



Wyoming Association of Conservation Districts
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DATE: January 24, 2018

TO: Hot Springs Conservation District Board of Supervisors

FROM: Bobbie Frank, Executive Director 

RE: Questions pertaining Conservation district authorities and responsibilities for Watershed Improvement Districts

This memorandum is in response to email correspondence from Hot Springs Conservation District Board member, Sonja Becker, posing a number of questions as to the Conservation District's authorities and responsibilities for Watershed Improvement Districts (WID). Justin Caudill, WDA and I have discussed all of these responsibilities and concur on the summary below.

Please understand that the information provided below is merely a review of what language is contained in the statute and a summary of the responsibilities a Conservation District have for Watershed Improvement District oversight. I would encourage you to read the entire referenced provision if you haven't done so already.

There are a number of areas where the Conservation District has fairly extensive oversight responsibilities. I included the provisions related to the formation and subsequent election of directors of the WID, despite the fact that I am sure your Board is keenly aware of these responsibilities.

Several of the questions, posed by the Conservation District are related to the authorities of the Conservation District to compel compliance and or enforcement of the statute. These questions will require legal counsel to provide further guidance. I do intend to raise the issue of obtaining legal guidance with the WACD Board of Directors given the number of questions we are receiving pertaining to Conservation District responsibilities pertaining to WIDs. The WACD Board has a conference call scheduled this week. I will discuss propose seeking a private legal opinion at that time.

Here is a summary of the authorities and responsibilities as indicated in the referenced section:

- 1) The Conservation District (CD) is to consult, advise and coordinate with the Board of Ag/Dept. of Ag on matters pertaining to WID formation. **41-8-103**
- 2) The petition to form a WID is file with the CD Board and the CD Board is responsible for acting on the petition, ensuring the petition complies with statute and forwarding petition to Board of Ag. **41-8-105.**
- 3) The CD shall act jointly with neighboring CDs on formation process for cross boundary WID. **41-8-106**

- 4) The CD is responsible for acting on the petition, providing for notice and hearing. The CD further is the deciding body on whether a WID petition is advanced. If the CD determines there is a need then a referendum is conducted by the CD. The CD is responsible for all aspects of the referendum. **41-8-107**
- 5) The CD is the decision making body on whether lands are included, excluded or in the event the WID wants to change its name. **41-8-111**
- 6) The CD conducts subsequent WID Board of Director elections. Vacancies on the WID Board are approved by the Board of Supervisors. The WID Board of Directors operates “under the supervision” of the Conservation District Board of Supervisors. **41-8-112**
- 7) The WID Board shall provide to the Board of Supervisors annually financial statement, operation and maintenance activities for the preceding year and their proposed developments for the current year prior to March 1. The CD is responsible for sending to the Department of Ag. **41-8-112(b)**
- 8) The WID shall hold quarterly meetings with the CD of which one shall be an inspection tour. **41-8-112(c)**
- 9) All powers of the WID Board shall be under “the supervision” of the Conservation District Board of Supervisors. **41-8-113**
- 10) Should a WID choose to issue bonds, the CD is responsible for the bond referendum as well as the terms of the bond. **41-8-114**
- 11) The CD Board approves the reimbursement of mileage and per diem to a WID Board **41-8-115**
- 12) Although the CD board does not have a role in the assessment process, levy, collection etc. of funds through the property assessment process, the statute indicates that all expenditure of funds shall be under the supervision of the CD Board. **41-8-122**
- 13) If a CD is dissolved, all of the responsibilities of the CD are conveyed to the Board of Ag for the WID. **41-8-125**

Again, I recognize there are unanswered questions that were posed. Again, they require legal expertise to respond to. I do believe it is important that we obtain that additional guidance, not only as it pertains to the conservation districts responsibilities and options to implement those provisions, but also to provide additional information pertaining to conservation district liability for WID governance and actions.

Should you have any questions, please don't hesitate to call me. I can be reached directly on cell at 307-630-6695.