

SWCD Director Orientation Notebook 2020

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January 2020

The Virginia Freedom of Information Act (FOIA)

Chapter 37 of Title 2.2, Code of Virginia

Virginia FOIA Council's website:
<http://foiacouncil.dls.virginia.gov>

This overview was prepared by staff of the Virginia Department of Conservation and Recreation for members of the Commonwealth's Soil and Water Conservation Districts as a means of raising awareness and understanding about certain provisions of the Virginia Freedom of Information Act. It should be used as a companion reference to the Code of Virginia. It is not intended to serve as a legally binding interpretation of the act or its provisions. Should an interpretation be needed, contact the VA FOIA Advisory Council (foiacouncil@dls.virginia.gov or 1-866-448-4100) or your OAG Representative. You may also visit the FOIA Advisory Council's website at <http://foiacouncil.dls.virginia.gov/> for additional information.

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FOIA

“ensures the people of the Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies....

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government.”

Code § 2.2-3700(B)

Are SWCDs subject to the Act?

Yes. SWCDs are considered a public body covered by FOIA.

“Public body means any legislative body...district or agency of the Commonwealth or of any *political subdivision of the Commonwealth*”

Code § 2.2-3701 (Emphasis added.)

FOIA NOTICE

FOIA Notice Requirement

**“Any person elected, reelected, appointed or
reappointed...shall:**

- (i) Be furnished by the public body’s administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment, or reappointment;**
- (ii) Read and become familiar with the provisions of this chapter.”**

Code § 2.2-3702

This presentation addresses the following FOIA topics:

- Public Meetings
- Closed Meetings
- Meeting Notices & Agendas
- Electronic Communication Meetings
- Minutes
- Responding to Requests for Public Records
- FOIA Remedies & Penalties

PUBLIC MEETINGS

“Open Meeting or Public Meeting means a meeting at which the public may be present.”

Code § 2.2-3701 (Emphasis added.)

Which district gatherings and/or meetings are considered **open** or **public** meetings?

A gathering of three or more district directors to discuss or transact SWCD business is considered an open meeting.

However, “Neither the gathering of employees of a public body...shall be deemed a “meeting” subject to the provisions of this chapter.”

Code § 2.2-3701

What about committee meetings? Are they defined as open meetings that are subject to FOIA?

Yes! Committees of public bodies are actually defined as “public bodies” in and of themselves. “Public body means...any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body.”

Code § 2.2-3701

What implications does this have for SWCD committee meetings?

All committee meetings are subject to FOIA which means that committee meetings must be advertised, open to the public and a record of minutes kept.

- ❖ A committee meeting is a public meeting if three or more members are assembled and discussing committee business, or a quorum if less than three (i.e., when a committee only has two or three members then two members is a quorum and any time two members get together to discuss committee business, it is considered a meeting).
- ❖ All members count toward the membership present whether they are directors, citizen members or otherwise appointed.
- ❖ A single person does not constitute a public body for meeting purposes.

Code § 2.2-3701

Some Points to Note Regarding Committee Membership

Committees are appointed by the full board with an advisory function to make recommendations and report back to a board or to vote on an item as empowered by the full board.

▣ Associate directors count toward the constituent membership of a committee as supported by the Code within the definition of public body; “It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members.”

▣ Agency representatives count toward the constituent membership of a committee if they are appointed by the SWCD board as members of the committee.

▣ SWCD employees are not included as part of the membership of a committee as long as they are assisting a committee as a part of their duties as employees.

▣ Once a SWCD employee is appointed as a member of a committee by the SWCD board, then the employee is counted toward the constituent membership of a committee.

Code § 2.2-3701

CLOSED MEETINGS

“Closed Meeting means a meeting from which the public is excluded.”

Code § 2.2-3701 (Emphasis added.)

When are closed meetings allowed?

Closed meetings are only allowed for certain purposes.

Purposes include personnel matters; consultation with legal counsel; discussion of special awards; and discussion or consideration of personal and proprietary nature submitted as part of a resource management plan (RMP).

A complete list of the [51 purposes](#) is found in the **Code § 2.2-3711(A)**.

Can a SWCD close an open meeting in order to discuss RMP information?

YES. Discussion of personal or proprietary information as related to a resource management plan constitutes a reason to close a meeting under the 51 purposes for a closed meeting listed in FOIA under § 2.2-3711(A).

Closed Meeting Procedures

- The SWCD board or committee must be holding an open meeting at which a director makes an appropriate closed meeting motion.

- A closed meeting motion must do 3 things:
 1. Identify the subject matter.

 2. State the purpose of the closed meeting.

 3. Cite the specific exemption that allows the closed meeting.

Code § 2.2-3712(A)

Closed Meeting Procedures

- ❖ During a closed meeting, the public body must restrict discussion to the matters specifically exempted from FOIA and included in the closed meeting motion.

Code § 2.2-3712(C)

- ❖ Upon conclusion of a closed meeting, the open meeting must be reconvened and the body must certify via roll call or other recorded vote to be included in the minutes:

1. Only items exempt from FOIA were discussed.

2. Only items specified in the original motion were discussed.

Code § 2.2-3712(D)

Closed Meeting Procedures

Remember: No official action may be taken during a closed meeting. Decisions made or agreed upon during a closed meeting DO NOT BECOME EFFECTIVE until they receive a vote from the public body during an *open meeting*.

“...In no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § 2.2-3707.”

Code § 2.2-3712(H)

“No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.”

Code § 2.2-3711(B)

MEETING NOTICES

“Every public body shall give notice of the date, time and location of its meetings by:

- 1) Posting such notice on its official public government website, if any;
- 2) Placing the notice in a prominent public location at which notices are regularly posted; *and*
- 3) Placing such notice at the office of the clerk of the public body, or in the case of a public body that has no clerk, at the office of the chief administrator.

The notice shall be posted at least three working days prior to the meeting.”

Code § 2.2-3707(C) (Emphasis added.)

What if the SWCD meeting is held on the same day, time and place every month?

The district may post an annual written notice of the set meeting dates and post it on its official government website, in a prominent public location at which notices are regularly posted *and* in the office of the clerk or the chief administrator of the public body. However, if any changes are made to the day, time or place, written notice of the changes must be displayed at least three working days prior to the meeting.

MEETING AGENDAS

“At least one copy of the proposed agenda and all agenda packets and, unless **exempt**, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.”

Code § 2.2-3707(F) (Emphasis added.)

Examples of **exempt items** include personnel records and information supplied for the purpose of a resource management plan. A complete list is found in the **Code §§ 2.2-3705.1 thru 2.2-3706.**

ELECTRONIC COMMUNICATION MEETINGS

May an absent voting member of a SWCD join a meeting by phone in order to achieve a quorum?

NO. As a subdivision of the Commonwealth, a quorum of district directors must be “physically assembled at one location” before any additional directors may join the meeting by phone (except in the case of an emergency as declared by the Governor).

Code § 2.2-3708.2

MINUTES

Are recorded minutes required at all district meetings (including committee meetings)?

YES. “Minutes shall be recorded at all open meetings”. This includes all committee meetings.

All other records of open meetings including draft minutes and audio recorded records are also considered public records.

Code § 2.2-3707(H)

MINUTES

“Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.”

Code § 2.2-3707(H)

PUBLIC RECORDS

“Public records means all writings and recordings which consist of letters, words or numbers...set down by handwriting, typewriting, printing,...mechanical or electronic recording or other form of data compilation...prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.”

Code § 2.2-3701 (Emphasis added.)

PUBLIC RECORDS

A document that does not exist does not have to be created in order to fulfill a FOIA request. For example, if someone requests a list that does not exist, then the list would not have to be compiled in order to fulfill the request.

However, if the information that would make up the list exists in a variety of documents, then the documents would have to be released unless the documents are exempt.

It is also important to note that FOIA allows a public body to abstract or summarize information in this situation as long as this action is taken under such terms and conditions as agreed between the requester and the public body.

Code § 2.2-3704(D)

What records may the public see? Are there any exclusions?

❖ The Act states that “all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during regular office hours.”

Code § 2.2-3704(A)

❖ There are over 100 exclusion categories listed under **Code §§ 2.2-3705.1 through 2.2-3706**. Examples include medical records, personnel records, and records containing information on site specific locations of rare, threatened, endangered or imperiled plant and animal species, natural communities, caves and significant historic and archaeological sites.

Does the public have access to information collected for the purpose of a resource management plan?

- **NO.** “Any personal or proprietary information collected pursuant to this article shall be exempt from the Freedom of Information Act (§2.2-3700 et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information.”
- **NO.** “Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.”

Code § 10.1-104.7(E)

Code § 2.2-3705.6(25)

What Does This Mean for SWCDs?

- ▣ Information pertaining to a RMP may not be released to the public by a district or by a district's Technical Review Committee (TRC). This includes any information contained in meeting packets. As per the Code of Virginia in **§ 10.1-104.7(E)**, information may only be released by DCR's Director in a statistical or aggregate form.
- ▣ RMP information handed out as part of a SWCD's closed meeting session should be collected at the end of the closed meeting.
- ▣ A RMP should be referenced only by a "plan number" when discussed in an open meeting or recorded in SWCD meeting minutes.
- ▣ A cover page or header should be attached to each RMP reminding the TRC that disclosure of identifying information is prohibited by law pursuant to **§ 10.1-104.7(E)**.

Are SWCD employee salaries open to public access?

YES. The “records of the name, position, job classification, official salary or rate of pay of...any officer, official or employee of a public body” are open to the public as long as the individual makes more than \$10,000 a year.

Code § 2.2-3705.1(1)

Is one employee allowed to know the official salary of another?

YES.

Code § 2.2-3704(A)

PUBLIC RECORDS 5-DAY RESPONSE TIME

A district must respond to a requester within five working days of receiving the request. There are several different responses a district may make.

Code §2.2-3704(B) (Emphasis added.)

Is a district allowed to ask the requester why records are needed?

The Virginia Supreme court ruled that the motive for a record request is irrelevant. The requester is not obligated to reveal why records are needed.

PUBLIC RECORDS RESPONSE OPTIONS

- Make records available as requested. Any other response is required to be in writing and there are four other options;
 - 1) Deny the request. If this option is taken, the district must give the volume and subject matter of documents withheld and cite the specific exemption in FOIA or other statute that authorizes the withholding of the records.
 - 2) Release part of the documents or release documents with portions redacted (marked out). Again, the subject and a specific citation must be addressed.
 - 3) State that the documents do not exist or cannot be found. If the district knows that another public body has the records, then the district must provide contact information for the other public body.
 - 4) Notify the requestor that more time is needed, state the reason why and that the seven business day extension provided by the act is being taken.

■ No response is not an option and is deemed a denial and a violation of the act.

ELECTRONIC RECORDS

Is the district required to process a request for records stored on the computer?

Yes, the district must provide electronic records unless the records are considered “exempt”.

Code § 2.2-3704(G)

RECORD FEES

“A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records...Any duplicating fee charged...shall not exceed the actual cost of duplication.”

Code § 2.2-3704(F)

The duplication cost can include staff time. For example, say the documents you need to release total 200 pages and it took a staff person two hours to do the file search and copying. You may charge a per page duplicating fee and the hourly rate of the person doing the search and copying.

RECORD FEES

If the district has a request for records and the total cost will be over \$200 may they ask for money up front?

Yes. “In any case where a public body determines in advance that the charges...are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination.”

Code § 2.2-3704(H)

If the charge is going to be \$200 or more, you need to contact the requestor and notify them of the cost prior to making the charge.

In addition, “Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.”

Code § 2.2-3704(I)

FOIA OFFICER

“All public bodies...shall designate and publically identify one or more Freedom of Information Act officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body’s compliance with the provisions of this chapter.”

Code § 2.2-3704.2(A)

FOIA OFFICER

“...The name and contact information of the public body’s FOIA officer... shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body’s place of business, posting on its official public government website, or including such information in its publications.”

Code § 2.2-3704.2(C)

“Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council or through an online course offered by the Council.”

Code § 2.2-3704.2(E)

FOIA OFFICER

“The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.”

Code § 2.2-3704.2(F)

“The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.”

Code § 2.2-3704.2(G)

FOIA REMEDIES

“Any person...denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys’ fees from the public body if the petitioner substantially prevails on the merits of the case.”

Code § 2.2-3713

A single violation, including a procedural violation, is enough for a petition to be brought.

FOIA PENALTIES

If the court finds that an officer, employee, or member of a public body “willfully and knowingly” was in violation of this act, “...shall impose upon such officer, employee, or member in his individual capacity...a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.”

Code § 2.2-3714(A)

FOIA PENALTIES

“...If the court finds that any officer, employee, or member of a public body failed to provide public records to a requester... because the officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period” established by the Virginia Public Records Act, “the court may impose upon such officer, employee, or member in his individual capacity...a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the State Literary Fund.”

Code § 2.2-3714(B)

FOIA PENALTIES

“...If the court finds that a public body voted to certify a closed meeting in accordance with subsection D of §2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of §2.2-3712, the court may impose on the public body...a civil penalty of up to \$1,000, which amount shall be paid into the State Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider” reliance on opinions of the OAG, court cases and published opinions of the FOIA Council.

Code § 2.2-3714(C)

FOIA PENALTIES

“Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation...shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued [by the FOIA Council]... as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.”

Code § 2.2-3715

The End.



Any Questions?

The Virginia Freedom of Information Act (FOIA)

General Overview

❖ What is the Virginia Freedom of Information Act?

The Code of Virginia, hereafter referenced as “Code”, provides in § 2.2-3700(B):

“By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted...This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.”

❖ Are Soil and Water Conservation Districts (SWCDs or districts) subject to the Act?

Yes, SWCDs are considered a “public body” covered by FOIA.

Code § 2.2-3701:

“Public body means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any *political subdivision of the Commonwealth*.”
(Emphasis added)

❖ Who is guaranteed access to records of public bodies?

Code § 2.2-3704(A):

“All public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth.”

FOIA Training Requirements

❖ Do newly elected SWCD Directors need to be familiar with FOIA?

Yes, the Act states that people elected and appointed to a public body need to become familiar with FOIA.

Code § 2.2-3702:

“Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished...with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.”

Public Meetings

Code § 2.2-3701 (emphasis added):

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“Open meeting or public meeting means a meeting at which the public may be present.”

❖ **If three directors get together to discuss business, is their gathering considered an “open meeting”? What about district employee/ staff meetings?**

A gathering of three or more SWCD directors (or a quorum if less than three) to discuss district business is considered an open meeting.

“Neither the gathering of employees of a public body...shall be deemed a “meeting” subject to the provisions of this chapter.”

Code § 2.2-3701.

❖ **Is a social event attended by two or more directors considered an “open meeting”?**

No, as long as no district business is discussed at the event *and* as long as the event or attendance at the event was not orchestrated for the purpose of transacting district business, it is not considered an open meeting.

“Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body...shall be deemed a “meeting” subject to the provisions of this chapter.”

Code § 2.2-3701.

❖ **Are SWCD committee meetings considered “open meetings”?**

Yes, committee meetings are subject to the same requirements; “any committee, subcommittee or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body” must comply with provisions of this Act.

Code § 2.2-3701.

❖ **If there are fewer than three directors but several associate directors and an SWCD staff member appointed to a committee, would the committee meeting still be considered an “open meeting”?**

The number of elected or appointed directors selected to serve on a committee does not change its status as a “public body” subject to FOIA under the definition cited in the question above (“any committee, subcommittee or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body”). The Code goes a step further to say “It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members”.

The constituent membership of a committee is comprised of those who are appointed to the committee by the SWCD board. It may include but is not limited to directors,

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associate directors, staff of partnering agencies and even employees of the SWCD as long as employees are appointed to the committee by the SWCD board.
Code § 2.2-3701.

Note: The threshold number of three members (or a quorum) referenced in the question comes from the definition of “meeting” in the same section, which is referenced below: ““Meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communication pursuant to Code § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body...shall be deemed a “meeting” subject to the provisions of this chapter.”

Code § 2.2-3701.

❖ **Does that mean that SWCD employees may count toward the constituent membership of the committee?**

SWCD employees only count toward the constituent membership of a committee if they are appointed to the committee by the board. If they are not appointed to the committee but are assisting with the committee as a part of their duties as employees then they do not count toward the constituent membership of the committee.

Closed Meetings

Code § 2.2-3701:

“Closed meeting means a meeting from which the public is excluded.” (Emphasis added)

❖ **When are closed meetings allowed?**

Closed meetings may be held only for certain purposes as designated by the Act. Examples include discussion of personnel matters, consultation with legal counsel, discussion of special awards and review of certain exempt records related to resource management plans. A complete list of the 51 closed meeting purposes is found in the Code § 2.2-3711(A).

❖ **How does a district hold a closed meeting?**

There is a specific closed meeting procedure outlined in the Code § 2.2-3712. The district must hold an open public meeting at which a director makes an appropriate motion to go into a closed session.

❖ **Is there any procedure for making a closed meeting motion?**

Yes, to be a lawful closed meeting the motion must do three things § 2.2-3712(A):

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1. Identify the subject matter.
2. State the purpose of the closed meeting.
3. Refer to the specific purpose (from the list of 51) that allows the closed meeting.

❖ What are the rules the district must follow while in a closed meeting?

Among many important provisions within § 2.2-3712., discussion in the closed meeting must be restricted to items identified in the closed meeting motion.

Code § 2.2-3712(A-H).

❖ May non-board members be present in a closed meeting?

Yes. If additional people are considered necessary for the discussion, or if their presence will reasonably aid the public body's discussion, they are allowed.

Code § 2.2-3712(F).

❖ Is the board allowed to vote on items during the closed meeting?

No. The Act is very specific about limiting action taken during closed meetings. All determinations must be made in an open meeting setting.

"Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by §2.2-3707." Code § 2.2-3712(H).

"No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting." Code § 2.2-3711(B).

❖ What procedure is followed to conclude a closed meeting and reconvene an open meeting?

The public body "shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge:"

1. Only one or more of the 51 closed meeting purposes were discussed.
2. Only matters identified in the closed meeting motion were discussed.

If a director believes there was a departure from requirements of the two items above, they must state their reasons prior to the referenced vote, to be recorded in the minutes of the open meeting.

Code § 2.2-3712(D).

Meeting Notices

❖ What does the Act require in terms of meeting notices?

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Code § 2.2-3707(C):

“Every public body shall give notice of the *date, time, and location* of its meetings by: (1) posting such notice on its official public government website, if any; (2) placing such notice in a prominent public location at which notices are regularly posted; *and* (3) placing such notice in the office of the clerk of the public body, or in the case of a public body that has no clerk, at the office of the chief administrator. Publication of meeting notices by electronic means shall be encouraged. The notice shall be posted at least three working days prior to the meeting.” (Emphasis added.)

❖ **Must a district send meeting notices to every person individually?**

Yes, if the person files a written request for direct notice of meetings.

Code § 2.2-3707(E):

“Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.”

❖ **If the monthly meeting is held on the same day, time and place every month must the district give monthly notice?**

No, as long as the district publishes written notice of the set meeting dates, the Act is satisfied. However, if any changes are made to the regular day, time and place, supplementary notice of the change(s) must be published and sent to those requesters who requested direct notice at least three working days prior to the meeting.

❖ **What if the district changes its meeting date or holds an emergency meeting and there are less than three working days prior to the meeting?**

Code § 2.2-3707(D):

“Notice, reasonable under the circumstance, of special, emergency or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.”

The citizens who filed a written request for direct notice and district directors must be notified at the same time. If the meeting will be conducted in really short notice and mail cannot be delivered in time, district directors and the citizen requesters will be contacted by phone.

Meeting Agendas

Code § 2.2-3707(F):

“At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made

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available for public inspection at the same time such documents are furnished to the members of the public body.”

In the above statement all agenda materials, (with the exception of “exempt” materials) should be made available for public scrutiny. Some examples of exempt materials include tax returns, medical records, personnel records, personal or proprietary information supplied relating to a resource management plan as per § 10.1-104.7(E), and site specific location information about rare, threatened, endangered or imperiled plant and animal species, natural communities, caves and significant historic and archaeological sites if that disclosure would jeopardize the existence or integrity of the resource. A complete listing of exempt items is found in Code §§ 2.2-3705.1. through 2.2-3706.

Electronic Communication Meetings

❖ **If a district board meets and there isn’t a quorum of directors present to vote on items, may an absent voting member be called so they may join the meeting by telephone to obtain an additional vote?**

No. This is a direct violation of the Act unless permitted by §2.2-3708.2(A)(3). In the rare case that the Act may allow for an electronic communication meeting, one of the three requirements is “A quorum of the public body is physically assembled at one primary or central meeting location”.

Code § 2.2-3708.2(C)(2).

As a political subdivision of the Commonwealth, a quorum of district directors must be “physically assembled at one location” before any additional directors may join the meeting by phone. The public body must also “make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.” Code § 2.2-3708.2(C)(3).

❖ **Is there any situation that would allow for a SWCD to hold an electronic communication meeting without a quorum physically assembled?**

Yes, but only in an emergency situation where two conditions must be met. “Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency.”

Code § 2.2-3708.2(A)(3).

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Minutes

❖ Are recorded minutes required at all district meetings (including committee meetings)?

Yes. “Minutes shall be recorded at all open meetings”. Committee meetings are considered “open meetings”. Therefore, minutes are required at such meetings. Draft minutes and all other records of open meetings, including audio or audio/visual records are also considered public records.

“Minutes shall be in writing and shall include, (a) the date, time and location of the meeting, (b) the members of the public body recorded as present and absent, and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.”

Code § 2.2-3707(H).

Public Records

Code § 2.2-3701:

““Public records” means all writings and recordings that consist of letters, words or numbers, or their equivalent...however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.”

❖ What records may the public see? Are there any exceptions?

Unless a record is deemed an exception in this Act or another Virginia or federal statute, it shall be made available to the public. The Act states that “all public records shall be open to inspection and copying by any citizens of the Commonwealth during regular office hours...”.

There are over 100 exemptions listed in the Act found under Code §§ 2.2-3705.1 through 2.2-3706. The district may choose not to disclose these excluded items. Examples include tax returns, medical records, personnel records, information supplied for the purpose of a resource management plan (as per § 10.1-104.7(E)) and site specific location information about rare, threatened, endangered or imperiled plant and animal species, natural communities, caves and significant historic and archaeological sites if that released would jeopardize the existence or integrity of the resource.

❖ Are district employee salaries open to public access?

Yes. The “records of the name, position, job classification, official salary or rate of pay of...any officer, official or employee of a public body” are open to the public as long as the individual makes more than \$10,000 a year.

Code § 2.2-3705.1(1)

❖ Is one employee allowed to know the official salary of another?

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Yes. Government employees and officials have the same FOIA rights as any other citizen.

Code § 2.2-3704(A).

Resource Management Plans and FOIA

❖ Are resource management plan records exempt from FOIA?

Yes. Resource management plans and information provided by an individual for the purpose of a resource management plan are listed in FOIA as records that are exempt from public access.

“Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency or board of the Commonwealth pursuant to §§10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.”

Code § 2.2-3705.6(25)

❖ Can an open meeting be closed to discuss resource management plans?

Yes. An open meeting may be closed to allow for discussion of resource management plans and associated material as authorized by FOIA. The law provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or for information that has been transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

“Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of §10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.”

Code § 2.2-3711(A)(45)

5-day Response Time for Public Records

❖ What procedure does the district follow when it is asked for records?

The district must respond to the requester in writing within five working days of the request. There are several responses the district can make:

1. The records are made available as requested.

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2. The records are entirely withheld as permitted by the Act or another statute. In this case the district must put in writing the volume and subject matter of the records and what specific section(s) of the Code exempt the records from disclosure.
3. The records are provided in part and withheld in part. As stated above, the district must put in writing the volume and specific section(s) of the Code that exempts the withheld portion(s) of the request.
4. State that the records could not be found or do not exist. If the district knows that another public body has the records, then the district must provide contact information for the other public body.
5. State that it isn't practically possible to provide all the requested records or to determine whether they are available within five working days. This response must be provided in writing and specify the conditions which make a response impossible. As long as the district lets the requester know this within five working days of the request, then the SWCD shall have an additional seven working days to provide one of the four previous responses.

Code § 2.2-3704(B).

*Failing to respond is deemed a denial of the request and is a violation of FOIA.

Code § 2.2-3704(E).

❖ What if there isn't enough time to respond to a request within 12 working days?

The district can petition the appropriate court for an extension if the request is of a large volume or requires a lengthy search and the district cannot fulfill its operational duties. However, the district first must make "reasonable efforts to reach an agreement with the requester concerning the production of the records requested" before proceeding with the petition.

Code § 2.2-3704(C).

❖ Is the district allowed to ask why the records are needed?

The Virginia Supreme court ruled that the motive for a record request is irrelevant. The requester is not obligated to tell the district why the records are being requested.
Associated Tax Service, Inc. v. Fitzpatrick, 236 Va. 181, 372 S.E.2d 625 (1988).

Electronic Records

❖ Is the district required to process a request for records stored on a computer?

What if exempt and nonexempt records are present on the same database?

Yes, the district must process a request for electronic records unless the records are exempt under the Act or another statute. The district can charge for this service as stated in the next section entitled "Record Fees". If portions of a database are exempt and others must be disclosed, then only the exempt portions would be redacted. Removing exempt fields from a database is not considered the creation of a new record.

Code § 2.2-3704(F and G).

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Record Fees

Code § 2.2-3704(F):

“A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records...Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.”

- ❖ **If the district has a request for records and the cost to access and duplicate them will be over \$200 may they ask for some money up front?**

Yes. “In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records.”

Code § 2.2-3704(H).

FOIA Officer Requirement

Code § 2.2-3704.2(A):

“All public bodies...shall designate and publically identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body’s compliance with the provisions of this chapter.”

- ❖ **Are there any training requirements for the FOIA Officer?**

Yes! “Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council.”

Code § 2.2-3704.2(E)

- ❖ **Does the district have to post the name of its FOIA officer?**

Yes. “...The name and contact information of the public body’s FOIA officer... shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body’s place of business, posting on its official public government website, or including such information in its publications.”

Code § 2.2-3704.2(C)

“The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.”

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Code § 2.2-3704.2(F)

“The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.”

Code § 2.2-3704.2(G)

FOIA Remedies

A person who feels his or her FOIA rights have been violated may file a petition for mandamus or injunction against the public body. Stated simply, a petition asks the court to order the public body to do something (mandamus) or not to do something (injunction). A single violation, including a procedural violation, is enough for a petition to be brought. If the petitioner substantially prevails, FOIA requires the public body to pay his or her court costs, attorney fees, and any expert witness fees, unless there are special circumstances that would make the award unjust.

Code § 2.2-3713.

FOIA Penalties

If the court finds that an officer, employee, or member of a public body “willfully and knowingly” was in violation of this Act, then it “shall impose upon such officer, employee, or member...a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid to the State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.”

Code § 2.2-3714(A).

In addition to any of the above penalties imposed, “...if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester... because the officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period” established by the Virginia Public Records Act, “the court may impose upon such officer, employee, or member in his individual capacity...a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the State Literary Fund.”

Code § 2.2-3714(B).

In addition to any of the above penalties imposed, “...if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of §2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of §2.2-3712, the court may impose on the public body...a civil penalty of up to \$1,000, which amount shall be paid into the State Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider” reliance on opinions of the OAG, court cases and published opinions of the FOIA Council.

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Code § 2.2-3714(C).

❖ **Are there any provisions for relying on opinions from the FOIA Council?**

Yes! “Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation...shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued [by the FOIA Council]...as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.”

Code § 2.2-3715

Virginia Freedom of Information Advisory Council

Website- <http://foiacouncil.dls.virginia.gov/> Phone- 1-866-448-4100 or 804-698-1810

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Chapter 37 of Title 2.2
The Virginia Freedom of Information Act
(Effective July 1, 2019)

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§ 2.2-3700. Short title; policy.

A. This chapter may be cited as "The Virginia Freedom of Information Act."

B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

Any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void.

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal

assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 2.2-3702. Notice of chapter.

Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.

§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; and (iii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;
2. Petit juries and grand juries;
3. Family assessment and planning teams established pursuant to § 2.2-5207;
4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;
5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;
6. The Virginia State Crime Commission; and
7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as

appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

§ 2.2-3703.1. Disclosure pursuant to court order or subpoena.

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.
2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.
4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by

the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact.

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;
2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;
3. A general description, summary, list, or index of the types of public records maintained by such public body;
4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and
6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

§ 2.2-3704.2. Public bodies to designate FOIA officer.

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies that are subject to the provisions of this chapter, shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its official public government website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council. Any such training shall document that the training required by this subsection has been fulfilled.

F. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.

G. The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.

§ 2.2-3704.3. (Effective July 1, 2020) Training for local officials.

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide online training sessions for local elected officials on the provisions of this chapter.

B. Each local elected official shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

§ 2.2-3705. Repealed.

Repealed by Acts 2004, c. 690.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

No provision of this chapter or any provision of Chapter 38 (§ 2.2-3800 et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1; (ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered

to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, "personal contact information" means the information provided to the public body for the purpose of receiving electronic mail from the public body and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.
2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.
3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.
4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.
6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.
10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.
11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.
12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.
13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.
14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:
 - a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire

protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.
2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.
3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.
4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.
5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.
6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.
7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local

governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues,

whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or

caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.
3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-141 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.
4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.
5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.
6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.
7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by §

32.1-283.7; or (v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by 32.1-283.8.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such

disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad

Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

(1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.
 16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.
 17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.
 18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.
- In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.
 20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.
 21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant or loan application, or accompanying a grant or loan application, submitted to the Virginia Research Investment Committee established pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant or loan application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan applications, including any scoring or prioritization documents prepared for and forwarded to the Committee pursuant to subsection D of § 23.1-3133.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Committee:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Research Investment Committee shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the party to the application. The Committee shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.
2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has

been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.
4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.
5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.
6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.
7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.
8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or

(iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.
14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.
15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.
16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.
17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.
19. (Effective until October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.
19. (Effective October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.
20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.
21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.
22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.
23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.
24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:
 - a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers,

prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

- (1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.
30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.
31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.
32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.
33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.
34. (Effective January 1, 2020) Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

§ 2.2-3705.8. Limitation on record exclusions.

Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.

A. Records required to be released. All public bodies engaged in criminal law-enforcement activities shall provide the following records when requested in accordance with the provisions of this chapter:

1. Criminal incident information relating to felony offenses, which shall include:
 - a. A general description of the criminal activity reported;
 - b. The date the alleged crime was committed;
 - c. The general location where the alleged crime was committed;
 - d. The identity of the investigating officer or other point of contact; and
 - e. A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision 1.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision 1 shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

2. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
3. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and
4. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision A 1;

2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;
3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;
7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;
8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;
9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;
10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and
11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913.

C. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision B 9 of this section and subdivision 1 of § 2.2-3705.1, as applicable.

E. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

F. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708.2 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;

2. Placing such notice in a prominent public location at which notices are regularly posted; and

3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (3) the identity of the members of the public body who were not present at the locations identified in clauses (1) and (2) but who monitored such meeting through electronic communication means.

§ 2.2-3707.01. Meetings of the General Assembly.

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a

majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § 2.2-3708.2.

§ 2.2-3707.1. Posting of minutes for state boards and commissions.

All boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of this chapter shall post minutes of their meetings on such body's official public government website and on a central electronic calendar maintained by the Commonwealth. Draft minutes of meetings shall be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

§ 2.2-3708 and 2.2-3708.1. Repealed.

Repealed by Acts 2018, c. 55, cl. 2.

§ 2.2-3708.2. Meetings held through electronic communication means.

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or

- b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.
2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting; and
- c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4;

shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

a. The total number of meetings held that year in which there was participation through electronic communication means;

b. The dates and purposes of each such meeting;

c. A copy of the agenda for each such meeting;

d. The primary or central meeting location of each such meeting;

e. The types of electronic communication means by which each meeting was held;

- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

§ 2.2-3709. Expired.

Expired.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited.

A. Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

B. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. Nothing in this subsection shall operate to exclude any public record from the provisions of this chapter.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game

information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established

pursuant to § 32.1-283.7, and those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.
29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.
31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.
32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.
34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.
35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.
36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.
37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.
39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.
40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.
42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.
43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.
44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.
45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.
46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.
47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the

Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.
 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.
 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.
 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.
- B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.
- C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.
- D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.
- E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and (iii) cites the applicable exemption from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

B. The notice provisions of this chapter shall not apply to closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such closed meeting for the purpose of interviewing candidates, the public body shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within 15 days thereafter.

C. The public body holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of this chapter and identified in the motion required by subsection A.

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the public body present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce the provisions of this chapter.

F. A public body may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic that is a subject of the meeting.

G. A member of a public body shall be permitted to attend a closed meeting held by any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of § 2.2-3707, the minutes of the committee or other entity shall include the identity of the member of the parent public body who attended the closed meeting.

H. Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § 2.2-3707.

I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure.

§ 2.2-3713. Proceedings for enforcement of chapter.

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. However, if the petition or the affidavit supporting the petition for mandamus or injunction alleges violations of the open meetings requirements of this chapter, the three-day notice to the party against whom the petition is brought shall not be required. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs,

including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

§ 2.2-3714. Violations and penalties.

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3707, 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

§ 2.2-3715. Effect of advisory opinions from the Freedom of Information Advisory Council on liability for willful and knowing violations.

Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation pursuant to § 2.2-3714 shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued pursuant to § 30-179 as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.

CLOSED MEETING GUIDELINES

Closed Meetings of public bodies are permitted only for one or more of the purposes specified in the Virginia Freedom of Information Act (FOIA), § 2.2-3711(A). Any exemption from public access to meetings or records shall be narrowly construed.

GOING INTO CLOSED MEETINGS:

1. A motion by a public body to hold a Closed Meeting must consist of three specific items. The motion must: (1) identify the subject matter, (2) state the purpose(s) of the closed meeting, and (3) make specific reference to the statutory authority for the Closed Meeting. § 2.2-3712(A) of the *Code of Virginia*. *See “Sample Motions for Going into Closed Meetings” below.
2. Only matters specifically noted in the closed meeting motion may be discussed during a Closed Meeting. § 2.2-3712(C) of the *Code of Virginia*.
3. Minutes are not required to be taken during a Closed Meeting. Any minutes taken during a Closed Meeting are not subject to mandatory public disclosure under FOIA. § 2.2-3712(I) of the *Code of Virginia*.
4. Only directors and those invited by the public body shall be included in the Closed Meeting. § 2.2-3712(F) of the *Code of Virginia*.
5. Though not specifically required by law, an estimated time to reconvene should be announced or included in the motion so that the public will know when to return.

*Sample Motions for Going into Closed Meetings

- 1) “I move that the {name of public body} go into Closed Meeting in accordance with the Virginia Freedom of Information Act § 2.2-3711(A)(1) to discuss merit pay increases for {named individual employee(s)}.”
- 2) “I move that the {name of public body} go into Closed Meeting in accordance with the Virginia Freedom of Information Act § 2.2-3711(A)(3) to discuss possible purchase of the property, known as Stumpy Hill.”
- 3) “I move that the {name of public body} go into Closed Meeting pursuant to the Virginia Freedom of Information Act § 2.2-3711(A)(11) to discuss possible recipients of the Virginia Clean Water Farm Award.”
- 4) “I move that the {name of public body} go into Closed Meeting pursuant to the Code of Virginia § 2.2-3711(A)(45) for discussion or consideration of personal and proprietary information excluded from the provisions of this chapter pursuant to (i) § 2.2-3705.6.25, or (ii) § 10.1-104.7(E), Review of a Resource Management Plan.”

This information was prepared by staff of the Virginia Department of Conservation and Recreation for members of the Commonwealth’s Soil and Water Conservation Districts as a means of raising awareness and understanding about certain provisions of the Virginia Freedom of Information Act. It should be used as a companion reference to the Code of Virginia. It is not intended to serve as a legally binding interpretation of the act or its provisions. Should an interpretation be needed, contact the VA FOIA Advisory Council (foiacouncil@dls.virginia.gov or 1-866-448-4100) or your OAG representative. You may also visit the FOIA Advisory Council’s website at <http://foiacouncil.dls.virginia.gov/> for additional information.

COMING OUT OF CLOSED MEETINGS:

1. At the conclusion of any closed meeting, the public body must immediately reconvene in an open meeting. § 2.2-3712(D) of the *Code of Virginia*.
 2. The public body must have a roll call or other recorded vote to be included in the minutes that states that the members in the Closed Meeting heard, discussed or considered only:
 - (1) Public business matters lawfully exempted from open meeting requirements,
- AND
- (2) Public business matters specifically identified in the original motion to convene into Closed Meeting. § 2.2-3712(D) of the *Code of Virginia*.

*See “Sample Motions for Certifying Closed Meetings” below.

3. A Certification of Closed Meeting that becomes a part of the official minutes must be adopted when the open meeting reconvenes. This can be in the form of a motion to certify the closed meeting or it can be in the form of a resolution approved by the board. A resolution assures the public body fulfills the obligations set forth in FOIA. (See certification document example on page 3).
4. Any resolution or decision made during the Closed Meeting must be presented and voted on during an open meeting of the public body. §§ 2.2-3711(B) and 2.2-3712(H) of the *Code of Virginia*.
5. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii) as outlined above shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body. § 2.2-3712(D) of the *Code of Virginia*.

*Sample Motions for Certifying Closed Meetings

- 1) “Pursuant to the *Code of Virginia* § 2.2-3712(D), I move to certify that, to the best of each member’s knowledge, only matters lawfully exempted and as identified in the motion by which the Closed Meeting was convened were heard or discussed by this {name of public body} during the Closed Meeting.” (This motion is considered a Certification of a Closed Meeting and can be used in lieu of a roll call vote. Please note that if there are any abstentions or dissenting votes on this motion, then a roll call vote must be taken and the protocol outlined in § 2.2-3712(D) must be followed.)
- 2) “I move for the adoption of resolution # {X}, “Certification of Closed Meeting”, which confirms that only those matters that were identified and lawfully exempted were discussed during the Closed Meeting.” (A sample certification document is included on page 3).

