May 2014

CC175 Questions and Answers about Watershed Conservancy Districts in Nebraska

Harold H. Gilman

Follow this and additional works at: http://digitalcommons.unl.edu/extensionhist

Gilman, Harold H., "CC175 Questions and Answers about Watershed Conservancy Districts in Nebraska" (2014). Historical Materials from University of Nebraska-Lincoln Extension. 3148.
http://digitalcommons.unl.edu/extensionhist/3148

This Article is brought to you for free and open access by the Extension at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Historical Materials from University of Nebraska-Lincoln Extension by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.
Questions and Answers about Watershed Conservancy Districts in Nebraska

By Harold H. Gilman
Extension Conservationist

Extension Service
University of Nebraska
College of Agriculture
and U. S. Department of Agriculture Co-operating

W. V. Lambert, Director
E. W. Janike, Assoc. Director
1. What is a Watershed Conservancy District?

A Watershed Conservancy District is a sub-district of one or more existing soil and water conservation districts. It provides legal authority to resident taxpayers to meet local responsibilities in carrying out a Watershed Protection and Flood Prevention program.

2. How is this district organized?

(1) A petition containing 60% or more of the resident taxpayers of legal voting age may be filed with the Board of Supervisors of the local soil and water conservation district requesting a hearing on the proposal. If such a hearing shows need and favorable interest, the board shall approve the formation of a Watershed Conservancy District. No referendum shall be required.

(2) A petition containing more than 19% but less than 60% of the resident taxpayers of legal voting age may be filed with the Soil and Water Conservation District requesting that a hearing be held upon the proposal. If such a hearing shows need and favorable interest, the Board of Supervisors shall proceed with the formation of such a Watershed Conservancy District by referendum wherein all resident taxpayers of legal voting age have the right to vote.

3. Who are eligible to sign the petitions or vote at a referendum?

Only taxpayers of legal voting age living within the boundaries of the proposed district.

4. What information is contained on the petition?

(1) Definition of the boundaries of the proposed districts by legal description.

(2) The number of acres of land involved.

(3) Reasons for requesting the creation of the district.

(4) The proposed name of the district.

5. What is done with the petition after the signatures have been placed on it?

The petition is presented to the Board of Supervisors of one or more Soil and Water Conservation Districts, within which the watershed is located. If the proposed Watershed Conservancy District is within the boundaries of more than one Soil and Water Conservation District, then the board of supervisors of each district will act jointly.

6. What does the individual or joint Board of Supervisors do?

1. They elect within their own body, each January or immedi-
ately thereafter, a chairman, vice-chairman, secretary-treasurer.

2. Within 30 days after the petition has been filed, the joint board shall fix the date, hour, and place of a hearing.

3. They notify resident landowners of the hearing by publication once each week for two consecutive weeks. This must be in a legal newspaper of general circulation, published in the county. The last publication shall not be less than 10 days prior to the hearing.

7. How are objections to the formation of a conservancy district handled?

(1) All objections to the formation of a Watershed Conservancy District must be made in writing and filed with the secretary-treasurer of the individual or joint board of Soil and Water Conservation districts at or before the time set for the hearing.

8. Can lands be included or excluded from or to the district at the hearing?

Yes, the individual or joint board of supervisors may permit this to be done by watershed tributaries but not separate parcels of land. The same procedure is used as in organizing the district.

9. Will another hearing be required if additional land is to be included?

Yes. The same procedure must be followed as in the original hearing.

10. When a referendum is to be held, what is the procedure?

(1) The board or joint board of supervisors hold a hearing and if it is found that the formation of a conservancy district is in the interest of health, safety and public welfare, a referendum is called.

(2) A referendum is held within 90 days of the hearing, if it is required as outlined in question 2 (2).

(3) Due notice of the referendum must be given and shall state the date, the hours of the opening and closing of the polls, and designate one or more places within the proposed district as polling places.

(4) The votes will be counted by the election officers at the close of the polls.

(5) Only taxpayers of legal voting age living within the boundaries of the proposed district are eligible to vote.

11. If the vote is favorable for creating a conservancy district, what is the next step in its creation?

The individual or joint board of Soil and Water Conservation district supervisors shall cer
tify the results to the county clerk in the county or counties involved and a copy of certification shall be filed with the Nebraska Soil and Water Conservation Committee.

12. Who governs a watershed conservancy district?

The watershed conservancy district shall be governed by a board of directors consisting of a minimum of five members. The exact number varies depending upon the number of Soil and Water conservation districts involved and the population of the urban areas in the district.

13. What determines the number of people on the board of directors?

1. If all territory of a watershed conservancy district is within one soil and water conservation district, the board of directors, shall consist of:

2. One or two members from each minority area located within additional soil and water conservation districts.

   (1) Not more than four members residing in the majority area in a soil and water conservation district.

   (2) One or two members from each minority area located within additional soil and water conservation districts.

3. The representation of the number of directors from each district shall be made by the joint board of soil and water conservation districts.

