

Bylaws of the Marion Soil & Water Conservation District

Approved April 15, 2022; Revised February 12, 2024

The Marion Soil and Water Conservation District (MSWCD) exists by virtue of a charter, dated the 13th day of December A.D. 1941, from the Honorable R.A. Gray, Secretary of the State of Florida, under provisions of Chapter 582, Florida Statutes to include all the land and water within the boundaries of the County of Marion in the State of Florida, and whose office is located at 2710 East Silver Springs Boulevard in Ocala, Florida.

Purpose

To promote the conservation of natural lands and soil and water resources for the health, safety and welfare of the people of Marion County against improper land use as set forth in Chapter 582 of Florida Statutes.

To conduct surveys, investigations and research relating to the character of soil erosion and floodwater and sediment damages, development and utilization of soil and water resources and the disposal of water, and to the preventive and control measures and works of improvement needed; to publish the results of such; and to disseminate information concerning such preventive and control measures and works of improvement.

To conduct demonstrational projects within the district's boundaries, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district's boundaries, in order to demonstrate by example the means, methods, and measures by which soil and water resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled, and works of improvement for flood prevention or the conservation, development and utilization of soil and water resources, and the disposal of water.

To carry out preventive and control measures and works of improvement for flood prevention or the conservation, development and utilization of soil and water resources, and the disposal of water within the district's boundaries, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in F.S. 582.04 on the lands owned or controlled by this state or any of its agencies, and on any other lands within the district's boundaries.

To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to carry on erosion control or prevention operations and works of improvement for flood prevention or the conservation, development and utilization of soil and water resources and the disposal of water.

To support the comprehensive plans of the Florida Department of Agricultural and Consumers Services (FDACS) for the conservation of soil and water resources and for the control and prevention of soil erosion and for flood prevention or water conservation. which plans shall specify procedures, performances and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; control of artesian wells; and to publish

such plans and information and bring them to the attention of owners and occupiers of lands within the district's boundaries.

To work with the State of Florida, FDACS, U.S. Department of Agriculture (USDA), Marion County, the Association of Florida Conservation Districts (AFCD) and other governmental and private organizations, land owners or occupiers to accomplish our conservation and preservation goals

To work with the schools in Marion County to develop programs for students to develop a better understanding of the need to conserve and preserve our natural resources.

To balance advocacy for soil and water conservation with attention to the rights of private property owners in Marion County seeking to make a reasonable and economic use of their property.

To provide enhanced or specialized public services in response to citizen demand that the County or a municipality is unable or unwilling to offer.

Governing Body and Procedure

The MSWCD shall be administered by the Board of five Supervisors duly elected under provisions of Chapter 582.18 of Florida Statutes and must comply with Florida Statutes as outlined in the Florida Soil and Water Conservation District Supervisor Handbook.

On the first meeting after the first Monday of January, the five Supervisors will elect a Chairperson, Vice Chairperson, Secretary and Treasurer to hold office for one year. Any Supervisor may call for an election at any noticed Board meeting. This unique provision allows each Supervisor an opportunity to see if the Board agrees for a change in the Board's leadership, limiting this privilege to one time per calendar year per Supervisor. A majority of the Supervisors may call for an election at any noticed Board meeting. All elections shall take place in accordance with Florida's Sunshine Law.

Vacancies on the Board will be replaced by appointment of a new Supervisor under the provisions of Chapter 582. The new Supervisor must be a resident of Marion County. The appointed Supervisor shall assume the Board position of the Supervisor being replaced.

All meetings of the MSWCD shall be public meetings. The records of the meetings shall be public records and made available for copying or inspection upon request. The District shall respond to the request promptly and in good faith in accordance with state law.

Pursuant to Section 286.012 of Florida Statutes, all Supervisors, who are present at a meeting at which an official decision, ruling, or other official act is to be taken or adopted, may not abstain from voting in regard to such decision, ruling, or act. A vote shall be recorded or counter for each Supervisor present; unless, with respect to any such Supervisors, there is, or appears to be, a possible conflict of interest under state law or additional or more stringent standards of conduct, if any, adopted pursuant to state law. If there is or appears to be, a possible conflict as defined by state law, the Supervisor shall comply with the disclosure requirements of state law. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to state law, the Supervisor shall comply with any disclosure requirements adopted pursuant to state law. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a Supervisor may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

If possible, a Supervisor should contact the Chairman and/or the Executive Administrator prior to missing any meeting. A Supervisor who cannot attend a meeting due to extenuating circumstances,

which can include health concerns, as a last resort, can call into the meeting to conduct official business, but this meeting must have a face-to-face quorum for official business to be conducted, as such. Furthermore, if a Supervisor misses three consecutive meetings, then, the Board can deem this Supervisor as abandoning his/her appointed duties, and as such, the Board can then ask for that supervisor's resignation and if he/she does not provide one, then the Board can petition the State for their removal.