This information was prepared by staff of the Virginia Department of Conservation and Recreation for members of the Commonwealth’s Soil and Water Conservation Districts as a means of raising awareness and understanding about certain provisions of the Virginia Freedom of Information Act. It should be used as a companion reference to the Code of Virginia. It is not intended to serve as a legally binding interpretation of the act or its provisions. Should an interpretation be needed, contact the VA FOIA Advisory Council (foiacouncil@dls.virginia.gov or 1-866-448-4100) or your OAG representative. You may also visit the FOIA Advisory Council’s website at <http://foiacouncil.dls.virginia.gov/> for additional information.

RESOLUTION #: _____

MEETING DATE: _____

CERTIFICATION OF CLOSED MEETING

WHEREAS, the *{Public Body}* has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the *{Public Body}* that a closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the *{Public Body}* hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as identified in the motion convening the closed meeting were heard, discussed or considered by the *{public body}*.

MOTION BY: _____

SECOND BY: _____

VOTES (Requires Roll Call Vote):

AYES:

NAYS:

[For each nay vote, the substance of the departure from the requirements of the Act should be described]

ABSENT DURING VOTE:

ABSENT DURING MEETING:

Secretary of *{Public Body}*

This information was prepared by staff of the Virginia Department of Conservation and Recreation for members of the Commonwealth's Soil and Water Conservation Districts as a means of raising awareness and understanding about certain provisions of the Virginia Freedom of Information Act. It should be used as a companion reference to the Code of Virginia. It is not intended to serve as a legally binding interpretation of the act or its provisions. Should an interpretation be needed, contact the VA FOIA Advisory Council (foiacouncil@dls.virginia.gov or 1-866-448-4100) or your OAG representative. You may also visit the FOIA Advisory Council's website at <http://foiacouncil.dls.virginia.gov/> for additional information.

January 2019



Virginia Department of Conservation & Recreation

**VIRGINIA SOIL AND WATER CONSERVATION BOARD GUIDANCE
DOCUMENT ON FREEDOM OF INFORMATION ACT REQUIREMENTS
FOR RESOURCE MANAGEMENT PLANS PROGRAM IMPLEMENTATION
BY SOIL AND WATER CONSERVATION DISTRICT BOARDS AND
TECHNICAL REVIEW COMMITTEES**

Approved May 20, 2015 (Effective July 1, 2015); revised September 27, 2018

Summary:

This document serves to provide guidance to Resource Management Plan (RMP) review authorities regarding the review of RMPs in a manner which protects personal, proprietary, and confidential information while also remaining in compliance with Virginia Freedom of Information Act (FOIA) (§2.2-3700 et seq. of the *Code of Virginia*) requirements. The document outlines procedures to be utilized in accordance with closed meeting allowances provided for in § 2.2-3711 (A) (45) and referenced in § 10.1-104.7 (E) of the *Code of Virginia* in order to protect such information.

Electronic Copy:

An electronic copy of this guidance in PDF format is available on the Regulatory Town Hall under the Virginia Soil and Water Conservation Board at
<http://townhall.virginia.gov/L/GDocs.cfm>.

Contact Information:

Please contact the Department of Conservation and Recreation's Division of Soil and Water at rmp@dcr.virginia.gov or by calling 804-371-0297 with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for Virginia's Soil and Water Conservation Districts (Districts) and their Technical Review Committees (TRCs) that administer the RMP Program on behalf of the Virginia Soil and Water Conservation Board (VSWCB) and the Department of Conservation and Recreation (Department). This guidance provides a general interpretation of the applicable Code and Regulations but is not meant to be exhaustive in nature. Each situation may differ and may require additional interpretation of the Resource Management Plans Act and attendant regulations.

FOIA Requirements for RMP Review by District Boards and TRCs

I. Background:

The RMP program provides a voluntary way to promote the use of conservation practices that improve farming operations and water quality. RMPs can help farm owners and operators take advantage of all the conservation measures at their disposal. The plans are designed to encourage farmers, either the farm owner or operator, to use a high level of best management practices (BMPs) that reduce runoff pollution to local waters and, in many cases, improve the farmer's financial bottom line.

Section 4VAC50-70-70 (A) of the RMP regulations stipulates that “[u]pon completion of a new or revised RMP in accordance with 4VAC50-70-50 and 4VAC50-70-60, the owner or operator or the RMP developer on behalf of the owner or operator, shall submit the RMP to the review authority.”

Section 4VAC50-70-70 (B) of the RMP regulations stipulates that “[e]ach soil and water conservation district shall establish a Technical Review Committee (TRC). RMPs received by a soil and water conservation district shall be referred to the TRC for review to ensure the RMP fully meets the minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50.”

The definition of Technical Review Committee set out in 4VAC50-70-10 specifies that a TRC is a committee established by a Soil and Water Conservation District Board to review RMPs and provide recommendations to the Soil and Water Conservation District Board regarding RMPs.

FOIA [§ 2.2-3705.6 (25) of the *Code of Virginia*] provides an exclusion for information of a proprietary nature furnished by an agricultural landowner or operator pursuant to an RMP, and the Resource Management Plans Act [§ 10.1-104.7 (E) of the *Code of Virginia*] specifies that any personal or proprietary information collected pursuant to the Act shall be exempt from FOIA, except where specifically permitted in accordance with the section. Further, § 2.2-220.3 of the *Code of Virginia* specifies that information collected pursuant to voluntary actions taken by the agricultural and silvicultural sectors shall be maintained as confidential and is also exempt from FOIA.

As it relates to RMP review and discussion, TRCs and District Boards are, by definition, public bodies, and meetings of the TRC or the District Board are required to be open meetings, unless the subject of the RMP item being discussed would result in the disclosure of personal or proprietary information which allows for such information to be discussed in a closed meeting as provided for in § 2.2-3711 (A) (45) and referenced in § 10.1-104.7 (E) of the *Code of Virginia*.

This guidance serves to clarify procedures that TRCs and District Boards as public bodies should follow regarding the management and discussion of personal, proprietary, and confidential information associated with RMPs and the RMP program.

II. Definitions

"Closed meeting" means a meeting from which the public is excluded. (Pursuant to § 2.2-3701 of the *Code of Virginia*)

"Department" means the Department of Conservation and Recreation.

"Director" means the officially appointed individual who directs, and is ultimately responsible for, the overall operations of the Department of Conservation and Recreation.

"Meeting" or "Meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter. (Pursuant to § 2.2-3701 of the *Code of Virginia*)

"Open meeting" or "public meeting" means a meeting at which the public may be present. (Pursuant to § 2.2-3701 of the *Code of Virginia*)

"Operator" means a person who exercises managerial control over the management unit. (Pursuant to 4VAC50-70-10)

"Owner" means a person who owns land included in a management unit. (Pursuant to 4VAC50-70-10)

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include ... (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. ... (Pursuant to § 2.2-3701 of the *Code of Virginia*)

"Review authority" means a soil and water conservation district or the department where applicable that is authorized under this chapter [the RMP Regulations] to determine the adequacy of a resource management plan and perform other duties specified by this chapter. (Pursuant to 4VAC50-70-10)

"RMP developer" means an individual who meets the qualifications established by this chapter to prepare or revise a resource management plan. (Pursuant to 4VAC50-70-10)

"Soil and water conservation district" or "district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Chapter 5 (§ 10.1-500 et seq.) of Title 10.1 of the Code of Virginia. (Pursuant to 4VAC50-70-10)

"Technical Review Committee" or "TRC" means a committee established by a soil and water conservation district board to review RMPs and provide recommendations to the soil and water conservation district board regarding RMPs. A TRC may include, but not be limited to, the following members: soil and water conservation district directors, associates, and personnel; Virginia Cooperative Extension personnel; department nutrient management specialists; and such other technical resources available to the district. (Pursuant to 4VAC50-70-10)

III. Authority:

The Resource Management Plan Act (§ 10.1-104.7 et seq. of the *Code of Virginia*) contains the following authorities applicable to this guidance:

§ 10.1-104.7 Resource Management Plans; effect of implementation; exclusions.

E. Any personal or proprietary information collected pursuant to this article shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information. This subsection shall not preclude the application of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) in all other instances of federal or state regulatory actions. Pursuant to subdivision A 45 of § 2.2-3711, public bodies may hold closed meetings for discussion or consideration of certain records excluded from the provisions of this article and the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

The FOIA Act (§ 2.2-3700 et seq. of the *Code of Virginia*) contains the following authorities applicable to this guidance:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

Consideration for maintaining the confidentiality of information included in an RMP regarding voluntary actions taken by the agricultural and silvicultural sectors must also be made.

§ 2.2-220.3. Development of strategies to collect land use and conservation information.

The Secretary of Natural Resources, with assistance from the Secretary of Agriculture and Forestry, shall establish and maintain a database of the critical data attributes for onsite best management practices implemented in the Commonwealth that limit the amount of nutrients and sediment entering state waters. The database shall document voluntary actions taken by the agricultural and silvicultural sectors and should enable the application of the collected data towards projections of progress towards Virginia's water quality goals by sharing the data with the appropriate federal or state agencies. To the extent possible or appropriate, the database shall (i) be uniform in content and format to applications in the other states of the Chesapeake Bay watershed, (ii) Maintain the confidentiality of information, and (iii) use existing methods of data collection including reports to the U.S. Department of Agriculture's Farm Service Agency, soil and water conservation districts, and localities for the purpose of land use valuation. Any information collected pursuant to this section shall be exempt from the Freedom of Information Act (§ 2.2-3700 et seq.).

The Resource Management Plans Regulations contain the following authorities applicable to this guidance:

4VAC50-70-70. Review of a Resource Management Plan.

A. Upon completion of a new or revised RMP in accordance with 4VAC50-70-50 and 4VAC50-70-60, the owner or operator or the RMP developer on behalf of the owner or operator, shall submit the RMP to the review authority. If the RMP developer is a district employee or district board member of the district that is the designated review authority, the department shall serve as the review authority for that RMP.

B. Each soil and water conservation district shall establish a Technical Review Committee (TRC). RMPs received by a soil and water conservation district shall be referred to the TRC for review to ensure the RMP fully meets the minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50. [Following review, the TRC provides recommendations to the soil and water conservation district board regarding RMPs.] ...

IV. Discussion and Interpretation:

The Department's RMP regulations (4VAC50-70-10 et seq.) require a District Board to set up a TRC, which will review the RMPs and provide recommendations to the District Board. The District board votes on the RMP. While conducting the review and associated meetings, the TRC and District Board must protect personal and proprietary information associated with an RMP.

FOIA [§ 2.2-3705.6 (25) of the *Code of Virginia*] provides an exclusion for information of a proprietary nature furnished by an agricultural landowner or operator pursuant to an RMP, and the Resource Management Plans Act [§ 10.1-104.7 (E) of the *Code of Virginia*] specifies that any personal or proprietary information collected pursuant to the Act shall be exempt from FOIA, except where specifically permitted in accordance with the section. Further, § 2.2-220.3 of the *Code of Virginia* specifies that information collected pursuant to voluntary actions taken by the agricultural and silvicultural sectors shall be maintained as confidential and is also exempt from FOIA.

In order to prevent public disclosure of such protected information, a closed meeting to discuss such information as it relates to RMPs is provided for in § 2.2-3711 (A) (45) and referenced in § 10.1-104.7 (E) of the *Code of Virginia*.

For the purposes of the closed meeting exemption, "personal information" should be understood as information that reveals the identity of the applicant or location of the tract: for example, any and all maps or geographic references. The applicant's suite of BMPs (including the specifics of each component) is not "proprietary information" so long as those BMPs, and any associated soil studies and other information, are not linked to the applicant or the tract's location thus the release of such information would not inhibit a business or have an economic impact on it should such information be generally disclosed. Where a FOIA question arises, the Districts should consult with legal counsel at the Office of the Attorney General.

Documents furnished by an owner or operator are excluded from FOIA and should not be released. Other documents (not furnished by an owner or operator) that contain personal or proprietary information should not be released or should be redacted. Districts should contact legal counsel as questions arise regarding what can be disclosed and in what manner.

Below is a list of items not subject to FOIA:

General Information

- Any 1619 information (farm, tract, and field) [available as a USDA Section 1619 Cooperator]; and
- Social security numbers and tax id numbers.

Specific RMP Information

- RMP-1 and RMP-2 BMP applications/approvals/contracts;
- RMPs and associated documents and plans;
- Farm assessment for an RMP;
- Attachments (pdf, pics, etc) to an RMP;

- Maps developed for an RMP; and
- RMP data contained in the Conservation Planning and RMP Modules.

Below is a list of items that will contain protected personal or proprietary information and which must be redacted if released:

- RMP inspection documents;
- RMP corrective action agreements;
- E-mails and letters associated with a specific RMP regarding RMP development, review, Certificate issuance, modification, and revocation;
- RMP developer applications; and
- Any information regarding an RMP developer except information released on the Department's website.

Because the law specifies a permissible way to release the RMP gathered information (i.e., in statistical or aggregate form) by the Director or upon the certification for release by the person who is the subject of the information, release in other forms is prohibited by law. Thus, if a District receives a FOIA request for an RMP or list of applicants, it should, pursuant to § 2.2-3704 (B) (1) or (B) (3) of the *Code of Virginia*, timely respond that the District is prohibited by law from releasing the RMP information and refer the requester to the Department.

FOIA also requires that all meetings of public bodies shall be open, unless otherwise exempted. A District Board falls within the FOIA definition of a public body. Additionally, a TRC also qualifies as a public body under FOIA, as it is a committee created to advise a public body (despite including citizen members).

However, in accordance with § 2.2-3711 (A) (45) of the Code of Virginia, the discussion or consideration of personal and proprietary information that is excluded from the provisions of FOIA pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7 by a TRC or District Board may be handled in a closed meeting, or other options to protect the disclosure of personal and proprietary information may also be considered.

A TRC or District Board may utilize either one or a combination of the following three options to discuss the RMP. It is important to realize; however, that the TRC or District Board must always conduct the recommendation for approval or RMP approval vote, respectively, in an open meeting. This document will provide further guidance regarding each of the options listed below:

1. A TRC or District Board may go into closed session to discuss personal and proprietary information regarding an RMP. (This option will provide for the most streamlined process and create the least opportunity for the accidental disclosure of personal, proprietary, or confidential information.)
2. A TRC or District Board may redact personal, proprietary, and otherwise confidential information from the discussion packet and conduct the entire meeting in an open meeting. In an open meeting, the plan must be referenced only by a plan number.
3. A District Board may delegate RMP approval (following TRC review and recommendation) to a single individual who would approve the RMP outside of a meeting. [It is strongly recommended that such actions should be reported back to the

District Board and be reflected in District Board minutes to ensure continuity of RMP records.]

1) CLOSED MEETING GUIDELINES FOR DISCUSSION OF PERSONAL AND PROPRIETARY INFORMATION ASSOCIATED WITH A RESOURCE MANAGEMENT PLAN

Closed meetings of public bodies are permitted only for one or more of the purposes specified in the Virginia Freedom of Information Act (FOIA), § 2.2-3711 (A). Any exemption from public access to meetings or records shall be narrowly construed.

A TRC or District Board may go into closed session to discuss personal and proprietary information regarding an RMP. Section 2.2-3711 of the *Code of Virginia* authorizes a closed meeting for discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of Code § 2.2-3705.6 or (ii) subsection E of Code § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been authorized for release by the person who is the subject of the information. It also does not apply to information that has been transformed into statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

This exclusion will allow the TRC or District Board to go into closed session to discuss only the portions of an RMP that are considered personal and proprietary information. Any motion to recommend a plan or decline a plan by the TRC, or to approve or decline a plan by the District Board, must happen in open session. The vote must also occur in open session. Members may state on the record why they voted the way they did, but may not reveal any personal or proprietary information. The meeting minutes for the open session must be in writing and must capture: (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated, or decided, and a record of any votes taken (§ 2.2-3707 (H) of the *Code of Virginia*). When the meeting becomes open, the plan should be referenced by the plan number. Only redacted plans should be allowed in the open meeting. If the person who is subject of the information has authorized release of such information, the exemption no longer applies.

Going Into Closed Meetings:

1. A motion by a public body to hold a Closed Meeting must specifically state the purpose(s) for the session and reasonably identify the subject matters to be discussed. Specific reference must be made to the statutory authority for the Closed Meeting. A general reference alone is not sufficient. § 2.2-3712 (A) of the *Code of Virginia*.
*See sample motion 1 below.
2. Nothing may be discussed in the Closed Meeting except matters included in the motion to go into Closed Meeting. § 2.2-3712 (C) of the *Code of Virginia*.

3. Minutes during a Closed Meeting are not required, and if taken are not subject to public disclosure. § 2.2-3712 (I) of the *Code of Virginia*.
4. Only public body members and those individuals with relevant information useful in the plan review process invited by the public body shall be included in the Closed Meeting. § 2.2-3712 (F) of the *Code of Virginia*.
5. Though not specifically required by law, an estimated time to reconvene should be announced or included in the motion so that the public will know when to return.

***Sample Motion 1**

I move the [public body] go into Closed Meeting in accordance with the Virginia Freedom of Information Act § 2.2-3711 (A) (45) for discussion or consideration of personal and proprietary information excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of §10.1-104.7, Review of a Resource Management Plan.

This closed meeting will be attended only by members of the [public body]. However, pursuant to § 2.2-3712 (F), the [public body] requests [ex. the RMP developer for plan # XXX] to also attend this meeting, as it believes their presence will reasonably aid the [public body] in its consideration of topics that are the subject of the meeting.

Coming Out of Closed Meetings:

1. At the conclusion of any closed meeting, the public body must reconvene into the open meeting. § 2.2-3712 (D) of the *Code of Virginia*.
2. The public body must have a roll call and recorded vote of a motion to be included in the minutes that states the members in the Closed Meeting heard, discussed or considered only:
**See sample motion 2 below
 - (1) Public business matters specifically identified in the original motion to convene into Closed Meeting
AND
 - (2) Public business matters lawfully exempted from open meeting requirements. § 2.2-3712 (D) of the *Code of Virginia*.
3. A Certification of Closed Meeting that becomes a part of the official minutes must be adopted when the open meeting reconvenes. This resolution assures the public body fulfills the obligations set forth in FOIA. (See attached Certification example.)

4. Any resolution, motion, or decision made during the Closed Meeting must be presented and voted on during an open meeting of the public body. §§ 2.2-3711(B) and 2.2-3712(H) of the *Code of Virginia*.
5. Any member of the public body who believes that there was a departure from the requirements of clauses 2. (1) and (2) outlined above shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body. § 2.2-3712 (D) of the *Code of Virginia*. [The Certification of Closed Meeting document included below may be used to certify the meeting].

***Sample Motion 2**

Pursuant to the § 2.2-3712 (D) of the *Code of Virginia*, I move to certify that, to the best of each member's knowledge, only matters lawfully exempted and identified in the motion by which the Closed Meeting was convened were heard or discussed by this [*public body*] during the Closed Meeting. (This motion is considered a Certification of a Closed Meeting)

I move for the adoption of resolution #*[X]*, Certification of Closed Meeting, which confirms that only those matters that were identified and lawfully exempted were discussed during the Closed Meeting. (A sample Certification is included below.)

Certification of Closed Meeting

MEETING DATE: _____

RESOLUTION # _____

MOTION:

WHEREAS, the [*public body*] has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the [*public body*] that a closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the [*public body*] hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as identified in the motion convening the closed meeting were heard, discussed or considered by the [*public body*].

MOTION BY: _____

SECOND BY: _____

VOTES (requires roll call vote)

AYES:

NAYS:

[For each nay vote, the substance of the departure from the requirements of the Act should be described]

ABSENT DURING VOTE:

ABSENT DURING MEETING:

Secretary of [public body]

2) OPEN MEETING GUIDELINES FOR DISCUSSION OF A RESOURCE MANAGEMENT PLAN

A TRC or District Board may redact personal information from the information packet and conduct the entire meeting in an open meeting. Confidential information regarding voluntary BMPs must also be redacted. In an open meeting, the RMP must be referenced only by a plan number and personal and proprietary information must be protected from disclosure to the public.

If the TRC or District Board reviews or discusses personal or proprietary RMP information in an open meeting, District staff should mask or otherwise redact personal information (name, address, etc.) from the RMP packet before it is copied and provided to the TRC. To the extent it is possible to redact other identifying information without compromising the TRC's ability to evaluate the RMP, District staff should do so.

Each RMP should have an assigned plan number to be referenced in public meetings of the TRC and District Board.

Staff should attach a cover page or header reminding the TRC or District Board that disclosure of identifying information is prohibited by law.

TRC and District Board members should be reminded at the meeting that personal and proprietary information is protected from disclosure and that they should tailor their discussion accordingly. The following announcement, or one like it, would be appropriate: "It is prohibited by law to disclose personal or proprietary identifying information of an RMP applicant. Members are reminded to take care to ensure that identifying information is not disclosed."

In open meetings where the public is present, reference should be made to page/line numbers ("the BMP identified on page 4, line 10" or "the acreage identified on page 7 line 2", etc.) to the extent reasonably possible. Common sense should be utilized to discuss each RMP in a fashion that will not reveal personal or proprietary information of the protected individuals.

3) DELEGATION OF RMP APPROVAL TO A SINGLE INDIVIDUAL

Following development of a recommendation by the TRC, and in lieu of action by the full District Board, a District Board may delegate RMP approval to a single individual who would approve the RMP outside of a meeting. District directors "may delegate to their chairman or to one or more district directors, agents or employees such powers and duties as they may deem proper." § 10.1-533 of the *Code of Virginia*. A District Board is therefore empowered to delegate to one director, agent, or employee the power and duty of RMP approval. [It is strongly recommended that such actions should be reported back to the District Board and be reflected in District Board minutes, in accordance with the delegation charge, to ensure continuity of RMP records.]

MEETING PACKETS

FOIA requires that "[a]t least one copy of the proposed agenda and all agenda packets and, **unless exempt**, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body." (§ 2.2-3707 (F) of the *Code of Virginia*). However, the protected RMP documents printed for the TRC and District Board (unless properly redacted) **need not be provided to the public**. Because the information remains protected after a meeting, it is also advisable that the packets provided to the members be collected at the close of a meeting.

V Adoption, Amendments, and Repeals:

This document will remain in effect until repealed or superseded.

District Organizational Structure



February 2019



The Soil and Water Conservation District

❑ What is it?

A political subdivision of the Commonwealth of Virginia that provides a democratic means for local conservation leadership

10.1-538



What does it do?

- ❑ Provides two-way communication between citizens and government
- ❑ Focuses attention on local land, water and related natural resource problems
- ❑ Develops programs to solve natural resource problems
- ❑ Coordinates sources of help – public and private
- ❑ Provides cost-share assistance for BMPs
- ❑ Serves as a source for general conservation and natural resource information.



What does it do? continued

- ❑ Approves soil and water conservation plans required by the Chesapeake Bay Act, Tax Credit Programs, CREP and other programs
- ❑ Approves Resource Management Plans
- ❑ Develops and implements soil & water conservation programs
- ❑ Provides grants and cost-share, rents equipment and enters into cooperative agreements



Structure ~~~

Elected Directors

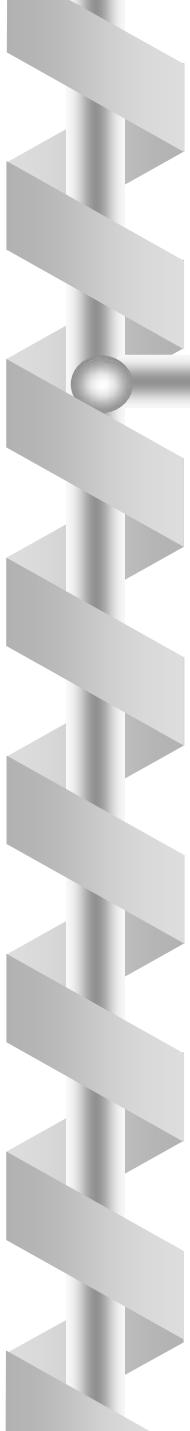
- Elected in general election (1st Tuesday in November)**
- All elected directors across the state are elected in the same year**
- Post public notice in a prominent location accessible to the public at each district office at least 30 days before the filing date (2nd Tuesday in June)**
- DCR correspondence to elected directors**
 - Notifies SWCD of upcoming elections**

Structure ~~~

Appointed Directors

- VA Soil & Water Conservation Board appoints two directors in each district on non-election years
 - >At Large director nominated by local SWCD
 - >VCE Agent director nominated by VCE in consult with local SWCD
 - Forms – DCR-DSWC 199-014, 199-015, 199-066 (Oath of Office)

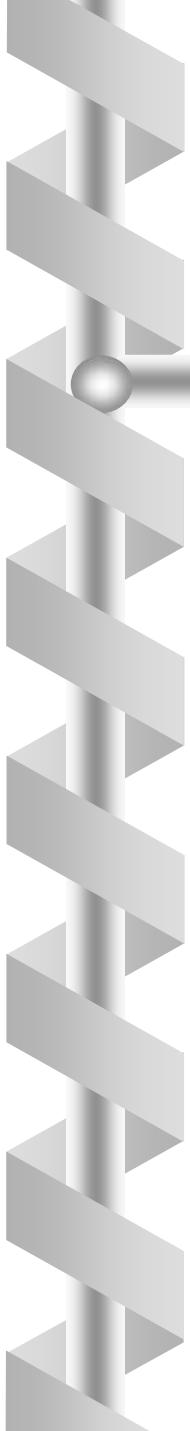




Structure ~~~

Associate Directors

- ⌚ Appointed by the Board to serve as advisors to the SWCD and representatives of the SWCD**
- ⌚ Should support conservation efforts**
- ⌚ Associate Directors do not vote, but should provide their knowledge to the Directors**
- ⌚ Should serve on district committees and attend 75% of meetings**
- ⌚ May receive reimbursement for travel-related expenditures**



Structure ~~~ Officers

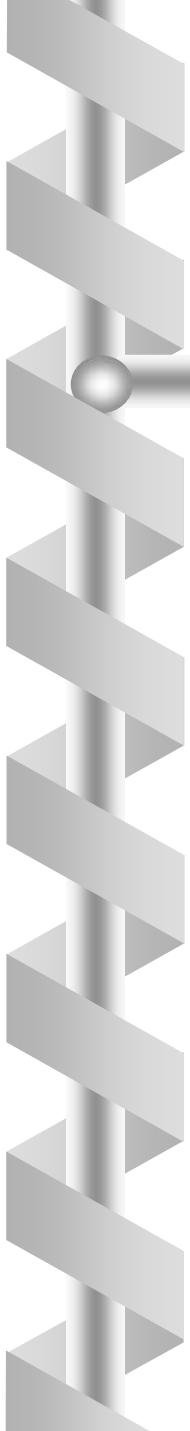
- ❑ **Chairman** – provides leadership, appoints committees, conducts meetings
- ❑ **Vice Chairman** – assists chairman as needed
- ❑ **Secretary**- keeps official minutes, maintains district files, handles correspondence
- ❑ **Treasurer** - oversees finances, leads budget planning, maintains records & presents financial statements to board.
- ❑ ***Election of officers should be held annually in Nov. – Jan.***



Structure ~~~

Committees

- Chairman makes committee assignments annually**
 - Typical committees:**
 - Personnel**
 - Budget & Finance**
 - Technical Review (TRC)**
 - Technical/Ag/Cost-share**
 - Education & Publicity**
 - Legislative**



Typical Office Structure

SWCD employees may be supervised by a District Manager or by the District Board (often delegated to the Personnel Committee)

- **District Manager/Conservation Manager**
- **Administrative Asst./Administrator**
- **Conservation Technician/Specialist**
- **TMDL Technician/Specialist**
- **Education Coordinator/Specialist**
- **Other**

VIRGINIA SOIL & WATER CONSERVATION BOARD (VSWCB)

The Virginia Soil and Water Conservation Board (board) was established by the General Assembly to help guide the delivery of soil and water conservation services to citizens of the commonwealth. The board is supported mainly by DCR staff for programs covering soil and water conservation and dam safety.

Composition:

- Nine voting members and one non-voting member (DCR director).
- All voting members are appointed by the governor.
- Three are at-large, four are farmers and two are farmers or Soil and Water Conservation District (SWCD) directors. Two of the at-large members must have a demonstrated interest in natural resource conservation with a background or knowledge in dam safety, soil conservation, or water quality protection.
- Members serve staggered four-year terms and no more than two consecutive full terms.

See § 10.1-502 of the *Code of Virginia* for a full description.

Duties include: Provide oversight and support of SWCD programs, including financial support, coordination, information exchange, the formation of districts, adjustments to their boundaries, as well as other specified duties.

Establish policies governing the distribution of appropriated funds for the delivery of the Virginia Agricultural Best Management Practices Cost-Share Program and for the administrative, operational, and technical assistance support for SWCDs.

Approve appointments of SWCD directors (two per entity and as needed to fill vacancies).

Keep district SWCD directors informed of the activities and experience of all other districts, and facilitate an interchange of advice and experience between the districts.

Provide oversight and enforcement of the commonwealth's dam safety program and regulations.

Approve the distribution of loans and grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities.

Adopt regulations for the voluntary nutrient management training and certification program and for the voluntary resource management plan program.

Approve the Virginia Agricultural Cost-Share (VACS) BMP manual as Board Guidance.

Provide for the conservation of soil and water resources, control and prevention of soil erosion, flood water and sediment damages thereby preserving the natural resources of the Commonwealth.

The Role of the Attorney General's Office in Soil & Water Conservation Districts

Assistant Attorney General assigned to Soil and Water Conservation Districts:

Robert Drewry, Assistant Attorney General

Office of the Attorney General, 209 North 9th Street, Richmond, VA 23219

Telephone: (804) 371-8329 E-mail: rdrewry@oag.state.va.us

Basic Roles:

- Advice for civil legal matters
- Representation in litigation

There are three statutes that address the Attorney General's Office's representation of SWCDs:

- **Va. Code § 2.2-507(A)– Legal Service in Civil Matters** (see below for additional information)

The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, **upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters** for such district directors or districts.

- **Va. Code § 10.1-501 - Duty of the Attorney General** (see below for additional information)

The Attorney General shall represent and provide consultation and legal advice in suits or actions under this chapter upon request of the district directors or districts.

- **Va. Code § 10.1-501.1- Defense of Claims** (see below for additional information)

The Attorney General shall provide the legal defense against any claim made against any soil and water conservation district, director, officer, agent or employee thereof (i) arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or maintained by any soil and water conservation district or used by district employees or other authorized persons in the course of their employment, or (ii) arising out of acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

Seeking Advice Va. Code § 2.2-507(A):

- Who may seek advice?

Soil and Water Conservation District Directors OR Soil and Water Conservation Districts

- Who may districts seek legal advice from:

(1) local, public, or private sources

(2) **upon request**, the Attorney General shall provide legal service in civil matters

- What may you seek advice about?

The business of the Soil & Water Conservation District

Representation and legal defense Va. Code § 10.1-501.1:

The District's role in litigation is limited to these things:

- You are suing
- You are being sued
- You are required to provide information for a lawsuit

The role of the Office of the Attorney General when SWCD is involved in litigation:

The Attorney General shall represent and provide consultation and legal advice in suits or actions under this chapter upon request of the district directors or districts. Va. Code § 10.1-501

Key Points for Va. Code § 10.1-501.1:

- (1) “The Attorney General **shall provide the legal defense** against any claim made against any soil and water conservation district, director, officer, agent or employee thereof . . .”
 - (a) If the claim is against any soil and water conservation district, director, officer, agent or employee thereof and it meets the limitation set forth in subparagraph (i) or (ii), the Attorney General’s Office must provide the defense
 - (b) The representation is limited to responding to lawsuits; it does not include bringing suits
- (2) There are two classes of actions this Office will defend:
 - (a) Those “(i) arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or maintained by any soil and water conservation district or used by district employees or other authorized persons in the course of their employment” and
 - (b) Those “(ii) arising out of acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.”

Legal Service Va. Code § 2.2-507(A)

Upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

Key Points for Va. Code § 2.2-507(A):

- (1) It limits the services provided to civil matters
- (2) Because the term “legal services” is broad, it may include bringing suits

Attorney-Client Privilege

- The attorney-client privilege protects communications between an attorney and a client from disclosure where the communication concerns rendering legal advice.
- The communication must be made with the expectation of confidentiality.
- The privilege does not apply where the communication involves the furtherance of a crime or a tort.
- Here, the privilege does not apply where the communication does not pertain to the business of a SWCD.
- Records that are protected under the attorney-client privilege are excluded from the provisions of the Freedom of Information Act in that records protected under attorney-client privilege do not have to be released to the public (§ 2.2-3705.1(2)). Also, an open meeting may be closed to the public as per FOIA in order to discuss communications protected by the attorney-client privilege (§ 2.2-3711(7)). These exclusions to FOIA remain in place until the privilege is waived.
- The privilege belongs to the client (SWCD) and can only be waived by the SWCD. Waiver occurs when the communication is disclosed to someone other than the SWCD and its attorney. Once waived, the privilege cannot be restored.

SAMPLE DIRECTOR JOB DESCRIPTION
SOIL AND WATER CONSERVATION DISTRICT

Purpose of the Position

A District Director is a non-partisan local official, elected in the general election process or appointed by the Virginia Soil and Water Conservation Board to assess local conservation needs and to develop conservation programs to address these needs.

Legal Authority

- < 10.538 of the Code of Virginia defines a soil and water conservation district as a political subdivision of the Commonwealth of Virginia.

Term of Office

- < 4 years (10.1-530)

Duties and Responsibilities

Duties of district directors (10.1-529.1) "district directors shall:

1. Identify soil and water issues and opportunities within the district or related to the district and establish priorities for addressing these issues;
2. Seek a comprehensive understanding of the complex issues that impact soil and water, and assist in resolving the identified issues at the watershed, local, regional, state, and national levels;
3. Engage in actions that will improve soil and water stewardship by use of locally led programs;
4. Increase understanding among community leaders, including elected officials and others, of their role in soil and water quality protection and improvement;
5. Foster discussion and advancement within the community of positions and programs by their district;
6. Actively participate in the activities of the district and ensure district resources are used effectively and managed wisely; and
7. Support and promote the advancement of districts and their capabilities.

SAMPLE DIRECTOR JOB DESCRIPTION
SOIL AND WATER CONSERVATION DISTRICT

(2005, c. [73](#).)

Duties and Responsibilities continued

- < Participate in District policy and program development.
 - a. Prepare multi-year and annual plans.
 - b. Establish and implement District policies regarding natural resource conservation issues, as well as personnel and office matters.
 - c. Develop and/or implement conservation programs (educational and/or technical) to meet the needs of the District.
- < Provide financial direction.
 - a. Be responsible for the proper expenditure and management of public funds.
 - b. Review and approve annual budget and grant agreements.
 - c. Review monthly treasurer reports.
 - d. Maintain a working knowledge of the budgetary process and keep local officials informed about SWCD programs.
- < Participate in public and community relations activities/programs.
 - a. Maintain an active public information and educational program so that citizens and local officials will be informed about conservation issues and district programs.
 - b. Make presentations and provide testimony at public hearings about conservation issues.
- < Participate in personnel management.
 - a. Provide guidance and direction to staff and maintain fair and legal personnel policies.
 - b. Maintain an open working relationship between staff/directors.
 - c. Serve on personnel committee and participate in all aspects of personnel management to include hiring, personnel reviews, etc.

Minimum Job Requirements

- < Attend monthly District meetings.

SAMPLE DIRECTOR JOB DESCRIPTION
SOIL AND WATER CONSERVATION DISTRICT

- < Participate on District committees and in work groups.
- < Represent the citizens of _____ County/City on conservation issues.
- < Work with a multitude of agencies and approach resolution of problems through teamwork.

Minimum Job Requirements continued

- < Adhere to state law (Conflict of Interest Act, Freedom of Information Act, etc.) and policies of the Virginia Soil & Water Conservation Board.
- < Establish and implement District policies and procedures.
- < Foster positive relationships with local, state and federal officials to promote the District's mission.
- < Practice conservation ethics.

Desired Qualifications

- < Experience with agriculture, rural land use issues and associated conservation practices.
- < Knowledge of urban development issues and associated conservation needs.
- < Understanding of local, state and national legislative processes.
- < Technical background in environmental sciences, agriculture and engineering.
- < Working knowledge of parliamentary procedures.
- < Willingness to listen, learn and work with others.
- < Willingness to cultivate and recruit potential Directors and Associate Directors.
- < Experience with personnel management.

Time Requirements

- < Approximately 9 hours per month.
 - a. Monthly board meeting: 3 hours
 - b. Review of materials, reading and prep time: 3 hours
 - c. Committee work: 3 hours

Reimbursement

- < Directors are volunteers and receive no compensation; they are reimbursed for travel to meetings, registration, meals and other associated expenses when conducting work of the District.

SAMPLE DIRECTOR JOB DESCRIPTION
SOIL AND WATER CONSERVATION DISTRICT

Training Requirements

- < Learn District policy and procedures.
- < Meet training criteria as set forth by the District.
- < Attend 1 Area Meeting and 1 state-wide meeting per year.
- < Participate in workshops and seminars related to soil and water conservation.
- < Keep informed on current natural resource/conservation issues by reviewing district correspondence, documents and technical literature and relevant program manuals.

A training program for new directors might include such tasks as:

- a. Review the working documents of the District.
- b. Meet with the Conservation District Coordinator (CDC) of the Department of Conservation and Recreation (DCR) for basic director orientation.
- c. Attend Regional Director Orientation.
- d. Meet with representatives of cooperating agencies (Natural Resources Conservation Service (NRCS), Farm Services Agency (FSA), Virginia Cooperative Extension (VCE), the Virginia Department of Forestry, etc.) to further the understanding of cooperative programs and relationships.
- e. Participate in field inspection of best management practices with district staff and CDC.

