Deceased

Updated 03/20

Appendix D: DACD Constitution and Bylaws

CONSTITUTION AND BYLAWS

OF

DELAWARE ASSOCIATION OF

CONSERVATION DISTRICTS

A NON-PROFIT ORGANIZATION

ADOPTED OCTOBER 21, 1981

(Revised January 19, 1983)

(Revised January 21, 1993)

(Revised June 27, 1994)

(Revised January 26, 1995)

(Revised March 11, 1999)

Article 1.

NAME AND OFFICES

1.1 - NAME - This Association shall be known as the Delaware Association of Conservation Districts. The official abbreviation of its name shall be DACD.

Article 2.

DEFINITIONS

2.1 - CONSERVATION DISTRICT - The term Conservation District shall refer to the entities of government established in Delaware following the distribution in 1937 of a standard soil conservation districts act to the governors of the several states, Puerto Rico and the Virgin Islands.

2.2 - STATE ASSOCIATION - The terms State Association or DACD shall refer to Delaware Association of Conservation Districts.

2.3 - DISTRICT OFFICIAL - The term District official shall refer to governing officials of Conservation Districts as defined above.

2.4 - STATE DEPARTMENT - The term State Department shall refer to the agency of state government created to administer the laws under which Conservation Districts are created.

Article 3.

PURPOSES

3.1 - The purpose for which the Association is organized is to facilitate the conservation and orderly development of Delaware's land and water resources through means of local self government, and in particular:

3.1(a) - To improve the natural environment and to advance the conservation, wise use, and order development of the land, water, and related natural resources of Delaware.

3.1(b) - To work toward achieving the maximum administrative and technical efficiency in the operations of the Conservation Districts, through facilitating an interchange of advice and experience among them.

3.1(c) - To convince all who use or manage land, water, and related resources that Delaware's future well-being depends on using each acre within its scientifically-determined capabilities and treating each acre in accordance with its individual needs for protection and improvement.

3.1(d) - To enlarge the recognition by farmers, ranchers, and all other landowners and land users that the failure of a few to care for the land, water, and related natural resources they use or control jeopardizes the rights of all to own, use, and manage these resources without excessive government regulation.

3.1(e) - To work impartially with private and public organizations and groups of all political affiliations to prevent the conservation of natural resources from becoming a partisan political issue.

3.1(f) - To help secure for all Conservation Districts the technical, financial, educational, and scientific services, from both public and private sources, that are required to enable the Districts to achieve the conservation, wise use, and orderly development of the renewable natural resources within their boundaries, whether on private or public lands.

3.1(g) - To encourage and facilitate close and effective cooperation between the Conservation Districts of Delaware and all federal, state and local public agencies, both rural and urban, and all private agencies concerned in any manner with the conservation, improvement, and development of natural resources in order thereby to carry out to the full extent the national policy for the conservation of soil and water resources established by the Congress of the United States in the Act approved April 27, 1935 (Public law 46, 74th Congress, 16 U.S. Code 590 a-f).

3.1(h) - To gain full public understanding of the essential role of soil and water conservation in the prevention of soil erosion and the control of sediment and the protection and development of watersheds and river basins for the purpose of flood prevention and control, water storage, drainage, irrigation, recreation, protection and improvement of wildlife, improvement of water

quality, and the protection and expansion of agricultural, industrial, municipal, and recreational water supplies.

3.1(i) - To achieve effective coordination of conservation work on public lands with that on associated lands in private ownership.

301(j) - To work exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Article 4:

POLICIES

The basic policies of the Association are:

4.1 - To motivate the Officials of Conservation Districts, and of their State Associations, to full acceptance of their responsibilities for leadership.

4.2 - To strengthen the basic American principle that the function of government is to serve, not to dominate or control.

4.3 - To seek public assistance only for conservation work which is in the public interests and which landowners and land users cannot perform adequately with their own capabilities or authorities.

4.4 - To help provide Conservation Districts with facilities and suggestions for making their objectives and democratic methods known to their communities.

4.5 - To seek effective support for Conservation Districts wherever it may be found - in government, industry, labor, and commerce; in farm, civic, and conservation organizations; among educators, publishers, and the clergy; and in all other segments of American society.

4.6 - To supply reliable information about the purposes and activities of Conservation Districts to the press, radio, and television; to national, state, and local legislative bodies; to farm organizations and agricultural leaders; and to all other responsible organizations and leaders concerned with these purposes and activities.

4.7 - To assist all public agencies concerned with the conservation, use, and development of renewable natural resources in providing more effective service to the people of Delaware.

4.8 - This Association expressly rejects any and all partisan political affiliation, and it will engage in no partisan activities. It will not participate or intervene in any political campaign for elective public office.

4.9 - No part of the net earnings of the Association shall inure to the benefit of any Officer of the Association or any private individual (except that reasonable compensation may be paid for services rendered to or for the Association affecting one or more of its purposes), and no Officer of

the Association, or any private individual shall be entitled to share in the distribution of any of the assets on dissolution of the Association.

4.10 - Upon dissolution of the Association or the winding up of its affairs, the assets of the Association shall be distributed exclusively to charitable, religious, scientific, testing for public safety, literary, or educational organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

Article 5.

ACTIVITIES

In order to effectuate the purposes and policies previously stated, the Association will, to the maximum extent that it can do so with the personnel and funds available to it, perform the following activities:

5.1 - It will undertake to maintain effective working relations with all federal agencies having responsibilities for the conservation, use, and management of renewable natural resources, both private and public.

5.2 - It will similarly undertake to maintain effective working relations with regional, state, and other governmental bodies having responsibilities affecting the conservation use, and management of renewable natural resources, both private and public.

5.3 - It will undertake to maintain effective working relations with private organizations, corporations, and foundations having a constructive interest in the conservation and development of land, water and related resources.

