

DISTRICT SUPERVISOR USE OF COST SHARE PROGRAMS FUNDS

Background

During the 1995 General Assembly, General Statute 139 was amended to address the use of cost share program funds by district supervisors. The purpose of this legislation was not to limit supervisors' eligibility for cost share program funds but to provide a clear legal process for supervisors to be considered for, and participate in, cost share program contracts. Specifically, this law sets the two following requirements for a district supervisor or commission member to apply for and receive a contract through a commission cost share program:

1. The district supervisor or commission member does not vote on the application or attempt to influence the outcome of any action on the application, and
2. The application is approved by the commission.

To comply with this General Statute amendment, supervisor contracts must receive commission approval prior to approval by the division. This includes contracts for land owned or operated by supervisors or for which the supervisor has a financial interest. Commission members must follow a similar process with final approval from the Commissioner of Agriculture. These processes are described below and in § 139-4(e) and § 139-8(b).

When completing the name and address of the applicant and landowner on a cost share program application form, the district **must always designate if they are a district supervisor or non-district supervisor**. The Supervisor Contract Addendum or Commission Member Addendum must be completed and submitted with the contract. If the applicant is the District Chair, the Vice Chair of the Board of Supervisors must sign the form as the representative for the district.

The Soil and Water Conservation Commission at its May 13, 1998 meeting approved additional guidance in reference to contracts for district supervisors and commission members.

Guidance

- If a district supervisor or commission member lives in one district and applies for cost share in another district, his or her contract is required to be approved by the Soil and Water Conservation Commission prior to approval by the division.
- Repairs, revisions and supplements for supervisor and commission member contracts require commission approval prior to approval by the division as described in § 139-4 (e) and § 139-8(b)
- Six-month extensions for supervisor contracts permitted under the Commission's Policy on Interim Performance Measures may be approved by the district board and **do not** require commission approval.
- In January 2002 the commission clarified that it wanted to have information presented to assure that district supervisor and commission member contracts were not given preferential consideration. The commission now requires the following information to be submitted for its consideration for all contracts for district supervisors and commission members:

Commission Cost Share Programs

1. Score on priority ranking sheet
2. How the contract ranked relative to others considered (e.g., ranked 8th out of 12 projects presented)
3. Whether any higher or equally ranked contracts were denied.
If answer to 3 is yes, then give an explanation as to why the district supervisor's or commission member's contract was approved over the other contracts.