February 2019

SAMPLE ASSOCIATE DIRECTOR JOB DESCRIPTION

Purpose of the Position

An Associate District Director provides advice and support to the SWCD Board of Directors (BOD) on local conservation issues, but has no official vote. The Associate Directors are appointed for a specific term determined by the BOD and may be reappointed.

Legal Authority

10.538 of the Code of Virginia defines a soil and water conservation district as a political subdivision of the Commonwealth of Virginia.

Minimum Job Requirements

- < Interest in natural resource conservation
- < Attend 75% of regularly scheduled District board meetings
- < Participate on District committees
- < Willing to listen, learn and work with others
- < Practice conservation ethics
- < Keep informed on current conservation issues of importance to the District

Desirable Background:

- < Knowledge of agriculture, rural land uses and associated conservation needs.
- < Knowledge of urban development issues and associated conservation needs.
- < Knowledge of general conservation needs in the area served by the district.

Training Requirements

- < Meet with the Conservation District Coordinator (CDC) of the Department of Conservation and Recreation (DCR) for basic director orientation
- < Become familiar with the policies and procedures of the District
- < Attend workshops and seminars related to soil and water conservation

Time Commitment

- < Approximately 7 hours per month
 - a. Monthly board meetings: 3 hours per month
 - b. District activities and committee work: 3 hours per month
 - c. Reviewing correspondence and other written materials: 1 hours per month

Reimbursement

- < Associate Directors are volunteers and receive no compensation; they are reimbursed for travel to meetings, registration, meals and other associated expenses when conducting work of the District.

February 2019

Code of Virginia

Title 2.2 - ADMINISTRATION OF GOVERNMENT.

Chapter 31 - State and Local Government Conflict of Interests Act

Background and explanation: For the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of **conflict of interests**, the General Assembly enacts the State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

In its entirety, the Act consists of provisions specified within § 2.2-3100 through 2.2-3131 (of the above Title and Chapter of the Code of Virginia). It is important that public officials and employees gain a full understanding of the Act which includes the sections that follow pertaining to prohibited conduct § 2.2-3103, an overall explanation of the Act's purpose and intent as conveyed through § 2.2-3100, and an understanding of terms used in the Act as they are defined within 2.2-3101.

Article 1. General Provisions

- 2.2-3100** Policy; application; construction
- 2.2-3100.1** Copy of chapter; review by officers and employees
- 2.2-3101** Definitions

Article 2. Generally Prohibited and Unlawful Conduct

- 2.2-3102** Application
- 2.2-3103** Prohibited conduct
- 2.2-3103.1** Certain gifts prohibited
- 2.2-3103.2** Return of gifts
- 2.2-3104** Prohibited conduct for certain officers and employees of state government
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§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ **15.2-852**, **15.2-2287**, **15.2-2287.1**, and **15.2-2289** and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ **2.2-4367** et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § **2.2-3104.2** regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § **18.2-438** et seq.) and 3 (Bribery of Public Servants and Party Officials, § **18.2-446** et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

1987, Sp. Sess., c. 1, § 2.1-639.1; 1990, c. 672; 2001, c. **844**; 2003, c. **694**; 2008, c. **532**; 2014, cc. **792, 804**.

§ 2.2-3100.1. Copy of chapter; review by officers and employees.

Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § **2.2-3114**, subsections A or B of § **2.2-3115** or § **2.2-3116** shall be furnished by the public body's administrator a copy of this chapter within two weeks following the person's election, reelection, employment, appointment or reappointment.

All officers and employees shall read and familiarize themselves with the provisions of this chapter.

2004, cc. **134, 392**.

§ 2.2-3101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at

which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act ([§ 24.2-945 et seq.](#)); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (xvi) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 ([§ 2.2-418 et seq.](#)) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in [§ 2.2-419](#); (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest

exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § [2.2-3114](#).

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

1987, Sp. Sess., c. 1, § 2.1-639.2; 1988, c. 536; 1992, c. 865; 1993, c. 303; 1994, cc. [74](#), [724](#); 1995, c. [495](#); 1996, c. [77](#); 1997, c. [641](#); 2001, c. [844](#); 2003, c. [694](#); 2004, cc. [134](#), [392](#); 2012, cc. [345](#), [771](#); 2013, c. [475](#); 2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2016, cc. [773](#), [774](#); 2017, cc. [829](#), [832](#).

Article 2. Generally Prohibited and Unlawful Conduct.

§ 2.2-3102. Application.

This article applies to generally prohibited conduct that shall be unlawful and to state and local government officers and employees.

1987, Sp. Sess., c. 1, § 2.1-639.3; 2001, c. **844**.

§ 2.2-3103. Prohibited conduct.

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ **24.2-945** et seq.) of Title 24.2;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;
8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;
9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; or

10. Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this subdivision shall not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

1987, Sp. Sess., c. 1, § 2.1-639.4; 1994, cc. **663, 815, 851**; 2001, c. **844**; 2006, cc. **787, 892**; 2015, c. **574**.

§ 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

B. No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § **2.2-3117** or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ **2.2-418** et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § **2.2-419**; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § **2.2-3117** or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ **2.2-418** et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § **2.2-419**; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § **2.2-3117**.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be

accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § [2.2-3117](#) or [30-111](#).

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § [30-356.1](#). Such gifts shall be reported on the disclosure form prescribed in § [2.2-3117](#).

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any gift from any person that he knows or has reason to know is a person, organization, or business that is a party to such civil action. A person, organization, or business that is a party to such civil action shall not knowingly give any gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

I. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

J. The provisions of this section shall not apply to any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or substitute judge of any district court. However, nothing in this subsection shall be construed to authorize the acceptance of any gift if such acceptance would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

2014, cc. [792](#), [804](#); 2015, cc. [763](#), [777](#); 2017, cc. [829](#), [832](#).

§ 2.2-3103.2. Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for

the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1.

2015, cc. 763, 777.

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

1994, cc. 727, 776, § 2.1-639.4:1; 2001, c. 844; 2013, c. 648; 2014, cc. 792, 804; 2015, cc. 763, 777.

§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund.

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § [2.2-4302.1](#).

C. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Council.

2010, c. [732](#); 2011, c. [624](#); 2013, c. [583](#); 2015, cc. [763](#), [777](#); 2016, c. [641](#).

§ 2.2-3104.02. Prohibited conduct for constitutional officers.

In addition to the prohibitions contained in § [2.2-3103](#), no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § [2.2-3126](#), for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

2011, c. [591](#).

§ 2.2-3104.1. Exclusion of certain awards from scope of chapter.

The provisions of this chapter shall not be construed to prohibit or apply to the acceptance by (i) any employee of a local government, or (ii) a teacher or other employee of a local school board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

2001, c. [48](#), § 2.1-639.4:2; 2008, cc. [478](#), [497](#).

§ 2.2-3104.2. Ordinance regulating receipt of gifts.

The governing body of any county, city, or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift.

2003, c. [694](#).

Article 3. Prohibited Conduct Relating to Contracts

§ 2.2-3105. Application.

This article proscribes certain conduct relating to contracts by state and local government officers and employees. The provisions of this article shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ [2.2-4367](#) et seq.) of Chapter 43 of this title.

1987, Sp. Sess., c. 1, § 2.1-639.5; 2001, c. **844**; 2003, c. **694**.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § **2.2-4302.1** or **2.2-4302.2** or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a public institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in the Commonwealth that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;
8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or
9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements

shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

1987, Sp. Sess., c. 1, § 2.1-639.6; 1989, c. 74; 1991, c. 470; 1993, c. 876; 1995, c. **403**; 1998, c. **838**; 2001, c. **844**; 2002, cc. **87, 478**; 2003, c. **646**; 2006, c. **839**; 2013, c. **583**; 2015, cc. **763, 777**; 2016, cc. **773, 774**.

§ 2.2-3107. Prohibited contracts by members of county boards of supervisors, city councils and town councils.

A. No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in (i) any contract with his governing body, or (ii) any contract with any governmental agency that is a component part of his local government and which is subject to the ultimate control of the governing body of which he is a member, or (iii) any contract other than a contract of employment with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided (i) the officer or employee was employed by the governmental agency prior to July 1, 1983, in accordance with the provisions of the former Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1 as it existed on June 30, 1983, or (ii) the employment first began prior to the member becoming a member of the governing body;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a governing body as a result of competitive sealed bidding where the governing body has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the governing body. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the governing body, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

1987, Sp. Sess., c. 1, § 2.1-639.7; 2001, c. **844**.

§ 2.2-3108. Prohibited contracts by members of school boards.

- A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract with any governmental agency that is subject to the ultimate control of the school board of which he is a member.
- B. The provisions of this section shall not apply to:
1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;
 2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or
 3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

1996, c. 548, § 2.1-639.7:1; 2001, c. 844.

§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.

- A. No other officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.
- B. No officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or 11 of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;
2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;
3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;

4. Members of local governing bodies who are subject to § 2.2-3107;
5. Members of local school boards who are subject to § 2.2-3108; or
6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

1987, Sp. Sess., c. 1, § 2.1-639.8; 1996, c. 548; 2001, c. 844; 2004, c. 530; 2009, c. 862; 2013, c. 583; 2015, c. 699.

§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member, has sole authority to supervise, evaluate, or make personnel decisions regarding the other;
2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;
3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

2015, c. 699; 2016, cc. 773, 774.

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;
3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § **2.2-3115**;
4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) the officer or employee does not participate on behalf of the institution in negotiating the contract or approving the contract;
6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
7. Contracts for the purchase of goods or services when the contract does not exceed \$500;
8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;
9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;
10. Contracts entered into by an officer or employee or immediate family member of an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ **10.1-506** et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § **10.1-546.1** or to participate in other cost-share programs for the installation of best

management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs; or

11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § **28.2-550**.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

1987, Sp. Sess., c. 1, § 2.1-639.9; 1990, c. 51; 1993, c. 303; 1994, cc. **450, 713**; 1997, c. **641**; 2001, c. **844**; 2006, c. **839**; 2010, cc. **301, 304**; 2016, cc. **351, 531**; 2017, cc. **150, 546, 829, 832**; 2018, c. **742**.

Article 4. Prohibited Conduct Relating to Transactions

§ 2.2-3111. Application.

This article proscribes certain conduct by state and local government officers and employees having a personal interest in a transaction.

1987, Sp. Sess., c. 1, § 2.1-639.10; 2001, c. **844**.

§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision B 1, 2, or 3. Any disqualification under the provisions of this subsection shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal interest as required by subsection E of § **2.2-3114** or subsection F of § **2.2-3115** and shall not vote or in any manner act on behalf of his agency in the transaction. The officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ **2.2-3700** et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time.

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of subsection F of § **2.2-3114** or subsection H of § **2.2-3115**;
2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of subsection G of § **2.2-3114** or subsection I of § **2.2-3115**; or
3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

C. Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this chapter.

D. Notwithstanding any other provision of law, if disqualifications of officers or employees in accordance with this section leave less than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. Notwithstanding any provisions of this chapter to the contrary, members of a local governing body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia and § **15.2-2100**, such member or members of the local governing body may vote and participate in the deliberations of the governing body concerning whether to approve, enter into or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under circumstances that violate this section may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.

E. The provisions of subsection A shall not prevent an officer or employee from participating in a transaction merely because such officer or employee is a party in a legal proceeding of a civil nature concerning such transaction.

F. The provisions of subsection A shall not prevent an employee from participating in a transaction regarding textbooks or other educational material for students at state institutions of higher education, when those textbooks or materials have been authored or otherwise created by the employee.

G. The provisions of this section shall not prevent any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, judge or substitute judge of any district court, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission from participating in a transaction where such individual's participation involves the performance of adjudicative responsibilities as set forth in Canon 3 of the Canons of Judicial Conduct for the State of Virginia. However, nothing in this subsection shall be construed to authorize such individual's participation in a transaction if such participation would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

1987, Sp. Sess., c. 1, § 2.1-639.11; 2001, c. **844**; 2003, c. **694**; 2007, c. **613**; 2012, c. **429**; 2017, cc. **829, 832**.

Article 5. Disclosure Statements Required to be Filed

§ 2.2-3113. Application.

This article requires disclosure of certain personal and financial interests by state and local government officers and employees.

1987, Sp. Sess., c. 1, § 2.1-639.12; 2001, c. **844**.

§ 2.2-3114. Disclosure by state officers and employees.

A. In accordance with the requirements set forth in § **2.2-3118.2**, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, members of the Board of the Virginia College Savings Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § **2.2-3117** and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § **2.2-3118.2**, nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of the Virginia College Savings Plan, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § **30-356**. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § **24.2-502**.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § **2.2-3112**, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure

shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § [2.2-3112](#), shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § [2.2-3112](#), shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § [2.2-3117](#) or 2.2-3118.

1987, Sp. Sess., c. 1, § 2.1-639.13; 1988, cc. 767, 849; 1992, c. 710; 1993, c. 303; 1997, c. [641](#); 2001, cc. [217, 844](#); 2003, c. [694](#); 2005, c. [169](#); 2006, c. [779](#); 2014, cc. [225, 792, 804](#); 2015, cc. [763, 777](#); 2016, cc. [773, 774](#); 2017, cc. [829, 832](#); 2018, c. [528](#).

§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ [30-110](#) and [30-111](#) of the General Assembly Conflicts of Interests Act (§ [30-100](#) et seq.) shall suffice for the purposes of this chapter. The Secretary of the Commonwealth may obtain from the Council a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § [2.2-3114](#). No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § [2.2-3114](#).

2002, c. [36](#); 2015, cc. [763, 777](#).

§ 2.2-3114.2. Report of gifts by certain officers and employees of state government.

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

2016, cc. 773, 774.

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § **24.2-502**.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § **2.2-3112** or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § **2.2-3118.2**, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 1 of § **2.2-3112** shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

1987, Sp. Sess., c. 1, § 2.1-639.14; 1988, c. 849; 1995, c. 495; 1996, c. 526; 2000, c. 317; 2001, cc. 217, 844; 2003, c. 694; 2012, c. 429; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832.

§ 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests prescribed by the Council pursuant to § 2.2-3117. These officers shall file statements annually on or before February 1. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

1988, c. 469, § 2.1-639.14:1; 2001, c. 844; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832.

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

1987, Sp. Sess., c. 1, § 2.1-639.15; 1988, c. 849; 1994, cc. 724, 733, 777, 793; 1995, c. 763; 1996, c. 77; 1997, cc. 577, 844; 1998, c. 732; 2001, c. 844; 2006, cc. 310, 779, 787, 892; 2008, c. 239; 2010, c. 670; 2012, c. 429; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774.

§ 2.2-3118. Disclosure form; certain citizen members.

The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

1988, c. 849, § 2.1-639.15:1; 1996, c. **77**; 2001, c. **844**; 2006, c. **779**; 2011, cc. **123, 177**; 2014, cc. **792, 804**; 2015, cc. **763, 777**; 2016, cc. **773, 774**.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by an individual required to file the form prescribed in § **2.2-3117** shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual during the course of a calendar year. The filing of a single current financial disclosure statement by an individual required to file the form prescribed in § **2.2-3118** shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual and requiring the filing of the § **2.2-3118** form during the course of a calendar year.

B. Any individual who has met the requirement for annually filing a statement provided in § **2.2-3117** or **2.2-3118** shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after filing such annual statement.

2005, c. **397**; 2014, cc. **792, 804**; 2016, cc. **773, 774**; 2018, c. **529**.

§ 2.2-3118.2. Disclosure form; filing requirements.

A. An officer or employee required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. An officer or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any officer or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

2017, cc. **829, 832**.

Article 6. School Boards and Employees of School Boards

§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided that (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

F. The provisions of this section shall not apply to the employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any division superintendent, provided that (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent of the division had no involvement with the hiring decision.

1987, Sp. Sess., c. 1, § 2.1-639.16; 1994, c. **758**; 1995, c. **186**; 1997, c. **84**; 2001, c. **844**; 2010, cc. **676, 759**; 2011, c. **517**; 2017, cc. **146, 515**; 2018, cc. **483, 520**; 2019, c. **641**.

Article 7. Penalties and Remedies

§ 2.2-3120. Knowing violation of chapter a misdemeanor.

Any person who knowingly violates any of the provisions of Articles 2 through 6 (§§ 2.2-3102 through 2.2-3119) of this chapter shall be guilty of a Class 1 misdemeanor, except that any member of a local governing body who knowingly violates subsection A of § 2.2-3112 or subsection D or F of § 2.2-3115 shall be guilty of a Class 3 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter.

1987, Sp. Sess., c. 1, § 2.1-639.17; 2001, c. 844; 2012, c. 429.

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice. The written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

1987, Sp. Sess., c. 1, § 2.1-639.18; 2001, c. 844; 2003, c. 694; 2014, cc. 792, 804; 2015, cc. 763, 777; 2016, c. 665; 2017, cc. 829, 832.

§ 2.2-3122. Knowing violation of chapter constitutes malfeasance in office or employment.

Any person who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment.

1987, Sp. Sess., c. 1, § 2.1-639.19; 2001, c. 844.

§ 2.2-3123. Invalidation of contract; rescission of sales.

A. Any contract made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the

reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescission of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by an officer or employee made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such purchase.

1987, Sp. Sess., c. 1, § 2.1-639.20; 2001, c. 844.

§ 2.2-3124. Civil penalty from violation of this chapter.

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

1987, Sp. Sess., c. 1, § 2.1-639.21; 1994, cc. 727, 776; 2001, c. 844; 2012, cc. 283, 756; 2015, cc. 763, 777.

§ 2.2-3125. Limitation of actions.

The statute of limitations for the criminal prosecution of a person for violation of any provision of this chapter shall be one year from the time the Attorney General, if the violation is by a state officer or employee, or the attorney for the Commonwealth, if the violation is by a local officer or employee, has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first. Any prosecution for malfeasance in office shall be governed by the statute of limitations provided by law.

1987, Sp. Sess., c. 1, § 2.1-639.22; 2001, c. 844.

§ 2.2-3126. Enforcement.

A. The provisions of this chapter relating to an officer or employee serving at the state level of government shall be enforced by the Attorney General.

In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties within the area for which he is responsible under this section:

1. He shall advise the agencies of state government and officers and employees serving at the state level of government on appropriate procedures for complying with the requirements of this chapter. He may review any disclosure statements, without notice to the affected person, for the purpose of determining satisfactory compliance, and shall investigate matters that come to his attention reflecting possible violations of the provisions of this chapter by officers and employees serving at the state level of government;
2. If he determines that there is a reasonable basis to conclude that any officer or employee serving at the state level of government has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of such officer or employee;
3. He shall render advisory opinions to any state officer or employee who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

B. The provisions of this chapter relating to an officer or employee serving at the local level of government shall be enforced by the attorney for the Commonwealth within the political subdivision for which he is elected.

Each attorney for the Commonwealth shall be responsible for prosecuting violations by an officer or employee serving at the local level of government and, if the Attorney General designates such attorney for the Commonwealth, violations by an officer or employee serving at the state level of government. In the event the violation by an officer or employee serving at the local level of government involves more than one local jurisdiction, the Attorney General shall designate which of the attorneys for the Commonwealth of the involved local jurisdictions shall enforce the provisions of this chapter with regard to such violation.

Each attorney for the Commonwealth shall establish an appropriate written procedure for implementing the disclosure requirements of local officers and employees of his county, city or town, and for other political subdivisions, whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. The attorney for the Commonwealth shall provide a copy of this act to all local officers and employees in the jurisdiction served by such attorney who are required to file a disclosure statement pursuant to Article 5 ([§ 2.2-3113 et seq.](#)) of this chapter. Failure to receive a copy of the act shall not be a defense to such officers and employees if they are prosecuted for violations of the act.

Each attorney for the Commonwealth shall render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of this chapter to the governing body and any local officer or employee in his jurisdiction and to political subdivisions other than a county, city or town, including regional political subdivisions whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. If the advisory opinion is written, then such written opinion shall be a public record and shall be released upon request. In case the opinion given by the attorney for the Commonwealth indicates that the facts would constitute a violation, the officer or employee affected thereby may request that the Attorney General review the opinion. A conflicting opinion by the Attorney General shall act to revoke the opinion of the attorney

for the Commonwealth. The Attorney General shall determine which of his reviewing opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the attorney for the Commonwealth or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

1987, Sp. Sess., c. 1, § 2.1-639.23; 2001, c. **844**; 2003, c. **694**.

§ 2.2-3127. Venue.

Any prosecution for a violation involving an officer serving at the state level of government shall be brought in the Circuit Court of the City of Richmond. Any prosecution for a violation involving an employee serving at the state level of government shall be within the jurisdiction in which the employee has his principal place of state employment.

Any proceeding provided in this chapter shall be brought in a court of competent jurisdiction within the county or city in which the violation occurs if the violation involves an officer or employee serving at the local level of government.

1987, Sp. Sess., c. 1, § 2.1-639.24; 2001, c. **844**.

Article 8. Orientation for State Filers

§ 2.2-3128. Semiannual orientation course.

Each state agency shall offer at least semiannually to each of its state filers an orientation course on this chapter, on ethics in public contracting pursuant to Article 6 (§ **2.2-4367** et seq.) of Chapter 43 of this title, if applicable to the filer, and on any other applicable regulations that govern the official conduct of state officers and employees.

2004, cc. **134, 392**.

§ 2.2-3129. Records of attendance.

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to § **2.2-3128** for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with § **2.2-3704**.

2004, cc. **134, 392**.

§ 2.2-3130. Attendance requirements.

Except as set forth in § **2.2-3131**, each state filer shall attend the orientation course required in § **2.2-3128**, as follows:

1. For a state filer who holds a position with the agency on January 1, 2004, not later than December 31, 2004 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2006.

2. For a person who becomes a state filer with the agency after January 1, 2004, within two months after he or she becomes a state filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

2004, cc. **134, 392**.

§ 2.2-3131. Exemptions.

A. The requirements of § **2.2-3130** shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § **2.2-3130**, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § **2.2-3128**, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § **2.2-3128**, state agencies shall consult with the Attorney General and the Virginia Conflict of Interest and Ethics Advisory Council regarding appropriate course content.

2004, cc. **134, 392**; 2014, cc. **792, 804**.

Article 9. Training for Local Filers

§ 2.2-3132. Training on prohibited conduct and conflicts of interest.

A. The Council shall provide training sessions for local elected officials on the provisions of the State and Local Government Conflict of Interests Act (§ **2.2-3100** et seq.). The Council may provide such training sessions by online means.

B. Each local elected official shall complete the training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official for failing to complete a training session.

C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

2019, c. **530**.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Charles A. "Chuck" Arnason
Chair

Area V Representative
895 Cellar Creek Road
Blackstone, VA 23824

HOME: 434-292-3911
CELL: 434-298-7650

Appointed: 7/1/2017
Term Expires: 6/30/2021

email: vswcb@indieplacefarm.com

Adam Wilson, Vice-Chair
Area IV Representative
14980 Black Hollow Road
Abingdon, VA 24210

PHONE: 276-608-0026

Appointed: 7/1/2018
Term Expires: 6/30/2022

email: awauctioneers@yahoo.com

Mario Albritton
Area VI Representative
611 Partridge Avenue
Chesapeake, VA 23324

HOME: 757-729-3216

Appointed: 7/1/2017
Term Expires: 6/30/2021

email: malbrittonvadare@yahoo.com

Kristen Saacke Blunk
At Large Member
2209 East Grace Street
Richmond, VA 23223

PHONE: 814-360-9766

Appointed: 7/1/2019
Term Expires: 6/20/2023

email: kristen@headwaters-llc.org

Arthur Gray Coyner
Area II Representative
P.O. Box 5
Upperville, VA 20185

HOME: 540-592-3320

Appointed 7/1/2016

CELL: 540-454-1468

Term Expires: 6/30/2020

email: jmswcdgcoyner@gmail.com

Kat Maybury
At Large Member
2312 Highland Avenue
Charlottesville, VA 22903

PHONE: 571-236-6944

Appointed: 7/1/2019
Term Expires: 6/30/2023

email: katmaybury@yahoo.com

Charles Newton
Area I Representative
149 Balkamore Hill Road
Stanley, VA 22851

PHONE: 540-778-5400

Appointed: 7/1/2018
Term Expires: 6/30/2022

email: charles.newton@svswcd.org

Dr. Dahlia O'Brien
At Large Member
7297 Stafford Park Drive
Moseley, VA 23120

PHONE: 804-524-6963
email: dobrien@vsu.edu

Appointed: 7/1/2019
Term Expires: 6/30/2023

Cindy Smith
Area III Representative
9482 Golansville Road
Ruther Glen, VA 22546

PHONE: 804-448-2701
CELL: 540-842-0217
email: charityhill.smith@gmail.com

Appointed: 7/1/2016
Term Expires: 6/30/2020

Ex Officio Members

Clyde E. Cristman, Director
Dept. of Conservation & Recreation
600 E. Main Street, 24th Floor
Richmond, Virginia 23219

OFFICE: 804-786-6124
FAX: 804-786-6141
email: clyde.cristman@dcr.virginia.gov

John A. "Jack" Bricker, Advisory Member
State Conservationist
USDA, Natural Resources Conservation Service
1606 Santa Rosa Road, Suite 209
Richmond, Virginia 23229

OFFICE: 804-287-1691
email: jack.bricker@va.usda.gov

Virginia Soil and Water Conservation Board
Department of Conservation and Recreation
600 E. Main Street, 24th Floor
Richmond, VA 23219
swcb@dcr.virginia.gov
<http://www.dcr.virginia.gov/swcb>

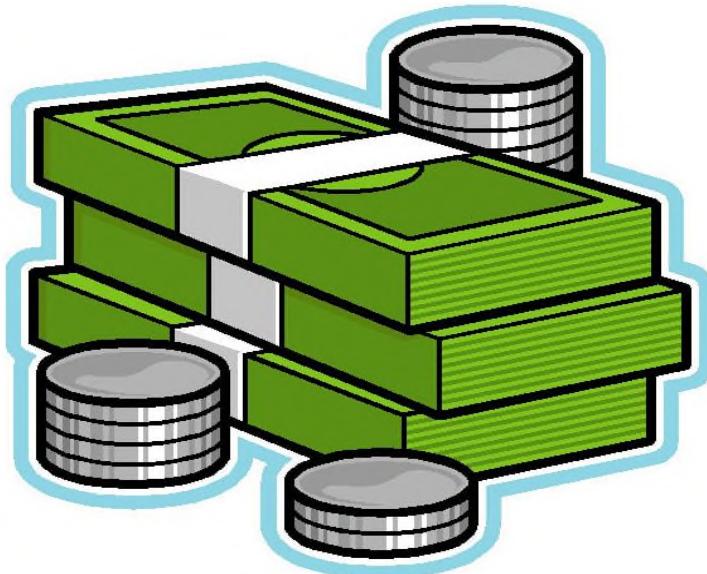
For additional information, contact:

Michael R. Fletcher
Board and Constituent Services Liaison
Department of Conservation and Recreation
600 E. Main Street, 24th Floor
Richmond, VA 23219
804-786-8445
michael.fletcher@dcr.virginia.gov

Director Orientation-Phase I-Section III

SOIL & WATER CONSERVATION DISTRICT

FUNDING



“Funding” Objectives

- Recognize financial responsibilities of SWCD Directors.
- ID sources of SWCD funding.
- Discuss state law pertaining to SWCD finances.
- ID fundamental financial management practices for SWCD.

Financial Accountability

- Directors are accountable for all funds, property, & equipment belonging to SWCD.
- Ensure that the SWCD is applying all funds in a manner that serves the public's interest.

Source: Desktop Procedures for District Fiscal Operations (05/22/19), Pg. 8



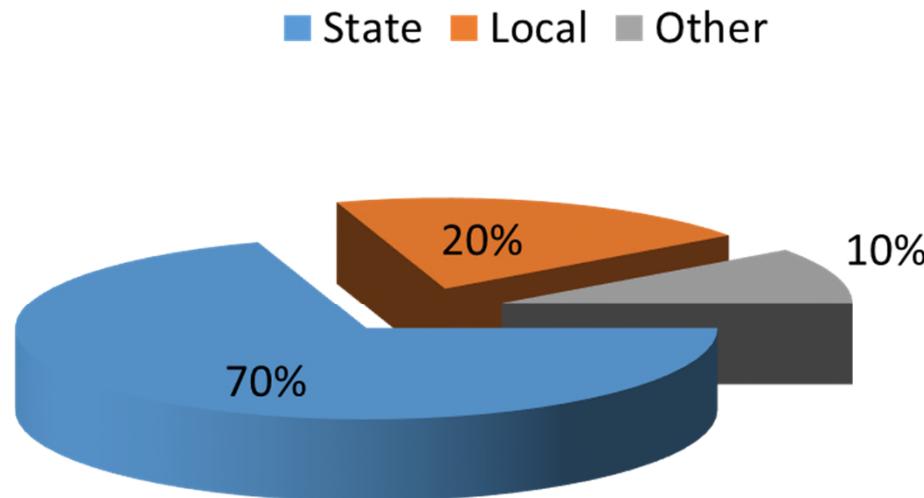
Sources of Annual Operating Funds

- **State Government**
- **Local Government(s)**
- **Other**
 - Grants
 - Donations
 - Revenue Generating
 - Technical Services
 - Sales
 - Rental Programs



corbisimages.com

Statewide SWCD Operating Funds



- FY 2020 State Appropriation = \$7,591.091
- Refer to *VA Soil & Water Conservation Board Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2020.*

State Funding: Type 1 of 2



► Administration and Operations Funding

- Line item in DCR Budget
- VSWCB Policy (*Reference copy of VSWCB's Admin. & Ops Policy*)
- Core Administrative & Ops Expenses: personnel, training, travel, rent, utilities, office support, equipment
- Director Allowance = \$500/director/yr.
- Dam Maintenance = \$3,000/dam (FY 2020)
- Funds administered through a Grant Agreement and related deliverables (*Reference copy of Admin. & Ops. Grant Agreement*)

State Funding: Type 2 of 2

- ▶ **Program Related Funds (Cost-Share)**
 - Defined purpose
 - Typically used for water quality improvement projects
 - Funds administered through a Grant Agreement
(Provide copy of Cost-Share & Tech. Assist. Grant Agreement)

Attachment D – Budget Template

- Developed 2012 by stakeholder advisory group
- Purpose: Provide budgetary decision makers at the Department, Secretariat, Gubernatorial, and General Assembly levels w/ district programmatic cost-estimates to implement a range of SWCD programs
- Excel spreadsheet; Template has 4 major funded program areas: Central Ops, Dam Management, Agricultural Program Implementation, and Environmental Education

Local Government Support

- Local Donors: Counties, Cities, Towns
- Varies among SWCDs



Other Funding Sources

- Grants – Ex. TMDL Grants
- Conservation Equipment Rental Programs
- Sales
- Donations
- Interest Income
- Other Services – Ex. Easements



How Are SWCD Funds Utilized?

- “Core” Funding used for SWCD operations:
 - Employee Salaries & Fringe Benefits
 - Rent, Utilities, Office Supplies & Equipment
 - Conservation Equipment & Purchases
 - Educational Activities
 - Training, Meetings, & Publicity
- Cost-Share Funding & Grants
 - Designated purpose for specific programs and activities.

State Law Requirements

§10.1-535 Code of VA-Bonds of officers and employees; records and accounts: *The district directors shall (i) provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; (ii) provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and (iii) provide for an annual audit of the accounts of receipts and disbursements by the Auditor of Public Accounts or a certified public accountant approved by him.*

Meeting Legal Requirements – Slide 1 of 2

- Fidelity Bonding
 - SWCD officials & employees are covered under a fidelity bond administered by the VA Department of the Treasury Division of Risk Management
 - Fidelity Bond: form of insurance protection that covers policy holders for losses that they incur as a result of fraudulent acts by specified individuals.
 - Provides a limit of \$500,000 for all officials & employees
 - Included in the annual Fidelity Bond premium paid by DCR

Meeting Legal Requirements – Slide 2 of 2

- Plans and Reports
 - Minutes
 - Annual Plan of Work & Annual Report
 - Financial Reports: Annual Budget, Attachment D, Treasurer's Report (monthly), Quarterly Report-Attachment E (*Reference example*)
 - Inventory Lists: Updated at least annually
- Audits: At least once every 2 years

Division of Risk Management (DRM) Services Provided/Available to SWCDs

- Fidelity Bonding: Reference Slide #13
- Liability Insurance: Covered for tort liability under Commonwealth Risk Management Plan for SWCDs, officials, employees, & agents; Coverage limits of \$2M/occurrence; Included in annual General Liability premium paid by DCR; Automatic coverage, no application required; No deductible; Claims reported directly to DRM by individual SWCD
- Automobile Liability: Available program, but SWCD must enroll directly w/ DRM; Limit of \$1M; Premium billed directly to SWCD

DRM Contact Information

- **Mailing Address**

VA Division of Risk Management
P.O. Box 1879
Richmond, VA 23218-1879

- **Physical Address**

James Monroe Building, 3rd Floor
101 North 14th Street
Richmond, VA 23219

- Telephone - General: 1-804-786-3152, Opt. 2
- Telephone – Claims: 1-804-786-3152, Opt. 1
- Website: <https://www.trs.virginia.gov/Risk-Management>

Financial Management Practices

- ▶ Desktop Procedures for District Fiscal Operations
- ▶ Basic understanding of financial accounts
- ▶ Develop & Adhere to Annual Budget
 - Consideration of Unexpended Funds
 - Projected revenue & expenses
 - Detail of actual income & expenditures for the last year
 - Estimate of staff and costs to accomplish proposed activities
 - Narrative summary
- ▶ Approved Purchasing Policy (*Example in Desktop Procedures*)

Financial Management Practices

- Approved Credit Card Policy (*Example in Desktop Procedures*)
- Review of Treasurer's Reports
- Compliance w/ Audit Findings
- Team Approach to Account Management



“Funding” – Final Thoughts

- #1 Responsibility = Financial Accountability
- Refer to supplemental documents provided:
 - Desktop Procedures for District Fiscal Operations
 - SWCD Administration and Operations Funding Allocation Policy
 - Cost-Share and TA Funding Allocation Policy
 - DCR-SWCD Administration & Operations Grant Agreement
 - DCR-SWCD Cost-Share & TA Grant Agreement
 - DCR Budget Template – Attachment D
 - DCR Attachment E

Test Your Knowledge

- Answer the 10 multiple choice questions
(Handout)
- Using your SWCD's current FY budget answer the following:
 - What are your SWCD's sources of income?
 - What are the top 5 expenses for your SWCD?
 - Please list management techniques your SWCD practices to ensure financial accountability. Are there any needs for improvements? If so, what?



Virginia Department of Conservation & Recreation

**VIRGINIA SOIL AND
WATER CONSERVATION
BOARD POLICY ON SOIL
AND WATER
CONSERVATION DISTRICT
ADMINISTRATION AND
OPERATIONS FUNDING
ALLOCATIONS FOR FISCAL
YEAR 2020**

(Approved May 22, 2019)

1. Purpose:

This Policy document specifies the Virginia Soil and Water Conservation Board's (Board) process by which funds are to be allocated by the Department of Conservation and Recreation (Department) to the Commonwealth's 47 local Soil and Water Conservation Districts (Districts) for administrative and operational support in Fiscal Year 2020. A separate Policy shall govern the Fiscal Year 2020 distribution of cost-share and technical assistance funds to Districts.

2. Authority:

This funding distribution Policy is required in accordance with Item 362 A.1 of Chapter 854 of the 2019 Acts of Assembly (the 2019 Appropriation Act) that specifies that the "funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy". Funds subject to this Policy are set out in Sub-program 50320 (Financial Assistance to Soil and Water Conservation Districts) and are guided by the following specific budget provisions within Item 362:

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$7,191,091 the first year and \$7,591,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and D of this Item. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$500,000 the first year and \$500,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; \$400,000 the second year from the general fund for the purchase and installation of remote monitoring equipment for District-owned high and significant hazard dams; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy,

including, but not limited to, services related to auditing, bonding, contracts, and training. The amount appropriated for small dam repairs of known or suspected deficiencies and the purchase and installation of remote monitoring equipment the second year is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

In addition to the authorities set out in the 2019 Appropriation Act, the *Code of Virginia* contains the following Board duties applicable to this Policy:

§ 10.1-505. Duties of Board.

In addition to other duties and powers conferred upon the Board, it shall have the following duties and powers:

1. To give or loan appropriate financial and other assistance to district directors in carrying out any of their powers and programs.
3. To oversee the programs of the districts.
9. To provide for the conservation of soil and water resources, control and prevention of soil erosion, flood water and sediment damages thereby preserving the natural resources of the Commonwealth.
11. To provide, from such funds appropriated for districts, financial assistance for the administrative, operational and technical support of districts.

3. Definitions:

“District” or “local soil and water conservation district” or “SWCD” means a political subdivision of the Commonwealth organized in accordance with the provisions of the Code of Virginia contained in Chapter 5 of Title 10.1 (§ 10.1-500 et seq.) and with the powers and duties set out in Chapters 1, 5, 6, and 21.1 of Title 10.1 of the *Code of Virginia*.

“FTE” means a full time equivalent position.

“Total Maximum Daily Load” or “TMDL” means a calculation of a maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.

4. Allocation Process:

For Fiscal Year 2020, \$7,191,091 (Item 362 A.1. – see Part 2, Authority) is available for allocations to the Districts for administrative and operational support, including funding for small dam repairs, and to the Department for the administration of contracts in support of the Districts. Those allocations are set out in Attachment A and are developed in accordance with Part 4. An additional \$400,000 has been provided for the purchase and installation of remote monitoring equipment for District-owned high and significant hazard dams (Item 362 A.1).

SWCD (Column 1)

For Fiscal Year 2020, the 47 listed Districts will be eligible for administration and operations funding allocations.