5.4 - It will assist in developing arrangements whereby all governmental agencies and other interested organizations may extend technical and other assistance to the Districts, may cooperate with the Districts, and may engage the services and facilities of the Districts in the local application and administration of their respective responsibilities. for other needed legislation to enable these agencies to provide effective assistance to the Districts.

5.6 - It will assist Conservation districts, at their request, in preparing the justification for needed state legislation and for adequate state appropriations to meet the operating needs and administrative expenses of the Districts, the State Department, and the contributing state agencies.

5.7 - It will encourage and assist District Officials to participate actively in the preparation and execution of comprehensive plans and programs for the conservation, wise use, and orderly development of renewable natural resources within individual Districts, multi-District areas, watershed, river basins, and other appropriate administrative or geographic units.

5.8 - It will encourage and assist Districts to assume and carry out their appropriate local responsibilities in connection with federal and state statutes pertaining to renewable natural resources, conservation, and the natural environment.

5.9 - It will consult with officials of appropriate federal departments to assist these departments in determining appropriate assignments of conservation responsibilities within their respective

departments, and will similarly consult with state agencies on similar problems of administrative organizations and the assignment of conservation responsibilities.

5.10 - It will assist Districts to play their appropriate responsible parts in the local formulation and administration of specialized and regional programs, such as watershed programs and river basin programs.

5.11 - It will make information available to the public concerning the needs and accomplishments of the resource programs administered by the districts.

5.12 - It will make studies of programs and conditions affecting Districts, and of methods of improving the operations of Districts, and disseminate the results of such studies as widely as possible.

Article 6.

ASSOCIATION MEMBERSHIP AND QUOTAS

6.1 - VOTING MEMBERS - Every Conservation District shall be deemed to be a voting member of this Association, unless membership is expressly declined. As members of their State Association, Districts elect or determine the method of selection of a representative and an alternate representative of their respective states to the Council of NACD. Thus the Council member and his/her alternate selected by the State Association represent the individual Districts at regional and national meetings of the NACD.

6.2 - QUOTAS FOR VOTING MEMBERS - Annual dollar quotas for the support of this Association shall be assigned by the Officers to each District prior to the beginning of each calendar year.

6.3 - NON-VOTING MEMBERS - The non-voting members shall be those persons, firms, associations, or corporations who shall apply for such membership and make the required financial contribution to the Association. The categories of non-voting membership and the required financial contribution for each category shall be determined by the Officers. The non-voting members shall be eligible to attend the meetings of the Association and to receive its publications.

Article 7.

ELIGIBILITY TO SERVE AS ASSOCIATION COUNCIL MEMBER, DIRECTOR OR OFFICER

7.1 - No person shall be eligible to serve as an Officer unless he/she shall, when elected, be an Official of a Conservation District that is a member of this Association. Any person holding a full-time salaried position in Conservation district or State Department employment or in any state or federal government agency directly assisting a Conservation District, shall not be eligible to serve as President, Vice President, Secretary-Treasurer, or Council Member.

7.2 - A DACD "Associate Member" having been duly ratified as an Associate District Supervisor by majority vote of his conservation district's Board of Supervisors has full voting rights, powers, perquisites, and duties as a fully empowered participant in DACD meetings and affairs.

Article 8.

OFFICERS

8.1 - OFFICERS - The Officers of the Association shall be a President, a 1st Vice President, a 2nd Vice President, a Secretary-Treasurer, a Recording Secretary and an Immediate Past President.

8.2 - OFFICER ELECTION AND TERMS OF OFFICE

8.2(a) - The President, 1st Vice President and the 2nd Vice President shall be elected by the voting membership for a term of three years and the person so elected may not succeed himself/herself to such office.

8.2(b) - The Secretary-Treasurer shall be elected by the voting membership for a term of three years and the person so elected may succeed himself/herself to such office.

8.2(c) - The Recording Secretary shall be appointed by the President and shall perform such duties as assigned by the President.

8.2(d) - Newly elected Officers shall take office at the conclusion of the Annual Convention where elected.

8.3 - VACANCIES

8.3(a) - In case of the President's death, removal or resignation, the 1st and 2nd Vice Presidents, in that order, shall exercise the duties of the President.

8.3(b) - In case of death or resignation of the President, 1st Vice President, 2nd Vice President or Secretary-Treasurer, the office so vacated shall be filled by the voting membership at a regular or special meeting. The person so elected will serve for the remaining term of the open office.

8.4 - OFFICERS DUTIES

8.4(a) - THE PRESIDENT - The President shall preside at meetings of the Executive Committee. He/She shall be the chief executive of the Association and shall be responsible for seeing that the policies of the Association are carried out in accordance with the applicable procedures and requirements. He/She is authorized to perform the functions customarily performed by the President of an Association. The President is authorized to delegate to one or more officers, from time to time, the performance of any of his/her functions or responsibilities, to supervise the performance of such delegated duties, and to revoke any such delegation at any time. He/She shall perform such further duties as shall be assigned.

8.4(b) - THE VICE PRESIDENT - The Vice President shall exercise the powers and perform the functions that are from time to time assigned to him/her by the President. The Vice President shall have the powers and exercise the duties of the President whenever the president, by reason of illness or other disability, or absence, is unable to act.

8.4(c) - THE SECRETARY-TREASURER - The Secretary-Treasurer shall have the following duties and responsibilities:

8.4(c)(i) - As Treasurer, he/she shall be in charge of collecting all quotas, contributions, and other funds; shall have established proper accounting procedures for the handling of the Association's funds and shall be responsible, with the concurrence of the President, for their investment. He/She shall prepare an annual and other budgets and report on the financial condition of the Association when called upon by the President. At the end of each fiscal year, he/she shall prepare an annual financial report.

8.4(d) - THE RECORDING SECRETARY - The Recording Secretary shall record minutes, handle correspondence, prepare agendas, send meeting notices and shall perform such duties as assigned by the President.

