

To: SWCD Staff, Supervisors, SSCB and IASWCD

From: ISDA District Support Specialists

Date: May 8, 2020

Re: SWCD BOARD GOVERNANCE AND OPERATIONS - Coronavirus update (May 8, 2020)

The ISDA District Support Specialists have heard your questions and compiled answers below. Please keep the questions coming to your DSS and we'll work to get responses.

1. SWCD annual meetings

a. Statute: IC 14-32-4-6 (a) during the first quarter of each calendar year, each district shall hold an annual meeting of all land occupiers in the district.

Action:

- ISDA submitted a statutory waiver request to the Governor regarding this legislation. We don't have a timeline on when we will hear back from the Governor's office. They received requests for waivers from all state agencies on March 16. Given the number of requests and other things their office is handling, we have no estimate of when we will hear back.
- We recommended postponing the meetings. There will be a lot of after-effects from this virus, and we doubt a District will be punished for postponing their meeting. We will continue to be an advocate for the Districts during this time. As soon as we hear from the Governor's office, we will let you know.
- We encourage districts who postponed their annual meeting to still provide a report of the activities and financial affairs of the district in other ways, such as posting reports on the SWCD website, Face Book page, or front counter.
- Under current law, supervisor's terms begin at the annual meeting, and run through the next annual meeting. (Vacancies that occur part way through a term will have a different start date however and possible end date. Please contact your DSS with questions.) Current supervisors could serve until the postponed annual meeting. All newly appointed or elected supervisors will need to take the oath of office.

2. Elected Supervisor Vacancy and Appointed Supervisor Vacancy: approval at SSCB meetings

a. Statute: both IC 14-32-4-13 and IC 14-32-4-13.5 require supervisor recommendations by the SWCD Board to be acted upon by the SSCB (approved).

Action:

- Since the SSCB March 17 meeting was postponed until April 21, any temporary or vacant appointments were not approved. Once the SSCB approves the appointment, the individual(s) will then be permitted to act on any official SWCD business. Please continue to submit new vacancy forms, as usual, to get on the agenda, and the SSCB will review these documents at their next meeting.

3. Oath of office

Action: When a supervisor needs to take and sign the Oath of Office, due to not attending an annual meeting, this may be done at any public meeting. Elected officials may administer the Oath of Office and sign the Oath with the incoming supervisor. The Oath of Office may also be done in front of a notary.

4. Executive Order regarding essential meetings

Action:

Referencing Governor Holcomb's Executive Order to slow the spread of COVID-19, <https://www.in.gov/gov/files/ExecutiveOrder20-04FurtherOrdersforPublicHealthEmergency.pdf> please note the following bullet:

- The governor's executive order also delays non-essential public meetings. For essential meetings, one member is required to be physically present, but other members will be allowed to participate electronically.
- If the SWCD does not **need** to meet, please postpone the meeting. The Governor's Office is discouraging agencies from holding public meetings electronically unless absolutely necessary. The example given is; if your group must meet to take care of life or death business during this public health emergency, meet electronically but your agenda should only include those life/death matters, nothing more. Are there things the district MUST take care of by meeting at this time? If not, please postpone the meeting. If you identify that the district must meet to take care of essential business, they should do so over conference call or video chat. There is no requirement for which method. The call must be made available to the public as any open door law meeting should. But again, you are encouraged to postpone all meetings if possible. While statute (and now executive order) allows public meetings to be conducted electronically, they are not ideal as they hinder full participation from the public. Let's limit them if we can.
- Entities should also adhere to CDC guidelines on gatherings and make efforts to allow the public to participate electronically, if feasible.
- If an SWCD wishes to hold a meeting, I encourage them to talk to their legal counsel about the requirements under the Governor's executive orders. We are not attorneys and can only offer the information we have been receiving from the Governor's office.
- All governing bodies of public agencies may post notices and agendas for electronic meetings solely by electronic means for the duration of this public health emergency
- After reviewing Governor Holcomb's Executive Order 20-25 that was issued Friday, May 1, it has been determined that this order does not change how we have been treating public meetings for last month or so. EO 20-25 extends the public health disaster emergency to June 4, 2020 and also extends all executive orders that state they will continue through the duration of the public health emergency. This includes EO 20-04 which says public meetings should be limited to critical matters only and allows public agencies to conduct meeting electronically, if necessary. Please check with your local attorney to make sure there are not special county orders that you need to adhere to before meeting in person.

5. 2019 Fall Cover Crop and Tillage Transects

Action for those that have NOT completed the transects:

- You are free to use discretion at this time as to whether or not you will be conducting the remaining transects.
- You are not required to complete the remaining Fall 2019 Cover Crop and Tillage transects.
- If you have partially completed transects please send your file to your DSS.

6. SWCD employees working in the USDA Service Center

Answer: Please refer to guidance sent out by NRCS: "SWCD, ISDA, PF Partners are permitted to be in the Service Center. They should contact local officials or their supervisors for guidance." Districts are encouraged to review their shutdown policies or other local relevant policies, and follow any guidance for county employees if applicable. What DSSs have heard other offices are doing (information is from before stay at home order takes place):

- SWCD with multiple staff are rotating employees through their backup locations while one works at the office
- Employees are working from home, or employee is working from home
- Employee is coming to the office as normal.

7. Current CWI Grant Delayed Due to the Health Crisis

Answer: Please reach out to your DSS. DSSs will be in communication with the SSCB regarding this issue and need your feedback.

8. Gateway

Districts can wait until treasurer reports, bank reconciliations, and minutes are signed before they are uploaded to Gateway. SBOA said they will not take audit exception (any finding that falls outside of the expected results) for monthly uploads that are uploaded past the required date.

9. Other items

Districts are encouraged to contact their local attorney for legal advice/questions. Please adhere to any local applicable guidelines.

IASWCD is posting communications about the health crisis from SBOA, ISDA, NRCS, etc. in one location:

<http://wordpress.iaswcd.org/for-districts/>