ADMINISTRATION AND OPERATIONS CORE FUNDING (Column 2):

For the purposes of the Fiscal Year 2020 Policy allocations, it is recognized that no Districts are at levels sufficient to provide baseline core services and that District's desire the minimization of changes to current District allocations (maintain level support) until re-benchmarking in accordance with the Budget Template Exercise occurs. Accordingly, the Fiscal Year 2020 allocations for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) remain unchanged from those allocated in Fiscal Year 2019. The Board, Department, and Districts will continue to utilize information that will be forthcoming from the continuing Budget Template Exercise to seek additional Administration and Operations funding from the Administration and General Assembly. However, please note that Districts shall ensure that funds provided in Fiscal Year 2020 are utilized to support and deliver the Virginia Agricultural Cost-Share Program and other *Code of Virginia* specified responsibilities. No funds shall be obligated or expended for the design, implementation, or installation of BMPs unless they are fully consistent with BMP specifications that have been formally approved by the Virginia Soil and Water Conservation Board, the Department, the Department of Environmental Quality or the Natural Resources Conservation Service.

Of the amounts allocated for core administrative and operational expenses, an annual allowance of \$500 per Director is provided for travel expense reimbursement and training pursuant to § 10.1-531 of the *Code of Virginia*. Amounts per District range between \$2,500 (5 Directors) to \$6,000 per District (12 Directors). Funding extends to elected Directors, at-large appointed Directors, and Extension Agent appointments but does not include Associate Directors, Honorary Directors, Emeritus Directors or other District personnel or volunteers. No fiscal adjustments (reductions) are made when an Extension Agent serves multiple Districts. The number of District Directors in each District is calculated in accordance with § 10.1-515 of the *Code of Virginia*. Information on the number of jurisdictions in each District can be found in the last column of Attachment A (Column 9).

DAM MAINTENANCE (\$3000/dam) (Column 3)

For Fiscal Year 2020, \$312,000 is provided for out of the amounts appropriated in Item 362 A.1. of the 2019 Appropriation Act (Sub-program 50320) for the maintenance of the Districts' 104 impounding structures. This represents a total of \$3,000 per dam.

OF DAMS (Column 4)

This column indicates the distribution of the Districts' 104 impounding structures within the 12 Districts that have dams.

SUBTOTAL ADMINISTRATION AND OPERATIONS ALLOCATIONS (Column 5)

This column represents the total amounts the specified District will receive during Fiscal Year 2020 to support the administration and operations within the District (Sum of Columns 2 and 3). The District may also be eligible for additional allocations from the Small Dam Repair funds (Column 6). For Fiscal Year 2020 this total amount (the Sum of Columns 2 and 3) is \$6,521,091.

SMALL DAM REPAIR Item 357 A.1. (Column 6)

For Fiscal Year 2020, \$500,000 for small dam repairs is appropriated in Item 362 A.1. of the 2019 Appropriation Act (Sub-program 50320) for the maintenance and small repairs to the Districts' 104 impounding structures. Purchasing procedures consistent with the Virginia Public Procurement Act shall be followed. To be eligible for the funding, Districts shall apply for consideration in accordance with guidance issued by the Department's District Engineering Services Unit in the Division of Soil and Water Conservation. Once awards are determined, at the

District's request, the Department is authorized to provide an initial drawdown of the approved funding amount based on actual contract needs. Final disbursement of grant funds shall be disbursed on a reimbursement basis only. A project close-out letter will be issued by the District Dam Engineer once all required documentation has been reviewed and approved. The project close-out letter will authorize the final disbursement of project funds as supported by the financial documentation provided, up to a total amount not to exceed the amount of the award. Upon the final disbursement of project funds, any unexpended funds shall be returned to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund, shall be unobligated, and shall be available for subsequent project awards. The Dam Maintenance, Repair, and Rehabilitation Fund Grant Agreement for each award contains additional procedural and compliance details.

DCR MANAGED FUNDS FOR DISTRICT SUPPORT (Column 7)

An amount of \$170,000 is set aside to provide for support of District requirements and responsibilities set out in Chapter 5 of Title 10.1 of the Code of Virginia including, but not limited to, those relating to audits in § 10.1-535 of the Code as follows:

Audits of Districts (\$104,000): 26 audits (at up to \$4,000 per audit) will be budgeted for during Fiscal Year 2020 for the Fiscal Year 2018 and 2019 period. These funds shall be used for any additional audit approved by the Audit Subcommittee of the Board and for which the Subcommittee directs the Department to pay and for any audit needed for a District if they exceed \$750,000 in expenditures of federal funds in a one-year period. However, should it be found that audit expenses are less than that budgeted, the balance of these funds may be transferred to address **Other Support Expenses**.

§ 10.1-535. Bonds of officers and employees; records and accounts.

The district directors shall (i) provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; (ii) provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and (iii) provide for an annual audit of the accounts of receipts and disbursements by the Auditor of Public Accounts or a certified public accountant approved by him.

Virginia Association of Soil and Water Conservation District (Association) Contract (\$46,700): For Fiscal Year 2020, \$46,700 has been set aside to contract with the Association to perform duties that generally include, but are not limited to, the following:

- a. Administrative - (\$4,500)
 - Communications (Estimated Cost \$3,000)
This item supports maintaining and updating an Association website; maintaining a District e-mail list serve; conducting conference calls relating to board meetings, committee meetings, and other partner meetings; and conducting appropriate mailings.
 - Accounting Services (Estimated at no more than \$1,500)
This item supports the reimbursement of costs associated with performance of accounting services and fiscal management related to Association financial records and accounts.

- b. Statewide Training Initiatives that Enhance Skills & Capabilities of District Directors & Staff - (-\$39,000)
- Minimum of four statewide partner meetings during the grant period (Estimated \$4,000)
This item supports forums for discussion of issues relevant to Districts and the Department and their partners.
 - Provide topical assistance and support to Districts (Estimated \$2,500)
This item includes costs associated with committees, including the Executive Board meetings.
 - District Director Trainings (Estimated \$7,600)
This item supports the Association conducting statewide director trainings periodically throughout the year in varying locations across the state, including at the annual training meeting. As schedules permit, staff will also provide training to individual districts on topics at their request.
 - Annual Training Meeting of Soil & Water Conservation Districts (Estimated \$24,900)
This item supports the expenses associated with planning, promoting, and implementing a statewide annual meeting event for Virginia's 47 districts.

c. District Development & Outreach – (\$3,200)

- Area Meetings (Estimated \$1,200) (\$200/Area)
This item supports the Association in their support and assistance in work related to hosting six Area meetings.
- Compile, revise, post on the Association web site, print (limited quantity) the SWCD Directory, assist with printed copy distribution and maintain an online directory (Estimated Cost \$2,000)
This item supports Directory production and online updates throughout the year.

Use of any funds made available by the Department through this Agreement are prohibited from being utilized to support any lobbying activities by Association members or others.

The Department shall release funding to the Association on a cost reimbursement basis upon receipt and approval of the Association's quarterly and final reports. Any cost overruns incurred by the Association during the time of performance shall be the responsibility of the Association.

Other Support Expenses Include (\$19,300):

- Clean Water Farm Award (CWFA) support. This includes, but is not limited to, production of local CWFA signs; production of Basin Winner Medallion signs; the framing of resolutions; and reception costs, mileage, and lodging for program winners.
- Revisions/ printing of the Agriculture BMP Cost-share Manual.
- Revisions/limited printing and posting of the *Desktop Procedures for District Fiscal Operations*.
- Revisions/limited printing of the SWCD Director Handbook and Director Orientation materials.
- Printing of educational and marketing brochures.
- Training provided by District auditors or other subject experts (QuickBooks Training, Preparing for Audits, Accounting/Bookkeeping, etc.).
- Training related to Conservation Planning and other Department programs.
- Training on effective presentations and conservation selling skills.
- To cover identified shortages in other estimated categories.

During the fiscal year, the Department shall make periodic assessments of any unused balance in the DCR Managed Funds for District Support category and determine where adjustments should be made to optimize expenditure of category funding.

In accordance with this Policy, the Department is authorized to enter agreements or contracts for the activities specified above.

5. Disbursement Schedule:

Disbursements to Districts shall be conducted on a quarterly basis in accordance with the DEPARTMENT OF CONSERVATION AND RECREATION AND VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (Department/ District) GRANT AGREEMENT: Administrative and Operational Support from the Commonwealth of Virginia. Except due to extenuating circumstances or as otherwise set out in the Grant Agreement, disbursements to Districts will be executed within 45 calendar days following the beginning of a quarter contingent upon the satisfactory completion of database updates and the receipt of complete and accurate reports.

Quarters	Period
First Quarter	07/01/19 thru 09/30/19
Second Quarter	10/01/19 thru 12/31/19
Third Quarter	01/01/20 thru 03/31/20
Fourth Quarter	04/01/20 thru 06/30/20

6. Grant Agreements and Accountability:

On behalf of the Board and in accordance with this Policy and a Grant Agreement entered between the Department and each District, such District shall receive administrative and operational support funding only after the Fourth Quarter Fiscal Year 2019 report has been submitted (including the District's End of Year Cash Balance Report, Carry Over Report, and SL-6 Pending Reports) and upon the complete execution of the Grant Agreement and the return of an original signed Agreement to the District's assigned Department Conservation District Coordinator (CDC). The Grant Agreement shall include the Board's expected outcomes or "deliverables" for each District as a result of the funding provided. The Fiscal Year 2020 Grant Agreement template shall be approved by the Board.

The Department is directed by the Board to assess at the end of Fiscal Year 2020 each District's success in meeting the deliverables utilizing an A (fully satisfied), B (partially fulfilled), and C (did not fulfill) evaluation scale and to provide the results to the Board for review and appropriate action.

Those Districts receiving a "C" score for any deliverable shall be sent a Letter of Notice (LON) on behalf of the Board by the Department to the District's Board Chairman and Manager. The LON shall direct the District to develop a Performance Improvement Plan (PIP) within 60 days from the Board meeting where review of the deliverables receiving a "C" score occurred. The District's CDC shall closely assist the District in the development of their PIP. The PIP shall be presented to the Board's Audit Subcommittee (Subcommittee) at their next meeting by the District Board Chairman and/or a designated Director. Any explanations and actions taken to

date may be presented to the Subcommittee at that time. Upon the Subcommittee's agreement with the PIP, the District Board shall report progress made towards successful implementation of the PIP to their CDC at their monthly meetings. Copies of the Subcommittee approved PIP shall be provided to the Board and the Subcommittee Chair shall brief the Board on all matters brought before the Subcommittee.

The Board continues to reserve the right to make funding adjustments to future fiscal year's funding allocations and/or other fiscal corrective actions, including those related to special audits, in accordance with Part 7.

7. Noncompliance with this Policy:

In the event any District fails to comply with the provisions of this Policy, the Board reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise that impacts funding, the affected District(s) will be apprised of the issue(s) and provided an opportunity to address the concerns of the Board prior to Board action. The Board may reduce future funding to Districts that fail to act upon guidance and recommendations from auditors and the Department. Decisions and Board actions will be addressed on a case-by-case basis.

8. Unexpended State Funds Maintained by Districts:

Administration and operational support funds issued to Districts that remain unexpended at the close of the grant period will remain in the District's account(s).

It is unadvisable for any District to accumulate more than about six months of undedicated reserve funds. Public funds from local, state, and federal sources are provided to Districts not for savings, but strictly for performance of conservation. The Department will monitor the growth of unexpended funds through Grant Agreement required audit reports and report situations of concern to the Board.

9. Criteria for Financial Assistance:

Funding granted to Districts is contingent upon appropriations by the General Assembly. Should a reduction of funds occur during the course of Fiscal Year 2020, after the Department has utilized all unallocated and unobligated balances it may have available, every District will receive an equal percent reduction which will be calculated and deducted from each District's total approved administrative and operational funding specified within the Department/District Grant Agreement (excluding dam maintenance funding). If additional direction is necessary, the Department shall consult with the Board.

In the event a new District is formed or an existing District alters its boundaries, the Board will examine the total financial resources under its control and its priorities for use of these funds and adhere to its Policy titled Financial Commitments For Establishment of a New Soil & Water Conservation District (SWCD/district), or Realignment of an Existing District on all funding decisions in this Policy. The newly created or altered District may be funded at a reduced level, or may be required to share funding in an arrangement determined by the Board until sufficient funding is made available to fulfill provisions of this Policy and priorities of the Board.

Expenditure of District funds, regardless of source, will be made without regard to any person's race, color, religion, sex, age, national origin, handicap, or political affiliation.

All funds received by Districts are public funds and provision of the Freedom of Information Act shall apply to financial records, unless otherwise specified within the Act or elsewhere in the *Code of Virginia*. Each District shall safeguard, provide accountability, and expend funds only for approved purposes.

10. Electronic Copy:

An electronic copy of this policy guidance in PDF format is available on the Department of Conservation and Recreation's website at <http://www.dcr.virginia.gov/laws-and-regulations/lr8a>.

11. Contact Information:

Please contact the Department of Conservation and Recreation's Soil and Water Conservation Division by calling the Division's administrative support at 804-225-3653 with any questions regarding the application of this Policy. The call shall be referred to program staff accordingly.

12. Fiscal Year 2021 Policy Development:

The Department shall work towards the development of a budget-based needs assessment of Districts to enable the development of an improved Policy that will govern the distribution of funding to Districts during Fiscal Year 2021 thus allowing District allocations to be more predictable, balanced, transparent, and consistent.

13. Authorization

Upon the approval of this Policy, the Department shall, in accordance with its fiduciary powers and responsibilities, make and enter into any and all Grant Agreements and contracts, and take all actions necessary, to fully implement and administer this Policy.

14. Adoption, Amendments, and Repeal:

This document supersedes the Board's Policy titled Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2020 adopted May 22, 2019 and will remain in effect until rescinded or superseded.

Attachment A: Fiscal Year 2020 Virginia Soil and Water Conservation District Administration and Operations Funding Allocations (Sub-program 50320)

1	2	3	4	5	6	7	8
SWCD	FY19 ADMINISTRATION AND OPERATIONS CORE FUNDING	DAM MAINTENANCE (\$3,000/ dam)	# OF DAMS	SUBTOTAL ADMINISTRATION AND OPERATIONS ALLOCATIONS	SMALL DAM REPAIR	DCR MANAGED FUNDS FOR DISTRICT SUPPORT	TOTAL
APPOMATTOX RIVER	104,073			104,073			
BIG SANDY	102,428			102,428			
BIG WALKER	118,850			118,850			
BLUE RIDGE	150,260	30,000	10	180,260			
CHOWAN BASIN	148,500			148,500			
CLINCH VALLEY	116,951			116,951			
COLONIAL	146,733			146,733			
CULPEPER	178,025	33,000	11	211,025			
DANIEL BOONE	116,358			116,358			
EASTERN SHORE	196,040			196,040			
EVERGREEN	116,922			116,922			
HALIFAX	118,040			118,040			
HANOVER-CAROLINE	145,915	3,000	1	148,915			
HEADWATERS	198,992	33,000	11	231,992			
HENRICOPOLIS	104,228			104,228			
HOLSTON RIVER	118,310			118,310			
JAMES RIVER	105,652			105,652			
JOHN MARSHALL	145,088			145,088			
LAKE COUNTRY	109,384			109,384			
LONESOME PINE	103,914			103,914			
LORD FAIRFAX	153,201	6,000	2	159,201			
LOUDOUN	119,590			119,590			
MONACAN	105,802			105,802			
MOUNTAIN	119,502			119,502			
MOUNTAIN CASTLES	118,382	12,000	4	130,382			
NATURAL BRIDGE	120,035			120,035			
NEW RIVER	121,556			121,556			
NORTHERN NECK	199,058			199,058			
NORTHERN VA	105,183			105,183			
PATRICK	116,235			116,235			
PEAKS OF OTTER	106,566			106,566			
PEANUT	148,098			148,098			
PETER FRANCISCO	104,463	51,000	17	155,463			
PIEDMONT	169,880	42,000	14	211,880			
PITTSYLVANIA	120,108			120,108			
PRINCE WILLIAM	104,559			104,559			
ROBERT E. LEE	197,675	18,000	6	215,675			
SCOTT COUNTY	118,230			118,230			
SHENANDOAH VALLEY	173,132	24,000	8	197,132			
SKYLINE	148,939			148,939			
SOUTHSIDE	104,510	36,000	12	140,510			
TAZEWELL	104,185			104,185			
THOMAS JEFFERSON	150,635	24,000	8	174,635			
THREE RIVERS	145,789			145,789			
TIDEWATER	144,625			144,625			
TRI-COUNTY/CITY	121,533			121,533			
VIRGINIA DARE	122,957			122,957			
TOTALS	6,209,091	312,000	104	6,521,091	500,000	170,000	7,191,091



**VIRGINIA SOIL AND WATER
CONSERVATION BOARD
POLICY AND PROCEDURES ON SOIL
AND WATER CONSERVATION
DISTRICT COST-SHARE AND
TECHNICAL ASSISTANCE FUNDING
ALLOCATIONS (FISCAL YEAR 2020)**

(Approved by Board May 22, 2019)

1. Policy Purpose:

This Policy and Procedures document specifies the Virginia Soil and Water Conservation Board's (Board) process by which funds are to be allocated by the Department of Conservation and Recreation (Department) to the Commonwealth's 47 local Soil and Water Conservation Districts (Districts) for cost-share and technical assistance (Fiscal Year 2020 or FY20). The Policy also highlights the water quality emphasis of the Virginia Agricultural Best Management Practices Cost-share Program and the targeted use of allocated cost-share funding. The corresponding Grant Agreement will guide the distribution and disbursement of FY20 funds. A separate Board Policy and Grant Agreement governs the FY20 distribution of administrative and operational support funds to Districts.

2. Cost-share Program Mission and Eligibility:

The Virginia Agricultural Best Management Practices Cost-share Program (VACS) is administered by the Board and Department through the Districts. The Program's goal is to improve water quality in the state's streams, rivers, and the Chesapeake Bay. VACS offers cost-share assistance as an incentive to carry out construction or implementation of selected Best Management Practices (BMPs). The basis of VACS is to encourage the voluntary installation of agricultural BMPs to meet Virginia's non-point source pollution reduction water quality objectives. Although resource based problems affecting water quality occur on all land uses, VACS promotes efforts for corrective action on agricultural lands only. VACS emphasizes the implementation of agricultural BMPs in locations that provide the greatest nutrient and sediment reductions for the taxpayer's dollars spent. Cost-shared BMPs must maximize nutrient and sediment reductions and also protect the taxpayer's interest, by implementing the most cost-effective BMPs possible in locations that achieve the greatest pollutant reductions on a field by field basis. VACS objectives include special emphasis on the reduction of nutrients (nitrogen and phosphorus), and sediment delivered to the Chesapeake Bay; by preventing additional pollution from entering state waters; and meeting the criteria for Virginia's compliance with Section 319 of the Clean Water Act. VACS implementation should be based upon sound conservation planning and best professional judgment.

For the purposes of VACS, agricultural land means land being used in a bona fide program of agricultural management and engaged in the production of agricultural, horticultural, or forest products for market. In order to be considered agricultural land, the real estate must consist of a minimum of five contiguous acres and there must be verifiable gross receipts in excess of \$1,000 per year from the production or sale of agricultural, horticultural, or forest products produced on the applicant's agricultural land for each of the past five years. The greater than \$1,000 threshold may be documented by using crop type acres and livestock numbers collected as part of the conservation planning inventory or other acceptable forms of proof including Internal Revenue Service (IRS) forms or other accounting records certified by a tax preparer that show profit or loss from farm operations. Non-industrial private forest lands are exempt from the \$1,000 requirement. (See Part 4: Definitions for further explanation.)

Readers should refer to the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual* for additional requirements associated with the implementation of the Virginia Agricultural Best Management Practices Cost-Share Program.

3. Authority:

This funding distribution Policy has been developed to provide transparency, predictability, and consistency to the processes by which the cost-share and technical assistance funding set out in Items 362 D, E, and Q of Chapter 854 of the 2019 Acts of Assembly (the 2019 Appropriation Act) is allocated and distributed to Districts. Funds subject to this Policy are set out in Sub-programs 50322 (Technical Assistance to Soil and Water Conservation Districts) and 50323 (Agricultural Best Management Practices Cost Share Assistance) and are guided by the following specific budget provisions within Item 362:

D.1 Out of the appropriation in this Item, \$10,000,000 the first year and \$10,000,000 the second year from the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, is hereby appropriated. The funds shall be dispersed by the department pursuant to § 10.1-2128.1, Code of Virginia.

2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.

4. Out of this amount in the second year, a total of thirteen percent, or \$1,300,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,700,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, seventy percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and thirty percent shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.

E.1. Out of the appropriation in this item, \$2,583,531 in the first year and \$2,583,531 in the second year from the funds designated in Item 3-1.01.C. of this act are hereby appropriated to the Virginia Water Quality Improvement Fund and designated for deposit to the reserve fund established pursuant to paragraph B of Item 361. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.

2. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129 and 10.1-2128.1, Code of Virginia, it is the intent of the General Assembly that the department use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.

Q.1. Notwithstanding §10.1-2129A., Code of Virginia, \$73,757,699 the second year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount, \$4,250,000 shall be appropriated to the department for the following specified statewide uses: \$1,000,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Reserve Enhancement Program (CREP) on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed; \$1,000,000 shall be used for the Commonwealth's match for participation in CREP on lands in the Commonwealth exclusively

outside the Chesapeake Bay watershed; \$1,000,000 shall be transferred to the Virginia Association of Soil and Water Conservation Districts to be used for the Virginia Conservation Assistance Program (VCAP); \$750,000 shall be allocated for special nonpoint source reduction projects to include but not be limited to poultry litter transport and grants related to the development and certification of Resource Management Plans developed pursuant to §10.1-104.7, Code of Virginia; and \$500,000 shall be transferred to the Department of Forestry for water quality grants. The Department of Forestry shall submit a report by August 15, 2019, to the Department of Conservation and Recreation specifying the uses of the funds received. Pursuant to paragraph B of Item 361, \$8,288,850 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount, \$61,218,849 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$37,282,279 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and \$15,978,120 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and \$7,958,450 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. This appropriation meets the mandatory deposit requirements associated with the FY 2018 excess general fund revenue collections and discretionary year-end general fund balances.

In addition to the authorities set out in the 2019 Appropriation Act, the Code of Virginia contains the following Board and Department duties applicable to this Policy:

§ 10.1-104.1. Department to assist in the nonpoint source pollution management program.

A. The Department, with the advice of the Board of Conservation and Recreation and the Virginia Soil and Water Conservation Board and in cooperation with other agencies, organizations, and the public as appropriate, shall assist in the Commonwealth's nonpoint source pollution management program.

B. The Department shall be assisted in performing its nonpoint source pollution management responsibilities by Virginia's soil and water conservation districts. Assistance by the soil and water conservation districts in the delivery of local programs and services may include (i) the provision of technical assistance to advance adoption of conservation management services, (ii) delivery of educational initiatives targeted at youth and adult groups to further awareness and understanding of water quality issues and solutions, and (iii) promotion of incentives to encourage voluntary actions by landowners and land managers in order to minimize nonpoint source pollution contributions to state waters.

The provisions of this section shall not limit the powers and duties of other state agencies.

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under §10.1-2128.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

§ 10.1-2128. Virginia Water Quality Improvement Fund established; purposes.

A. There is hereby established in the state treasury a special permanent, nonreverting fund, to be known as the "Virginia Water Quality Improvement Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of sums appropriated to it by the General Assembly which shall include, unless otherwise provided in the general appropriation act, 10 percent of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act and 10 percent of any unrestricted and uncommitted general fund balance at the close of each fiscal year whose reappropriation is not required in the general appropriation act. The Fund shall also consist of such other sums as may be made available to it from any other source, public or private, and shall include any penalties or damages collected under this article, federal grants solicited and received for the specific purposes of the Fund, and all interest and income from investment of the Fund. Any sums remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All moneys designated for the Fund shall be paid into the state treasury and credited to the Fund. Moneys in the Fund shall be used solely for Water Quality Improvement Grants.

§ 10.1-2128.1. Virginia Natural Resources Commitment Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Natural Resources Commitment Fund hereafter referred to as "the Subfund," which shall be a subfund of the Virginia Water Quality Improvement Fund and administered by the Department of Conservation and Recreation. The Subfund shall be established on the books of the Comptroller. All amounts appropriated and such other funds as may be made available to the Subfund from any other source, public or private, shall be paid into the state treasury and credited to the Subfund. Interest earned on moneys in the Subfund shall remain in the Subfund and be credited to it. Any moneys remaining in the Subfund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Subfund. Moneys in the Subfund shall be used as provided in subsection B solely for the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department of Conservation and Recreation.

B. Beginning on July 1, 2008, and continuing in each subsequent fiscal year until July 1, 2018, out of such amounts as may be appropriated and deposited to the Subfund, distributions shall be made in each fiscal year for the following purposes:

1. Eight percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be distributed to soil and water conservation districts to provide technical assistance for the implementation of such agricultural best management practices. Each soil and water conservation district in the Commonwealth shall receive a share according to a method employed by the Director of the Department of Conservation and Recreation in consultation with the Virginia Soil and Water Conservation Board, that accounts for the percentage of the available agricultural best management practices funding that will be received by the district from the Subfund;

2. Fifty-five percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed; and

3. Thirty-seven percent of the total amount distributed to the Virginia Agricultural Best Management Practices Cost-Share Program shall be used for matching grants for agricultural best management practices on lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed.

C. The Department of Conservation and Recreation, in consultation with stakeholders, including representatives of the agricultural community, the conservation community, and the Soil and Water Conservation Districts, shall determine an annual funding amount for effective Soil and Water Conservation District technical assistance and implementation of agricultural best management

practices pursuant to § 10.1-546.1. Pursuant to § 2.2-1504, the Department shall provide to the Governor the annual funding amount needed for each year of the ensuing biennial period. The Department shall include the annual funding amount as part of the reporting requirements in § 62.1-44.118.

§ 10.1-2132. Nonpoint source pollution funding; conditions for approval.

A. The Department of Conservation and Recreation shall be the lead state agency for determining the appropriateness of any grant related to nonpoint source pollution to be made from the [Water Quality Improvement] Fund to restore, protect and improve the quality of state waters.

C. Grant funding may be made available to local governments, soil and water conservation districts, institutions of higher education and individuals who propose specific initiatives that are clearly demonstrated as likely to achieve reductions in nonpoint source pollution, including, but not limited to, excess nutrients and suspended solids, to improve the quality of state waters. Such projects may include, but are in no way limited to, the acquisition of conservation easements related to the protection of water quality and stream buffers; conservation planning and design assistance to develop nutrient management plans for agricultural operations; instructional education directly associated with the implementation or maintenance of a specific nonpoint source pollution reduction initiative; the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities; implementation of cost-effective nutrient reduction practices; and reimbursement to local governments for tax credits and other kinds of authorized local tax relief that provides incentives for water quality improvement. The Director shall give priority consideration to the distribution of grants from the Fund for the purposes of implementing tributary strategy plans, with a priority given to agricultural practices. In no single year shall more than 60 percent of the moneys be used for projects or practices exclusively within the Chesapeake Bay watershed.

D. The Director of the Department of Conservation and Recreation shall manage the allocation of Water Quality Improvement Grants from the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1.

4. Definitions:

“Agricultural products” means crops, livestock and livestock products, including but not limited to: field crops, forage, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

“Agricultural production” means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the District.

“Animal Type” means the type of livestock the BMP is being installed to treat. For reporting in the AgBMP Tracking Module, the following animal types are used.

Beef	Dairy	Swine	Layer	Sheep	Goat
Horse	Turkey	Broiler	Pullets	Other	

“Applicant” means a landowner, agent, or operator of record as long as the individual has control of the property. An applicant may be any corporation, association, partnership, or one or more individuals. Various companies, corporations, and partnership arrangements exist for farm ownership. Farm corporations (signing under Federal Tax Identification number) or partnerships operating under a farm name are classified as a single “applicant.” Applicants are identified by a unique social security number and/or Federal Tax Identification number.

“Conservation Efficiency Factor (CEF)” means a factor calculated by the AgBMP Tracking Module to serve as a ranking tool and provide some guidance for ranking applications that would implement different BMPs. This tool is designed to assist Districts with the ranking of their cost share practice applications. The CEF uses eleven different components, including soil loss data that is inputted by the District, as well as the environmental information associated with the location of the practice on the earth to generate a factor used to rank the proposed practice compared with other instances of the same BMPs as well as instances of other BMPs.

“District” or “local soil and water conservation district” or “SWCD” means a political subdivision of the Commonwealth organized in accordance with the provisions of the Code of Virginia contained in Chapter 5 of Title 10.1 (§ 10.1-500 et seq.) and with the powers and duties set out in Chapters 1, 5, 6, and 21.1 of Title 10.1 of the Code of Virginia.

“Drainage basins” for the purposes of funding allocations means the lands within the Chesapeake Bay watershed (CB – Chesapeake Bay) or the lands in the Commonwealth exclusively outside of the Chesapeake Bay watershed (OCB – Outside of Chesapeake Bay).

“Forestal production” means the production for commercial purposes of forestal products, and includes the processing or retail sales by the producer, of forestal products that are produced on the parcel. Forestal products include, but are not limited to; saw timber, pulpwood, posts, firewood, Christmas trees, and other tree and wood products for sale or for farm use.

“Horticultural production” means the production for commercial purposes of horticultural products, and includes the processing or retail sales, by the producer, of horticultural products that are produced on the parcel. Horticultural products include, but are not limited to, fruits of all kinds, grapes, nuts, and berries, nursery and floral products for sale or for farm use.

“Total Maximum Daily Load” or “TMDL” means a calculation of a maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.

5. Allocation Process for Cost-share:

The process for determining the allocation of new cost-share includes the following steps:

- A) Review the Appropriation Act language and determine the distribution of amounts deposited to the Virginia Water Quality Improvement Fund (WQIF) from state surplus allocations, WQIF Reserve, or from other General Fund deposits.

(See **TABLE 1**)

- B) Review the Appropriation Act language and determine the total amount available for cost-share and technical assistance in the given fiscal year provided from the:

1. Close of fiscal year general fund surplus appropriated to the Virginia Water Quality Improvement Fund (WQIF) and the amounts available for cost-share and technical assistance.
2. Special WQIF deposits from the General Fund.
3. Nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund from the recordation tax fee.
4. WQIF and Virginia Natural Resources Commitment Fund Interest.
5. The Reserve within the WQIF.

(SEE **TABLE 2**)

- C) Allocate portions of the funding to the CB and to OCB.

(SEE **TABLE 3**)

- D) Develop a cost-share spending plan that allocates appropriated funds to Program elements. (Determine uses of cost-share in CB and OCB Areas.)

1. Central Service Adjustments
 2. VACS – Virginia Agricultural Best Management Practices Cost-Share Program
(SEE **TABLE 4**)
- E) Use the Agricultural Nonpoint Source Hydrologic Unit (HU) Ranking Process to determine cost-share allocations to Districts.
(SEE **TABLES 5-7 and Attachments A-D**)

Review of Appropriation Act Language (Allocation Steps A and B)

For FY20, \$73,757,699 in new funding is being deposited to the Water Quality Improvement Fund in accordance with Item 362 Q of the 2019 Appropriation Act (See Part 2, Authority). Of this amount, distributions are directed as follows:

TABLE 1: FY20 Appropriation Act Distributions for WQIF Surplus (Item362 Q.)

Water Quality Program	Program Distributions
WQIF (Total Surplus Deposit)	\$73,757,699
WQIF (Total WQIF Reserve and Special General Fund deposit)	\$0
• Earmark for Commonwealth's match to federal Conservation Reserve Enhancement Program (CREP) – lands exclusively or partially within the Bay watershed	\$1,000,000
• Earmark for Commonwealth's match to federal Conservation Reserve Enhancement Program (CREP) - land exclusively outside the Bay watershed	\$1,000,000
• Earmark for the Virginia Conservation Assistance Program	\$1,000,000
• Earmark for special nonpoint source projects (poultry litter and RMPs)	\$750,000
• Earmark for the Department of Forestry	\$500,000
• Deposit to WQIF Reserve	\$8,288,850
• Transfers to the Virginia Natural Resources Commitment Fund <ul style="list-style-type: none"> ○ Technical Assistance for Virginia Soil and Water Conservation Districts ○ Agricultural Best Management Practices Cost-Share Assistance 	\$61,218,849
	\$7,958,450
	\$53,260,399

For FY20, \$68,218,849 in new funding (Item 362 D. and Q. – see Part 2, Authority) is available for allocations to the Districts for cost-share and technical assistance.

TABLE 2: FY19 Cost-share and Technical Assistance Allocations by Fund Source

Funding Source	Total	Cost-share Portion of Total	Technical Assistance Portion of Total**
WQIF (Surplus deposit)	\$61,218,849	\$53,260,399	\$7,958,450
WQIF (Reserve and special GF deposit)	\$0	\$0	\$0
Recordation Fee*	\$7,000,000*	\$5,700,000***	\$1,300,000
Fund and Subfund Interest	\$0	\$0	\$0
TOTAL	\$68,218,849	\$58,960,399	\$9,258,450

* The 2019 Appropriation Act (Item 362 D. – see Part 2, Authority) provides for \$10,000,000 in Appropriation from the recordation tax fee. Because of reduced actual revenue being recognized historically and the potential for the shortfall to continue into FY20, a conservative approach is being taken towards allocations and only \$7,000,000 is being utilized for budgeting purposes.

** The 2019 Appropriation Act (Item 362 Q. – see Part 2, Authority) utilizes 13% for the formulation of Technical Assistance Amounts to be allocated from the Surplus Deposit.

*** This amount includes funding that is allocated to the Department for targeted initiatives including increasing nutrient management plan development, verification of BMPs, operational support for Districts related to RMPs and payments to producers for achieving RMP certification.

The 2019 Appropriation Act specifies the distributions for both the WQIF Surplus Deposit and the recordation revenues. Distributions within the CB and OCB shall be as follows:

TABLE 3: FY20 Cost-share Allocations by Drainage Basin and Fund Source

Funding Source	Total	Cost-share Portion of Total	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB*	Cost-share Portion Allocated to Lands Exclusively OCB*
Surplus	\$61,218,849	\$53,260,399	\$37,282,279	\$15,978,120
Special Reserve and GF Deposit	\$0	\$0	\$0	\$0
Recordation Fee	\$7,000,000	\$5,700,000**	\$3,990,000	\$1,710,000
TOTAL	\$68,218,849	\$58,960,399	\$41,272,279	\$17,688,120

* Amounts rounded to the nearest dollar.

** This amount includes funding that is allocated to the Department for targeted initiatives including increasing nutrient management plan development, verification of BMPs, operational support for Districts related to RMPs and payments to producers for achieving RMP certification.

Spending Plan: Allocation of Appropriated Funds (Allocation Step D)

Out of the amounts available for cost-share, the Spending Plan shall allocate funding to BMP practices associated with specific program elements as follows:

TABLE 4: FY20 Cost-share Spending Plan by Drainage Basin and Fund Source

Program Element	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (Surplus)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (WQIF Reserve and Special GF Deposit)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (Recordation Fee)	Cost-share Portion Allocated to Lands Exclusively OCB (Surplus)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the OCB (WQIF Reserve and Special GF Deposit)	Cost-share Portion Allocated to Lands Exclusively OCB (Recordation Fee)	Totals
Total Available	\$37,282,279	\$0	\$3,990,000	\$15,978,120	\$0	\$1,710,000	\$58,960,399
Spending Plan Distribution:							
Central Service Adjustments	\$0	\$0	\$0	\$0	\$0	\$0	\$0
VACS	\$37,282,279	\$0	\$3,990,000	\$15,978,120	\$0	\$1,710,000	\$58,960,399

Specifics regarding the process by which such allocations are determined for each Program element within the spending plan are as follows:

Explanation of Spending Plan Distribution Components:

RMP – Resource Management Plans (Allocation Step D1)

Any remaining RMP balances from prior fiscal years funds are authorized to be carried forward to FY20, and no new earmark is being made. These funds may be utilized to contract for plan development and certification although the intent is for the emphasis to be placed on plan certification (RMP-2). A fundamental goal of the Resource Management Plan Program pursuant to § 10.1-104.8 of the Code of Virginia is for the RMP plans to include “agricultural best management practices sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local TMDL water quality requirements of the Commonwealth”.

The intent of the program is to encourage farm owners and operators to voluntarily implement a high level of BMPs on their farmlands in order to be protective of water quality.

Soil and Water Conservation Districts are authorized to develop plans and recover costs from the cost-share applicant in accordance with Item 362 G of the 2019 Appropriation Act.

G. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.

SL-6 (Allocation Step D2)

Any funds remaining after all pending 2015 SL-6 practices have been completed and payment has been made to the producer must be returned to the Department for reallocation by the Board in accordance with Part 9 of this Policy.

Central Service Adjustments (Allocation Step D3)

The Appropriation Act (Part 3: Miscellaneous) annually applies charges (interfund transfers) to each Agency for expenses incurred by central service agencies associated with Agency funds. For FY20, charges for nongeneral funds are \$47,612 from 0900 funds. If a portion of these expenses need to be paid from cost-share amounts provided for in the Appropriation Act, it should be allocated from non-budgeted “cash transfer in (CTI)” funds or non-budgeted recordation fee tax deposits before reallocations are made.

Funding to the Department for Targeted Initiatives

Funding for Department initiatives will be allocated from the anticipated recordation revenue as follows:

Within the Chesapeake Bay watershed

- For increased nutrient management plan development, \$900,000 for contracts with Virginia-certified nutrient management plan writers;
- For verification of BMPs, \$200,000 for support to Districts for verification efforts; and
- For operational support to Districts related to RMPs and payments to producers for achieving RMP certification, \$270,000.

Outside the Chesapeake Bay watershed

- For operational support to Districts related to RMPs and payments to producers for achieving RMP certification, \$80,000.

The total funding allocated for these initiatives is \$1,450,000.