8.5 - BONDING - The Treasurer and all other Officers, Agents and employees of the Association who handle funds of the Association in any manner, and any other Officers, agents and employees of the Association specifically designated by the Executive Committee, shall execute fidelity bonds in favor of the Association in such penal sums as the Executive Committee may from time to time specify. Each such fidelity bond shall be executed by the Officer, agent or employee as principal and by a corporate surety approved by the Executive Committee, provided, however, that blanket bonds may be employed in lieu of individual bonds. All premiums for fidelity bonds required of officers, agents and employees shall be paid by the Association and such premiums shall be an Association expense.

8.6 - PRESIDENT, 1ST VICE PRESIDENT, 2ND VICE PRESIDENT AND SECRETARY-TREASURER AS COMMITTEE MEMBERS - The President, 1st Vice President, 2nd Vice president, and Secretary-Treasurer shall be voting ex-officio members of all committees of this Association.

8.7 - OTHER OFFICERS - The Immediate Past President shall be specially responsible for such duties as the Executive Committee may request him to perform.

8.8 - OFFICER COMPENSATION - The Officers of the Association shall serve without compensation, but shall be entitled to be reimbursed for their travel and other expenses incurred in connection with their official duties.

Article 9.

THE EXECUTIVE COMMITTEE

9.1 - MEMBERSHIP - The Executive Committee shall be composed of the president, the two Vice Presidents, the Secretary-Treasurer and the three (3) Committee Chairpersons. A majority of the Executive Committee shall constitute a quorum.

9.2 - POWER AND DUTIES - The Executive Committee shall meet on the call of the president and all Committee members shall be notified of all meetings. The Executive Committee shall have the following powers and duties:

9.2(a) - It shall be vested with the management of the affairs of the State Association within the policies established by this Constitution and By-Laws or by the Association.

9.2.(b) - It shall review, revise as necessary and approve annual and other budgets for the expenditures of the Association. It shall have the power to authorize expenditures and to seek and accept contributions.

9.2(c) - It shall formulate and direct the carrying into effect of plans and programs for achieving the purposes of the Association.

9.2(d) - It shall establish and define the functions and may at any time modify the number and functions, of the Committees.

9.2(e) - It shall select the site of the Annual Meeting of the Association and establish procedures to govern the Meeting.

9.3 - EXECUTIVE COMMITTEE ACTIONS WITHOUT MEETING - Any action required or permitted to be taken by the Executive Committee may be taken without a meeting, if all voting members of the Executive Committee shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Executive Committee. Such action by written consent shall have the same force and effect as a unanimous vote of such Executive Committee.

Article 10.

COMMITTEES

10.1 - MEMBERSHIP AND FUNCTIONS - The Committee established by the Executive Committee shall be deemed to be Committees of the Association. The President shall appoint the members of the Committees and designate their chairpersons. Each committee chairperson shall be a Supervisor or former Supervisor. Membership in the Association shall not be a prerequisite for membership in any Committee. It shall be the duty of each Committee to explore actively the functional area for which it is responsible, to formulate proposals for action within that functional area, to submit those proposals to the appropriate officers and official bodies of the Association informed of their work, their problems and their proposals. Each Committee shall have power to determine its schedule of meetings and activities and shall meet at the call of its chairperson. Committee members shall hold office for one year, but shall be eligible for re-appointment.

Article 11.

THE ANNUAL CONVENTION OF THE MEMBERS

11.1 - ANNUAL CONVENTION Character and Purpose - The Association shall conduct an Annual Convention of the members which shall be open to attendance by all District officials; by Officers of the State Associations; by non-voting members; and by guests of the Association.

11.1(a) - The principal purpose of the Annual Convention is to enable all members of the Association to express themselves on the activities, problems and objectives of the Association and to benefit from an interchange of information and experience.

11.1(b) - The Officers of the Association shall plan such activities at the Convention as will adequately inform the District Officials and Association members concerning the activities and problems of the District program throughout the state. The agenda and activities of the Convention shall be so planned as to promote maximum opportunities for participation and expression by district Officials.

11.1(c) - The Officers and the Committees shall report to the members at the Convention on current and proposed policies and activities.

Article 12.

AFFILIATED ORGANIZATIONS

12.1 - THE AUXILIARY - There is hereby established as an Affiliated Organization, the Auxiliary of the Delaware Association of Conservation districts. The official abbreviation of it shall be the DACD Auxiliary.

12.1(a) - The objectives of this affiliation is to provide a basis for the effective utilization of the skills and energies of the members of the DACD Auxiliary in support of the purposes and activities of this Association. To this end, the DACD Auxiliary may engage in such educational, promotional, and public relations activities as will further the purposes, policies, and activities of this Association.

Article 13.

AMENDMENTS

13.1 - Amendments to this Constitution and By-Laws may be made at any annual or special meeting of the Association by the affirmative vote of two-thirds of the members present and voting.

Title 39 of the Delaware Code: <http://delcode.delaware.gov/title7/c039/index.shtml>

Appendix E: Rules and Procedures pertaining to Election of Members of County Board of Conservation District Supervisors

Revised: July 21, 1986; Accessed at

<http://www.dnrec.delaware.gov/swc/district/Pages/SWCDistrictBoard.aspx> on 7/10/20

I. Definitions (Chapter 39, Title 7, Del. Code)

- (1) “Landowner” or “owner of land” means and includes any person, firm or corporation who shall hold title to any land in this State;
- (2) “Farmer” means any person holding legal title to a farm and being actively engaged in farming operations;
- (3) “Cooperator” means a landowner for whom a district provides, or has agreed to provide, in accordance with this chapter, services, material and equipment with respect to the landowner’s land within the district.

II. Eligibility of Candidates

- (1) (a) The elected members of the Kent and Sussex Districts shall be farmers residing in those respective counties. In New Castle County, two (2) of the elected supervisors shall be farmers residing in the southern portion of the County, and the remaining two (2), who shall not be farmers, shall reside in the northern portion of the County, according to a division established by the Secretary of the Department of Natural Resources and Environmental Control, 7 Del. Code, Section 3907(b).