Duties Chairperson (Chair)

1. To preside during all noticed Board meetings or arrange for the Vice-Chairperson to preside in his/her absence.
2. Notify the Board members of each meeting.
3. Call special meetings when necessary.
4. Plan the order of business or agenda with the Executive Administrator and when available the District Conservationist.
5. Extend invitations to all individuals the Board wants to attend meetings and take part in discussions.
6. Recognize visitors and others present at the meeting, distribute the agenda to attendees, call the meeting to order on time, and announce the order of business.
7. Handle discussions in an orderly manner pursuant to the most current edition of Robert's Rules of Order:
 - a. Give everyone a chance to speak—one at a time
 - b. Tactfully keep all speakers to Robert's Rules of Order and the questions at hand
 - c. Give opposing Supervisor's equal opportunities to speak
 - d. Encourage all Supervisors to participate in the discussion
 - e. Enter into discussion to give additional facts or information.
8. State each Motion before it is discussed and before it is voted upon. Put all Motions to a vote and announce the outcome.
9. Suggest Motions but do not make them.
10. Insure that Supervisor statements and Board discussions are germane to any Motions made by a Supervisor; to any presentation being given to the Board; or the purview of the District as established by applicable law.
11. Avoid expressing your own opinion too soon and talk no more than necessary while presiding.
12. The Chairperson ensures a quorum is present at each meeting, since a quorum is required to conduct official business: three present when five Supervisors occupy the Board.
13. To administer advice to the office and District personnel and counsel other Supervisors.
14. Review the objectives of the District's Five-Year (Long-Range) Plan annually and the District's Annual Plan monthly, making sure that all planned activities and assignments are carried-out.

15. Appoint committees, assign their responsibilities, and collect reports when due.
16. Ensure that the board does not “rubber stamp” the actions and recommendations of cooperating agencies.
17. Ensure that all Supervisors are properly informed and understand their duties.
18. Set a good example by observing proper parliamentary procedure. Remember – all official actions require a Motion.
19. Close meetings on time. Encourage regular attendance. Follow-up on absentees.
20. Enforce the legislation approved by the Board, and represent the MSWCD at or with the State of Florida, FDACS, USDA, Marion County, AFCD, National Association of Conservation Districts (NACD), and other governmental and private organizations to accomplish our conservation and preservation goals.
21. Be familiar with the Florida Soil and Water Conservation District (FSWCD) Supervisor Handbook.
22. Other duties – duties as approved by the Board and accepted by the Chair.

Vice-Chairperson (Vice Chair)

23. To assume the duties of the Chair in his/her absence and assist the Chair in the performance of his/her duties.
24. Assume other duties at the Chairperson’s request.
25. Serve as Chairperson for special programs.
26. Succeed the Chairperson in the event of resignation or other conditions, precluding the continued tenure, until the Board is reorganized.
27. Be familiar with the FSWCD Supervisor Handbook.
28. Other duties – duties as approved by the Board and accepted by the Vice-Chair.

Secretary

29. To assume the duties of the Chair in the absence of both, the Chair and Vice-Chair.
30. To keep or cause to be kept an accurate set of minutes of each meeting. The minutes should include the following information:
 - a. Type of meeting (regular, workshop, or special)
 - b. Name of presiding officer, date, hour, and place
 - c. Attendance (supervisors, agency representatives, guests). Supervisors not in attendance should also be listed
 - d. Official business. Remember – Official business cannot be transacted without a quorum. At least three supervisors constitute a quorum when five supervisors are elected or appointed to the Board