VACS – Virginia Agricultural Best Management Practices Cost-Share Program Allocations (Allocation Step D4)

After the other noted distributions have been met in the spending plan (SEE TABLE 4), for which there are none set out in FY20, there is \$58,960,399 available for distribution as VACS cost-share. (Table 4 outlines the drainage basin split and fund sources.) Specific allocations to Districts in FY20 shall be made using science-based targeting of funds so that areas with the greatest potential to contribute agricultural nonpoint source pollution have the financial resources to implement BMP to reduce nutrient and sediment contamination of surface and ground waters. The process utilized to make these allocations is called the Agricultural Nonpoint Source Hydrologic Unit (HU) Ranking Process.

Agricultural Nonpoint Source Hydrologic Unit (HU) Ranking Process (Step E)

The Department utilizes a component of Virginia’s Nonpoint Source Assessment to focus its cost-share allocations where funds can produce the greatest reductions in surface and ground water contamination. Every two years, the Department of Environmental Quality (DEQ) prepares a Virginia Water Quality Assessment Report, also known as the 305(b)/303(d) Water Quality Assessment Integrated Report for submission to the Environmental Protection Agency that typically includes an updated Nonpoint Source Assessment prepared by both the Department and DEQ. Currently, the 2018 Nonpoint Source Assessment represents the most recent information available for use. The Department utilizes the agricultural component of the most current and approved NPS assessment to focus agricultural cost-share funds.

Hydrologic unit assessment scores are calculated using a nonpoint source pollutant load simulation model and data developed by the Department, DEQ, and the Virginia Tech, Department of Biological Systems Engineering. The model includes statewide data from:

- Detailed land use from interpreted imagery supplemented with tillage practice data;
- USDA Cropland data;
- National Agricultural Statistics Service data;
- Grazing and manure application practices;
- Hydrologic soil groups;
- Average water content and K factors of all soils;
- Stream flows from gauge stations;
- Climate records from a multi-state area;
- Growing seasons;
- Dominant crop types by hydrologic unit;
- CB Watershed Model output;
- Animal numbers by type and location;
- Distribution and extent of agricultural conservation practices; and
- Slope.

Additional technical information regarding modeling processes are set out in Department documents titled: *2018 NPS Assessment and Prioritization Primer*

The computer model estimates and ranks the pollutant loads of nitrogen, phosphorus, and sediment in 1,240 of the 1,251 6th level hydrologic units in Version 5 of Virginia's National Watershed Boundary Dataset (NWBD), each identified by a unique code (VAHU6). Those units not modeled are primarily water. Each of three per hectare agricultural pollutant loads are sorted Low to High and assigned their sort order for each Hydrologic Unit (HU). The rank score of a HU is the sum of these three values. For example:

Hydrologic Unit – (VAHU6)	Nitrogen Load Sort Order (NSEQ)	Phosphorous Load Sort Order (PSEQ)	Sediment Load Sort Order (SSEQ)	Sum (NSEQ + PSEQ + SSEQ)	Agricultural Pollutant Potential Rank
PS14	942	1113	1030	3085	High (H)
JU37	664	724	1131	2519	Medium (M)
NE28	465	169	240	874	Low (L)

The higher the composite ranking score, the higher its potential to contribute agricultural NPS pollution (based on Nitrogen, Phosphorus, and Sediment loads). In accordance with this process, Attachment A includes the Unit Area Loads for Nitrogen (kg/Ag ha-yr), Phosphorus (kg/Ag ha-yr), and Sediment (mt/Ag ha-yr); the Sorted Sequence (Rank Order) between HUs for each pollutant's load; a Sum Order for each HU; and the resulting Agricultural Pollutant Potential Rank for each HU to be utilized in FY19 cost-share allocation computations.

The Department has designated the highest 20% of the ranked composite scores as High (H) potential, the middle 30% as Medium (M), and the lowest 50% are ranked Low (L) for their potential to contribute agricultural NPS pollution (natural breaking points in the data are looked for around these percentiles; not to exceed a 0.50 deviation).

For FY20 (see **Attachment A**) the data breaks were as follows:

TABLE 5: Agricultural Pollutant Potential Ranking

Agricultural Pollutant Potential Rank	# of HUs included	% of HUs included	% of Ag land	Sum Order Range
H	247	19.74	21.19	2633-3533
M	376	30.06	30.53	1777-2628
L	628	50.20	48.28	3-1767
Total	1251	100.000	100.000	

NOTE: Since the installation and distribution of BMPs implemented is part of the calculation of the agricultural NPS loads and ranking, the hydrologic units may change rankings if a large number of BMPs are implemented in a particular HU between assessments. Ranking changes tend to shift the funds between the HUs.

The next step is to compile the HU area (hectares or ha) designated as H, M, and L by county and the District geographic areas. Hydrologic unit boundaries are based upon naturally occurring drainage divides and do not often reflect county boundaries. As a result, any HU may be fully contained within a county or divided between two or more counties. Geographic Information System analysis allows the area (acres) of each ranked HU (H, M, and L) within a county boundary to be calculated and compared to the total number of acres of that pollutant ranking (H, M, and L) within each drainage basin (CB or OCB). The county area (acres) designated as H, M, and L are then rolled up to the 47 Districts. (Those HUs not within a District boundary have been removed from the analysis and do not contribute to the acreage total utilized in calculating the Cost-share Multiplier.)

Some Districts reside in the CB, some are located in only OCB areas, and some contain acreage in both. District drainage basin assignments are outlined in **Attachment B**.

Once a composite area (acres) for H, M, and L HUs has been calculated for each District by drainage basin, a H, M, and L cost-share multiplier based on percentage of agricultural acres in the District (for H, M, and L) compared to the drainage basin total (for H, M, and L) is calculated and then applied respectively to the amount of cost-share funding allocated to the H, M, and L pollutant load categories in the CB and OCB areas. This analysis is set out in **Attachment C**. **Attachment C** provides data by Drainage Basin (CB and OCB), District, Agricultural Pollutant Potential Rank (H, M, and L), Total Area (acres) of Hydrologic Units in each District by Agricultural Pollutant Potential Rank and Drainage Basin, and the resulting Percentage Rank (Cost-share Multiplier).

Attachment D provides a full-page version of the image below (**FIGURE 1**) depicting the statewide distribution of H, M, and L HUs by District and Drainage Basin.

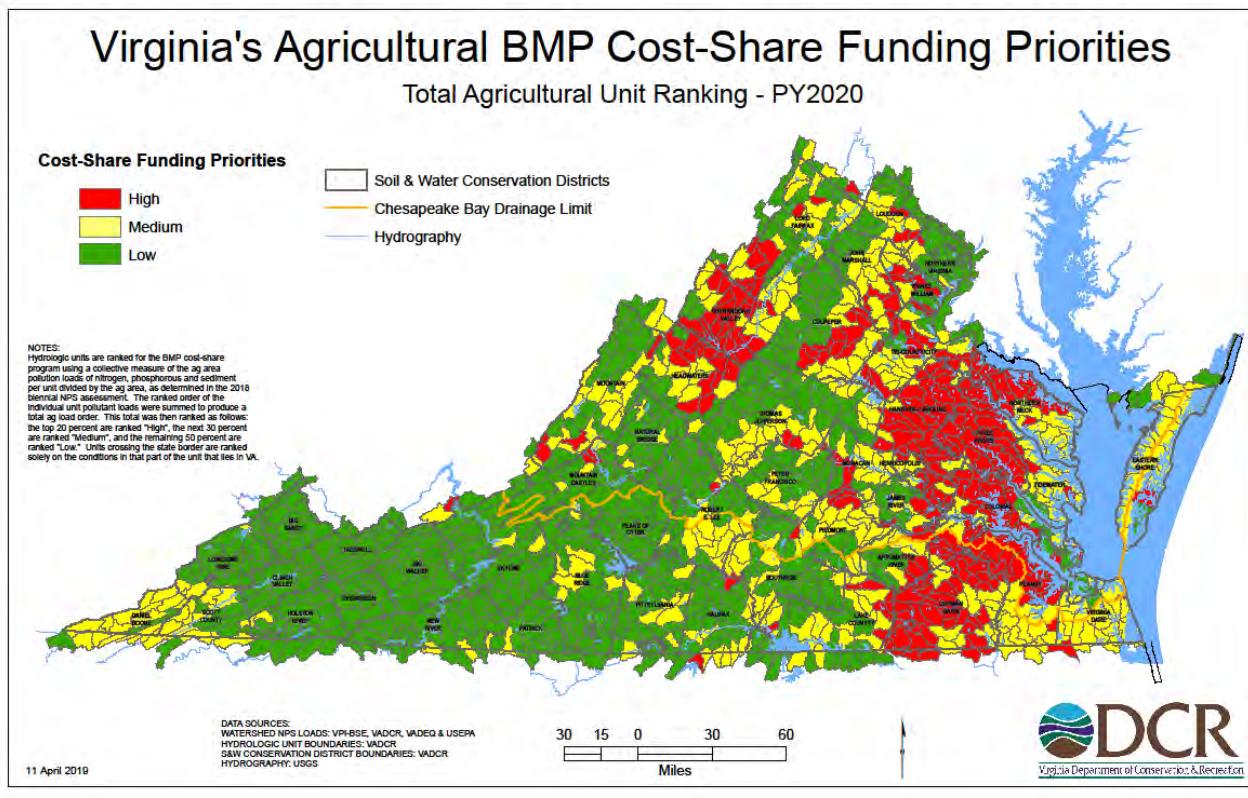


FIGURE 1: Virginia's Agricultural BMP Cost-share Funding Priorities

Utilizing the information in **Attachment C**, the next step is to determine how much of the available cost-share by drainage basin and funding type will be proportioned to H, M, and L HU areas. Percentage allocations are based on providing a high percentage of the funding to the waters with the most pollutant load based on nitrogen, phosphorus, and sediment. For FY20, the H ranked HUs are assigned 50 percent of the cost-share funds. The M ranked HUs are assigned 30 percent of the cost-share funds, while the L ranked HUs are assigned 20 percent of the cost-share funds.

TABLE 6: FY20 Cost-share Allocations by Drainage Basin; Fund Source; and H, M, and L HU Areas*

Program Element	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (Surplus)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (Reserve and Special GF Deposit)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the CB (Recordation Fee)	Cost-share Portion Allocated to Lands Exclusively OCB (Surplus)	Cost-share Portion Allocated to Lands Exclusively or Partly Within the OCB (Reserve and Special GF Deposit)	Cost-share Portion Allocated to Lands Exclusively OCB (Recordation Fee)	Totals
VACS (after spending plan distributions – see TABLE 4)	\$34,082,279		\$2,620,000	\$15,978,120		\$1,630,000	\$54,310,399
H (50%)	\$17,041,139		\$1,310,000	\$7,989,060		\$815,000	\$27,155,199
M (30%)	\$10,224,684		\$786,000	\$4,793,436		\$489,000	\$16,293,120
L (20%)	\$6,816,456		\$524,000	\$3,195,624		\$326,000	\$10,862,080

* This amount does not include funding that is allocated to the Department for targeted initiatives including increasing nutrient management plan development, verification of BMPs, operational support for Districts related to RMPs and payments to producers for achieving RMP certification. Additionally, funding for increased WIP implementation to targeted Districts is not included.

The H, M, and L multipliers for each District are then applied to the amount of cost-share funds being made available in each drainage basin (CB and OCB) and funding source (Surplus, Special GF Deposit, Recordation fee) as set out in **TABLE 6**. Each District's drainage basin's H, M, and L funds are then accumulated to provide a total funding amount for the cost-share allocation.

The following table shows FY19 District VACS and SL-6 cost-share allocations by drainage basin and under the cost-share total column, provides the cumulative cost-share allocations to each of the Districts. Columns are included that show the FY19 District cost-share allocations being allocated to FY15 SL-6 “Pending” allocations in the CB and OCB (See Discussion in Step D2).

TABLE 7: FY20 District Cost-share Allocations by Drainage Basin

SWCD	VACS CB Total	VACS OCB Total	VACS WIP Acceleration Cost-share Total*	FY20 Cost-Share Total (VACS)
APPOMATTOX RIVER	\$55,982	\$221,790		\$277,772
BIG SANDY	\$0	\$76,910		\$76,910
BIG WALKER	\$0	\$338,323		\$338,323
BLUE RIDGE	\$22,406	\$395,441		\$417,846
CHOWAN BASIN	\$0	\$1,807,975		\$1,807,975
CLINCH VALLEY	\$0	\$1,041,058		\$1,041,058
COLONIAL	\$786,528	\$0		\$786,528
CULPEPER	\$4,003,639	\$0	\$348,000	\$4,351,639
DANIEL BOONE	\$0	\$3,090,072		\$3,090,072
EASTERN SHORE	\$567,671	\$300,352	\$1,000,500	\$1,868,523
EVERGREEN	\$0	\$201,204		\$201,204
HALIFAX	\$0	\$266,988		\$266,988
HANOVER-CAROLINE	\$1,324,751	\$0	\$348,000	\$1,672,751
HEADWATERS	\$4,083,608	\$0	\$130,500	\$4,214,108
HENRICOPOLIS	\$254,622	\$0		\$254,622
HOLSTON RIVER	\$0	\$369,770		\$369,770
JAMES RIVER	\$358,587	\$516,714		\$875,301
JOHN MARSHALL	\$2,141,330	\$0		\$2,141,330
LAKE COUNTRY	\$0	\$585,038		\$585,038
LONESOME PINE	\$0	\$1,057,168		\$1,057,168

LORD FAIRFAX	\$3,330,928	\$0	\$130,500	\$3,461,428
LOUDOUN	\$1,034,933	\$0		\$1,034,933
MONACAN	\$544,061	\$0		\$544,061
MOUNTAIN	\$1,043,228	\$0		\$1,043,228
MOUNTAIN CASTLES	\$490,161	\$84,835		\$574,996
NATURAL BRIDGE	\$909,761	\$0		\$909,761
NEW RIVER	\$0	\$682,917		\$682,917
NORTHERN NECK	\$1,471,507	\$0		\$1,471,507
NORTHERN VIRGINIA	\$68,063	\$0		\$68,063
PATRICK	\$0	\$85,769		\$85,769
PEAKS OF OTTER	\$68,387	\$223,499		\$291,886
PEANUT	\$1,142,668	\$1,541,179		\$2,683,847
PETER FRANCISCO	\$818,005	\$0		\$818,005
PIEDMONT	\$921,884	\$35,687		\$957,571
PITTSYLVANIA	\$0	\$411,962		\$411,962
PRINCE WILLIAM	\$415,947	\$0		\$415,947
ROBERT E. LEE	\$686,711	\$243,440	\$348,000	\$1,278,150
SCOTT COUNTY	\$0	\$1,751,737		\$1,751,737
SHENANDOAH VALLEY	\$4,734,881	\$0	\$130,500	\$4,865,381
SKYLINE	\$1,035	\$1,224,149		\$1,225,149
SOUTHSIDE	\$366	\$258,544		\$258,910
TAZEWELL	\$0	\$151,142		\$151,142
THOMAS JEFFERSON	\$2,001,966	\$0	\$348,000	\$2,349,966
THREE RIVERS	\$1,937,892	\$0		\$1,937,892

TIDEWATER	\$581,299	\$0		\$581,299
TRI-COUNTY/CITY	\$843,863	\$0		\$843,863
VIRGINIA DARE	\$59,596	\$653,544		\$713,140
Grand Total	\$36,702,279	\$17,608,120	\$2,784,000	\$57,094,399

- VACS WIP Acceleration Cost-share Total is considered a component of the District's total cost-share allocation and is subject to the transfer and reallocation procedures set out in Sections 6 and 9 of this policy.

NOTE: The distribution of cost-share allocations is dependent on income and state finances. See the procedure outlined in Part 13: Criteria for Cost-Share and Technical Assistance for what procedures are implemented should funding availability fall short of appropriation projections.

6. Deputy Director Approved Transfer of Cost-share (and Technical Assistance):

After Grant Agreement issuance, Districts may choose to work with the Department to determine if cost-share allocations should be transferred from one District to another District to maximize water quality improvements. Cost-share shall not be transferred between CB and OCB drainage allocations. Recommended adjustments shall be advanced by Department field personnel through the Division's Central Office to the Deputy Director for consideration as District contract adjustments. A completed Transfer of Virginia Agricultural Best Management Practices Cost-Share Program (VACS) Allocated Cost-Share Funds Form 199-225 (Form) from the affected Districts will be required to document their approval of the recommended transaction. The completed Form regarding reallocations/transfers shall be routed to the Comptroller to update the Department's records. For amounts already distributed to Districts, funds shall be returned back to the Department, or deducted from the next quarterly FY20 disbursement(s) for redistribution to the approved receiving District (accordingly such funds shall not be directly sent between Districts). A proportional amount of Technical Assistance shall be transferred with the cost-share funds; however, cost-share funds may be voluntarily transferred between two Districts without a proportional amount of technical assistance funds if both the donor and recipient District Boards agree, by formally adopted motions, to such transfer. Such motions and all documentation required to execute the voluntary transfer of cost-share must be submitted to the Department prior to June 30, 2020. All transferred cost-share funds will be subject to the recipient District's ninety percent (90%) obligation requirement for their total VACS allocation as set out in Section 9 – Reallocation of cost-share funds.

Additionally, should a District decline a recommended cost-share allocation, technical assistance allocations may also be reduced accordingly if such an allocation has been recommended. Aside from transfers of funds approved under this Section, no other movements of cost-share or technical assistance funding may occur between Districts.

7. Targeting the Expenditure of Cost-share Funds in each District to Maximize Water Quality Improvements:

Once cost-share has been allocated to Districts, cost-share expenditures within Districts, in accordance with the VACS mission (See Part 2), should be targeted towards maximizing nutrient and sediment reductions by implementing the most cost-effective BMPs possible in locations that achieve the greatest pollutant reductions on a field by field basis. The VACS Program gives Districts the responsibility to determine the recipients of state cost-share funds. The better the Districts recruit and evaluate applications, the more successful the local

program will be at improving local water quality. Participants are to be recruited based upon those primary and secondary factors, which most influence their existing land uses impact upon water quality. The objective of the VACS Program is to solve water quality problems by fixing the worst problems first on a field by field basis. The 2018 agricultural non-point source ranking of the National Watershed Boundary Dataset units (VAH6) currently provides the most accurate identification at a landscape scale, of the lands with the greatest potential to contribute agricultural non-point source pollution into Virginia's rivers and streams.

Statewide water quality considerations shall be used by all Districts to qualify cost-share applications for District Board consideration for funding. Districts should prioritize the implementation of appropriate BMPs that will reduce the greatest amount of nutrient and sediment contamination while utilizing the least amount of cost-share funds to address site-specific water quality problems in identified HU priority watersheds with all program cost-share funds. Any application that does not meet at least one of the priority considerations listed below shall not receive funding:

1. Applications for cost-share funding that are located within or upstream of an identified impaired stream segment shall be prioritized for funding of practices that reduce the identified pollutant. VAH6 hydrologic units either completely or partially within an existing Agricultural NPS Stream Impairment are identified from the GIS layer within the AgBMP Tracking Module.
2. Applications for cost-share funding on fields that are at least 1/3 HEL (Highly Erodible Land) soils receive priority.
3. Applications for cost-share to implement BMPs that are within an approved Virginia Resource Management Plan management area will also receive priority consideration over similar BMPs outside of the management area. The AgBMP Tracking Module will automatically calculate a 10% reduction in the CEF score for these BMPs.

Exceptions to the priority considerations may be made for animal waste management practices and for actions taken to protect groundwater, gully erosion, or critical areas. The following list of practices are priorities and do not need to meet any other priority consideration in order to be eligible for cost-share funding:

Animal Waste Control Facilities (WP-4)
Loafing Lot Management System (WP-4B)
Composter Facilities (WP-4C)
Permanent Vegetative Cover on Critical Areas (SL-11)
Nutrient Management Plan Writing and Revisions (NM-1A)
Sod Waterway (WP-3)
Small Grain Cover Crop and Mixed Cover Crop for Nutrient Management and Residue Management (SL-8B)
Stream Exclusion with Grazing Land Management (SL-6)
Grass Filter Strips (WQ-1)
Sediment Retention, Erosion or Water Control Structure (WP-1)
Precision Nutrient Management on Cropland – Nitrogen Application (NM-5N)
Precision Nutrient Management on Cropland – Phosphorus Application (NM-5P)
Woodland Buffer Filter Area (FR-3)

Further, a set of Secondary considerations that identify the local District Board's water quality improvement focus shall be developed by the District Board. The District shall submit their Secondary Considerations to the Department prior to the beginning of the fiscal year and receive Department approval prior to the District approving cost-share applications. These secondary considerations are utilized by Districts to prioritize

applications that address locally identified water quality concerns. Secondary considerations should be narrative statements that are easily understood by any potential participant and that assist District Boards in ranking cost-share applications based upon which practice implementation will provide the greatest amount of local water quality improvement. The District shall be expected to abide by these policies throughout the entire program year so that each application is ranked to receive funding based upon the anticipated water quality benefits. Examples of potential secondary considerations may be found in the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*.

Additionally, for Districts within the CB, Districts shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan; for Districts OCB, priority shall be given to BMPs in the highest priority agricultural TMDL watersheds (as ranked by the Department; H, M, and L). BMPs within fields covered by a Resource Management Plan shall also receive priority.

Districts shall be prepared to verify and document that their cost-share allocations are being spent in accordance with the priority considerations, their approved secondary considerations, and in accordance with the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*.

Each District shall, when comparing projects for cost-share funding, utilize the Conservation Efficiency Factor (CEF). A CEF is calculated by the AgBMP Tracking Module and uses eleven different components, including installation costs and soil loss data that is input by the District, as well as the environmental information associated with the location of the practice to generate a factor that can be used to rank the proposed practice compared with other instances of the same BMPs as well as instances of other BMPs (See **TABLE 8**). Although the CEF can be used to rank different BMPs it will more accurately rank different BMPs that are oriented toward reduction of the same contaminant with the lower the value the more preferred the project.

The relative weights of **TABLE 8** reflect the weight distribution of the CEF components for practices where every component is used in the final CEF calculation. For many practices one or more of these components is not used and the relative weights of the point variables that are used will therefore be proportionally increased. Details on this procedure may be found in a Department discussion document titled *Assignment of Priority Values to BMP Instances at the Time of District ACSTP Data Entry*.

TABLE 8: CEF Ranking Components and Values

Ranking Component	Relative Weight	Value Range	Point or Credit Variable	Assigned Rank Points
Deliverable Sediment Reduction Cost Efficiency points	13.33	not calculated / equation results	DSEDXCE_P	0 / 1 - 10
Priority Practice points	17.33	yes / maintenance / no	PRI_P	1 / 9 / 13
NPS Ag Priority Hydrologic Unit points	17.33	not used / Ag Priorities SUM Order	NPSAG_P	0 / 1 - 13
NPS Biological Priority HU credit	5.33	2+ flags / 1 flag / none	NPSBIO_C	-4 / -2 / 0
Ag Bacteria Impairment Area points	5.29	Not used/7/6/5/4/3/2/1/0	BIMP_P	0 / 1 / 2 / 1 / 2 / 1 / 4 / 1 / 4
Ag Nutrient Impairment Area points	5.29	Not used/7/6/5/4/3/2/1/0	NIMP_P	0 / 1 / 1 / 3 / 3 / 1 / 1 / 4 / 4

Septic Impairment Area points	5.29	Not used/7/6/5/4/3/2/1/0	SIMP_P	0 / 1 / 1 / 1 / 1 / 2 / 3 / 2 / 4
Chesapeake Bay Program Efficiency credit	4.00	>50% / 35-50% / <35% / not reported	CBEFF_C	-3 / -2 / -1 / 0
Practice Contract Period points	6.61	1 - 10	PCP_P	1 - 5
Installation Cost Efficiency points	20.00	not calculated / equation results	ICE_P	0 / 1 - 15
Environmental Preferences credit	see discussion document	not calculated / equation results	ENV_C	0 / -7 - 0

Final approval of practice funding is the responsibility of the local District Board of Directors. All actions taken must be voted upon and the outcome recorded in the minutes of the meeting where such action is taken. Districts should be prepared to verify and document that their cost-share allocations are being spent in accordance with their priority and secondary considerations and in accordance with the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*.

Any application must meet appropriate technical agency standards and specifications of that practice before cost-share payment is made. Payment is issued after the participant and technical representative have certified practice installation in their Virginia BMP Incentives Contract. The amount of the cost-share payment is calculated based upon the estimated cost or total actual cost whichever is less. When completed practices are scheduled for combined funding from a District and other sources, the District cost-share payment must reflect the balance due (not to exceed the amount approved by the District for the cost-share payment) after payment has been approved or issued by the other sources. Total combined state VACS, federal, and any other funding source cost-share payments must not exceed the amount allowed within the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*, this Policy, or by written directive of the Director.

Department personnel will confer with District staff at least quarterly to determine their projected needs for cost-share payments for projected completed BMPs. Department personnel will generate a disbursement letter based upon the projected needs and AgBMP Tracking Module data showing obligations.

8. Cost-share Funding Caps:

For FY20, the VACS applicant cost-share limit or “cap” is \$100,000/applicant/year. This cap is automatically monitored for any applicant across Districts based upon data available from within the AgBMP Tracking Module.

- Each District Board may establish an applicant cost-share limit or “cap” for the program year which may not exceed the program applicant cost-share limit. Applicants may receive the amount of the District established cost-share limits or “caps” for implemented BMPs as long as the amount does not exceed the established programmatic cost-share limit or “cap”. This cap is automatically monitored for any applicant across Districts based upon data available from within the AgBMP Tracking Module. Districts may view all approved cost-share funds for a participant by utilizing the “participant’s contracts” button. This authority to set District cost-share limits in accordance with the provisions of this paragraph does not extend to SL-6, RMP-1, and RMP-2 practices.

- Cost-share funds received for RMP-1 and RMP-2 practices do not count against or otherwise affect an applicant's annual cost-share cap for other specified practices.
- A producer may be eligible to receive a variance from the cap for either a WP-4 or a WP-4B practice. However, if producer is approved for such a variance, he is not eligible for any additional cost-share funds for any other cost-share practices.

State participant caps are based upon the fiscal year that the practice is approved rather than the fiscal year in which the cost-share payment is distributed. This allows each participant to maximize the amount of cost-share that they may receive in each fiscal year.

9. Reallocation of Cost-Share:

Following the end of each fiscal year, the Board shall reallocate (redistribute) unobligated VACS allocations, including unobligated funds from prior fiscal years, and unobligated CREP or RCPP funds (keeping cost-share within the drainage basin it was originally allocated within) at its next scheduled meeting . These funds will be used for VACS programmatic priorities which may include funding for Chesapeake Bay Watershed Implementation Plan implementation or targeted agricultural BMPs. VACS funds that have not been approved by the District's Board of Directors at the end of the fourth quarter of the fiscal year (June 30, 2020) to fund an existing cost-share application are considered to be unobligated.

Data collected from the budget summary page of the Virginia AgBMP Tracking Module (Tracking Module) will be analyzed to identify those Districts that have obligated ninety percent (90%) or more of their Total VACS allocation. The percent of their VACS allocation obligated will be identified by dividing the "Approved" amount by the "Allocation" amount. For those Districts that did not obligate at least ninety percent (90%) of their Total VACS allocation by June 30, 2020, unobligated cost-share funds will be summed and all of a District's unobligated VACS funds will be reallocated. This includes amounts already distributed to Districts for which a project has since been discontinued (which shall be reverted back to the Department; such funds shall not be directly sent between Districts) as well as VACS funds still being held by the Department for which there are no pending obligations against it. Technical assistance funding shall proportionally be transferred with the reallocated cost-share.

Reallocation cost-share amounts and the associated technical assistance amounts shall be specifically noted in cost-share disbursement letters to Districts and become part of the financial record.

All funds eligible for reallocation in the Chesapeake Bay watershed will be reallocated to one or more of the ten targeted Districts for increased Chesapeake Bay Watershed Implementation Plan implementation.

10. Allocation Process for Technical Assistance:

Technical Assistance funds are made available to Districts by the Department for VACS Program implementation by District technical staff. FY13 technical assistance fund allocations approved in the amount \$1,843,154 represents a base allocation for FY20 for technical assistance. This base (or constant) represents the FY13 level at which Districts delivered services. The base amount of \$1,843,154 is subtracted from the total technical assistance available in FY20 (\$9,258,450) and results in a technical assistance balance of \$7,415,296. This remaining balance is distributed proportionally to the allocation of Total FY20 cost-share (VACS and SL-6) to Districts. Results for FY20 (Total Technical assistance allocations by District) are presented in **TABLE 9**. In future years, should technical assistance amounts available fall below the \$1,843,154 base level, total technical assistance to Districts would be proportionally reduced.

TABLE 9: FY20 Technical Assistance Computations and District Allocations

SWCD	FY20 Cost-Share Total (VACS)	Proportional Multiplier	FY20 TA Addition to the FY13 TA Base	FY13 TA Base	FY20 Total Technical Assistance Allocated	FY20 Additional Technical Assistance for WIP Acceleration*
APPOMATTOX RIVER	\$277,772	0.005114530	\$37,926	\$25,899	\$63,825	
BIG SANDY	\$76,910	0.001416119	\$10,501	\$8,723	\$19,224	
BIG WALKER	\$338,323	0.006229436	\$46,193	\$34,600	\$80,793	
BLUE RIDGE	\$417,846	0.007693670	\$57,051	\$50,000	\$107,051	
CHOWAN BASIN	\$1,807,975	0.033289662	\$246,853	\$30,369	\$277,222	
CLINCH VALLEY	\$1,041,058	0.019168659	\$142,141	\$70,000	\$212,141	
COLONIAL	\$786,528	0.014482080	\$107,389	\$40,000	\$147,389	
CULPEPER	\$4,003,639	0.073717716	\$546,639	\$105,000	\$651,639	\$52,000
DANIEL BOONE	\$3,090,702	0.056908116	\$421,991	\$49,800	\$471,791	
EASTERN SHORE	\$868,023	0.015982630	\$118,516	\$51,000	\$169,516	\$149,500
EVERGREEN	\$201,204	0.003704712	\$27,472	\$19,300	\$46,772	
HALIFAX	\$266,988	0.004915959	\$36,453	\$32,600	\$69,053	
HANOVER-CAROLINE	\$1,324,751	0.024392217	\$180,876	\$74,250	\$255,126	\$52,000
HEADWATERS	\$4,083,608	0.075190177	\$557,557	\$38,297	\$595,854	\$19,500
HENRICOPOLIS	\$254,622	0.004688274	\$34,765	\$7,570	\$42,335	
HOLSTON RIVER	\$369,770	0.006808459	\$50,487	\$69,000	\$119,487	
JAMES RIVER	\$875,301	0.016116634	\$119,510	\$16,372	\$135,882	
JOHN MARSHALL	\$2,141,330	0.039427624	\$292,368	\$32,000	\$324,368	
LAKE COUNTRY	\$585,038	0.010772119	\$79,878	\$17,000	\$96,878	
LONESOME PINE	\$1,057,168	0.019465292	\$144,341	\$27,329	\$171,670	

LORD FAIRFAX	\$3,330,928	0.061331303	\$454,790	\$100,000	\$554,790	\$19,500
LOUDOUN	\$1,034,933	0.019055894	\$141,305	\$46,000	\$187,305	
MONACAN	\$544,061	0.010017623	\$74,284	\$16,000	\$90,284	
MOUNTAIN	\$1,043,228	0.019208618	\$142,438	\$0	\$142,438	
MOUNTAIN CASTLES	\$574,996	0.010587213	\$78,507	\$35,000	\$113,507	
NATURAL BRIDGE	\$909,761	0.016751133	\$124,215	\$32,221	\$156,436	
NEW RIVER	\$682,917	0.012574335	\$93,242	\$50,000	\$143,242	
NORTHERN NECK	\$1,471,507	0.027094387	\$200,913	\$100,742	\$301,655	
NORTHERN VIRGINIA	\$68,063	0.001253222	\$9,293	\$0	\$9,293	
PATRICK	\$85,769	0.001579243	\$11,711	\$13,500	\$25,211	
PEAKS OF OTTER	\$291,886	0.005374404	\$39,853	\$28,742	\$68,595	
PEANUT	\$2,683,847	0.049416815	\$366,440	\$69,000	\$435,440	
PETER FRANCISCO	\$818,005	0.015061665	\$111,687	\$23,601	\$135,288	
PIEDMONT	\$957,571	0.017631443	\$130,742	\$23,790	\$154,532	
PITTSYLVANIA	\$402,280	0.007407061	\$54,926	\$29,300	\$84,226	
PRINCE WILLIAM	\$411,962	0.007585327	\$56,247	\$6,343	\$62,590	
ROBERT E. LEE	\$930,150	0.017126557	\$126,998	\$11,930	\$138,928	\$52,000
SCOTT COUNTY	\$1,751,737	0.032254166	\$239,174	\$45,800	\$284,974	
SHENANDOAH VALLEY	\$4,734,881	0.087181854	\$646,479	\$45,600	\$692,079	\$19,500
SKYLINE	\$1,225,149	0.022558274	\$167,276	\$55,433	\$222,709	
SOUTHSIDE	\$258,910	0.004767232	\$35,350	\$24,790	\$60,140	
TAZEWELL	\$151,142	0.002782927	\$20,636	\$30,122	\$50,758	
THOMAS JEFFERSON	\$2,001,966	0.036861552	\$273,339	\$97,399	\$370,738	\$52,000
THREE RIVERS	\$1,937,892	0.035681781	\$264,591	\$70,375	\$334,966	

TIDEWATER	\$581,299	0.010703280	\$79,368	\$27,595	\$106,963	
TRI-COUNTY/CITY	\$843,863	0.015537784	\$115,217	\$25,200	\$140,417	
VIRGINIA DARE	\$713,140	0.013130822	\$97,369	\$35,562	\$132,931	
Grand Total	\$54,310,399	1.000000000	\$7,415,296	\$1,843,154	\$9,258,450	\$416,000

- Rounded to the nearest dollar.

*FY20 Additional Technical Assistance for WIP Acceleration is considered a component of the District's technical assistance allocation and is subject to the transfer and reallocation procedures set out in Section 6 and 9 of this policy.

NOTE: In 2019, the Department, pursuant to the Virginia Soil and Water Conservation Board's Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for FY20 and the associated Grant Agreement will analyze base-budget technical assistance information submitted on the Grant Agreement's Attachment D (Itemized District Budget Request Form) to see if District base technical assistance needs further adjustments. The Department shall work towards the development of a budget-based needs assessment of Districts to enable the development of an improved Policy that will govern the distribution of funding to Districts during Fiscal Year 2021 thus allowing District allocations to be more predictable, balanced, transparent, and consistent.

FY20 Technical Assistance allocations (See **TABLE 9**) shall be disbursed to Districts over FY20 in accordance with the following procedures. During the first quarter of FY20, after the Fourth Quarter FY19 reports have been submitted (including the District's End of Year Cash Balance Report, Carry Over Report, and SL-6 Pending Reports) to the Department and the Grant Agreement has been executed and the original signed Agreement returned to the Department, twenty-five percent of the technical assistance allocations shall be disbursed, with an additional twenty-five percent disbursed in each of the second, third, and fourth quarters provided updates to the AgBMP Tracking Module are being entered monthly to the satisfaction of the Department. Except due to extenuating circumstances or as otherwise set out in the Grant Agreement, disbursements to Districts will be executed within 45 calendar days following the beginning of a quarter contingent upon the satisfactory completion of database updates and the receipt of complete and accurate reports.

Should new FY20 funding be transferred between Districts, technical assistance funds noted in the column "FY20 TA Addition to the FY13 TA Base and FY20 Additional Technical Assistance for WIP Acceleration funds*" shall proportionally be transferred with the cost-share.

11. Noncompliance with this Policy:

In the event any District fails to comply with the provisions of this Policy, the Department reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise that impacts funding, the affected District(s) will be apprised of the issue(s) and will be provided an opportunity to address the concerns to the Department prior to Department action.

12. Unexpended State Funds Maintained by Districts:

If the District has obligated ninety percent (90%) or more of its cost-share allocation by June 30, 2020, FY20 technical assistance shall remain with the District. If the District has obligated less than ninety percent (90%) of its cost-share allocation, then all funds will be returned to the Department for reallocation in accordance with Section 9. However, it is unadvisable for any District to accumulate more than twelve months of Technical Assistance funds. Public funds from local, state, and federal sources are provided to Districts not for savings, but for performance of conservation and other required deliverables. The Department will monitor the growth of unexpended funds through audit reports and other fiscal reports generated by or at the request of the Department. The Department may reduce future funding to Districts that fail to act upon guidance and recommendations from auditors and the Department. Decisions and Department actions will be addressed on a case-by-case basis working with the affected District.

13. Criteria for Cost-share and Technical Assistance:

Funding allocated to Districts as cost-share and technical assistance is contingent upon appropriations by the General Assembly. Should funding availability fall short of appropriation projections during the course of FY19, after the Department has utilized all unallocated and unobligated balances it may have available (such as CTI), every District will receive an equal percent reduction which will be calculated and deducted from each District's unobligated total approved cost-share and technical assistance funding specified within the Department/District Grant Agreement. When a reduction of funds is necessary, the Department will make reductions from available unobligated cost-share first and reduce technical assistance last. Should a reduction of funds occur, every District must return funding within 30 days of receiving notice of such reduction from the Department. Should all cost-share and technical assistance funding within a District be obligated and it becomes necessary to reduce such funds, then adjustments will be made to the next fiscal year's spending plan to honor existing commitments from the prior fiscal year first or during reallocation as determined by the Department. The Department shall refer to working papers for fund source allocations for cost-share and for technical assistance to guide reductions as may be necessary.

In the event a new District is formed or an existing District alters its boundaries, the Board will examine the total financial resources under its control and its priorities for use of these funds and adhere to its Policy titled Financial Commitments For Establishment of a New Soil & Water Conservation District (SWCD/district), or Realignment of an Existing District on all funding decisions in this Policy. The newly created or altered District may be funded at a reduced level, or may be required to share funding in an arrangement determined by the Board until sufficient funding is made available to fulfill provisions of this Policy and priorities of the Board.