(b) The division of New Castle County established by the Secretary for this purpose is that the northern portion of the county shall include all land north of the Chesapeake and Delaware Canal, and the southern portion shall include all land south of the Canal.

- (2) The Department further requires that a candidate shall reside in a specified section of the District to provide geographical distribution of supervisors in order to facilitate the performance of their duties.
- (3) The four Supervisor Areas in each county shall be shown on a map prepared by the Board of District Supervisors and approved by the Department.

III. Nomination of Candidates

- (1) The County Board of Supervisors may nominate qualified candidates including supervisors who shall be eligible to succeed themselves if otherwise qualified.

(2) Other nominations may be made provided: (a) each nomination is supported by ten (10) signatures of landowners in the Conservation District, and (b) that the nomination with supporting signatures is presented to the County Board of Supervisors by the deadline set for nominations which shall be at least two weeks in advance of the election date.

(3) The County Board of Supervisors shall invite other nominations through press and radio news releases at least once in each of the two weeks preceding the deadline for nominations.

IV. Ballots

The County Board of Supervisors shall prepare the ballots for the election after review and acceptance of the nominations.

V. Supervision of Polls

Each voting place shall be supervised by (a) two members of the County Board of Supervisors other than those that may be candidates for reelection, or (b) two landowners who are cooperators in the soil conservation program and designated by the County Board, or (c) one each from (a) and (b) above.

VI. Distributing and Collecting Ballots

(1) The Supervisors of Polls appointed under V above shall obtain the ballots from the office of the Board of District Supervisors and take them to the designated voting place.

(2) The Supervisors of Polls shall determine the eligibility of those voting and maintain a roster of names of those voting.

(3) At the close of the voting period, the Supervisors of Polls shall seal the ballot box and deliver the ballot box and the roster of names of those voting to the County Board of Supervisors.

VII. Qualification of Voters

(1) a. In Kent and New Castle Counties, landowners who shall declare in writing that they hold title to any land in the Supervisor area holding an election shall be eligible to vote.

b. In Sussex County, landowners who shall declare in writing that they hold title to any land in Sussex County shall be eligible to vote in all Supervisor area elections.

(2) When land is jointly owned, for example husband and wife, each owner shall be eligible to vote.

(3) Landowners shall be entitled to only one vote regardless of the number of tracts of land owned.

(4) In the case of corporations, only one vote may be cast regardless of the number of owners or number of tracts of land owned.

(5) The written statement indicating ownership by a corporation shall include an affirmation that no other person is voting for the corporation.

VIII. Voting Places

There shall be at least (3) but not more than five (5) polling places located within the Supervisor Area holding an election.

IX. Hours of Voting

(1) Urban Supervisor Areas – The voting place shall be open between the hours of 2:00 p.m. and 8:00 p.m.

(2) Farmer Supervisor Areas – The voting place shall be open for a period of not less than six (6) hours, the precise hours to be designated by the Board of District Supervisors and publicized as required in XI below.

X. Counting Ballots

(1) The County Board of Supervisors, in executive session, excluding incumbent supervisor candidates, shall count the ballots cast, check the number of ballots cast against the number of names on the roster of voters, and determine who has been elected.

(2) They shall then seal the ballot boxes and forward the ballots and the roster of names for each voting place to the Director of Soil and Water Conservation with a report on the result of the election.

XI. Notice of Pending Election

(1) Public notice shall be given at least one (1) week in advance of the election. Such notice shall appear in at least two (2) newspapers distributed in the County. The notice shall include (a) the names of the candidates for the County Board of Supervisors, (b) the date of the election, (c) the hours the voting places will be open, and (d) the location of the voting places.

(2) In addition, posters announcing the coming election shall be displayed at each of the voting places at least one (1) week in advance of the election.

XII. Action When Only One Candidate is Nominated

In the event that there is only one (1) nomination for a candidate to the Board of District Supervisors after due notice has been given and the time for nomination has elapsed, the Board of District Supervisors shall not hold an election, but shall declare the nominee elected, provided he meets all legal requirements. They shall so notify the Director of Soil and Water Conservation and they shall also give public notice of their actions.

Date: 7/28/86

Division of Soil and Water Conservation

Director John A. Hughes

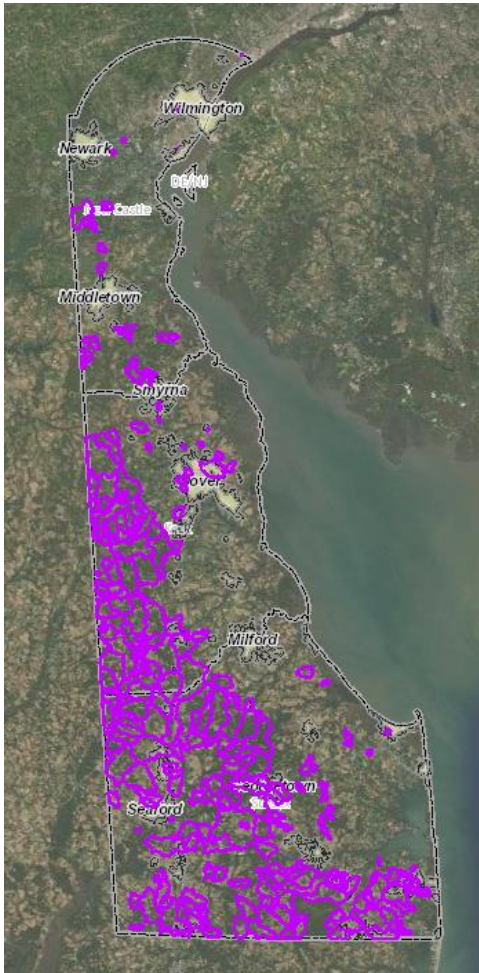
Appendix F: Acronym Glossary

Acronym	Term
4R	Right Source of nutrients at the Right Rate and Right Time in the Right Place
AFO	animal feeding operation
BMP	best management practice
CAFO	concentrated animal feeding operation
CBIG	Chesapeake Bay Implementation Grant
CBP	Chesapeake Bay Program
CBRAP	Chesapeake Bay Regulatory and Accountability Program
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
CWSRF	Clean Water State Revolving Fund
DALPP	Delaware Agricultural Lands Preservation Program
DDA	Delaware Department of Agriculture
DelDOT	Delaware Department of Transportation
DFS	Delaware Forest Service
DNMC	Delaware Nutrient Management Commission
DNREC	Department of Natural Resources and Environmental Control
DSHP	Delaware Soil Health Partnership
DSSR	Delaware Sediment and Stormwater Regulations
EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
FA	Financial Assistance
FSA	Farm Service Agency

