

Request for Exception to Criteria for Extension of Previous Program Year Contracts Policy

The [Criteria for Extension of Previous Program Year Contracts Policy](#) states that *on June 30 of each program year all outstanding third year contracts automatically expire and all funds encumbered to those contracts are returned to state accounts. The commission recognizes that to a very limited extent some contracts should be extended one additional year....If the request for payment is not received by the day before the July commission meeting, a district supervisor must appear before the commission to request the extension.*

Division staff respectfully request consideration of a **policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year** for the following groups of contracts:

1. Any contract that is pended for Job Approval Authority for those outside of district level of approval.
2. Any contract where engineering approval was provided less than 12 months prior to expiration.

The Division recommends if the contract should have been canceled under the [Interim Performance Milestones](#), and it was not canceled, the supervisor must present to the Commission to explain why the district needs an extension and that the contract will be completed.

Districts will still follow the process to request a contract extension as described in the policy and use the online request form: <https://fs3.formsite.com/ncdswc/FY2024Extensions/index> for all requested contract extensions. This form must be submitted by June 30, 2024.

- For approved contracts that have already received an extension (FY2021 and older contracts), a District Supervisor must attend the July meeting IN PERSON and the Commission may ask questions about contracts.
- For FY2022 contracts (these have not already received an extension), a District Supervisor must attend the July meeting VIRTUALLY and the Commission may ask questions about contracts.

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Background

- Current policy: If the request for payment is not received by the day before the July commission meeting, a district supervisor must appear before the commission to request the extension.
- Special thanks to all cost share program staff for following up with their districts, and particularly Lisa Fine for leading this effort.



Contracts that have already received 1 extension:

Approved FY2021 and older contracts

- Districts must submit an extension request for each contract.
- District Supervisor must attend the July meeting IN PERSON and the Commission may ask questions about contracts.

July 24th at 9am: Martin Building, NC Fairgrounds, Raleigh



Contracts that have not been previously extended:

FY2022 contracts

- Districts must submit an extension request for each contract.
- District Supervisor must attend the July meeting VIRTUALLY and the Commission may ask questions about contracts.

Additional Guidance

- Any contracts PENDED for design will automatically be extended, but Districts must submit an extension request.



Process Improvements Continue

- Online Cancellation Form for District Use – allowed large spring supplemental allocation
- Online 6 Month Extension Form and CS2 reporting function for 1/3 date for District Use with Division follow-up

Contract Extensions FY2020-FY2024

- FY2020: 59 contracts
- FY2021: 161 contracts
- FY2022: 119 contracts
- FY2023: 87 contracts
- *FY2024: As of May 10th over 200 contracts*

INQUIRY COMMITTEE FINDINGS

At the March 2024 Commission meeting, three supervisors were sent to the Commission’s Inquiry Committee established under 02 NCAC 59A .0302 for consideration.

The Inquiry Committee, consisting of Chairman Langdon and Commissioners Lamb and Teague, met virtually on Monday, May 13, 2024. Phillip Reynolds (NCDOJ), David Williams (NC DSWC), Bryan Evans (NCASWCD), Helen Wiklund (NC DSWC), and Kristina Fischer (NC DSWC) served as staff support.

Non-attendance at local board meetings:

02 NCAC 59A .0301(c) requires District boards to notify the Commission in writing of any member that has failed to attend three consecutive regularly scheduled meetings, except when prevented by illness of the Supervisor. Notification from the District shall include explanation for non-attendance and the actions that the District board has taken to address the Supervisor’s attendance.

The Inquiry Committee considered two supervisors who have failed to attend three consecutive regularly schedule meetings between December 1, 2022 and November 30, 2023:

| District | Name | Explanation | Details |
|----------------|-------------|-----------------------|-------------------|
| Carteret SWCD | Adam Lockey | Staffing difficulties | 2 of 8 attended |
| Cleveland SWCD | Roger Eaker | | Verbally resigned |

The Inquiry Committee determined that there was evidence of neglect of duty for Adam Lockey (Carteret); Supervisor Lockey has been referred to a hearing by the Commission. This hearing will take place in conjunction with the Work Session for the July 23, 2024, Commission Meeting. The hearing will be held at 7pm, and Supervisor Lockey will be given the opportunity to appear either in-person or remotely. Correspondence will be sent to Supervisor Lockey and his SWCD Board Chair by Certified Mail explaining the next steps.