Expenditure of District funds, regardless of source, will be made without regard to any person's race, color, religion, sex, age, national origin, handicap, or political affiliation.

All funds received by Districts are public funds and provisions of the Freedom of Information Act shall apply to financial records, unless otherwise specified within the Act or elsewhere in the *Code of Virginia*. Each District shall safeguard, provide accountability, and expend funds only for approved purposes.

14. Electronic Copy:

An electronic copy of this Policy guidance in PDF format is available on the Department of Conservation and Recreation's website at <http://www.dcr.virginia.gov/laws-and-regulations/lr8b>.

15. Contact Information:

Please contact the Department of Conservation and Recreation's Soil and Water Conservation Division by calling the Division's administrative support at 804-225-3653 with any questions regarding the application of this Policy. The call shall be referred to program staff accordingly.

16. Authorization:

Upon the approval of this Policy, the Department shall, in accordance with its fiduciary powers and responsibilities, make and enter into any and all Grant Agreements and contracts, and take all actions necessary, to fully implement and administer this Policy.

17. Adoption, Amendments, and Repeal:

This document supersedes the Policy titled Policy and Procedures on Soil and Water Conservation District Cost-Share and Technical Assistance Funding Allocations (Fiscal Year 2020) adopted May 22, 2019 and will remain in effect until rescinded or superseded.

Attachment A

Computer Model Estimates and Ranks Based on the 2018 305(b) Report Data of the Agricultural Pollutant Loads of Nitrogen (N), Phosphorus (P), and Sediment (S) in Each of the 1,240 6thLevel Hydrologic Units (HU)

(kg/Ag ha-yr – kilograms per agricultural hectare per year; mt/Ag ha-yr – metric tons per agricultural hectare per year)

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load			Sum Order	Agricultural Pollutant Potential Rank	Row #
	VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ		
CU56	57.8992	2.8539	1.1820	1197	1206	1130	3533	HIGH	1
CU60	54.8387	1.9610	1.2608	1192	1181	1148	3521	HIGH	2
CU57	52.2711	1.9929	1.2078	1185	1185	1141	3511	HIGH	3
CU38	47.2850	1.8032	1.3550	1164	1158	1168	3490	HIGH	4
YO54	47.9586	1.7221	1.3135	1169	1142	1160	3471	HIGH	5
CU59	51.2537	2.0912	1.0556	1182	1190	1096	3468	HIGH	6
JL37	45.7670	1.7631	1.2792	1159	1151	1153	3463	HIGH	7
CU58	47.6205	1.6711	1.3496	1166	1126	1167	3459	HIGH	8
PL69	36.7128	1.8784	2.8517	1073	1167	1215	3455	HIGH	9
YO52	44.3157	1.6784	1.4263	1148	1129	1174	3451	HIGH	10
CU55	49.7620	1.8124	1.0601	1176	1159	1101	3436	HIGH	11
CM26	41.2181	1.8769	1.2197	1124	1166	1144	3434	HIGH	12
RA53	41.8990	1.5055	2.0967	1129	1091	1209	3429	HIGH	13
JL35	43.9340	1.5675	1.4608	1145	1103	1178	3426	HIGH	14
YO51	40.3262	1.5647	1.6322	1116	1102	1195	3413	HIGH	15
PS23	29.7486	1.9636	2.2468	1010	1183	1211	3404	HIGH	16
JL36	54.0485	1.9700	0.9272	1190	1184	1029	3403	HIGH	17
YO50	42.6152	1.6492	1.2046	1135	1123	1139	3397	HIGH	18
AS03	63.8846	2.4924	0.8789	1202	1202	981	3385	HIGH	19

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHUU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
PL67	33.9586	1.7757	1.5195	1047	1153	1185	3385	HIGH	20
YO53	38.2045	1.4947	1.8146	1095	1087	1201	3383	HIGH	21
PL49	39.8493	1.3780	2.0974	1112	1054	1210	3376	HIGH	22
CB07	47.6485	1.6998	0.9818	1167	1132	1065	3364	HIGH	23
CU44	56.2893	2.3493	0.8633	1194	1199	968	3361	HIGH	24
PS20	28.8876	1.8285	1.5690	1001	1162	1190	3353	HIGH	25
YO48	37.3274	1.4767	1.5080	1083	1081	1183	3347	HIGH	26
YO59	39.1023	1.3856	1.4845	1103	1058	1180	3341	HIGH	27
JL15	37.8288	1.3702	1.5297	1090	1048	1186	3324	HIGH	28
JL41	46.6629	1.7913	0.9030	1161	1156	1007	3324	HIGH	29
CU31	44.0432	2.0138	0.8849	1146	1186	987	3319	HIGH	30
PL66	30.7980	1.6301	1.4894	1019	1118	1181	3318	HIGH	31
PS16	27.9123	1.7718	1.4532	989	1152	1176	3317	HIGH	32
YO61	43.0731	1.4946	1.0274	1139	1086	1087	3312	HIGH	33
PS19	25.4160	1.6337	1.9207	972	1120	1204	3296	HIGH	34
CU18	40.0887	1.7189	0.9450	1114	1140	1041	3295	HIGH	35
RA54	39.9814	1.4292	1.0994	1113	1069	1112	3294	HIGH	36
PS32	28.3497	1.9564	1.1245	994	1180	1116	3290	HIGH	37
JL03	40.6870	1.4475	1.0573	1118	1073	1098	3289	HIGH	38
JL32	38.7307	1.3968	1.1657	1101	1060	1127	3288	HIGH	39
JL05	38.6184	1.3911	1.1784	1099	1059	1129	3287	HIGH	40
PS22	24.5422	1.6272	1.9258	967	1115	1205	3287	HIGH	41
RA59	37.9428	1.3159	1.3212	1091	1032	1163	3286	HIGH	42
JL29	53.0267	1.7763	0.8370	1186	1154	943	3283	HIGH	43
YO37	38.8129	1.3102	1.1968	1102	1027	1137	3266	HIGH	44

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO55	41.1342	1.4394	0.9954	1123	1071	1071	3265	HIGH	45
PS15	25.7785	1.4977	1.8042	975	1089	1200	3264	HIGH	46
RA55	39.2812	1.3836	1.0422	1105	1057	1093	3255	HIGH	47
CM20	50.3403	1.8900	0.7801	1179	1171	895	3245	HIGH	48
CM19	34.2170	1.3146	1.3166	1051	1030	1162	3243	HIGH	49
CU34	41.4561	1.5337	0.9147	1127	1097	1019	3243	HIGH	50
JL39	41.5130	1.5992	0.8889	1128	1108	993	3229	HIGH	51
YO57	39.2933	1.3824	0.9814	1107	1056	1064	3227	HIGH	52
JL27	32.3238	1.2044	1.6887	1032	993	1197	3222	HIGH	53
JL43	58.6665	2.1141	0.7022	1198	1192	829	3219	HIGH	54
CU37	35.6870	1.3702	1.0794	1063	1047	1108	3218	HIGH	55
JU26	20.2173	1.6284	1.3651	930	1117	1170	3217	HIGH	56
JL01	37.0433	1.3134	1.0797	1078	1028	1110	3216	HIGH	57
JA36	31.5066	1.2148	1.5733	1023	999	1191	3213	HIGH	58
PL73	33.0632	1.5457	0.9847	1038	1101	1066	3205	HIGH	59
JL30	36.7496	1.3255	1.0356	1074	1039	1091	3204	HIGH	60
YO36	41.3586	1.4556	0.8947	1126	1076	999	3201	HIGH	61
AO23	36.6274	1.4049	0.9695	1071	1064	1057	3192	HIGH	62
RA60	37.4859	1.3092	1.0009	1085	1026	1080	3191	HIGH	63
YO35	34.8579	1.2123	1.1907	1058	997	1135	3190	HIGH	64
YO49	32.2748	1.2912	1.2067	1031	1018	1140	3189	HIGH	65
PL18	41.0717	1.6324	0.8371	1122	1119	944	3185	HIGH	66
YO58	36.9373	1.3166	0.9990	1077	1033	1075	3185	HIGH	67
PS26	23.8583	1.4127	1.3054	960	1066	1156	3182	HIGH	68
PS25	22.1521	1.4030	1.3440	947	1063	1166	3176	HIGH	69

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JL31	40.7019	1.4606	0.8755	1119	1078	978	3175	HIGH	70
PL53	28.6109	1.1095	2.3388	997	962	1213	3172	HIGH	71
CU41	30.2565	1.3253	1.1087	1014	1037	1114	3165	HIGH	72
CM24	39.7526	1.5359	0.8430	1110	1098	951	3159	HIGH	73
RA57	33.9651	1.1992	1.1475	1048	991	1119	3158	HIGH	74
YO29	43.4817	1.5771	0.7876	1141	1104	907	3152	HIGH	75
PL17	33.3909	1.3665	0.9849	1040	1043	1067	3150	HIGH	76
PS33	19.4387	1.4552	1.2715	921	1075	1152	3148	HIGH	77
YO63	38.0954	1.3174	0.9126	1094	1034	1015	3143	HIGH	78
PL71	34.2392	1.6733	0.8581	1052	1127	960	3139	HIGH	79
RA39	36.6812	1.4898	0.8791	1072	1085	982	3139	HIGH	80
RA43	25.9830	1.1233	1.5411	978	965	1188	3131	HIGH	81
PS56	19.7778	1.3972	1.2090	925	1061	1142	3128	HIGH	82
JL40	45.2032	1.7127	0.7191	1151	1135	841	3127	HIGH	83
CU39	45.6636	1.7108	0.7076	1157	1134	835	3126	HIGH	84
JU40	23.9269	1.0661	3.7771	961	948	1216	3125	HIGH	85
PS11	22.1852	1.3725	1.1620	948	1049	1126	3123	HIGH	86
JL33	43.0332	1.5419	0.7667	1138	1099	885	3122	HIGH	87
PL38	33.5627	1.3450	0.9443	1042	1042	1038	3122	HIGH	88
YO62	28.9256	1.0139	1.5139	1003	935	1184	3122	HIGH	89
YO56	35.3859	1.2800	0.9580	1060	1013	1048	3121	HIGH	90
CB08	45.5140	1.6106	0.7357	1154	1111	855	3120	HIGH	91
CM18	29.1771	1.1214	1.2669	1005	964	1149	3118	HIGH	92
CU45	40.3551	2.1699	0.6789	1117	1196	798	3111	HIGH	93
YO46	29.2549	1.1655	1.1513	1007	981	1121	3109	HIGH	94

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO32	33.6309	1.1912	0.9872	1045	989	1068	3102	HIGH	95
JL46	46.5349	1.7480	0.6738	1160	1148	790	3098	HIGH	96
PS21	20.6822	1.2118	1.3286	936	996	1164	3096	HIGH	97
CU33	48.6034	1.8940	0.6407	1172	1172	747	3091	HIGH	98
PS14	21.5671	1.6191	0.9293	942	1113	1030	3085	HIGH	99
PS05	18.3161	1.3753	1.1521	912	1050	1122	3084	HIGH	100
PL72	30.5643	1.4152	0.8915	1017	1067	996	3080	HIGH	101
RD68	23.4216	1.0683	1.4405	954	949	1175	3078	HIGH	102
PS03	18.8730	1.5331	0.9792	917	1096	1062	3075	HIGH	103
RA56	38.4362	1.3676	0.8129	1098	1044	925	3067	HIGH	104
PL68	31.0445	1.5913	0.8268	1022	1106	934	3062	HIGH	105
JL26	27.9554	0.9308	1.3150	990	910	1161	3061	HIGH	106
CU15	24.0804	1.1064	1.1902	965	960	1133	3058	HIGH	107
YO60	35.8955	1.2700	0.8843	1065	1008	985	3058	HIGH	108
JL25	33.5108	1.1098	0.9531	1041	963	1047	3051	HIGH	109
CU35	39.2814	1.5187	0.7328	1106	1092	850	3048	HIGH	110
YO26	33.7136	1.3279	0.8537	1046	1040	959	3045	HIGH	111
JL06	37.3857	1.3138	0.8157	1084	1029	929	3042	HIGH	112
PS59	17.6107	1.1939	1.2679	898	990	1151	3039	HIGH	113
JL42	45.6053	1.7316	0.6362	1156	1143	739	3038	HIGH	114
YO47	34.5706	1.3797	0.8156	1055	1055	928	3038	HIGH	115
RA20	28.8114	1.0605	1.0242	1000	947	1085	3032	HIGH	116
JL14	37.6095	1.3026	0.8066	1087	1023	917	3027	HIGH	117
CU52	30.5483	1.1235	0.9449	1016	966	1040	3022	HIGH	118
CM25	29.0769	1.3253	0.8731	1004	1038	975	3017	HIGH	119

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO30	24.8418	1.1490	0.9698	968	975	1058	3001	HIGH	120
RA40	25.2427	1.1619	0.9510	970	980	1046	2996	HIGH	121
PS55	15.3397	1.2404	1.1987	852	1004	1138	2994	HIGH	122
YO11	22.7299	1.1245	0.9968	950	969	1074	2993	HIGH	123
RA21	28.6126	1.3237	0.8466	998	1036	954	2988	HIGH	124
PS58	17.9459	1.1044	1.1561	904	958	1125	2987	HIGH	125
PL34	29.7587	1.2715	0.8601	1011	1012	963	2986	HIGH	126
PS38	15.0231	1.1493	1.3315	845	976	1165	2986	HIGH	127
JL11	22.0097	0.8068	1.4748	946	860	1179	2985	HIGH	128
YO20	19.7765	0.8738	1.4177	924	888	1172	2984	HIGH	129
PS10	17.0977	1.1074	1.1399	893	961	1118	2972	HIGH	130
CU50	53.7393	2.0323	0.5409	1188	1187	592	2967	HIGH	131
RA38	29.7051	1.1826	0.8659	1009	985	971	2965	HIGH	132
CU43	28.9112	1.1887	0.8726	1002	988	974	2964	HIGH	133
JL10	39.8193	1.2492	0.7255	1111	1006	847	2964	HIGH	134
PS87	23.9295	0.9481	1.0321	962	914	1088	2964	HIGH	135
PL33	27.3216	1.1507	0.8897	987	977	994	2958	HIGH	136
YO42	23.3161	0.9582	1.0215	953	919	1084	2956	HIGH	137
CM28	42.5461	1.9472	0.5685	1134	1179	638	2951	HIGH	138
JL04	32.5011	1.1388	0.8372	1033	973	945	2951	HIGH	139
JA45	26.4955	1.0588	0.9130	982	946	1017	2945	HIGH	140
JL20	26.6874	0.9759	0.9402	983	926	1036	2945	HIGH	141
PS57	17.1398	1.1343	1.0085	894	970	1081	2945	HIGH	142
CU48	39.2695	1.5309	0.6403	1104	1094	745	2943	HIGH	143
JM50	18.5430	0.8922	1.1883	913	896	1132	2941	HIGH	144

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
AS06	95.1489	3.5016	0.4988	1214	1213	513	2940	HIGH	145
CB06	47.5256	1.6862	0.5704	1165	1131	642	2938	HIGH	146
YO28	25.5282	1.0154	0.9217	973	936	1024	2933	HIGH	147
YO10	20.1660	0.9867	0.9903	929	928	1070	2927	HIGH	148
CU40	35.3872	1.3680	0.6972	1061	1045	820	2926	HIGH	149
RA36	21.2140	0.8368	1.0788	941	878	1107	2926	HIGH	150
YO27	32.8688	1.2572	0.7594	1036	1007	878	2921	HIGH	151
JL34	23.8173	0.9523	0.9472	959	916	1043	2918	HIGH	152
JM62	18.0328	0.7181	1.8869	910	799	1203	2912	HIGH	153
CU42	31.6729	1.2713	0.7533	1024	1010	873	2907	HIGH	154
YO22	19.1792	0.8442	1.0731	920	880	1105	2905	HIGH	155
JA13	17.8585	0.9335	1.0346	902	911	1090	2903	HIGH	156
PL70	41.3209	2.1449	0.5371	1125	1194	583	2902	HIGH	157
RA58	34.1330	1.1607	0.7532	1049	979	872	2900	HIGH	158
RA62	43.5074	1.5001	0.5793	1142	1090	661	2893	HIGH	159
JL24	32.9649	1.1244	0.7656	1037	968	883	2888	HIGH	160
CB09	36.4819	1.2979	0.6776	1068	1022	795	2885	HIGH	161
PU17	16.9522	0.7417	1.4545	887	821	1177	2885	HIGH	162
YO33	23.6812	0.8851	0.9295	956	893	1031	2880	HIGH	163
CB24	44.1998	1.6019	0.5559	1147	1109	621	2877	HIGH	164
CM21	56.5995	2.1173	0.4842	1195	1193	481	2869	HIGH	165
JM15	14.5540	0.7766	1.5793	835	841	1192	2868	HIGH	166
JL12	21.6963	0.8553	0.9426	943	885	1037	2865	HIGH	167
YO25	20.9508	0.9153	0.9215	937	905	1023	2865	HIGH	168
PS61	15.7453	1.0408	0.9629	863	942	1054	2859	HIGH	169

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHUU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CU25	19.5364	0.7928	1.0265	922	850	1086	2858	HIGH	170
RA61	36.5986	1.2948	0.6564	1070	1020	766	2856	HIGH	171
JA40	32.2545	1.2261	0.6996	1030	1000	824	2854	HIGH	172
PS64	17.9836	1.1733	0.8624	907	983	964	2854	HIGH	173
CU47	34.1444	1.3777	0.6371	1050	1052	741	2843	HIGH	174
PS34	18.8564	1.4363	0.7346	916	1070	854	2840	HIGH	175
RA51	33.5627	1.2714	0.6644	1043	1011	778	2832	HIGH	176
PL16	18.0049	0.7453	1.0458	908	825	1094	2827	HIGH	177
JL28	28.5072	1.0331	0.7717	996	938	890	2824	HIGH	178
RA46	24.9507	0.9704	0.8115	969	923	924	2816	HIGH	179
RA18	28.7912	1.1586	0.7089	999	978	837	2814	HIGH	180
YO09	18.0307	0.8816	0.9107	909	891	1013	2813	HIGH	181
JU50	13.6865	0.7268	1.7078	805	808	1198	2811	HIGH	182
PS39	13.5200	1.1699	0.9235	798	982	1026	2806	HIGH	183
RA27	16.5434	0.8063	0.9810	880	859	1063	2802	HIGH	184
RA65	34.6282	1.1790	0.6503	1056	984	762	2802	HIGH	185
JM75	14.1001	0.7286	1.4029	819	811	1171	2801	HIGH	186
CU63	42.2318	1.7858	0.4984	1132	1155	511	2798	HIGH	187
JL49	58.7194	2.1863	0.4422	1199	1197	397	2793	HIGH	188
PS09	17.0647	1.1346	0.8131	891	971	927	2789	HIGH	189
JM74	15.9316	0.6884	1.2992	869	765	1154	2788	HIGH	190
RA37	18.9812	0.7789	0.9202	918	843	1021	2782	HIGH	191
RA29	17.0166	0.7373	0.9959	889	819	1072	2780	HIGH	192
PS12	12.8481	0.8893	1.0625	778	895	1103	2776	HIGH	193
CU64	37.9722	1.6794	0.5171	1092	1130	548	2770	HIGH	194

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE85	15.2972	0.6325	2.6341	851	705	1214	2770	HIGH	195
YO31	42.7483	1.6703	0.4974	1136	1125	508	2769	HIGH	196
JL19	28.1929	1.0863	0.6965	992	955	819	2766	HIGH	197
JL23	30.8546	0.9871	0.6931	1020	929	815	2764	HIGH	198
CB17	38.7158	1.3693	0.5543	1100	1046	615	2761	HIGH	199
PL41	14.7683	0.6835	1.3066	840	762	1158	2760	HIGH	200
JL22	29.6191	0.9414	0.7085	1008	913	836	2757	HIGH	201
CU54	23.2699	0.8842	0.7972	952	892	912	2756	HIGH	202
RA23	20.3194	0.9487	0.7797	932	915	894	2741	HIGH	203
JA21	16.6616	0.8069	0.8887	884	861	992	2737	HIGH	204
JU21	15.2759	0.6539	1.3060	850	729	1157	2736	HIGH	205
PS54	19.5592	1.7561	0.5795	923	1150	663	2736	HIGH	206
CU53	22.6334	0.8445	0.7852	949	881	904	2734	HIGH	207
CU32	49.6932	1.8870	0.4361	1175	1169	387	2731	HIGH	208
PS66	11.9749	0.7175	1.9342	728	796	1206	2730	HIGH	209
CU28	17.9567	0.7029	0.9392	906	781	1035	2722	HIGH	210
RA50	38.3250	1.4968	0.5094	1097	1088	534	2719	HIGH	211
JL47	44.6862	1.7177	0.4556	1150	1137	430	2717	HIGH	212
YO18	17.0864	0.8026	0.8650	892	856	969	2717	HIGH	213
PS28	17.3052	1.1375	0.7260	896	972	848	2716	HIGH	214
CM27	43.6990	1.9616	0.4373	1144	1182	389	2715	HIGH	215
CU61	45.3629	1.6052	0.4705	1152	1110	453	2715	HIGH	216
RA49	26.0914	1.0432	0.6748	980	943	791	2714	HIGH	217
PL65	21.7769	0.9089	0.7467	944	903	866	2713	HIGH	218
AO15	59.7978	2.0692	0.4045	1201	1189	322	2712	HIGH	219

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JL16	22.9879	1.0030	0.7018	951	932	828	2711	HIGH	220
CM23	21.1081	0.8262	0.7833	939	871	900	2710	HIGH	221
JM72	14.6062	0.6000	1.6103	837	677	1194	2708	HIGH	222
PS74	12.6152	0.8092	0.9962	772	863	1073	2708	HIGH	223
PL59	20.6020	0.9084	0.7497	935	902	869	2706	HIGH	224
PS68	15.8789	1.0263	0.7839	866	937	901	2704	HIGH	225
JM49	13.4289	0.7424	1.0004	795	823	1079	2697	HIGH	226
CU17	30.9513	1.2117	0.5878	1021	995	677	2693	HIGH	227
RU75	15.5245	0.7535	0.9004	861	828	1003	2692	HIGH	228
PL39	26.0422	1.0567	0.6583	979	945	767	2691	HIGH	229
PL60	14.7729	0.6397	1.1560	841	715	1124	2680	HIGH	230
CU12	19.7781	0.9623	0.6975	926	920	822	2668	HIGH	231
CU49	34.3559	1.3765	0.5245	1053	1051	564	2668	HIGH	232
RA30	15.8412	0.6465	1.0110	865	721	1082	2668	HIGH	233
PS62	17.0495	1.3779	0.6212	890	1053	722	2665	HIGH	234
JA27	15.9179	0.7515	0.8625	868	826	965	2659	HIGH	235
RU93	13.4306	0.6163	1.4198	796	688	1173	2657	HIGH	236
CU24	17.2275	0.6957	0.8846	895	775	986	2656	HIGH	237
PS67	14.6123	1.0112	0.7658	838	934	884	2656	HIGH	238
JL17	25.6191	1.0900	0.6154	974	956	717	2647	HIGH	239
PS27	12.6172	0.8961	0.8734	773	898	976	2647	HIGH	240
PL37	23.7249	1.0541	0.6376	957	944	743	2644	HIGH	241
PS31	16.3240	1.2401	0.6497	878	1003	760	2641	HIGH	242
JU13	12.5159	0.7039	1.0342	767	784	1089	2640	HIGH	243
PS51	20.4730	1.9140	0.5066	933	1174	529	2636	HIGH	244

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CL04	49.3130	2.1455	0.3710	1174	1195	266	2635	HIGH	245
CM32	40.2476	1.7475	0.4299	1115	1147	373	2635	HIGH	246
PS24	13.5327	1.0004	0.7842	800	930	903	2633	HIGH	247
JM78	13.8849	0.6169	1.1721	811	689	1128	2628	MED	248
JM83	15.4127	0.6410	0.9641	854	717	1056	2627	MED	249
CB02	28.2053	0.9750	0.6056	993	925	706	2624	MED	250
RL12	14.1125	0.6772	0.9605	820	752	1051	2623	MED	251
CB11	28.1527	1.0051	0.5978	991	933	695	2619	MED	252
PL36	21.0804	0.9367	0.6534	938	912	764	2614	MED	253
CU14	18.5929	0.8538	0.6924	914	884	813	2611	MED	254
PS08	12.5383	0.9234	0.8230	768	907	933	2608	MED	255
CL03	42.0827	1.8755	0.3978	1131	1165	311	2607	MED	256
JA42	19.9781	0.8249	0.6902	928	870	809	2607	MED	257
PS35	16.2669	1.2977	0.6101	876	1021	710	2607	MED	258
PS63	15.4302	1.2813	0.6335	856	1014	733	2603	MED	259
JU68	11.9363	0.7886	0.9231	727	848	1025	2600	MED	260
PS75	14.4402	0.7535	0.8319	833	827	940	2600	MED	261
PS65	15.7373	1.3224	0.6011	862	1035	700	2597	MED	262
RU79	14.3327	0.7176	0.8658	829	797	970	2596	MED	263
YO13	13.2961	0.7867	0.8441	793	847	952	2592	MED	264
CL05	54.3508	2.4412	0.3231	1191	1201	194	2586	MED	265
JL08	15.4280	0.6395	0.9107	855	714	1014	2583	MED	266
TC34	10.7400	0.6715	1.5332	654	742	1187	2583	MED	267
YO39	18.2321	0.8590	0.6682	911	887	785	2583	MED	268
JA17	13.2352	0.7031	0.9028	791	782	1006	2579	MED	269

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
TP13	16.6544	0.6875	0.8172	883	764	932	2579	MED	270
CU46	37.7589	1.4756	0.4473	1088	1080	410	2578	MED	271
RU84	13.4583	0.6820	0.9203	797	759	1022	2578	MED	272
RA48	16.0133	0.6726	0.8584	871	744	961	2576	MED	273
RA63	31.8377	1.0832	0.5414	1029	953	594	2576	MED	274
RD70	14.5576	0.6732	0.8912	836	745	995	2576	MED	275
JM39	11.9296	0.5780	1.9378	726	635	1207	2568	MED	276
AS05	59.3312	2.2176	0.3064	1200	1198	168	2566	MED	277
RU57	12.6030	0.7043	0.9066	771	785	1010	2566	MED	278
PU20	14.5297	0.5860	0.9991	834	649	1076	2559	MED	279
JL13	17.9536	0.5996	0.8735	905	675	977	2557	MED	280
CB04	36.4625	1.2368	0.4883	1067	1001	486	2554	MED	281
TP09	11.8893	0.5783	1.5569	725	639	1189	2553	MED	282
RD54	14.3326	0.7576	0.7723	828	830	892	2550	MED	283
RU66	13.6569	0.6786	0.8818	804	757	984	2545	MED	284
RU69	13.9814	0.7151	0.8279	814	792	938	2544	MED	285
AO13	67.2109	2.5001	0.2849	1204	1203	126	2533	MED	286
JA25	14.2995	0.7249	0.7841	825	806	902	2533	MED	287
PL15	14.8784	0.7730	0.7336	843	837	853	2533	MED	288
RU70	16.1748	0.7660	0.6978	874	834	823	2531	MED	289
CM31	30.0143	1.3148	0.4879	1013	1031	485	2529	MED	290
YO45	12.6890	0.5894	1.0569	774	656	1097	2527	MED	291
RU86	11.4442	0.6542	1.0374	703	730	1092	2525	MED	292
JA23	15.7965	0.7116	0.7523	864	789	871	2524	MED	293
CB13	16.1470	0.6357	0.8354	873	709	941	2523	MED	294

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
PS37	13.0060	1.0707	0.6685	785	951	787	2523	MED	295
CL02	40.9600	1.8345	0.3517	1120	1163	239	2522	MED	296
RD73	11.9944	0.6869	0.9269	730	763	1028	2521	MED	297
RA19	16.9271	0.8168	0.6590	886	866	768	2520	MED	298
JU37	10.8625	0.6508	1.1822	664	724	1131	2519	MED	299
YO06	13.6017	0.6418	0.8936	803	718	997	2518	MED	300
AS04	76.7449	2.8373	0.2568	1207	1205	96	2508	MED	301
AO21	53.4302	1.9057	0.2937	1187	1173	144	2504	MED	302
CU09	14.1242	0.6919	0.8003	821	769	914	2504	MED	303
TP08	11.7757	0.5417	1.7562	718	587	1199	2504	MED	304
CB01	36.5582	1.2412	0.4544	1069	1005	426	2500	MED	305
PU11	12.5706	0.7783	0.7707	769	842	889	2500	MED	306
NE59	12.1465	0.6185	0.9750	745	691	1059	2495	MED	307
RU74	13.9151	0.7197	0.7607	813	803	879	2495	MED	308
AS12	79.3596	3.0263	0.2433	1208	1208	78	2494	MED	309
CU67	32.7905	1.4106	0.4398	1035	1065	394	2494	MED	310
CU69	39.5664	1.7186	0.3568	1109	1138	246	2493	MED	311
PS04	12.0890	0.8285	0.7609	737	872	880	2489	MED	312
JM42	12.1803	0.5899	0.9999	749	660	1078	2487	MED	313
JL45	47.6866	1.8590	0.2984	1168	1164	152	2484	MED	314
TC35	11.8199	0.5178	2.3155	723	549	1212	2484	MED	315
CB10	16.2454	0.6013	0.8103	875	679	922	2476	MED	316
AS02	56.1982	2.0920	0.2539	1193	1191	91	2475	MED	317
JR16	11.3673	0.5932	1.0643	698	666	1104	2468	MED	318
RA66	34.8094	1.1400	0.4590	1057	974	433	2464	MED	319

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHUU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
AS15	82.7675	3.1584	0.1893	1212	1211	40	2463	MED	320
PS41	13.5928	1.0853	0.6055	802	954	705	2461	MED	321
AS08	102.0368	3.8154	0.1592	1216	1216	28	2460	MED	322
JL44	45.7293	1.7187	0.3036	1158	1139	161	2458	MED	323
RA17	30.0034	1.1885	0.4729	1012	987	457	2456	MED	324
JM44	15.4740	0.7245	0.6760	857	805	793	2455	MED	325
CB26	36.8728	1.4769	0.3898	1075	1082	297	2454	MED	326
AS09	80.8203	3.0482	0.1739	1211	1209	33	2453	MED	327
JL48	48.2533	1.8816	0.2758	1170	1168	114	2452	MED	328
AS10	79.6422	3.1144	0.1728	1209	1210	31	2450	MED	329
CB25	42.3770	1.6363	0.3237	1133	1121	195	2449	MED	330
CU65	31.7728	1.4708	0.4149	1028	1079	337	2444	MED	331
JL51	67.3728	2.5349	0.1804	1205	1204	35	2444	MED	332
CM30	23.8111	1.1244	0.5004	958	967	518	2443	MED	333
AS07	91.6425	3.4636	0.1362	1213	1212	17	2442	MED	334
AS01	98.1420	3.6671	0.1084	1215	1215	11	2441	MED	335
JL52	80.7126	3.6548	0.1324	1210	1214	14	2438	MED	336
RA16	14.1847	0.6782	0.7363	823	756	858	2437	MED	337
JA44	24.0092	1.0377	0.5085	963	940	533	2436	MED	338
CB05	34.4558	1.1832	0.4375	1054	986	390	2430	MED	339
JM84	17.7290	0.7173	0.6352	900	795	734	2429	MED	340
JR22	12.3170	0.6034	0.8852	760	681	988	2429	MED	341
CU68	31.7048	1.4005	0.4164	1025	1062	341	2428	MED	342
CB12	35.5725	1.2833	0.4226	1062	1015	350	2427	MED	343
TP07	11.4145	0.5597	1.1030	700	613	1113	2426	MED	344

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CB30	67.4141	2.3930	0.1397	1206	1200	19	2425	MED	345
RA64	31.7374	1.0693	0.4663	1027	950	447	2424	MED	346
JL53	64.8112	2.8867	0.1263	1203	1207	12	2422	MED	347
RD71	10.8097	0.5660	1.2180	660	619	1143	2422	MED	348
JA26	13.5834	0.6815	0.7396	801	758	862	2421	MED	349
YO17	14.8772	0.7184	0.6640	842	801	777	2420	MED	350
JA24	14.4290	0.7665	0.6418	832	835	752	2419	MED	351
AO11	54.0199	1.9451	0.2054	1189	1178	50	2417	MED	352
PS06	11.3340	0.6923	0.8398	696	770	949	2415	MED	353
JM20	11.6343	0.6600	0.8630	713	733	967	2413	MED	354
CB14	15.0712	0.6395	0.7236	848	713	846	2407	MED	355
RU76	14.4090	0.7312	0.6502	831	814	761	2406	MED	356
TP16	10.9305	0.5672	1.1373	669	620	1117	2406	MED	357
PS40	12.8835	1.0752	0.5834	780	952	673	2405	MED	358
RA42	15.4757	0.8318	0.5814	859	875	669	2403	MED	359
CB41	49.9390	1.8276	0.2236	1178	1161	63	2402	MED	360
PS82	12.1205	0.6896	0.7765	740	767	893	2400	MED	361
PU10	10.7672	0.6312	0.9449	657	704	1039	2400	MED	362
RA07	15.0340	0.7302	0.6369	846	813	740	2399	MED	363
JL21	20.4875	0.8357	0.5387	934	876	588	2398	MED	364
CB42	51.7860	1.9141	0.1827	1184	1175	37	2396	MED	365
RA69	29.2425	0.9551	0.4801	1006	917	472	2395	MED	366
AO14	51.6379	1.9259	0.1732	1183	1176	32	2391	MED	367
PS53	17.7766	1.6744	0.4277	901	1128	362	2391	MED	368
CB33	57.7899	2.0472	0.0718	1196	1188	6	2390	MED	369

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CM29	37.7659	1.6373	0.3113	1089	1122	178	2389	MED	370
JL55	38.0878	1.7000	0.3052	1093	1133	163	2389	MED	371
PS60	11.0383	0.9739	0.6683	677	924	786	2387	MED	372
JU30	12.1565	0.8035	0.6646	747	857	779	2383	MED	373
AS13	43.6277	1.7529	0.2534	1143	1149	89	2381	MED	374
TC32	9.9081	0.6646	0.9622	594	735	1052	2381	MED	375
PS85	13.8029	0.7697	0.6352	808	836	735	2379	MED	376
RD69	12.0546	0.6145	0.8522	734	686	958	2378	MED	377
PS52	15.0199	1.4459	0.4757	844	1072	461	2377	MED	378
RA41	16.5515	0.9564	0.5345	881	918	576	2375	MED	379
CB38	49.9249	1.7441	0.2040	1177	1145	49	2371	MED	380
CL01	43.0223	1.9294	0.2158	1137	1177	56	2370	MED	381
RA47	16.9619	0.6930	0.6087	888	771	708	2367	MED	382
CB35	50.7579	1.7939	0.1561	1180	1157	27	2364	MED	383
PS01	12.8442	0.8857	0.5962	777	894	693	2364	MED	384
CB31	51.0956	1.8208	0.1444	1181	1160	21	2362	MED	385
CU51	45.4928	1.7447	0.2229	1153	1146	62	2361	MED	386
JR21	11.3743	0.6702	0.8103	699	739	921	2359	MED	387
PL42	16.9138	0.8466	0.5398	885	882	590	2357	MED	388
RL14	13.1001	0.5967	0.7832	786	672	899	2357	MED	389
AS11	46.8235	1.8879	0.1515	1162	1170	24	2356	MED	390
PS69	11.1908	0.7116	0.7586	687	790	876	2353	MED	391
CB44	45.5454	1.6547	0.2296	1155	1124	68	2347	MED	392
CM17	14.2773	0.6894	0.6481	824	766	756	2346	MED	393
RU90	10.2394	0.5413	1.1942	620	586	1136	2342	MED	394

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CB36	48.5264	1.7355	0.1526	1171	1144	26	2341	MED	395
YO41	16.1360	0.7426	0.5710	872	824	645	2341	MED	396
RU36	12.1883	0.7034	0.6862	750	783	806	2339	MED	397
CB43	44.3311	1.6281	0.2362	1149	1116	73	2338	MED	398
CB39	47.0211	1.7132	0.1764	1163	1136	34	2333	MED	399
CU66	37.0924	1.5795	0.2937	1080	1105	146	2331	MED	400
AO18	43.4777	1.5316	0.2546	1140	1095	94	2329	MED	401
CU36	37.2224	1.4787	0.3056	1081	1083	165	2329	MED	402
PL19	21.1827	0.8940	0.4901	940	897	490	2327	MED	403
RU71	11.7788	0.6210	0.8008	719	693	915	2327	MED	404
CB32	49.2895	1.7203	0.1079	1173	1141	10	2324	MED	405
RA68	30.3652	0.9671	0.4314	1015	922	378	2315	MED	406
NE84	12.8067	0.4711	0.9785	776	477	1061	2314	MED	407
CU27	12.1432	0.5523	0.8626	744	601	966	2311	MED	408
YO12	13.3087	0.6948	0.6359	794	774	738	2306	MED	409
RU87	12.0935	0.6053	0.7627	738	682	881	2301	MED	410
PU06	9.1469	0.7314	0.8445	529	815	953	2297	MED	411
TP17	10.7322	0.4499	2.0458	652	436	1208	2296	MED	412
RL08	11.5728	0.5123	0.9598	709	537	1049	2295	MED	413
RL11	12.9533	0.6159	0.7003	782	687	826	2295	MED	414
PS42	11.7972	0.9173	0.5796	722	906	664	2292	MED	415
YO23	10.7101	0.5034	1.1527	650	518	1123	2291	MED	416
RA28	10.9673	0.5554	0.9068	673	605	1011	2289	MED	417
JM81	11.8481	0.5896	0.7866	724	659	905	2288	MED	418
JU12	10.9990	0.6995	0.7048	675	780	833	2288	MED	419