FY	fiscal year
GIS	geographic information system
gpd	gallons per day
HUAP	Heavy Use Area Protection
IWM	Irrigation Water Management
KCD	Kent Conservation District
lbs	Pounds
lbs/year	pounds per year
M4RA	Mid-Atlantic 4R Nutrient Stewardship Association
MCM	minimum control measure
mg/L	milligrams per liter
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MS4	municipal separate storm sewer system
NCCD	New Castle Conservation District
NMP	nutrient management plan
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
ppm	parts per million
RC&D	Resource, Conservation and Development (same term refers to drainage funding/"21 st Century Funds" and USDA Ag Conservation Program)
RCPP	Regional Conservation Partnership Program
SCD	Sussex Conservation District
SOP	Standard Operating Procedure
SRF	State Revolving Fund
TA	Technical Assistance

TMDL	Total Maximum Daily Load
TN	total nitrogen
TP	total phosphorus
USGS	US Geological Survey
WIAC	Water Infrastructure Advisory Council
WIP	watershed implementation plan

Appendix G: About Delaware's Tax Ditches



**DELAWARE'S TAX DITCH
WATERSHEDS, VIA DNREC'S
ONLINE TAX DITCH MAP**

Most of the soil and water conservation practices needed in Delaware involve only one land owner, therefore, they can be applied and maintained by the owner without the cooperation of their neighbors. There are times, however, when a needed conservation practice affects a number of owners and one owner acting alone cannot install the needed practice. This problem was encountered a number of years ago in planning for water management in Delaware and has more recently presented a problem in working with watershed projects.

The association provides a means whereby a number of property owners can join together and accomplish collectively what cannot be done by each individual working alone. Enabling legislation was enacted by the Delaware General Assembly to provide a basis for a uniform system for establishing, financing, administering, maintaining and dissolving drainage organizations in Delaware. This system is called a tax ditch.

This law allows groups of landowners to request assistance for water management. It does not impose or impact anyone outside of these areas.

The initial step in the creation of a tax ditch is whenever one or more of the landowners desire their lands to be drained or protected from flooding, they may present a petition for the formation of a tax ditch to the Conservation District of the county in which all or the major portion of the area to be drained, or

protected from flooding, is located. With assistance from the DNREC Division of Watershed Stewardship the petition is reviewed, and if appropriate, forwarded to Superior Court for action.

The county conservation district shall require that a specified sum be deposited with it by the petitioners before the petition is filed in the office of the prothonotary to cover filing fees, mailing and other necessary expenses. The amount of the deposit shall be determined by the county soil conservation district and may vary according to the size of the area involved, the complexity of the problem, and other pertinent factors.

Superior Court then orders the tax ditch commissioners to “go upon the lands” and with assistance from the Division of Watershed Stewardship and the Conservation District the planning process begins.

A number of steps follow including the making of surveys, determination of costs, and a determination of benefits to each landowner in order that each may be required to pay his proportionate share of the costs involved. Hearings are held giving landowners an opportunity to raise questions and express their views. If, in the course of these activities, it is determined that it would be in the best interest of the public health, safety and welfare to create the requested association, the reports and maps are presented to the landowners at a hearing and a referendum of the landowners is held. If the vote is favorable the commissioners submit the reports to Superior Court for its final action of establishing the tax ditch.

Once established, the Division of Watershed Stewardship calls a meeting of the landowners to elect officers and make arrangements for construction and future maintenance.

Appendix H: Delaware Code: Title 7, Chapter 39

TITLE 7

Conservation

Agricultural and Soil Conservation; Drainage and Reclamation of Lowlands

CHAPTER 39. Soil and Water Conservation Districts

Subchapter I. General Provisions

§ 3901 Declaration of policy.

It is the policy of the State to provide for the preservation of the productive power of Delaware land and the optimum development and use of certain surface water resources of the State by furthering the conservation, protection, development and utilization of land and water resources, including the impoundment, and disposal of water and by preventing and controlling floodwater and sediment damages, and thereby to preserve natural resources and promote their beneficial use, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, provide recreation development, protect the tax base, protect public lands and highways, and protect and promote the health, safety and general welfare of the people of this State.

[44 Del. Laws, c. 212, § 2](#); 7 Del. C. 1953, § 3901; [54 Del. Laws, c. 188, § 2](#); [55 Del. Laws, c. 456, § 1](#);

§ 3902 Definitions.

For the purpose of this chapter, unless otherwise specifically defined, or another intention clearly appears, or the context requires a different meaning:

(1) “Board of district supervisors” or “board” means the governing body of a soil and water conservation district, elected or appointed in accordance with this chapter.

(2) “Cooperator” means a landowner for whom a district provides, or has agreed to provide, in accordance with this chapter, services, material and equipment with respect to the landowner’s land within the district.

(3) “Department of Natural Resources and Environmental Control” or “Department” means the agency responsible for the administration of soil and water conservation districts in Delaware, with the powers and duties prescribed by this chapter.

(4) “Farmer” means any person holding legal title to a farm and being actively engaged in farming operations.

(5) “Landowner” or “owner of land” means and includes any person, firm or corporation who shall hold title to any land in this State.

(6) “Soil and water conservation district” or “district” means a governmental subdivision of this State, the boundaries of which coincide with county boundaries, and having the powers and duties prescribed by this chapter.

