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CC175 Revised 1966 Questions and Answers about Watershed Conservancy Districts in Nebraska

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QUESTIONS and ANSWERS about WATERSHED CONSERVANCY DISTRICTS in NEBRASKA by Harold H. Gilman Extension Conservationist
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 has authority in the state statutes of Nebraska to develop and execute plans and programs relating to any phase for the conservation of water, water usage, drainage, flood prevention, flood control, erosion prevention and control of erosion, flood water and sediment damages and development of wildlife habitat plantings and recreational facilities. Organizations of these districts grant to the local people the necessary legal authority to sponsor watershed protection and flood prevention projects and flood control programs.

2. **What is a joint Soil and Water Conservation District Board?**

(1) When parts of a conservancy district are within the boundaries of more than one soil and water conservation district — it is necessary to form a joint board. The joint board is composed of members of all soil and water conservation districts involved with the watershed conservancy district.

(2) The board shall elect within their own body a chairman, vice chairman and secretary-treasurer.
3. 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 forward to the Nebraska Soil and Water Commission, the proceedings of the hearing. The individual or joint Board of Soil and Water Conservation Districts shall take the recommendations of the State Commission into consideration, when they make their determination. No referendum shall be required.

(2) A petition containing more than 10% 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 forward to the Nebraska Soil and Water Commission, the proceedings of the hearing for their recommendation. The individual or joint Board of Soil and Water Conservation Districts shall take the recommendation of the State Commission into consideration when they make their determination to 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.

4. 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.

5. What information is contained on the petition?

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

(2) Number of acres of land involved.

(3) Reasons for requesting creation of the district.

(4) Proposed name of the district.

6. What is done with the petition after the signatures have been obtained?

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.

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

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

(2) 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.

8. 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.

9. Can Additional land be included in a conservancy district?

Yes. By following the procedure as outlined in questions 4, 5, and 6.

10. Can land be excluded from a conservancy district?

Yes. If the lands have erroneously been placed within the perimeter of the defined watershed. This can be accomplished by action of the Board in charge of the hearing.

11. 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

(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 board shall appoint a polling superintendent and other necessary polling officers to administer the referendum. At the close of the polls, the results are tabulated and certified to the board by the polling superintendent. It is not necessary for the polling superintendent
or the polling officers to reside within the proposed conservancy district boundaries.

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

12. 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 certify 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 Commission.

13. 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.

14. 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 a minimum of five members.

2. If the territory lies within one or more soil and water conservation districts, the board of directors shall consist of not more than four members representing the majority area and one or two directors representing each minority area. The final determination on representation is made by the joint board of soil and water conservation districts.

3. 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:

<table>
<thead>
<tr>
<th>Population</th>
<th>Directors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 - 10,000</td>
<td>1</td>
</tr>
<tr>
<td>10,000 - 25,000</td>
<td>2</td>
</tr>
<tr>
<td>25,000 - 100,000</td>
<td>3</td>
</tr>
<tr>
<td>over 100,000</td>
<td>4</td>
</tr>
</tbody>
</table>

Note: Two or more small towns with a combined total residency of 1000 population are authorized to have one director.

15. 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.
16. 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.

17. 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.

18. 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.

19. 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 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 per cent 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.

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

(1) In the first quarter of each calendar year, they shall prepare an itemized budget of funds necessary to carry out their watershed program.

(2) The budget must be approved by the individual or joint boards 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.

21. Can a Watershed Conservancy district be discontinued?

(1) Yes, Anytime after seven years from the official recorded date of the organization, ten per cent of the 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 provided all contractual obligations have been met.

(2) After giving notice, as prescribed by the law, the Soil and Water Conservation district supervisors shall 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 90 days after filing the petition a referendum may be held under the supervision of the individual or joint board of supervisors.

(4) If the petition calling for dissolution of a watershed conservancy district contains the names of twenty-five per cent or more of the resident tax payers of legal voting age - a referendum shall be held.

(5) If a majority of votes cast in such a referendum favors the continuation of the watershed conservancy district - the individual or joint boards of soil and water conservation districts shall not take any action and shall void subsequent dissolution petitions filed within a two year period following the referendum.

(6) 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.

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

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