The Inquiry Committee determined that Supervisor Eaker’s seat could be considered vacant, due to his verbal resignation. The Cleveland SWCD will be offered the opportunity to nominate an individual to fill the remainder of Mr. Eaker’s term.

Non-attendance at Basic Training:

02 NCAC 59A .0301(d)(1) requires the Division to submit documentation of participants in Basic Training by April 1 of each year.

Under 02 NCAC 59A .0202(a) and .0202 (b), all supervisors are required to complete Basic Training within their first year of service as an elected or appointed supervisor. For supervisors serving prior to December 2022, participation was required in 2023.

The Inquiry Committee considered one supervisor who has not met Basic Training requirements:

| District | Name | Elected / Appointed | Current Term | Start Month | Start Year |
|------------|---------------|---------------------|--------------|-------------|------------|
| Washington | Guy Davenport | Elected | 22-26 | December | 1998 |

ATTACHMENT 11

The Inquiry Committee determined that there was evidence of neglect of duty for Guy Davenport (Washington); Supervisor Davenport has been referred to a hearing by the Commission. This hearing will take place in conjunction with the Work Session for the July 23, 2024, Commission Meeting. The hearing will be held at 7pm, and Supervisor Davenport will be given the opportunity to appear either in-person or remotely. Correspondence will be sent to Supervisor Davenport and his SWCD Board Chair by Certified Mail explaining the next steps.



JOHNSTON SOIL AND WATER CONSERVATION DISTRICT

2736 NC Highway 210 • Smithfield, North Carolina 27577 • (919) 934-7156 ext. 3 • Fax (919) 989-5659

May 6, 2024

North Carolina Soil and Water Commission
1614 Mail Service Center
Raleigh, NC 27699

Subject: Gloria Brown Contract # 51-2024-003 09

Dear Commission Members

On behalf of the Johnston Soil and Water Conservation Board of Supervisors, I would like to request your consideration and approval of a contract action taken on the above referenced contract. Our Director made decisions in the field with a contractor on site concerning a conservation practice that he believed to be in the contract. This issue was not realized until considerable work had progressed.

Our Board met on Monday May 6, to discuss and approve this action from our perspective and authority. It is our belief that our staff made good technical decisions, however the practice should have been in the contract before work began. We are satisfied that our Director made the error in good faith.

The field site is a difficult one. The practice omission was Critical Area Planting. Fill material had to be hauled to the site from approximately 650 feet away in order to fill in some significantly gullied areas. Practices already in the contract on the fields in question were Grassed Waterway and Grade Stabilization Structure. The work in the field in question is complete and in good condition. Our staff is pleased with the practices on the ground.

Thank you for your consideration of our request.

Sincerely,

John Langdon
Chairman

cc: David Williams

John Beck

John M. Langdon
7728 Raleigh Road
Benson, NC 27504

Charles D. Hill
356 Wiggs Road
Selma, NC 27576

J. Dennis Durham Jr.
337 Jackson Road
Four Oaks, NC 27524

Dewitt Hardee
7325 Elevation Road
Benson, NC 27504

Donald E. Rogers
2040 Dove Lane
Clayton, NC 27527

Hours for Life

Vance County Soil & Water Conservation District

853 S. Beckford Drive, Suite C, Henderson, NC 27536 • Phone: 252-438-3134 ext. 3

NC Soil and Water Commission
1614 Mail Service Center
Raleigh, NC 27699-1614

Dear Commission members,

The Vance Soil and Water Conservation District Board of Supervisors respectfully request that the Soil and Water Conservation Commission (SWCC) grant “post approval” for the following contracts:

| Contract Number | Cooperator | BMP | Amount |
|------------------------|-------------------|--------------------|---------------|
| 91-2024-002 | Edward Spain | Sod-Based Rotation | \$16,273 |
| 91-2024-006 | Michael Bell | Cover Crop | \$3,397 |

Due to miscommunication between the cooperator and former field office staff, these contract BMPs were both installed prior to final approval from the Division of Soil and Water Conservation. The best management practices listed above from both contracts have been installed properly to meet SWCC policies and NRCS standards and specifications.

The District Board and current staff fully understand the official contract approval process and assure the SWCC we will do a better job of communicating with cooperators to make sure this does not happen again.

Respectfully submitted,



Charles Powell
Chairman

Conserving Today for Tomorrow

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