[44 Del. Laws, c. 212, § 3](#); 7 Del. C. 1953, § 3902; [54 Del. Laws, c. 188, § 2](#); [57 Del. Laws, c. 711, § 1](#); [57 Del. Laws, c. 739, § 166](#);

§ 3903 Conservation districts.

The 3 soil and water conservation districts heretofore created under this chapter shall hereafter be known as the Kent Conservation District, the New Castle Conservation District and the Sussex Conservation District, respectively, and the said districts shall continue to exercise all the powers and duties prescribed for districts by this chapter.

7 Del. C. 1953, § 3903; [54 Del. Laws, c. 188, § 2](#); [57 Del. Laws, c. 739, § 167](#); [59 Del. Laws, c. 561, § 1](#);

§ 3904 Advisor to Department.

The Department may invite the Secretary of Agriculture of the United States of America to appoint 1 person to serve with the Department in an advisory capacity.

7 Del. C. 1953, § 3904; [54 Del. Laws, c. 188, § 2](#); [57 Del. Laws, c. 739, § 168](#);

§ 3905 General powers and duties of Department.

(a) The Department shall:

(1) Formulate policies and general programs to be carried out by the Department and by soil and water conservation districts for the prevention of erosion, floodwater and sediment damages and for the conservation, protection, development and utilization of the State's soil and water resources, including the impoundment and disposal of water, and removal of sediment from waterways, lakes, ponds or other bodies of water;

(2) Exercise overall responsibility for administration and direction of the programs of the districts;

(3) Advise and assist any district in developing and carrying out its program for the prevention of erosion, floodwater and sediment damages, and the conservation, protection, development and utilization of soil and water resources, including the impoundment and disposal of water, and removal of sediment from waterways, lakes, ponds or other bodies of water;

(4) Cooperate with and give such other assistance, financial and otherwise, as the Department may judge to be useful to any district in the exercise of its powers and performance of its duties, including the entering into of such agreements as may be appropriate with such district, with landowners, and with other state, federal, or local agencies, subject to such conditions as the Department deems necessary to advance the purposes of this chapter;

(5) Receive and allocate or otherwise expend any funds appropriated by the General Assembly of this State, or received from any other source, for the use or benefit of the Department or of the districts;

(6) Be the administrative agency to represent this State in all matters arising from this chapter;

(7) Keep a full and accurate record of all its proceedings and of all its resolutions, regulations and orders issued or adopted;

(8) Make an annual audit of all its accounts of receipts and disbursements;

(9) Formulate and establish rules and procedures for conducting elections of district supervisors, and for conducting all other local referendums which may from time to time become necessary in order to give landowners an opportunity to reach majority conclusions with respect to the programs of the district;

(10) Make such other rules and regulations as it deems necessary to carry out the purposes of this chapter;

(11) Make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, with any federal, state or local agency, or with any person; and

(12) Adopt rules and regulations for surface water impoundment; upon request by any landowner within the drainage area involved, make hydrological and engineering studies to determine pertinent factors, including, but not limited to, the projected supply of available water, the past use of said water and the contemplated water use, and on the basis of said factors to permit impoundment, subject to the jurisdiction and authority of the Secretary and the Department of Natural Resources and Environmental Control to disapprove said permit within 30 days of submission to them of the completed plans and permit by the Department. No action by the Department shall establish any new permanent water rights nor substantially impair any existing rights to beneficial use of water.

(b) In addition to the above powers, and any other powers granted in other sections of this chapter, the Department may:

(1) Appoint such employees as it requires, within the limits of available funds, and determine their qualifications, duties and compensation;

(2) Call upon the Attorney General of the State for such legal services as it requires;

(3) Conduct surveys, investigations and research relating to erosion, floodwater and sediment damages, and to the conservation, protection, development and utilization of land and water resources, including impoundment and disposal of water, and removal of sediment from waterways, lakes, ponds or other bodies of water, and the prevention and control measures and works of improvement needed; publish the results of such surveys, investigations and research; disseminate information concerning such preventive and control measures and works of improvement; except, that any agricultural research shall be in cooperation with the Delaware Agricultural Experiment Station;

(4) Develop comprehensive plans for, and carry out, preventive and control measures and works of improvement for the prevention of erosion, floodwater and sediment damages and for the conservation, protection, development and utilization of land and water resources, including the impoundment and disposal of water, and removal of sediment from waterways, lakes, ponds or other bodies of water;

(5) Obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this State or any of its agencies or subdivisions, or from any other source, for use in carrying out the functions of the Department under this chapter;

(6) Obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property, real or personal, or rights or interests therein; maintain, administer and improve any properties acquired; receive income from such properties and expend such income in carrying out the purposes and provisions of this chapter; and sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purposes and provisions of this chapter, including conveyances, with or without consideration, of lands or interests therein to soil and water conservation districts for use in carrying out their authorized purposes;

(7) Construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the functions authorized in this chapter, and also, with the prior approval and agreement of the State Highway Department, which under § 131 of Title 17 has responsibility for the absolute care, management and control of public roads, causeways, highways and bridges in the State, construct, improve, protect or repair public roads, causeways, highways or bridges in those cases where other works of improvement authorized in this chapter affect such roads, causeways, highways or bridges;

(8) Cooperate, or enter into agreements with, and within the limits of available appropriations or other funds, furnish financial or other aid to any agency, governmental or otherwise, or any landowner, in the carrying out of operations authorized by this chapter, subject to such conditions as the Department may deem necessary to advance the purposes of this chapter;

(9) Appoint district supervisors in certain cases as in this chapter provided;

(10) Accept from tax ditches of the State in accordance with § 4161(10) of this title:

a. The responsibility for certain specified responsibilities for maintenance of the tax ditch;

b. All rights-of-way assigned by court order to the tax ditch for construction and maintenance operations;

c. Any and all powers possessed by the tax ditch, or the managers thereof, related to obstruction of, or damage to said tax ditch, or to the addition of territory to a tax ditch, or to the alteration of a tax ditch;

(11) Carry out specified responsibilities for maintenance of those tax ditches that choose to turn over such rights to the Department;

(12) Exercise all rights, under law, to utilize and protect the rights-of-way transferred to the Department by tax ditches for maintenance purposes, including those rights pertaining to obstruction of, or damage to, a tax ditch in § 4186 of this

title, except that such rights-of-way may be used by the Department or its agents for maintenance purposes only; and

(13) Cooperate with other agencies and departments of the State, federal agencies, or any other landowners for use of the state dredge at the cost of the state agency and/or department, federal agency or the landowners requesting use of the state dredge. Cost for the use of the state dredge shall be limited to actual project costs incurred by the Department plus an amount equal to 10 percent of the actual project costs incurred for overhead expenses.