- e. Reports made at meetings. (Reports may be summarized – ask agency representatives and committees to provide written reports when necessary)
 - f. All Motions, indicating the person making the Motion, seconding the Motion, and the action that was taken on the Motion. (A Motion that was withdrawn should not be recorded)
31. Keep the Office of Agricultural Water Policy (OAWP) and the local Supervisor of Elections informed concerning board membership by furnishing copies of all letters of appointment and resignation, as well as names of district officers and address changes, in coordination with the Chair or Executive Administrator.
 32. Read back each Motion before action is taken and record each Motion in full.
 33. Insist an action be completed on each business item to ensure a record is made of all business conducted.
 34. Keep a record of all committees, both standing and special. Notify committee members of their appointment if they were not present when the appointment was made, in coordination with the Chair or Executive Administrator.
 35. Initiate correspondence on behalf of the Board as the need arises, in coordination with the Chair or Executive Administrator.
 36. To be the “custodian of records” as defined under Chapter 119 of Florida Statutes for the purposes of responding to public records requests.
 37. Be familiar with the FSWCD Supervisor Handbook.
 38. Other duties – duties as approved by the Board and accepted by the Secretary.

Treasurer

39. To keep or cause to be kept an accurate set of financial records of the District, in accordance with Chapter 189 of Florida Statutes, and make all required reports as statute or rule presides, in coordination with the Chair or Executive Administrator.
40. The Treasurer is responsible for maintaining an accurate account of the District’s financial transactions.
41. All approved, District expenditures made by check or direct deposit (ACH), must be authorized or signed by the Treasurer or another registered, account signer, in conjunction with the approval of either the Chair or the Executive Administrator. Personnel are authorized to make an approved, payment with their credit card up to \$250 (two hundred and fifty dollars), if the amount exceeds this, the Treasurer or Chair must approve the expense.
42. Prepare and maintain District budget for the operating year in coordination with the Chair and Executive Administrator.
43. Prepare a monthly treasurer’s report for the Board to be presented at Board meetings.
44. Maintain complete and accurate records of receipts and expenditures, in coordination with the Chair or Executive Administrator.

45. Instruct the Executive Administrator or designated District agent to pay only the bills approved by official action of the Board and issue receipts for incoming funds.
46. Maintain separate accounting of any funds the District may receive for a specific purpose.
47. Arrange for an annual audit of receipts and disbursements in accordance with Chapter 218.32, F.S., "Annual Financial Report," and Chapter 11.45, F.S., "Audit.," in coordination with the Chair or Executive Administrator.
48. Ensure, in compliance with state and federal law, the District does not expend or mishandle District funds.
49. Be responsible for the retrieval and distribution of mail to the District.
50. Be familiar with the FSWCD Supervisor Handbook.
51. Other duties – duties as approved by the Board and accepted by the Treasurer.

Public Relations Officer

52. Publicize the most current form of the proposed meeting agenda, no later than seven (7) days prior to a regularly scheduled meeting, including posting the agenda on social media if possible.
53. Develop rapport through personal contact with local newspapers, radio, and television stations, so activities are sufficiently publicized.
54. Maintain and serve as a point-of-contact for the District's social media, if applicable, and website, as required, and utilize the same to disseminate information and updates about District activities and events.
55. Submit news items (include photographs when appropriate) of general interest concerning the District activities to the OAWP for possible use in statewide publications in coordination with the Chair or Executive Administrator.
56. Develop and maintain a record of the District activities in coordination with the Chair or Executive Administrator.
57. Write the public information section of the District Annual and 5-Year (Long-Range) Plans in coordination with the Chair or Executive Administrator.
58. Be familiar with the FSWCD Supervisor Handbook.
59. Other duties – duties as approved by the Board and accepted by the Public Relations Officer.

Associate Supervisors

60. Are appointed by the Board and requires an affirmative vote from a minimum of three Board Members to be appointed.
61. Be residents of Marion County and registered to vote according to the Supervisor of Elections. Applicants shall submit a letter of interest to the Board before they vote detailing the applicant's background and why he/she wishes to become an Associate Supervisor.
62. Be familiar with the FSWCD Supervisor Handbook.

63. Assist with the planning and preparation of all District meetings as needed by the Board.
64. Attend all Board meetings.
65. Attend additional Board events and activities as needed by the Board.
66. Assist with current and ongoing District educational and/or outreach programs.
67. Assume any additional responsibilities designated by the Board and accepted by the Associate Supervisor.
68. May be removed by the Board at any time and requires an affirmative vote from a minimum of three Board Members to be removed.