4. If the conservancy district includes urban areas not included in a Soil and Water conservation district--these areas are represented according to population as given in the last census. Their representation is as follows:

   population  1000 - 10,000 - 1 director  
              " 10,000 - 25,000 - 2 "  
              " 25,000 - 100,000 - 3 "  
              over - 100,000 - 4 "

14. Who are the officers of the board of directors?

The board of directors will annually elect from their membership a president, vice-president and secretary-treasurer.

15. Is the treasurer bonded?

Yes. A bond shall be executed with at least three solvent personal sureties whose solvency must exceed the amount of the bond, or by a corporate surety company authorized to do business in this state.

16. How is a director of a conservancy district elected?

(1) A nominating petition shall be signed by 10 or more taxpayers or if less than 25 taxpayers are involved, a majority of the taxpayers shall sign.
(2) If candidates nominated do not exceed the number of vacancies, they shall be declared duly elected.

(3) If candidates nominated exceed the number of vacancies, then an election is held according to law.

(4) No person is eligible to be a director unless he is a resident taxpayer.

17. Are board of directors paid a salary?

A director shall receive no compensation for his services, but he or she is entitled to compensation for actual expenses including travel expenses incurred in the discharge of his duties.

18. What are the powers or authorities of the Board of Directors of a Watershed Conservancy district? (Subject to the approval of the individual or joint board of Soil and Water Conservation district supervisors)

(1) Employ secretarial, technical experts, and other officers and agents.

(2) Call upon the county attorney or Attorney General for such legal services as they may require.

(3) Require the county governing board to levy an annual tax on the real and personal property excluding property within the conservancy district, not to exceed a 2 mill levy on each dollar of assessed valuation, for administration, planning, construction, and maintenance of works of improvement within the district.

(4) Acquire by purchase, exchange, gift, lease, grant, bequest, devise or through condemnation proceedings as set forth by law, such lands or rights of way as are necessary for the execution of any authorized function of the watershed conservancy district. Also sell such acquired property held by title when there is no further need of it.

(5) Construct, enlarge, improve, operate, and maintain such structure as may be necessary.

(6) Borrow such money as is necessary not to exceed five percent of the assessed valuation of all property within the conservancy district for the purpose of acquiring land and rights-of-way and establishing, constructing, reconstructing, repairing, enlarging and maintaining such structures and improvements as are required in the performance of its functions.

(7) To sue and be sued in the name of the district; to have perpetual succession unless terminated as provided by law; to make and execute contracts and other instruments necessary or convenient to the execution of its powers.
(8) To purchase, lease, rent, or otherwise acquire such equipment and labor as is necessary to carry out the operations and maintenance on works of improvement made under the authorities of this act.

19. How does the Board of Directors obtain their funds?

(1) In the first quarter of each calendar year, they shall prepare an itemized budget for the next fiscal year.

(2) The budget must be approved by the individual or joint board of Soil and Water Conservation district supervisors.

(3) The budget is then transmitted to each county governing board involved. The board of directors shall rateably apportion the amounts of the total budget between the counties involved based on the total assessment of all the property within the boundaries of the conservancy district within each county.

(4) The county governing board shall levy a tax sufficient to meet the amount of funds requested but not to exceed two mills on the dollar upon the assessed valuation of all taxable property in the conservancy district.

(5) The tax so levied shall be collected in the same manner as other property taxes and the proceeds therefrom shall be kept in a separate account.

(6) The County Treasurer shall transfer such funds to the Watershed Conservancy district as requested by the Board of Directors.

20. Can a Watershed Conservancy district be discontinued?

(1) Yes. Anytime after five years from the official recorded date of the organization, twenty-five or more taxpayers within a district may file a petition with the individual or joint supervising board of Soil and Water Conservation district supervisors, praying that the district be discontinued.

(2) After giving notice, as prescribed by the law, the Soil and Water Conservation district supervisors may conduct hearings to assist them in making a determination as to whether discontinuation is in the interest of public welfare.

(3) If discontinuation seems advisable as a result of the hearing, then within 60 days after filing the petition, a referendum shall be held under the supervision of the individual or joint board of supervisors.

(4) If a majority of the votes cast in such a referendum favor the discontinuance of the district and it is found that all the contractual obligations have been met, the individual or joint board of Soil and Water Conservation district supervisors shall make a determination that
the Watershed Conservancy district be discontinued.

(5) A copy of the determination shall be certified to the County Clerk of the county or counties involved for recording.

(6) After recording, a copy of the certification made by the County Clerk shall be filed with the Nebraska Soil and Water Conservation Committee.

21. Is a watershed conservancy district of any value to a watershed area that is ineligible for assistance under the federal watershed law (P. L. #566)?

(1) Yes. It would be of value to any watershed area where a community watershed problem exists regardless whether a group is eligible or not to receive assistance by virtue of P. L. 566 (Small Watershed Law as administered by the Soil Conservation Service).