7 Del. C. 1953, § 3906; [54 Del. Laws, c. 188, § 2](#); [55 Del. Laws, c. 456, §§ 2-6](#); [55 Del. Laws, c. 460](#); [57 Del. Laws, c. 739, §§ 169, 170](#); [59 Del. Laws, c. 166](#); [60 Del. Laws, c. 183, §§ 1-4](#); [67 Del. Laws, c. 306, § 1](#);

§ 3906 Boards of district supervisors; composition; term.

(a) There shall be a board of supervisors for each district, each board to consist of 4 elected supervisors, an optional supervisor who, in Kent County shall be a member of the Levy Court, in Sussex County shall be a member of County Council, and in New Castle County, shall be the County Executive or the County Executive's designated representative, and 2 optional supervisors who shall not be farmers and who may be appointed by the Secretary of the Department of Natural Resources and Environmental Control upon the request of the district involved. The vote and authority of each supervisor shall be equal. The county agricultural agent shall serve as secretary to the board but shall have no vote.

(b) The elected members of the Kent and Sussex districts shall be farmers residing in those respective counties. In New Castle County, 2 of the elected supervisors shall be farmers residing in the southern portion of the County, and the remaining 2 who shall not be farmers, shall reside in the northern portion of the County, according to a division established by the Secretary of the Department of Natural Resources and Environmental Control.

(c) The term of office of each elected supervisor shall be 4 years. The term of office of a supervisor appointed by the Secretary of the Department of Natural Resources and

Environmental Control shall be 3 years. An optional supervisor appointed by the Kent County Levy Court and the Sussex County Council shall hold office during the pleasure of that body so long as that optional supervisor remains a member of the appointing body. The Secretary of the Department of Natural Resources and Environmental Control may fill the vacancy of any elected supervisor, or supervisor appointed by the Secretary of the Department of Natural Resources and Environmental Control occurring otherwise than by expiration of term, by appointment of a qualified individual to serve the remainder of the unexpired term.

[44 Del. Laws, c. 212, § 6](#); 7 Del. C. 1953, § 3907; [54 Del. Laws, c. 188, § 2](#); [55 Del. Laws, c. 462, § 1](#); [57 Del. Laws, c. 739, § 171](#); [65 Del. Laws, c. 362, § 1](#); [70 Del. Laws, c. 186, § 1](#); [77 Del. Laws, c. 95, §§ 1, 2](#);

§ 3907 Organization of board; quorum; expenses of district supervisors.

The board of district supervisors annually shall designate by election 1 of its members to be its chairperson, and shall designate future chairpersons by the same means. A majority of the board shall constitute a quorum, but the concurrence of a majority of the entire board on any matter within its duties shall be required for its determination, except as the board may invest any of its supervisors with power to determine specified matters or to perform routine duties. The board shall be authorized, in its discretion, to reimburse supervisors for their expenses, including travel expenses, necessarily incurred in the discharge of their duties as members of the board.

Any district supervisor may be removed from office by the Department of Natural Resources and Environmental Control, upon notice and hearing, for neglect of duty or misconduct, but for no other reason.

7 Del. C. 1953, § 3908; [54 Del. Laws, c. 188, § 2](#); [57 Del. Laws, c. 739, § 172](#); [70 Del. Laws, c. 186, § 1](#);

§ 3908 Soil and water conservation district; governmental subdivision; powers.

A soil and water conservation district organized under this chapter shall constitute a governmental subdivision of this State, and such district, and the board of supervisors

thereof, shall have authority to exercise the following powers, in addition to others granted in other sections of this chapter, subject to the responsibility of the Department of Natural Resources and Environmental Control for the administration and direction of the programs of the districts:

(1) To develop comprehensive plans for, and carry out, preventive and control measures and works of improvement for the prevention of erosion, floodwater and sediment damages, and the conservation, development and utilization of land and water resources, including the disposal of water and removal of sediment from waterways, lakes, ponds or other bodies of water, within the district;

(2) To conduct, in cooperation with the Department of Natural Resources and Environmental Control surveys, investigations and research relating to the prevention of erosion, floodwater and sediment damages, and the conservation, protection, development and utilization of land and water resources, including the disposal of water, and removal of sediment from waterways, lakes, ponds or other bodies of water;

(3) To cooperate or enter into agreements with, and, within the limits of appropriations or other funds duly made available to it by law, to provide aid to any agency, governmental or otherwise, or any landowner within the district, in carrying out the program of the district, subject to such conditions as the board may deem necessary to carry out the purposes of this chapter;

(4) (a) To make available, on such terms as the board shall prescribe, to any landowners within the district, through existing agencies if agreements with them seem feasible, or by such other means as the board shall prescribe, such services, materials and equipment as will assist such landowners to carry on operations for any of the purposes of this chapter;

(b) To make available on request, and on such terms as the Board shall prescribe, to any cooperator who is a resident of the State and who owns land in a neighboring state, services, materials and equipment for the benefit of such cooperator's land in the neighboring state;

(5) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

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

(7) To accept the cooperation of, and financial, technical and material assistance from, the United States or any of its agencies, or from this State or any of its agencies or subdivisions, or from any other source, for use in carrying out the purposes of the district;

(8) To sue and be sued in the name of the district; to make and execute contracts and other legal instruments, necessary or convenient to the exercise of its powers, with any federal, state or local agency, or with any person; and to receive and expend funds; and

(9) To promote the conservation, protection, development and utilization of land and water resources through various informational and educational activities as the Board may deem necessary in the furtherance of its duties under this chapter.