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
PS07	12.1731	0.8083	0.5863	748	862	675	2285	MED	420
JM82	11.7857	0.5890	0.7867	721	655	906	2282	MED	421
PL32	14.1269	0.7286	0.5739	822	810	649	2281	MED	422
YO64	15.5066	0.5895	0.6528	860	658	763	2281	MED	423
JM35	11.7820	0.5786	0.8102	720	640	920	2280	MED	424
AS14	40.9958	1.5953	0.2091	1121	1107	51	2279	MED	425
PS02	11.4345	0.9307	0.5805	701	909	667	2277	MED	426
RD46	12.4778	0.6736	0.6552	766	746	765	2277	MED	427
PS49	15.9746	1.6269	0.3874	870	1114	291	2275	MED	428
RL13	14.0679	0.6579	0.6220	817	732	724	2273	MED	429
YA04	9.2294	0.5087	1.8565	542	529	1202	2273	MED	430
RA72	34.9494	1.1051	0.3633	1059	959	254	2272	MED	431
JU08	15.1564	0.8990	0.5028	849	900	521	2270	MED	432
AO08	37.5079	1.3036	0.3010	1086	1024	159	2269	MED	433
RA52	12.3702	0.5021	0.8857	761	515	990	2266	MED	434
CU70	37.2291	1.6146	0.2272	1082	1112	67	2261	MED	435
PS43	11.6177	0.8368	0.5833	712	877	672	2261	MED	436
JU33	12.2350	0.9665	0.5374	753	921	584	2258	MED	437
RA70	23.6328	0.7832	0.4718	955	846	454	2255	MED	438
JA28	16.2841	0.7646	0.5135	877	833	544	2254	MED	439
AO04	36.8754	1.5254	0.2473	1076	1093	83	2252	MED	440
AO10	41.9210	1.4570	0.1993	1130	1077	44	2251	MED	441
TC27	10.1441	0.6693	0.7815	614	736	897	2247	MED	442
RA67	27.3349	0.9039	0.4226	988	901	351	2240	MED	443
PS79	12.2612	0.7166	0.5933	756	794	689	2239	MED	444

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RU61	12.8601	0.6942	0.5928	779	772	687	2238	MED	445
CU62	37.0628	1.2876	0.2891	1079	1016	139	2234	MED	446
CU10	17.9171	0.7539	0.4947	903	829	500	2232	MED	447
TP15	9.8755	0.4577	1.5832	589	450	1193	2232	MED	448
TP06	9.9700	0.6175	0.8278	602	690	937	2229	MED	449
JU63	10.9458	0.7352	0.6356	670	818	736	2224	MED	450
CU26	13.5240	0.5794	0.6658	799	641	781	2221	MED	451
AO02	27.1863	1.2138	0.3492	986	998	234	2218	MED	452
CU08	13.8557	0.6503	0.5897	810	723	683	2216	MED	453
JL07	16.5998	0.5780	0.5961	882	636	692	2210	MED	454
YO08	13.0033	0.6967	0.5737	784	777	648	2209	MED	455
JM12	10.6373	0.6091	0.7555	646	683	874	2203	MED	456
AS18	33.1893	1.5420	0.2187	1039	1100	60	2199	MED	457
RA71	24.2545	0.7753	0.4404	966	838	395	2199	MED	458
CB03	38.2744	1.2910	0.2489	1096	1017	85	2198	MED	459
RU78	13.2081	0.6702	0.5797	790	738	665	2193	MED	460
YO44	13.1736	0.6279	0.6047	788	701	703	2192	MED	461
TH45	8.8434	0.4788	1.6828	503	492	1196	2191	MED	462
TC23	9.7949	0.5408	0.9142	585	585	1018	2188	MED	463
AO09	39.4197	1.2702	0.2300	1108	1009	70	2187	MED	464
TC33	8.7420	0.5451	1.0590	492	595	1099	2186	MED	465
RA06	12.3072	0.6296	0.6166	759	702	719	2180	MED	466
RU92	10.5532	0.5088	0.9060	640	530	1009	2179	MED	467
AS20	30.6905	1.4819	0.2404	1018	1084	74	2176	MED	468
RD58	12.0560	0.6529	0.6117	735	725	714	2174	MED	469

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
CU29	16.4929	0.6545	0.5237	879	731	562	2172	MED	470
JA31	15.0452	0.7252	0.4989	847	807	514	2168	MED	471
JA14	12.1505	0.7186	0.5553	746	802	619	2167	MED	472
PL14	12.4403	0.5880	0.6411	765	654	748	2167	MED	473
YO34	24.0443	0.9117	0.3918	964	904	299	2167	MED	474
CB16	33.6263	1.2375	0.2818	1044	1002	119	2165	MED	475
JM80	11.0888	0.4878	0.8785	682	502	980	2164	MED	476
JU34	15.4746	1.1012	0.4221	858	957	348	2163	MED	477
CU23	11.1510	0.5224	0.8025	684	555	916	2155	MED	478
CB46	36.1055	1.4225	0.1366	1066	1068	18	2152	MED	479
JM76	12.2938	0.5554	0.6702	758	606	788	2152	MED	480
CB18	35.7612	1.3409	0.2003	1064	1041	45	2150	MED	481
PS84	10.7305	0.6249	0.6797	651	699	800	2150	MED	482
TC31	8.9687	0.5430	0.9468	514	592	1042	2148	MED	483
CM15	11.3252	0.5195	0.7828	694	551	898	2143	MED	484
JU59	8.4694	0.5965	0.8981	469	671	1001	2141	MED	485
JU15	11.1732	0.6764	0.6017	686	751	701	2138	MED	486
RA73	25.8238	0.8156	0.3885	977	865	294	2136	MED	487
YO16	12.2144	0.6273	0.5901	751	700	684	2135	MED	488
CM13	12.9359	0.5908	0.5936	781	662	690	2133	MED	489
TP14	11.0239	0.5747	0.7001	676	631	825	2132	MED	490
PL61	9.8896	0.4909	0.9319	591	505	1032	2128	MED	491
AS16	26.7142	1.2930	0.2823	984	1019	122	2125	MED	492
JU24	9.9393	0.5622	0.7970	599	615	911	2125	MED	493
RD75	11.1059	0.5813	0.6763	683	646	794	2123	MED	494

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHUU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JA32	14.6822	0.7277	0.4802	839	809	473	2121	MED	495
RA74	26.1910	0.8290	0.3705	981	873	265	2119	MED	496
RU29	11.2232	0.5270	0.7495	688	562	868	2118	MED	497
TC26	8.6726	0.5381	0.9602	489	578	1050	2117	MED	498
PU05	14.3657	0.6006	0.5498	830	678	608	2116	MED	499
RU67	11.5515	0.6369	0.5986	708	710	697	2115	MED	500
JM65	13.7631	0.7759	0.4775	807	840	462	2109	MED	501
RU22	9.7012	0.4772	0.9504	578	486	1045	2109	MED	502
JU03	12.9898	0.8968	0.4509	783	899	420	2102	MED	503
JU61	12.2367	0.8816	0.4731	754	890	458	2102	MED	504
PL31	12.3915	0.6328	0.5627	763	706	633	2102	MED	505
JA20	9.9788	0.6698	0.6436	604	737	753	2094	MED	506
JU46	8.7653	0.4530	1.2448	495	445	1146	2086	MED	507
PU16	13.7426	0.6703	0.5105	806	740	536	2082	MED	508
RD02	8.2422	0.5065	1.0772	450	522	1106	2078	MED	509
JM33	8.5215	0.5956	0.8272	474	668	935	2077	MED	510
RU94	9.2011	0.4103	1.3575	537	368	1169	2074	MED	511
TP10	11.6355	0.6110	0.5854	714	684	674	2072	MED	512
JU32	12.4236	0.9267	0.4425	764	908	399	2071	MED	513
JU80	8.6731	0.4733	1.0598	490	481	1100	2071	MED	514
JL09	31.7293	0.8529	0.2973	1026	883	151	2060	MED	515
JM40	9.2227	0.5402	0.8292	538	583	939	2060	MED	516
AS19	27.0198	1.3060	0.2008	985	1025	46	2056	MED	517
JU22	8.5137	0.5395	0.8970	473	582	1000	2055	MED	518
TP04	11.2690	0.6902	0.5410	692	768	593	2053	MED	519

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JM41	8.5765	0.6145	0.7685	480	685	887	2052	MED	520
TH44	7.8129	0.5120	1.0615	412	536	1102	2050	MED	521
JM60	10.8831	0.5322	0.6934	666	567	816	2049	MED	522
AS17	25.3784	1.2104	0.2452	971	994	81	2046	MED	523
PL40	17.6625	0.8182	0.3752	899	867	277	2043	MED	524
PL48	12.5746	0.5804	0.5595	770	643	629	2042	MED	525
CB45	32.5950	1.2027	0.1268	1034	992	13	2039	MED	526
PS44	10.5918	0.8561	0.4974	643	886	509	2038	MED	527
JM79	11.7565	0.5175	0.6592	717	547	769	2033	MED	528
PS50	14.0288	1.4515	0.2887	816	1074	137	2027	MED	529
RU68	10.9566	0.5962	0.5922	672	669	686	2027	MED	530
CU07	12.1200	0.5908	0.5563	739	661	623	2023	MED	531
RD63	11.9946	0.6241	0.5446	731	696	596	2023	MED	532
RU05	7.8131	0.4629	1.2676	413	457	1150	2020	MED	533
TH37	7.1903	0.4830	1.3092	362	497	1159	2018	MED	534
PU14	10.2604	0.5914	0.6205	623	663	721	2007	MED	535
JU20	10.6855	0.6535	0.5581	649	727	626	2002	MED	536
JU27	10.6094	0.7176	0.5230	644	798	559	2001	MED	537
RU21	8.7867	0.4349	0.9997	497	409	1077	1983	MED	538
PL58	9.9766	0.5303	0.6926	603	565	814	1982	MED	539
YO14	10.2249	0.5261	0.6813	619	561	802	1982	MED	540
JL18	20.2658	0.8038	0.3191	931	858	189	1978	MED	541
PL02	13.1651	0.5227	0.5591	787	556	628	1971	MED	542
JA33	13.1882	0.6329	0.4789	789	707	469	1965	MED	543
JM48	10.4553	0.5486	0.6333	632	599	732	1963	MED	544

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO21	11.6947	0.5304	0.5881	716	566	680	1962	MED	545
JM53	10.2477	0.6243	0.5687	621	697	639	1957	MED	546
CB19	28.4930	1.0017	0.1722	995	931	30	1956	MED	547
PS36	12.0873	1.0406	0.3758	736	941	278	1955	MED	548
TP05	8.7785	0.5651	0.7180	496	617	840	1953	MED	549
JU35	8.9084	0.7380	0.5533	509	820	614	1943	MED	550
RU91	9.8772	0.5159	0.6907	590	542	810	1942	MED	551
JA38	9.5068	0.4274	0.8805	564	392	983	1939	MED	552
JA18	11.3303	0.7127	0.4698	695	791	452	1938	MED	553
TC24	8.3760	0.5914	0.6913	463	664	811	1938	MED	554
CB21	25.8076	1.0367	0.1460	976	939	22	1937	MED	555
PL64	12.0478	0.5818	0.5183	733	648	553	1934	MED	556
PS30	10.7807	0.7154	0.4825	659	793	480	1932	MED	557
RL16	9.0580	0.4377	0.8944	520	414	998	1932	MED	558
CU30	19.1491	0.8150	0.2922	919	864	141	1924	MED	559
JM63	10.9010	0.6959	0.4820	667	776	478	1921	MED	560
YO40	11.2731	0.6426	0.4971	693	719	507	1919	MED	561
PL44	14.3189	0.7796	0.3563	827	844	245	1916	MED	562
PL35	11.2448	0.5777	0.5395	690	634	589	1913	MED	563
JM13	8.8397	0.5181	0.7375	500	550	860	1910	MED	564
JM17	8.8637	0.6607	0.5820	505	734	670	1909	MED	565
TP12	10.0748	0.5418	0.6107	609	588	712	1909	MED	566
JM45	8.8564	0.5133	0.7358	504	539	857	1900	MED	567
CM22	14.0689	0.5950	0.4486	818	667	414	1899	MED	568
JA12	10.1760	0.6000	0.5464	617	676	601	1894	MED	569

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO67	14.3160	0.6331	0.4253	826	708	357	1891	MED	570
JA16	11.2459	0.6453	0.4809	691	720	476	1887	MED	571
JU06	15.3436	0.9790	0.2653	853	927	105	1885	MED	572
JU49	7.1579	0.4453	1.0477	359	428	1095	1882	MED	573
RD61	10.1066	0.5333	0.6007	612	571	699	1882	MED	574
CB15	22.0011	0.7934	0.2442	945	851	79	1875	MED	575
PL45	18.7515	0.7298	0.2951	915	812	148	1875	MED	576
RU77	11.5881	0.6301	0.4743	710	703	460	1873	MED	577
JM58	11.0513	0.5813	0.5158	678	647	546	1871	MED	578
RU32	10.5802	0.5114	0.5985	641	534	696	1871	MED	579
RU89	8.6599	0.5105	0.7215	487	533	843	1863	MED	580
JU07	12.2276	0.7203	0.3945	752	804	306	1862	MED	581
JA34	13.9872	0.7108	0.3637	815	788	255	1858	MED	582
JM51	9.1641	0.5571	0.6159	531	608	718	1857	MED	583
PS48	6.7376	0.4417	1.0842	324	422	1111	1857	MED	584
JA02	10.6185	0.6483	0.4894	645	722	488	1855	MED	585
RD19	8.5935	0.4301	0.8692	481	399	973	1853	MED	586
TP18	8.4082	0.5454	0.6755	464	597	792	1853	MED	587
RD49	9.9640	0.5403	0.5802	601	584	666	1851	MED	588
TH39	6.7007	0.3988	1.5031	320	349	1182	1851	MED	589
PL56	11.6767	0.6216	0.4612	715	694	437	1846	MED	590
YO15	10.5833	0.5288	0.5699	642	563	640	1845	MED	591
YO38	13.2706	0.6822	0.3879	792	760	292	1844	MED	592
PS47	8.0382	0.5141	0.7438	436	540	865	1841	MED	593
RL20	9.1952	0.4524	0.7412	535	443	863	1841	MED	594

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RU81	10.8440	0.5674	0.5204	662	621	556	1839	MED	595
JM86	15.8935	0.7061	0.3153	867	786	184	1837	MED	596
RA22	12.1430	0.6773	0.4127	743	754	335	1832	MED	597
RU12	8.6041	0.4468	0.8097	482	431	919	1832	MED	598
JM34	8.3182	0.4598	0.8088	460	453	918	1831	MED	599
RD32	9.4345	0.5080	0.6358	560	528	737	1825	MED	600
YO24	11.4747	0.5452	0.5043	704	596	525	1825	MED	601
YO43	10.1108	0.5675	0.5381	613	623	586	1822	MED	602
TH23	6.0699	0.4441	1.2303	248	426	1145	1819	MED	603
RU62	11.5293	0.6385	0.4422	707	711	398	1816	MED	604
CU04	10.6714	0.5813	0.5035	648	645	522	1815	MED	605
NE11	6.5738	0.4085	1.2514	299	366	1147	1812	MED	606
YA06	7.2173	0.4467	0.9127	366	430	1016	1812	MED	607
RA15	10.0567	0.5698	0.5304	608	628	573	1809	MED	608
PL13	10.8724	0.5678	0.5018	665	624	519	1808	MED	609
JR20	9.5964	0.5877	0.5364	571	653	582	1806	MED	610
RD43	9.1177	0.4784	0.6724	527	489	789	1805	MED	611
JA37	8.5358	0.4389	0.7949	475	417	910	1802	MED	612
JU83	8.0005	0.5582	0.6496	432	611	758	1801	MED	613
BS34	5.9970	0.4326	1.3017	239	406	1155	1800	MED	614
PU09	9.9217	0.5423	0.5515	598	589	612	1799	MED	615
RU23	8.5111	0.4135	0.8392	472	372	947	1791	MED	616
RA31	8.8688	0.4694	0.6917	506	472	812	1790	MED	617
CM16	10.9907	0.5425	0.5039	674	590	524	1788	MED	618
JA07	11.4853	0.6772	0.4072	705	753	329	1787	MED	619

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
PL43	12.2792	0.6826	0.3715	757	761	269	1787	MED	620
PL12	10.5077	0.4523	0.6048	637	442	704	1783	MED	621
JM32	8.1941	0.4875	0.7027	448	501	830	1779	MED	622
JM21	7.4950	0.4447	0.8600	388	427	962	1777	MED	623
CU21	8.1709	0.4061	0.8515	446	364	957	1767	LOW	624
YA03	7.4908	0.4165	0.8985	386	378	1002	1766	LOW	625
JA09	9.8953	0.5488	0.5301	593	600	572	1765	LOW	626
RD45	9.2231	0.4654	0.6488	539	466	757	1762	LOW	627
JM61	10.1033	0.5463	0.5176	611	598	551	1760	LOW	628
RD57	10.3894	0.5617	0.4997	630	614	516	1760	LOW	629
TC22	7.2637	0.4016	0.9335	370	355	1033	1758	LOW	630
RA34	10.5278	0.5381	0.5106	638	577	539	1754	LOW	631
PL46	10.7501	0.5566	0.4894	655	607	489	1751	LOW	632
RU73	9.4659	0.5078	0.5785	562	526	660	1748	LOW	633
RL10	9.7822	0.5000	0.5741	583	513	651	1747	LOW	634
YO65	12.2587	0.5079	0.4783	755	527	465	1747	LOW	635
JU55	7.5163	0.4809	0.7387	391	493	861	1745	LOW	636
JU56	6.3661	0.4167	1.0120	282	380	1083	1745	LOW	637
PL09	10.0394	0.4328	0.6333	607	407	731	1745	LOW	638
RU30	10.2917	0.5039	0.5466	624	519	602	1745	LOW	639
JU31	9.1166	0.6944	0.4579	526	773	432	1731	LOW	640
JU11	10.0980	0.6749	0.4296	610	748	371	1729	LOW	641
RD74	9.1611	0.4989	0.5895	530	512	682	1724	LOW	642
CU22	9.3346	0.4363	0.6497	550	411	759	1720	LOW	643
CU20	8.3619	0.3955	0.8003	462	343	913	1718	LOW	644

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JA39	11.4930	0.5328	0.4635	706	569	443	1718	LOW	645
CB23	19.8078	0.6993	0.0705	927	779	5	1711	LOW	646
JM23	7.1091	0.4163	0.8769	355	377	979	1711	LOW	647
RU28	8.0086	0.4695	0.6810	434	473	801	1708	LOW	648
RD44	9.6499	0.5009	0.5552	575	514	618	1707	LOW	649
RU20	7.1530	0.3814	0.9378	358	310	1034	1702	LOW	650
NE75	7.0878	0.3759	0.9492	354	295	1044	1693	LOW	651
PL26	13.9113	0.8026	0.1490	812	855	23	1690	LOW	652
RU04	7.2118	0.4383	0.7925	364	415	909	1688	LOW	653
CM12	10.2993	0.4528	0.5496	625	444	607	1676	LOW	654
RA35	9.1039	0.5446	0.5221	523	594	558	1675	LOW	655
NE58	8.4422	0.3698	0.8112	467	282	923	1672	LOW	656
JM25	8.1734	0.4944	0.6116	447	507	713	1667	LOW	657
JU29	11.0836	0.7756	0.2945	680	839	147	1666	LOW	658
JU78	7.3549	0.4487	0.7358	376	433	856	1665	LOW	659
CM05	8.9920	0.4873	0.5729	516	500	647	1663	LOW	660
RD05	7.9013	0.4007	0.7679	424	351	886	1661	LOW	661
RU59	9.3332	0.5290	0.5168	549	564	547	1660	LOW	662
TC30	8.2370	0.4635	0.6411	449	460	749	1658	LOW	663
PL30	12.7051	0.7323	0.2190	775	816	61	1652	LOW	664
PL03	11.3621	0.3784	0.5753	697	302	652	1651	LOW	665
RU64	10.7727	0.5687	0.4287	658	626	366	1650	LOW	666
JA29	11.9988	0.6714	0.3065	732	741	169	1642	LOW	667
PS76	9.3461	0.5164	0.5157	553	544	545	1642	LOW	668
YO68	13.8393	0.5027	0.4014	809	516	317	1642	LOW	669

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHUU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RU58	9.6622	0.5870	0.4483	576	652	413	1641	LOW	670
JM24	7.3494	0.4465	0.7047	375	429	832	1636	LOW	671
NE04	5.9836	0.3592	1.1905	237	261	1134	1632	LOW	672
JM16	9.7133	0.5531	0.4663	579	602	448	1629	LOW	673
RA44	9.5414	0.6203	0.4293	568	692	368	1628	LOW	674
RU08	8.9287	0.4320	0.6135	510	402	716	1628	LOW	675
TC16	7.0870	0.4668	0.6887	353	467	808	1628	LOW	676
PS70	8.2651	0.5335	0.5458	453	572	600	1625	LOW	677
RU03	6.3584	0.3946	0.9025	280	336	1005	1621	LOW	678
TH41	5.7676	0.3966	0.9891	207	344	1069	1620	LOW	679
PU04	11.0755	0.8000	0.2505	679	854	86	1619	LOW	680
PL52	8.8859	0.4649	0.5721	507	465	646	1618	LOW	681
JU04	10.3252	0.8809	0.2543	628	889	93	1610	LOW	682
PS45	7.6189	0.5221	0.5777	397	554	657	1608	LOW	683
JM54	9.2008	0.5782	0.4594	536	637	434	1607	LOW	684
JM64	9.9081	0.6536	0.3762	595	728	280	1603	LOW	685
PU19	12.3751	0.5685	0.3401	762	625	216	1603	LOW	686
RD52	9.8112	0.5370	0.4623	586	574	440	1600	LOW	687
RL18	7.9050	0.3769	0.7556	426	297	875	1598	LOW	688
CB22	17.4168	0.6232	0.0600	897	695	3	1595	LOW	689
JU05	11.0869	0.7808	0.2268	681	845	66	1592	LOW	690
PL55	9.3410	0.5917	0.4302	552	665	375	1592	LOW	691
PU22	10.5417	0.6401	0.3500	639	716	236	1591	LOW	692
CM14	10.1597	0.5212	0.4522	616	553	421	1590	LOW	693
YA07	6.8880	0.3789	0.8397	338	303	948	1589	LOW	694

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JU64	7.8507	0.7340	0.4246	416	817	355	1588	LOW	695
RA26	9.3347	0.5119	0.4935	551	535	496	1582	LOW	696
TC17	6.6181	0.3123	1.0796	307	163	1109	1579	LOW	697
JA15	9.7391	0.5586	0.4333	580	612	383	1575	LOW	698
RU34	9.1795	0.4974	0.5083	532	511	532	1575	LOW	699
TP11	7.0020	0.4210	0.7219	348	383	844	1575	LOW	700
RU65	9.2513	0.5172	0.4868	543	546	484	1573	LOW	701
RD64	8.9302	0.4746	0.5353	511	482	578	1571	LOW	702
JU72	7.6363	0.5237	0.5525	399	558	613	1570	LOW	703
RD53	9.3178	0.5070	0.4939	547	524	498	1569	LOW	704
RU14	11.2438	0.5575	0.3718	689	609	270	1568	LOW	705
YO66	11.5972	0.4374	0.4644	711	413	444	1568	LOW	706
JM14	9.3578	0.5378	0.4608	555	576	436	1567	LOW	707
RL06	8.0778	0.3680	0.7332	438	277	852	1567	LOW	708
TC25	8.6406	0.5382	0.4954	485	579	503	1567	LOW	709
JA01	10.4901	0.6387	0.3414	634	712	218	1564	LOW	710
JU73	9.5869	0.4729	0.4987	570	480	512	1562	LOW	711
RA45	12.1295	0.5809	0.3085	741	644	176	1561	LOW	712
NE08	6.3752	0.3423	0.9622	283	224	1053	1560	LOW	713
PS81	9.0875	0.5101	0.4970	522	532	506	1560	LOW	714
PU02	11.1633	0.7419	0.2133	685	822	53	1560	LOW	715
JU02	10.3031	0.8188	0.2254	626	868	65	1559	LOW	716
TP02	8.1591	0.5155	0.5295	442	541	571	1554	LOW	717
YO02	9.8902	0.5711	0.4110	592	629	333	1554	LOW	718
JU09	10.0277	0.6752	0.3251	606	749	196	1551	LOW	719

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RU11	8.2661	0.4783	0.5487	454	487	606	1547	LOW	720
CM03	9.5738	0.5233	0.4507	569	557	419	1545	LOW	721
JU86	7.1739	0.4480	0.6413	361	432	750	1543	LOW	722
JU84	7.8922	0.5758	0.4864	422	633	482	1537	LOW	723
JU28	9.6855	0.7967	0.2675	577	853	106	1536	LOW	724
JA10	10.4940	0.6246	0.3292	635	698	201	1534	LOW	725
PL57	8.6081	0.4600	0.5421	483	455	595	1533	LOW	726
JU36	9.7903	0.5749	0.4005	584	632	316	1532	LOW	727
JU74	8.4553	0.3947	0.6246	468	338	726	1532	LOW	728
TC20	10.5052	0.5393	0.3988	636	581	315	1532	LOW	729
RU72	8.6594	0.4506	0.5482	486	440	604	1530	LOW	730
JR15	6.3234	0.3898	0.8129	277	324	926	1527	LOW	731
JU65	9.2714	0.7079	0.3230	545	787	193	1525	LOW	732
JU43	6.2051	0.3847	0.8363	265	316	942	1523	LOW	733
NE36	6.3000	0.3819	0.8276	274	312	936	1522	LOW	734
RU33	9.0369	0.4323	0.5446	519	405	597	1521	LOW	735
CM08	8.6603	0.4568	0.5363	488	449	581	1518	LOW	736
NE03	6.3822	0.3410	0.9069	284	221	1012	1517	LOW	737
CU06	10.4827	0.5863	0.3434	633	650	223	1506	LOW	738
JA04	9.4688	0.5782	0.3938	563	638	305	1506	LOW	739
RU80	9.6306	0.5057	0.4458	573	521	406	1500	LOW	740
JR14	7.1590	0.3538	0.7687	360	251	888	1499	LOW	741
JA03	9.5109	0.6021	0.3616	565	680	253	1498	LOW	742
JU14	10.3262	0.6971	0.2537	629	778	90	1497	LOW	743
PU18	11.4351	0.5043	0.3725	702	520	272	1494	LOW	744

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JU62	9.9168	0.7966	0.1988	597	852	43	1492	LOW	745
NE56	9.1862	0.3800	0.5739	534	308	650	1492	LOW	746
PL63	10.9051	0.6759	0.2358	668	750	72	1490	LOW	747
TH40	4.9595	0.3540	1.1510	118	252	1120	1490	LOW	748
BS20	5.0894	0.3782	0.9764	129	300	1060	1489	LOW	749
RU85	9.5297	0.5159	0.4321	567	543	379	1489	LOW	750
CM11	9.9955	0.4961	0.4302	605	508	374	1487	LOW	751
RD47	9.3801	0.5077	0.4452	556	525	405	1486	LOW	752
NE45	7.8041	0.4133	0.6035	411	371	702	1484	LOW	753
CU16	8.2919	0.5066	0.4960	455	523	505	1483	LOW	754
RU63	10.2018	0.5330	0.3887	618	570	295	1483	LOW	755
TC19	7.4205	0.4599	0.5706	384	454	643	1481	LOW	756
JM18	9.4018	0.5580	0.3978	557	610	312	1479	LOW	757
JA19	8.4365	0.5387	0.4563	466	580	431	1477	LOW	758
JU41	6.2300	0.3588	0.8417	266	260	950	1476	LOW	759
JU57	6.1564	0.3903	0.7722	258	327	891	1476	LOW	760
JU76	8.3122	0.5552	0.4491	457	604	415	1476	LOW	761
RD60	9.3188	0.5176	0.4321	548	548	380	1476	LOW	762
PS72	7.5381	0.4971	0.5287	392	510	568	1470	LOW	763
RL01	8.3087	0.4012	0.5780	456	354	658	1468	LOW	764
NE62	7.2859	0.3891	0.6628	371	322	774	1467	LOW	765
YO07	9.6244	0.4847	0.4418	572	499	396	1467	LOW	766
JU69	9.6476	0.7617	0.2169	574	832	58	1464	LOW	767
JU01	9.4557	0.7591	0.2330	561	831	71	1463	LOW	768
YO05	8.9738	0.5094	0.4481	515	531	412	1458	LOW	769

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
PS78	7.7746	0.4821	0.5178	409	494	552	1455	LOW	770
NE55	6.9351	0.3666	0.7112	341	275	838	1454	LOW	771
CM01	7.9362	0.4670	0.5221	427	468	557	1452	LOW	772
RU31	9.2258	0.4117	0.5119	540	370	542	1452	LOW	773
RU83	9.2966	0.5800	0.3677	546	642	259	1447	LOW	774
JL02	10.7345	0.5963	0.2823	653	670	123	1446	LOW	775
PU07	8.9501	0.8418	0.2147	512	879	55	1446	LOW	776
RD41	8.1642	0.4428	0.5363	443	423	580	1446	LOW	777
TH36	4.8073	0.3459	1.1236	95	236	1115	1446	LOW	778
NE61	9.2589	0.3516	0.5762	544	246	654	1444	LOW	779
JU25	8.3154	0.6529	0.3654	459	726	257	1442	LOW	780
JA05	9.7585	0.5438	0.3693	582	593	264	1439	LOW	781
PU03	9.3564	0.7924	0.1810	554	849	36	1439	LOW	782
RL03	8.5408	0.4672	0.4916	478	469	492	1439	LOW	783
JM22	7.7232	0.4579	0.5321	406	451	575	1432	LOW	784
NE22	6.7075	0.3919	0.6636	321	332	776	1429	LOW	785
NE53	6.6035	0.3893	0.6827	303	323	803	1429	LOW	786
RD55	9.4303	0.5030	0.4239	559	517	353	1429	LOW	787
BS27	5.2022	0.3687	0.9011	139	280	1004	1423	LOW	788
JU38	7.9965	0.6743	0.3557	430	747	244	1421	LOW	789
RU07	7.7514	0.3757	0.6182	407	294	720	1421	LOW	790
BS15	5.4685	0.3656	0.8688	175	272	972	1419	LOW	791
NE02	5.8253	0.3177	0.9262	215	177	1027	1419	LOW	792
JU39	6.6240	0.4693	0.5681	310	471	637	1418	LOW	793
JA06	9.9127	0.5864	0.3076	596	651	170	1417	LOW	794

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE54	7.3603	0.3575	0.6678	378	256	783	1417	LOW	795
JU70	9.1040	0.7182	0.2528	524	800	88	1412	LOW	796
NE21	6.8366	0.4249	0.5959	334	387	691	1412	LOW	797
JR08	6.8068	0.3584	0.6974	330	259	821	1410	LOW	798
JM69	8.1060	0.5536	0.4279	440	603	365	1408	LOW	799
NE69	6.4892	0.3558	0.7368	293	255	859	1407	LOW	800
PL54	7.0794	0.4410	0.5676	350	421	636	1407	LOW	801
BS06	5.2188	0.3348	0.9638	140	208	1055	1403	LOW	802
JM59	9.5119	0.5696	0.3294	566	627	202	1395	LOW	803
JA08	9.9635	0.5894	0.2871	600	657	132	1389	LOW	804
JU85	7.2079	0.5378	0.4676	363	575	449	1387	LOW	805
PL07	9.4286	0.4215	0.4652	558	384	445	1387	LOW	806
JM77	8.8417	0.4274	0.4919	501	391	493	1385	LOW	807
BS23	5.2378	0.3699	0.8479	146	283	955	1384	LOW	808
JA30	10.3156	0.5675	0.2876	627	622	135	1384	LOW	809
JR19	8.8430	0.5717	0.3579	502	630	248	1380	LOW	810
RA05	7.9017	0.4429	0.5071	425	424	530	1379	LOW	811
JM52	8.3454	0.5656	0.3902	461	618	298	1377	LOW	812
JA41	9.8278	0.5629	0.3080	587	616	173	1376	LOW	813
NE07	5.8802	0.3063	0.9044	222	144	1008	1374	LOW	814
BS32	6.9372	0.3852	0.6089	342	318	709	1369	LOW	815
JM28	6.7081	0.5168	0.4948	322	545	501	1368	LOW	816
TC15	5.9237	0.4156	0.6468	229	376	754	1359	LOW	817
BS07	5.1849	0.3739	0.8171	137	290	931	1358	LOW	818
RD04	6.1568	0.3850	0.6631	259	317	775	1351	LOW	819

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE57	8.0869	0.4042	0.5174	439	360	550	1349	LOW	820
CM09	8.7425	0.4723	0.4299	493	479	372	1344	LOW	821
PL04	9.1832	0.3950	0.4789	533	342	468	1343	LOW	822
RU88	8.1258	0.4747	0.4493	441	483	416	1340	LOW	823
BS30	5.7070	0.3754	0.7212	200	293	842	1335	LOW	824
JU66	7.3573	0.8294	0.2470	377	874	82	1333	LOW	825
PS86	10.8444	0.4715	0.3164	663	478	185	1326	LOW	826
JM47	6.6123	0.4042	0.5774	306	361	656	1323	LOW	827
RD51	8.8874	0.5203	0.3690	508	552	263	1323	LOW	828
RD65	8.3128	0.4306	0.4780	458	401	464	1323	LOW	829
YO03	7.6722	0.4701	0.4623	403	474	441	1318	LOW	830
BS19	4.9496	0.3550	0.8381	115	253	946	1314	LOW	831
PL20	10.7613	0.4494	0.3433	656	434	222	1312	LOW	832
RU82	8.0076	0.4635	0.4495	433	462	417	1312	LOW	833
BS01	4.6777	0.3347	0.9197	83	207	1020	1310	LOW	834
JM06	6.3306	0.4259	0.5700	278	389	641	1308	LOW	835
PU01	6.7323	0.8201	0.2783	323	869	116	1308	LOW	836
CU19	7.5904	0.4007	0.5237	396	350	561	1307	LOW	837
JA11	8.8100	0.5980	0.2872	498	674	133	1305	LOW	838
JL38	11.9753	0.5328	0.0929	729	568	8	1305	LOW	839
TH19	8.6111	0.2239	0.6682	484	30	784	1298	LOW	840
RU56	8.5395	0.4963	0.3976	477	509	310	1296	LOW	841
PS29	9.0154	0.6778	0.1333	518	755	15	1288	LOW	842
NE10	5.7842	0.3206	0.7815	209	182	896	1287	LOW	843
PU15	7.3157	0.3657	0.5602	372	273	631	1276	LOW	844

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RD59	8.8295	0.4786	0.3813	499	491	286	1276	LOW	845
RD16	6.0169	0.2965	0.7887	243	123	908	1274	LOW	846
JM43	7.3627	0.4294	0.4946	379	394	499	1272	LOW	847
RL24	8.7475	0.4012	0.4538	494	353	425	1272	LOW	848
JM67	7.8445	0.5979	0.3113	415	673	177	1265	LOW	849
RD35	8.1667	0.4503	0.4325	445	438	382	1265	LOW	850
JM55	7.9796	0.4783	0.4195	428	488	346	1262	LOW	851
JM05	5.8660	0.4009	0.5928	218	352	688	1258	LOW	852
BS24	5.2778	0.3713	0.6956	152	285	818	1255	LOW	853
JM73	8.4891	0.4702	0.3969	470	475	309	1254	LOW	854
NE18	5.7256	0.3771	0.6472	201	298	755	1254	LOW	855
JM68	7.7867	0.6721	0.2610	410	743	100	1253	LOW	856
BS03	5.3517	0.3736	0.6835	159	289	804	1252	LOW	857
JR02	6.3912	0.3048	0.7013	287	137	827	1251	LOW	858
RL19	9.0040	0.4269	0.4155	517	390	339	1246	LOW	859
PS73	6.2741	0.4531	0.5064	271	446	528	1245	LOW	860
JU10	7.4070	0.5124	0.4021	383	538	319	1240	LOW	861
BS04	5.0552	0.3485	0.7591	123	239	877	1239	LOW	862
CU11	6.9732	0.3579	0.5657	346	258	635	1239	LOW	863
BS33	5.4183	0.3654	0.6779	170	271	797	1238	LOW	864
JM46	6.6698	0.3196	0.6403	314	178	744	1236	LOW	865
JU77	5.6515	0.3255	0.7309	194	188	849	1231	LOW	866
RD37	7.7702	0.4187	0.4631	408	381	442	1231	LOW	867
JU82	6.2473	0.4298	0.5284	268	395	567	1230	LOW	868
NE15	5.8733	0.3426	0.6674	221	225	782	1228	LOW	869

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE60	6.9759	0.3950	0.5105	347	341	537	1225	LOW	870
RL22	7.5736	0.4301	0.4546	395	398	427	1220	LOW	871
BS25	4.9456	0.3159	0.8160	114	172	930	1216	LOW	872
RL02	6.8161	0.4051	0.5038	331	362	523	1216	LOW	873
BS21	4.8062	0.2993	0.8862	94	127	991	1212	LOW	874
RU25	6.6082	0.3518	0.5780	304	247	659	1210	LOW	875
BS17	4.9686	0.3455	0.7329	119	235	851	1205	LOW	876
PL21	10.9481	0.4039	0.3085	671	359	175	1205	LOW	877
JM31	7.4053	0.5426	0.3464	382	591	228	1201	LOW	878
RD23	6.8060	0.3127	0.6068	329	164	707	1200	LOW	879
JA22	7.6757	0.4635	0.4077	404	461	330	1195	LOW	880
YA05	5.3950	0.3423	0.6837	164	223	805	1192	LOW	881
RU26	6.8406	0.3944	0.5019	335	335	520	1190	LOW	882
TH22	7.3328	0.2338	0.6620	374	43	772	1189	LOW	883
RA04	7.8706	0.4754	0.3809	419	484	285	1188	LOW	884
RD56	8.5607	0.4703	0.3487	479	476	233	1188	LOW	885
YA01	6.9574	0.4504	0.4446	345	439	404	1188	LOW	886
PU12	7.8563	0.4506	0.4069	418	441	324	1183	LOW	887
PL24	9.1136	0.3240	0.4794	525	185	470	1180	LOW	888
PL01	7.8528	0.4300	0.4278	417	397	364	1178	LOW	889
JU53	6.7972	0.4632	0.4362	326	458	388	1172	LOW	890
NE33	6.3872	0.3099	0.6309	286	156	730	1172	LOW	891
PL10	8.7235	0.4088	0.3986	491	367	314	1172	LOW	892
PL50	7.3636	0.4676	0.4024	380	470	320	1170	LOW	893
JM19	7.0834	0.4542	0.4293	351	447	369	1167	LOW	894