District Employees Executive Administrator

69. Know the specific functions of the District and understand its 5-Year (Long-Range) Plan.
70. Assist the Board in preparing the Annual Plan. Refer to it monthly when preparing Board meeting agendas.
71. Thoroughly understand the cooperative agreement(s), contract(s) and other District forms.
72. Be familiar with all Memoranda of Understanding, if any.
73. Be familiar with the District Supervisors' Handbook.
74. Assist landowners applying to the District Board for technical assistance or other District programs.
75. Prepare District Board meeting notices and agendas in consultation with the Chair.
76. Email notices and agendas to the Board Members in advance of the meeting.
77. Assist with the planning and preparation for all District meetings.
78. Prepare monthly financial reports, in conjunction with the Treasurer, for presentation to the Board. Reconcile balances of special and District accounts. Maintain records of District business transactions on a daily basis. Maintain all records in an orderly fashion established by the District Treasurer.
79. Prepare vouchers and checks for bills authorized for payment by the District Board.
80. Attend all Board meetings unless there is an authorized absence.
81. Keep records for award programs.
82. File Supervisor's mail for distribution and action.
83. Assist in the preparation of educational events such as field days, tours, and special events.
84. Maintain a standardized filing system for the District.
85. Keep a schedule of all events that concern the Board and bring it to their attention at the proper time.
86. Assist the Board with correspondence and any other business they may have in connection with local activities or any responsibility they may assume in area or statewide District activities.

87. Maintain District records.
88. Assist in District financial bookkeeping – maintain a separate ledger for each account, such as: “Special Funds,” “District Funds,” “Special Projects,” and keep posting current.
89. Receive and confirm upon receipt contributions to the District on behalf of the Board. The Executive Administrator may also make bank deposits and has signatory responsibility.
90. Forward copies of all District meeting minutes to the OAWP, NRCS, and AFCD.
91. Hire, train and directly supervise all District personnel in consultation with the Chair.
92. Assume any additional responsibilities designated by the Board of Supervisors.
93. The Executive Administrator will be hired by the Board at a noticed meeting with a complete job description with working hours, benefits, etc.
94. The Chair will be responsible for the direct supervision of the Executive Administrator and the Chair shall provide a written evaluation of the Executive Administrator, as needed. In the event of any grievances and/or reprimands regarding the Executive Administrator they shall be brought to the Board for discussion/decision.
95. Should no Executive Administrator be hired or installed by the Board, then the Chair may assign any of the above duties to any other Supervisor and/or Associate Supervisor as approved and accepted by that Supervisor and/or Associate Supervisor.

Personnel

96. Personnel shall be hired by the Executive Administrator at the expressed direction of the Board by recorded vote on a Motion.
97. All personnel shall be hired based on the availability of funding or contractual agreements which will be determined by the needs of the Board.
98. The Executive Administrator shall be responsible for the direct supervision of all personnel.
99. The Executive Administrator shall provide a written evaluation of all personnel, as needed.
100. In the event of any grievances and/or reprimands regarding any personnel, it shall be brought to the Board for a resolution of the issue(s).
101. Should no personnel be hired or installed by the Board, then, the Chair may assign any office or district duties to any other Supervisor and/or Associate Supervisor as approved and accepted by that Supervisor and/or Associate Supervisor.
102. Personnel hired by/for a contract must comply with all the deliverables set forth in/by that contract. Direction and guidance to these contractual personnel will be given by the Board and/or by a designee appointed by the Board that acts on their behalf. The Chairman or the Chairman’s appointee (e.g. the Vice Chairman in absence of the Chairman), will act on behalf of the Board, strictly handling all management and disciplinary actions of contractual personnel.

Properties

103. MSWCD must abide by the Marion County Board of County Commissioner building codes and policies, as set forth by the County, while MSWCD offices are occupied in a County building.

Amendments to the Bylaws

104. Changes to the Bylaws require a 30-day written notice and approval by a super majority of the Board.

Acknowledgment of Receipt - Florida Marion Soil & Water Conservation District By-Laws & Handbook

This will acknowledge that I have received my copy of the Florida Marion Soil & Water Conservation District By-Laws and the Supervisor Handbook link and will visit the following link:

<https://www.fdacs.gov/content/download/96781/file/florida-soil-and-water-conservation-districtsupervisor-handbook.pdf>

I will read these materials, familiarize myself with their content, and comply with Florida Statutes as outlined in these materials, Marion Soil & Water Conservation District By-Laws, and the Supervisor District Handbook, upholding my Oath of Office as a Soil and Water Conservation District Supervisor for Marion County, Florida.

Print Full Name:

Signed:

Date:

The original will be kept on file with Marion Soil & Water Conservation District, but a copy will be provided for your records.