7 Del. C. 1953, § 3909; [54 Del. Laws, c. 188, § 1](#); [57 Del. Laws, c. 711, § 2](#); [57 Del. Laws, c. 739, § 173](#); [60 Del. Laws, c. 183, §§ 5, 6](#); [61 Del. Laws, c. 18, § 1](#);

§ 3909 Cooperation.

Any 2 or more soil and water conservation districts organized under this chapter may cooperate with one another or with the State or any agency or subdivision thereof in the exercise of all powers conferred upon such districts or any or all duties prescribed for such districts by this chapter.

[44 Del. Laws, c. 212, § 9](#); 7 Del. C. 1953, § 3910; [54 Del. Laws, c. 188, § 1](#).;

§ 3910 Primary jurisdiction of Secretary and the Department of Natural Resources and Environmental Control.

The Secretary and the Department of Natural Resources and Environmental Control shall have paramount jurisdiction over water use in this State. In case of any conflict between this chapter and Part VII of this title, relating to water and air resources, Part VII shall prevail.

7 Del. C. 1953, § 3911; [55 Del. Laws, c. 442, § 8](#); [57 Del. Laws, c. 739, § 174](#).;

§ 3911 Appeals.

Any owner of land within the drainage area of the watershed or tax ditch involved, aggrieved by the Department's action, may appeal to the Superior Court within 30 days after the date of the hearing. The sole grounds for reversal by the Court, sitting without a jury, shall be:

- (1) Abuse of the Department's discretion;
- (2) Infringement of constitutional rights; or
- (3) The impairment of vested rights of the complainant.

In the event of such appeal, the Department shall be represented by the Attorney General of the State.

7 Del. C. 1953, § 3912; [55 Del. Laws, c. 456, § 7](#); [57 Del. Laws, c. 739, § 175](#).;

Appendix I: List of Resources

- **Delaware Code, Title 7- Conservation**, Part IV- Agricultural and Soil Conservation; Drainage and Reclamation of Lowlands
 - **Chapter 39-** Soil and Water Conservation Districts:
<https://delcode.delaware.gov/title7/c039/index.shtml>
 - **Chapter 40-** Erosion and Sedimentation Control:
<https://delcode.delaware.gov/title7/c040/index.shtml>
 - **Chapter 41-** Drainage of Lands and Management of Waters; Tax Ditches:
<https://delcode.delaware.gov/title7/c041/index.shtml>
- **Delaware's Conservation District Websites**
 - Kent Conservation District: <http://kentcd.org/>
 - New Castle Conservation District: <https://www.newcastlecd.org/>
 - Sussex Conservation District: <https://www.sussexconservation.org/>
- **DNREC Websites**
 - Division of Watershed Stewardship, Conservation Programs:
<http://www.dnrec.delaware.gov/swc/district/Pages/Conservation-Programs-Section1001-5540.aspx>
 - DNREC Capital Plan- includes information on RC&D and Tax Ditch priorities:
<https://dnrec.alpha.delaware.gov/dnrec-capital-plan/>
 - DNREC's Tax Ditch Drainage Web Page:
<http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>
- **Delaware's Phase III Chesapeake Bay Watershed Implementation Plan:**
<http://www.dnrec.delaware.gov/swc/district/Pages/Chesapeake-Bay-WVIP-Phase-III.aspx>
- **Delaware Association of Conservation Districts Website** ("For Our Members" section password is "dacd"): <http://dacdnet.org/>
 - Calendar of local events
 - Members Directory
 - Recorded webinars and presentations
- **Delaware Envirothon Website:** <https://www.delawareenvirothon.org/>
- **NRCS Delaware:** <https://www.nrcs.usda.gov/wps/portal/nrcs/site/de/home/>
 - eFOTG (Field Office Tech Guide)- contains info about conservation practices and standards; navigate to "Delaware", and then to Section IV for info:
<https://efotg.sc.egov.usda.gov/#/>
 - NRCS Web Soil Survey:
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

- **National Partnerships**
 - **National Association of Conservation Districts:** <https://www.nacdnet.org/>
 - Calendar of national events
 - Soil Health Champions Network
 - District Official Training Program
 - Lots of additional resources
 - **National Conservation Planning Partnership:** <https://www.nationalconservationplanningpartnership.com/>
 - **National Conservation District Employees Association:** <https://ncdea.us/>
 - **National Association of State Conservation Agencies:** <http://www.nascanet.org/>
- **Related Organizations**
 - **Soil and Water Conservation Society-** swcs.org
 - National Rural Water Association
 - AWRA
- **Miscellaneous, but interesting!**
 - **Delaware First Map-** online GIS data about watersheds, groundwater recharge areas, tax ditches and more: <http://opendata.firstmap.delaware.gov/>
 - **Delaware Environmental Observing System:** <http://www.deos.udel.edu/>
 - Current weather data and weather data summaries
 - Applications for Irrigation Management, Water Quality Monitoring, Coastal Flood Monitoring and more
 - **“Converting Drainage Ditches and Non-Productive Farmland into Functioning Streams and Wetlands”,** a case study featuring Tom Barthelmeh’s work in A Sustainable Chesapeake, Better Models for Conservation, published by the Conservation Fund
https://www.conservationfund.org/images/resources/sustainable_chesapeake/Sustainable-Chesapeake-Chapt2-Conversion-to-Wetlands.pdf
 - **WetlandsWork.org**, a website that describes different options for wetland restoration practices and connects landowners to the right people and programs to implement projects: <https://www.wetlandswork.org/>