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE25	7.9012	0.4037	0.4360	423	358	386	1167	LOW	895
PL29	9.8707	0.4110	0.3340	588	369	209	1166	LOW	896
JU58	6.6118	0.4786	0.4293	305	490	367	1162	LOW	897
RA33	6.4910	0.3773	0.5294	294	299	569	1162	LOW	898
RA08	6.4854	0.3448	0.5635	292	232	634	1158	LOW	899
BS26	5.4842	0.3435	0.6417	176	228	751	1155	LOW	900
TC11	5.8079	0.3370	0.6284	214	212	728	1154	LOW	901
JR13	5.8900	0.3211	0.6404	223	183	746	1152	LOW	902
TC14	6.1441	0.3910	0.5235	257	331	560	1148	LOW	903
PS83	9.7399	0.4350	0.2991	581	410	154	1145	LOW	904
NE24	6.3823	0.3455	0.5579	285	234	624	1143	LOW	905
PL11	10.2518	0.3653	0.3606	622	270	250	1142	LOW	906
BS35	5.2431	0.3642	0.6218	149	267	723	1139	LOW	907
JL54	12.1402	0.4276	0.0607	742	393	4	1139	LOW	908
JM85	7.9956	0.4634	0.3595	429	459	249	1137	LOW	909
NE42	5.6460	0.4545	0.4937	192	448	497	1137	LOW	910
RU10	7.2153	0.4636	0.3964	365	463	308	1136	LOW	911
RU46	7.2386	0.4409	0.4225	367	419	349	1135	LOW	912
JM30	6.5866	0.4365	0.4523	300	412	422	1134	LOW	913
JM26	6.8364	0.4499	0.4253	333	437	358	1128	LOW	914
JM66	8.2561	0.5365	0.2641	452	573	103	1128	LOW	915
BS29	6.2002	0.3324	0.5793	263	202	662	1127	LOW	916
NE82	5.9220	0.3736	0.5511	228	288	611	1127	LOW	917
TH38	4.5086	0.2857	0.8514	62	108	956	1126	LOW	918
BS02	4.8664	0.2264	0.8852	103	33	989	1125	LOW	919

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VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JM03	6.4017	0.4198	0.4722	288	382	455	1125	LOW	920
RD21	6.4276	0.3298	0.5608	289	195	632	1116	LOW	921
BS22	5.3850	0.3798	0.5710	162	307	644	1113	LOW	922
JR01	6.2642	0.2901	0.6270	270	113	727	1110	LOW	923
TH32	5.3583	0.3078	0.6790	160	149	799	1108	LOW	924
RD09	6.3051	0.3642	0.5265	275	265	565	1105	LOW	925
RD77	7.3243	0.3782	0.4547	373	301	428	1102	LOW	926
JM38	6.0624	0.3899	0.5061	247	325	527	1099	LOW	927
RU60	7.8247	0.4321	0.3780	414	403	282	1099	LOW	928
JM04	5.1802	0.3987	0.5484	136	348	605	1089	LOW	929
JU48	6.1103	0.3508	0.5401	255	243	591	1089	LOW	930
TH20	6.4464	0.3166	0.5560	290	175	622	1087	LOW	931
TH29	5.2392	0.3114	0.6647	148	159	780	1087	LOW	932
NE34	5.8067	0.3343	0.5808	212	206	668	1086	LOW	933
TC28	7.5565	0.3866	0.4294	393	319	370	1082	LOW	934
RD12	6.5360	0.3408	0.5245	295	220	563	1078	LOW	935
RU09	7.5153	0.4436	0.3686	390	425	262	1077	LOW	936
NE06	5.9307	0.3259	0.5758	231	190	653	1074	LOW	937
RD03	5.6497	0.3097	0.6240	193	155	725	1073	LOW	938
JR03	5.2326	0.3515	0.5883	145	245	681	1071	LOW	939
RA32	6.3327	0.3470	0.5202	279	238	554	1071	LOW	940
RD67	8.1666	0.4890	0.2847	444	503	124	1071	LOW	941
TC18	6.5573	0.4077	0.4473	297	365	409	1071	LOW	942
YO01	7.2545	0.5242	0.2937	369	559	143	1071	LOW	943
NE37	4.7251	0.3073	0.7056	89	147	834	1070	LOW	944

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VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO19	6.6016	0.4933	0.3669	302	506	258	1066	LOW	945
JR17	6.6502	0.3577	0.4920	313	257	494	1064	LOW	946
CU05	8.0669	0.4826	0.2867	437	495	130	1062	LOW	947
JU19	7.7099	0.5258	0.2584	405	560	97	1062	LOW	948
PL51	8.0171	0.4385	0.3358	435	416	210	1061	LOW	949
TH35	4.6684	0.3323	0.6620	82	201	773	1056	LOW	950
JM56	7.0501	0.4903	0.3251	349	504	197	1050	LOW	951
PL62	7.8722	0.4826	0.2872	420	496	134	1050	LOW	952
RD76	6.6190	0.3901	0.4479	309	326	411	1046	LOW	953
PL22	9.2291	0.3509	0.3645	541	244	256	1041	LOW	954
RL07	7.2415	0.3642	0.4458	368	266	407	1041	LOW	955
JM11	6.6181	0.4299	0.4137	308	396	336	1040	LOW	956
JR05	5.4146	0.2619	0.6777	169	75	796	1040	LOW	957
NE09	6.0030	0.2926	0.5880	240	119	678	1037	LOW	958
RU37	7.5580	0.4029	0.3806	394	357	284	1035	LOW	959
TH15	8.9663	0.3222	0.4153	513	184	338	1035	LOW	960
CM10	7.8816	0.4409	0.3198	421	418	190	1029	LOW	961
PL06	6.2373	0.3401	0.5123	267	219	543	1029	LOW	962
BS16	4.3736	0.2911	0.7490	46	115	867	1028	LOW	963
TH27	5.2389	0.3133	0.6121	147	165	715	1027	LOW	964
JU47	5.9835	0.2896	0.5878	236	112	676	1024	LOW	965
RU01	5.0830	0.2669	0.6950	128	79	817	1024	LOW	966
NE46	7.4801	0.4061	0.3747	385	363	275	1023	LOW	967
RD11	6.4770	0.3099	0.5311	291	157	574	1022	LOW	968
TH30	4.5453	0.2601	0.7656	67	73	882	1022	LOW	969

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VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
YO69	10.1482	0.4233	0.1430	615	386	20	1021	LOW	970
BS28	6.1722	0.3398	0.5119	260	218	541	1019	LOW	971
RL05	5.6188	0.2691	0.6371	191	82	742	1015	LOW	972
NE20	6.0902	0.3374	0.5172	251	214	549	1014	LOW	973
TH09	5.6022	0.3315	0.5586	189	198	627	1014	LOW	974
JM10	7.6289	0.4226	0.3465	398	385	230	1013	LOW	975
RD15	5.6535	0.2930	0.5970	195	120	694	1009	LOW	976
RD01	5.8936	0.3795	0.4805	224	305	475	1004	LOW	977
TC10	5.2191	0.3085	0.6102	141	152	711	1004	LOW	978
RD18	5.5933	0.3434	0.5374	188	227	585	1000	LOW	979
TC08	6.9264	0.3824	0.4178	340	313	344	997	LOW	980
BS08	4.3934	0.2774	0.7234	49	97	845	991	LOW	981
RA24	5.9590	0.3709	0.4784	234	284	466	984	LOW	982
RD40	7.6438	0.3012	0.4691	401	130	451	982	LOW	983
JM70	7.3718	0.4830	0.2626	381	498	102	981	LOW	984
NE40	5.9374	0.3351	0.5106	232	209	538	979	LOW	985
TH11	5.2264	0.3556	0.5346	144	254	577	975	LOW	986
RU35	8.5364	0.3645	0.3464	476	269	229	974	LOW	987
NE87	4.6116	0.2221	0.7422	78	29	864	971	LOW	988
BS11	4.1008	0.2587	0.7506	32	68	870	970	LOW	989
CM04	6.1021	0.4027	0.4239	253	356	354	963	LOW	990
NE35	5.2810	0.3241	0.5558	153	186	620	959	LOW	991
CU02	6.0859	0.3842	0.4376	250	315	391	956	LOW	992
NE19	5.2840	0.3378	0.5360	154	215	579	948	LOW	993
BS09	4.3747	0.3006	0.6618	47	129	771	947	LOW	994

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
JL58	10.8183	0.3676	0.0987	661	276	9	946	LOW	995
JU44	6.1038	0.3683	0.4463	254	279	408	941	LOW	996
PS46	4.8536	0.3645	0.5295	101	268	570	939	LOW	997
RU15	6.8035	0.4301	0.3379	327	400	212	939	LOW	998
NE32	8.4943	0.2692	0.4344	471	83	384	938	LOW	999
TH43	5.2482	0.3318	0.5387	150	199	587	936	LOW	1000
JL57	10.6578	0.3696	0.0755	647	281	7	935	LOW	1001
RL21	6.6770	0.3766	0.4037	315	296	321	932	LOW	1002
JU75	6.6260	0.4589	0.3061	311	452	166	929	LOW	1003
PL25	9.1264	0.3284	0.3339	528	193	208	929	LOW	1004
JA35	6.6800	0.4643	0.2937	317	464	145	926	LOW	1005
BS13	4.0797	0.2463	0.7177	29	55	839	923	LOW	1006
TC29	9.0695	0.3151	0.3487	521	170	232	923	LOW	1007
NE13	5.3046	0.3043	0.5596	155	134	630	919	LOW	1008
TC13	6.8888	0.3754	0.3822	339	292	287	918	LOW	1009
RL04	6.3604	0.3051	0.4925	281	138	495	914	LOW	1010
CU01	6.8035	0.4605	0.2865	328	456	129	913	LOW	1011
JM71	6.8643	0.3927	0.3532	337	333	241	911	LOW	1012
TH42	4.9051	0.2942	0.5880	108	121	679	908	LOW	1013
RA25	6.0172	0.3682	0.4359	244	278	385	907	LOW	1014
RD62	6.8228	0.3722	0.3826	332	286	289	907	LOW	1015
BS10	4.0888	0.2822	0.6613	31	105	770	906	LOW	1016
NE43	5.8488	0.3530	0.4613	216	249	438	903	LOW	1017
PL05	8.2445	0.3878	0.2859	451	321	128	900	LOW	1018
PL23	7.1244	0.2815	0.4619	356	104	439	899	LOW	1019

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE16	5.0601	0.2630	0.5991	124	76	698	898	LOW	1020
BS18	4.0016	0.2550	0.6882	25	63	807	895	LOW	1021
YA02	5.5457	0.3199	0.5075	183	179	531	893	LOW	1022
JM09	6.5958	0.3948	0.3616	301	339	252	892	LOW	1023
RD48	6.8425	0.4166	0.3083	336	379	174	889	LOW	1024
RU13	6.6826	0.3598	0.3958	318	262	307	887	LOW	1025
JR18	6.7661	0.3728	0.3734	325	287	274	886	LOW	1026
TC02	4.3365	0.1918	0.7029	43	12	831	886	LOW	1027
BS12	4.2291	0.2918	0.6289	38	117	729	884	LOW	1028
NE31	7.5104	0.3973	0.2959	389	345	149	883	LOW	1029
JU23	6.3139	0.4409	0.3149	276	420	182	878	LOW	1030
PU13	6.9399	0.3468	0.3891	343	237	296	876	LOW	1031
JM27	5.4997	0.3870	0.4304	179	320	376	875	LOW	1032
NE28	8.4172	0.3151	0.3525	465	169	240	874	LOW	1033
PS77	6.2742	0.3620	0.4083	272	264	331	867	LOW	1034
JM29	5.9449	0.3908	0.3932	233	330	302	865	LOW	1035
TH18	7.6470	0.2543	0.4439	402	62	401	865	LOW	1036
YO04	6.6427	0.4498	0.2817	312	435	118	865	LOW	1037
RD25	5.3402	0.2422	0.5765	158	50	655	863	LOW	1038
NE38	4.9245	0.3085	0.5449	111	153	598	862	LOW	1039
RD72	7.6432	0.3946	0.2848	400	337	125	862	LOW	1040
NE12	5.7623	0.3077	0.4955	206	148	504	858	LOW	1041
CM06	6.0369	0.3809	0.3933	245	309	303	857	LOW	1042
JR10	6.5393	0.3942	0.3463	296	334	227	857	LOW	1043
JU71	5.9303	0.4764	0.2927	230	485	142	857	LOW	1044

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE17	5.5403	0.3073	0.4998	182	146	517	845	LOW	1045
NE70	5.2259	0.3069	0.5204	143	145	555	843	LOW	1046
RU06	5.8967	0.3740	0.4069	225	291	325	841	LOW	1047
RD50	7.0860	0.4343	0.2428	352	408	77	837	LOW	1048
RA01	5.6979	0.3819	0.4070	198	311	327	836	LOW	1049
JM36	5.8058	0.3662	0.4201	211	274	347	832	LOW	1050
CM02	6.1888	0.3907	0.3504	261	329	238	828	LOW	1051
PU08	6.2816	0.4144	0.3128	273	373	179	825	LOW	1052
RD06	5.7029	0.2841	0.4993	199	107	515	821	LOW	1053
JU81	5.8073	0.3973	0.3679	213	346	260	819	LOW	1054
JR04	4.8596	0.2250	0.5917	102	31	685	818	LOW	1055
TC09	4.8081	0.2800	0.5546	96	99	616	811	LOW	1056
JL56	10.4551	0.3177	0.0171	631	176	2	809	LOW	1057
RU16	5.2674	0.2750	0.5274	151	90	566	807	LOW	1058
RL15	5.8720	0.2600	0.4980	220	72	510	802	LOW	1059
RL09	6.5719	0.3061	0.4261	298	141	360	799	LOW	1060
NE65	5.1781	0.3157	0.4907	134	171	491	796	LOW	1061
JM57	6.0790	0.3950	0.3302	249	340	203	792	LOW	1062
RD22	5.5675	0.3004	0.4802	185	128	474	787	LOW	1063
JR07	5.0767	0.2294	0.5550	127	38	617	782	LOW	1064
NE50	5.4437	0.3398	0.4388	172	217	393	782	LOW	1065
JU60	6.0112	0.4250	0.2960	242	388	150	780	LOW	1066
RD13	4.4977	0.2348	0.5831	60	46	671	777	LOW	1067
NE83	5.7816	0.3166	0.4378	208	174	392	774	LOW	1068
RU18	4.9300	0.2287	0.5579	112	35	625	772	LOW	1069

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE49	5.5842	0.3452	0.4233	186	233	352	771	LOW	1070
NE01	4.7194	0.3328	0.4795	87	203	471	761	LOW	1071
RD29	4.9531	0.2293	0.5469	116	37	603	756	LOW	1072
NE51	5.4042	0.3030	0.4726	167	132	456	755	LOW	1073
BS14	4.9431	0.3421	0.4499	113	222	418	753	LOW	1074
JR06	4.6674	0.2505	0.5507	81	58	610	749	LOW	1075
NE47	6.0969	0.3337	0.3805	252	205	283	740	LOW	1076
JU52	4.9038	0.3303	0.4595	107	197	435	739	LOW	1077
JM08	6.1893	0.4144	0.2591	262	374	99	735	LOW	1078
TC01	5.6031	0.2587	0.4810	190	67	477	734	LOW	1079
PS80	5.6760	0.3163	0.4278	197	173	363	733	LOW	1080
JR12	5.6694	0.3791	0.3470	196	304	231	731	LOW	1081
TC05	4.9826	0.3023	0.4822	120	131	479	730	LOW	1082
JM37	6.0412	0.4145	0.2617	246	375	101	722	LOW	1083
RD26	5.2220	0.2339	0.5097	142	45	535	722	LOW	1084
PL08	7.9999	0.2914	0.3078	431	116	172	719	LOW	1085
TC03	4.4759	0.2434	0.5506	58	52	609	719	LOW	1086
JU17	5.5862	0.3828	0.3394	187	314	215	716	LOW	1087
NE27	5.3212	0.3602	0.3880	156	263	293	712	LOW	1088
TH33	4.9058	0.2771	0.4952	109	96	502	707	LOW	1089
NE41	5.4068	0.3372	0.4059	168	213	323	704	LOW	1090
JU42	5.1891	0.3119	0.4442	138	162	402	702	LOW	1091
JR09	5.8593	0.3904	0.3001	217	328	156	701	LOW	1092
RD17	4.9578	0.3206	0.4428	117	181	400	698	LOW	1093
RD14	4.5475	0.2140	0.5458	68	24	599	691	LOW	1094

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
NE39	4.4661	0.2741	0.5110	55	88	540	683	LOW	1095
PS17	5.4969	0.4323	0.2591	178	404	98	680	LOW	1096
RD08	5.4016	0.2867	0.4443	165	110	403	678	LOW	1097
PL47	6.6970	0.2700	0.3715	319	84	268	671	LOW	1098
RU42	5.4890	0.2520	0.4555	177	60	429	666	LOW	1099
RD36	5.9942	0.3362	0.3366	238	210	211	659	LOW	1100
RD66	6.2030	0.3796	0.2520	264	306	87	657	LOW	1101
RD24	6.1295	0.2861	0.3828	256	109	290	655	LOW	1102
TC12	5.4021	0.3488	0.3545	166	240	242	648	LOW	1103
RU24	5.5278	0.2958	0.4170	181	122	343	646	LOW	1104
TH01	5.1468	0.3203	0.4093	133	180	332	645	LOW	1105
NE74	4.6499	0.2769	0.4777	80	95	463	638	LOW	1106
RD34	5.8714	0.3106	0.3679	219	158	261	638	LOW	1107
RD20	4.7666	0.3080	0.4325	93	150	381	624	LOW	1108
TH10	4.8701	0.3061	0.4305	104	143	377	624	LOW	1109
RD38	5.9196	0.3299	0.3277	227	196	200	623	LOW	1110
NE26	5.5144	0.3397	0.3461	180	216	226	622	LOW	1111
PS13	4.4263	0.3436	0.4157	51	229	340	620	LOW	1112
NE71	4.5567	0.2074	0.5052	70	21	526	617	LOW	1113
JU51	4.1750	0.2785	0.4867	35	98	483	616	LOW	1114
RL23	5.9771	0.3291	0.3137	235	194	181	610	LOW	1115
RD10	4.5828	0.2654	0.4654	75	78	446	599	LOW	1116
TH14	7.4921	0.2593	0.2899	387	69	140	596	LOW	1117
CU13	5.9029	0.3525	0.2822	226	248	121	595	LOW	1118
NE14	4.6780	0.2535	0.4682	84	61	450	595	LOW	1119

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
TH13	7.1499	0.2313	0.3170	357	41	186	584	LOW	1120
NE05	5.0681	0.2746	0.4260	125	89	359	573	LOW	1121
TH34	4.3853	0.3261	0.4113	48	191	334	573	LOW	1122
JR11	4.5708	0.3246	0.3986	71	187	313	571	LOW	1123
JU45	5.1793	0.3443	0.3330	135	230	206	571	LOW	1124
TH12	6.2546	0.3264	0.2727	269	192	109	570	LOW	1125
NE29	5.4337	0.3056	0.3570	171	140	247	558	LOW	1126
TH07	6.9550	0.2159	0.3153	344	27	183	554	LOW	1127
TH25	4.7195	0.3256	0.3751	88	189	276	553	LOW	1128
TC04	3.6922	0.2631	0.4739	15	77	459	551	LOW	1129
JU18	5.7970	0.3428	0.2749	210	226	113	549	LOW	1130
TH06	4.4453	0.2599	0.4526	54	71	423	548	LOW	1131
NE68	5.7320	0.2926	0.3452	204	118	225	547	LOW	1132
JU54	4.0445	0.2397	0.4787	28	48	467	543	LOW	1133
CU03	5.4530	0.3329	0.3055	174	204	164	542	LOW	1134
NE23	5.1148	0.3135	0.3550	132	166	243	541	LOW	1135
NE52	4.7304	0.2761	0.4246	91	94	356	541	LOW	1136
TC06	5.5664	0.2738	0.3720	184	86	271	541	LOW	1137
NE30	5.3808	0.3366	0.2994	161	211	155	527	LOW	1138
TC21	5.7555	0.3323	0.2822	205	200	120	525	LOW	1139
BS31	4.5922	0.3061	0.3926	76	142	301	519	LOW	1140
TH17	3.3428	0.1947	0.4889	11	13	487	511	LOW	1141
RU55	5.3935	0.2966	0.3419	163	124	220	507	LOW	1142
NE63	4.1034	0.2396	0.4533	33	47	424	504	LOW	1143
JU67	6.0068	0.3490	0.1344	241	241	16	498	LOW	1144

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RA02	4.6131	0.2683	0.4069	79	81	326	486	LOW	1145
NE44	5.1126	0.3499	0.2744	131	242	112	485	LOW	1146
JM07	4.8318	0.3445	0.2990	98	231	153	482	LOW	1147
NE48	4.5343	0.2868	0.3925	66	111	300	477	LOW	1148
RL17	5.0227	0.2277	0.4018	122	34	318	474	LOW	1149
JU79	4.8494	0.3983	0.1521	100	347	25	472	LOW	1150
RD30	4.5711	0.2290	0.4266	72	36	361	469	LOW	1151
TH08	4.8168	0.3146	0.3316	97	168	204	469	LOW	1152
TH21	4.9941	0.2481	0.3825	121	57	288	466	LOW	1153
JA43	5.4513	0.3532	0.1892	173	250	39	462	LOW	1154
TH26	4.4662	0.2756	0.3938	56	93	304	453	LOW	1155
PS71	5.7300	0.3036	0.2768	203	133	115	451	LOW	1156
RD07	5.0940	0.2826	0.3390	130	106	214	450	LOW	1157
RU48	4.8359	0.3046	0.3336	99	136	207	442	LOW	1158
TH31	4.4963	0.2809	0.3758	59	102	279	440	LOW	1159
RA10	4.6922	0.3116	0.3177	86	161	187	434	LOW	1160
RA03	4.1880	0.2338	0.4189	36	44	345	425	LOW	1161
NE76	6.6784	0.2479	0.2096	316	56	52	424	LOW	1162
RA14	4.6786	0.2983	0.3263	85	126	199	410	LOW	1163
RU47	4.9152	0.3054	0.3008	110	139	158	407	LOW	1164
NE64	4.7301	0.2910	0.3228	90	114	192	396	LOW	1165
RA11	4.0325	0.2213	0.4168	26	28	342	396	LOW	1166
RU02	4.5729	0.3083	0.3025	73	151	160	384	LOW	1167
RU44	4.5298	0.2296	0.3772	64	39	281	384	LOW	1168
NE77	4.8777	0.3136	0.2677	106	167	107	380	LOW	1169

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
RD27	4.8749	0.2573	0.3260	105	66	198	369	LOW	1170
RA09	3.8670	0.2060	0.4072	18	20	328	366	LOW	1171
RU45	4.5306	0.2555	0.3497	65	65	235	365	LOW	1172
NE88	3.9320	0.2593	0.3726	20	70	273	363	LOW	1173
TC07	4.2577	0.2445	0.3711	40	54	267	361	LOW	1174
RA12	4.6008	0.2139	0.3608	77	23	251	351	LOW	1175
PS18	5.7285	0.2808	0.2028	202	101	47	350	LOW	1176
RD28	4.5059	0.2553	0.3436	61	64	224	349	LOW	1177
RU53	5.0745	0.1747	0.3380	126	8	213	347	LOW	1178
TH04	4.4310	0.2677	0.3317	53	80	205	338	LOW	1179
NE78	4.5750	0.3089	0.2476	74	154	84	312	LOW	1180
RD39	5.3281	0.2300	0.2643	157	40	104	301	LOW	1181
NE72	4.7338	0.3044	0.2299	92	135	69	296	LOW	1182
TH24	4.4076	0.2444	0.3221	50	53	191	294	LOW	1183
RD31	4.5485	0.2739	0.2869	69	87	131	287	LOW	1184
NE81	3.5715	0.2397	0.3425	13	49	221	283	LOW	1185
NE79	3.8119	0.2134	0.3503	17	22	237	276	LOW	1186
CM07	4.3442	0.3115	0.2252	44	160	64	268	LOW	1187
TH28	4.2819	0.2803	0.2808	41	100	117	258	LOW	1188
TH03	4.4294	0.2751	0.2728	52	91	111	254	LOW	1189
NE86	4.2436	0.2252	0.3135	39	32	180	251	LOW	1190
RD42	4.4715	0.2434	0.2884	57	51	136	244	LOW	1191
RU27	3.0534	0.1878	0.3416	9	10	219	238	LOW	1192
RU40	2.2912	0.1710	0.3411	5	7	217	229	LOW	1193
RU38	4.5096	0.2974	0.1841	63	125	38	226	LOW	1194

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
TH16	4.0823	0.2019	0.3063	30	15	167	212	LOW	1195
RU19	3.4846	0.1788	0.3177	12	9	188	209	LOW	1196
NE73	3.8711	0.2021	0.3078	19	16	171	206	LOW	1197
RU51	3.9908	0.2026	0.3044	24	18	162	204	LOW	1198
NE66	4.2882	0.2313	0.2714	42	42	108	192	LOW	1199
NE80	4.0413	0.2814	0.2185	27	103	59	189	LOW	1200
TH02	4.3578	0.2728	0.2161	45	85	57	187	LOW	1201
RD33	3.9369	0.2151	0.2889	22	25	138	185	LOW	1202
RA13	3.0822	0.1963	0.3005	10	14	157	181	LOW	1203
NE67	4.1362	0.2155	0.2728	34	26	110	170	LOW	1204
RU50	4.1890	0.2612	0.2030	37	74	48	159	LOW	1205
JM01	3.7416	0.2752	0.1945	16	92	42	150	LOW	1206
RU17	2.3467	0.1431	0.2855	6	5	127	138	LOW	1207
RU54	3.9354	0.2022	0.2560	21	17	95	133	LOW	1208
JM02	3.6868	0.2513	0.2146	14	59	54	127	LOW	1209
RU43	3.9866	0.2033	0.2407	23	19	75	117	LOW	1210
RU52	2.1360	0.1295	0.2543	4	4	92	100	LOW	1211
RU39	3.0077	0.1914	0.2449	8	11	80	99	LOW	1212
RU41	2.5778	0.1519	0.2419	7	6	76	89	LOW	1213
RU49	1.8105	0.1147	0.1903	3	3	41	47	LOW	1214
BS05	1.4798	0.0730	0.1702	2	2	29	33	LOW	1215
AO01	0.0000	0.0000	0.0000	1	1	1	3	LOW	1216
AO03	0.0000	0.0000	0.0000	1	1	1	3	LOW	1217
AO05	0.0000	0.0000	0.0000	1	1	1	3	LOW	1218
AO12	0.0000	0.0000	0.0000	1	1	1	3	LOW	1219

2018 Report Dataset	Unit Area Loads			Sorted Sequence (Rank Order) between HUs for each Pollutant's Load					
VAHU6	Ag N (kg/Ag ha-yr)	Ag P (kg/Ag ha-yr)	Ag S (mt/Ag ha-yr)	NSEQ	PSEQ	SSEQ	Sum Order	Agricultural Pollutant Potential Rank	Row #
AO16	0.0000	0.0000	0.0000	1	1	1	3	LOW	1220
AO19	0.0000	0.0000	0.0000	1	1	1	3	LOW	1221
AO20	0.0000	0.0000	0.0000	1	1	1	3	LOW	1222
AO22	0.0000	0.0000	0.0000	1	1	1	3	LOW	1223
AO25	0.0000	0.0000	0.0000	1	1	1	3	LOW	1224
CB27	0.0000	0.0000	0.0000	1	1	1	3	LOW	1225
CB28	0.0000	0.0000	0.0000	1	1	1	3	LOW	1226
CB34	0.0000	0.0000	0.0000	1	1	1	3	LOW	1227
CB37	0.0000	0.0000	0.0000	1	1	1	3	LOW	1228
JL50	0.0000	0.0000	0.0000	1	1	1	3	LOW	1229
JU16	0.0000	0.0000	0.0000	1	1	1	3	LOW	1230
NE89	0.0000	0.0000	0.0000	1	1	1	3	LOW	1231
NE90	0.0000	0.0000	0.0000	1	1	1	3	LOW	1232
PL27	0.0000	0.0000	0.0000	1	1	1	3	LOW	1233
PL28	0.0000	0.0000	0.0000	1	1	1	3	LOW	1234
PU21	0.0000	0.0000	0.0000	1	1	1	3	LOW	1235
TH05	0.0000	0.0000	0.0000	1	1	1	3	LOW	1236
TH46	0.0000	0.0000	0.0000	1	1	1	3	LOW	1237
TP01	0.0000	0.0000	0.0000	1	1	1	3	LOW	1238
TP03	0.0000	0.0000	0.0000	1	1	1	3	LOW	1239
TP19	0.0000	0.0000	0.0000	1	1	1	3	LOW	1240

Attachment B**Drainage Basins in Each Soil and Water Conservation District**

SWCD	Location
APPOMATTOX RIVER	Both
BIG SANDY	OCB
BIG WALKER	OCB
BLUE RIDGE	Both
CHOWAN BASIN	OCB
CLINCH VALLEY	OCB
COLONIAL	CB
CULPEPER	CB
DANIEL BOONE	OCB
EASTERN SHORE	Both
EVERGREEN	OCB
HALIFAX	OCB
HANOVER-CAROLINE	CB
HEADWATERS	CB
HENRICOPOLIS	CB
HOLSTON RIVER	OCB
JAMES RIVER	Both
JOHN MARSHALL	CB
LAKE COUNTRY	OCB
LONESOME PINE	OCB
LORD FAIRFAX	CB
LOUDOUN	CB
MONACAN	CB
MOUNTAIN	CB
MOUNTAIN CASTLES	Both
NATURAL BRIDGE	CB
NEW RIVER	OCB
NORTHERN NECK	CB
NORTHERN VA	CB
PATRICK	OCB
PEAKS OF OTTER	Both
PEANUT	Both
PETER FRANCISCO	CB
PIEDMONT	Both
PITTSYLVANIA	OCB
PRINCE WILLIAM	CB
ROBERT E. LEE	Both
SCOTT COUNTY	OCB
SHENANDOAH VALLEY	CB
SKYLINE	Both

SOUTHSIDE	OCB
TAZEWELL	OCB
THOMAS JEFFERSON	CB
THREE RIVERS	CB
TIDEWATER	CB
TRI-COUNTY/CITY	CB
VIRGINIA DARE	Both

Attachment C

This attachment provides data by Drainage Basin (CB and OCB), District, Agricultural Pollutant Potential Rank (H, M, and L), Total Area (acres) of Hydrologic Units in each District by Agricultural Pollutant Potential Rank and Drainage Basin, and the resulting Percentage Rank (Cost-share Multiplier).

Drainage Basin	SWCD Number	District Name	Agricultural Pollutant Potential Rank	Total Agricultural Area (acres) of Hydrologic Units in each District by Agricultural Pollutant Potential Rank and Drainage Basin	Percentage AGLAND Rank (Cost-share Multiplier)
CB	1	TIDEWATER	HIGH	4887	0.00603
CB	1	TIDEWATER	MED	27297	0.03206
CB	1	TIDEWATER	LOW	4651	0.00566
CB	2	THOMAS JEFFERSON	HIGH	4891	0.00603
CB	2	THOMAS JEFFERSON	MED	65404	0.07681
CB	2	THOMAS JEFFERSON	LOW	131396	0.15978
CB	3	SOUTHSIDE	HIGH	0	0.00000
CB	3	SOUTHSIDE	MED	15	0.00002
CB	3	SOUTHSIDE	LOW	43	0.00005
CB	4	NATURAL BRIDGE	HIGH	0	0.00000
CB	4	NATURAL BRIDGE	MED	9413	0.01105
CB	4	NATURAL BRIDGE	LOW	72029	0.08759
CB	5	PIEDMONT	HIGH	13028	0.01607
CB	5	PIEDMONT	MED	45462	0.05339
CB	5	PIEDMONT	LOW	35506	0.04318
CB	6	BLUE RIDGE	HIGH	0	0.00000
CB	6	BLUE RIDGE	MED	0	0.00000
CB	6	BLUE RIDGE	LOW	3212	0.00391
CB	7	CULPEPER	HIGH	85340	0.10529
CB	7	CULPEPER	MED	68972	0.08100
CB	7	CULPEPER	LOW	108869	0.13239
CB	8	NORTHERN NECK	HIGH	65402	0.08070
CB	8	NORTHERN NECK	MED	41153	0.04833
CB	8	NORTHERN NECK	LOW	0	0.00000
CB	9	SHENANDOAH VALLEY	HIGH	143448	0.17699
CB	9	SHENANDOAH VALLEY	MED	61904	0.07270

CB	9	SHENANDOAH VALLEY	LOW	930	0.00113
CB	10	ROBERT E. LEE	HIGH	1115	0.00138
CB	10	ROBERT E. LEE	MED	10300	0.01210
CB	10	ROBERT E. LEE	LOW	62427	0.07591
CB	12	JAMES RIVER	HIGH	5778	0.00713
CB	12	JAMES RIVER	MED	8421	0.00989
CB	12	JAMES RIVER	LOW	3424	0.00416
CB	13	LORD FAIRFAX	HIGH	58360	0.07201
CB	13	LORD FAIRFAX	MED	98509	0.11569
CB	13	LORD FAIRFAX	LOW	78612	0.09560
CB	14	SKYLINE	HIGH	0	0.00000
CB	14	SKYLINE	MED	0	0.00000
CB	14	SKYLINE	LOW	167	0.00020
CB	15	PEANUT	HIGH	44191	0.05452
CB	15	PEANUT	MED	11385	0.01337
CB	15	PEANUT	LOW	0	0.00000
CB	16	MOUNTAIN	HIGH	2182	0.00269
CB	16	MOUNTAIN	MED	18649	0.02190
CB	16	MOUNTAIN	LOW	64802	0.07880
CB	17	TRI-COUNTY/CITY	HIGH	25162	0.03105
CB	17	TRI-COUNTY/CITY	MED	26062	0.03061
CB	17	TRI-COUNTY/CITY	LOW	3831	0.00466
CB	18	COLONIAL	HIGH	25987	0.03206
CB	18	COLONIAL	MED	8091	0.00950
CB	18	COLONIAL	LOW	1704	0.00207
CB	20	EASTERN SHORE	HIGH	0	0.00000
CB	20	EASTERN SHORE	MED	63159	0.07417
CB	20	EASTERN SHORE	LOW	0	0.00000
CB	21	NORTHERN VIRGINIA	HIGH	48	0.00006
CB	21	NORTHERN VIRGINIA	MED	1181	0.00139
CB	21	NORTHERN VIRGINIA	LOW	2205	0.00268
CB	22	VIRGINIA DARE	HIGH	0	0.00000
CB	22	VIRGINIA DARE	MED	4514	0.00530
CB	22	VIRGINIA DARE	LOW	0	0.00000
CB	30	HANOVER-CAROLINE	HIGH	79252	0.09778
CB	30	HANOVER-CAROLINE	MED	13054	0.01533
CB	30	HANOVER-CAROLINE	LOW	295	0.00036

CB	32	JOHN MARSHALL	HIGH	25645	0.03164
CB	32	JOHN MARSHALL	MED	69579	0.08171
CB	32	JOHN MARSHALL	LOW	45865	0.05577
CB	34	PEAKS OF OTTER	HIGH	0	0.00000
CB	34	PEAKS OF OTTER	MED	0	0.00000
CB	34	PEAKS OF OTTER	LOW	6946	0.00845
CB	35	PRINCE WILLIAM	HIGH	6939	0.00856
CB	35	PRINCE WILLIAM	MED	14817	0.01740
CB	35	PRINCE WILLIAM	LOW	332	0.00040
CB	36	LOUDOUN	HIGH	3718	0.00459
CB	36	LOUDOUN	MED	40747	0.04785
CB	36	LOUDOUN	LOW	59690	0.07259
CB	38	MONACAN	HIGH	9187	0.01133
CB	38	MONACAN	MED	27674	0.03250
CB	38	MONACAN	LOW	15705	0.01910
CB	39	PETER FRANCISCO	HIGH	1085	0.00134
CB	39	PETER FRANCISCO	MED	29427	0.03456
CB	39	PETER FRANCISCO	LOW	45547	0.05539
CB	40	HENRICOPOLIS	HIGH	9184	0.01133
CB	40	HENRICOPOLIS	MED	1425	0.00167
CB	40	HENRICOPOLIS	LOW	354	0.00043
CB	41	HEADWATERS	HIGH	99365	0.12260
CB	41	HEADWATERS	MED	70121	0.08235
CB	41	HEADWATERS	LOW	20872	0.02538
CB	42	APPOMATTOX RIVER	HIGH	768	0.00095
CB	42	APPOMATTOX RIVER	MED	4333	0.00509
CB	42	APPOMATTOX RIVER	LOW	350	0.00043
CB	43	THREE RIVERS	HIGH	93347	0.11517
CB	43	THREE RIVERS	MED	6672	0.00784
CB	43	THREE RIVERS	LOW	0	0.00000
CB	45	MOUNTAIN CASTLES	HIGH	2177	0.00269
CB	45	MOUNTAIN CASTLES	MED	3785	0.00444
CB	45	MOUNTAIN CASTLES	LOW	52576	0.06393
OCB	3	SOUTHSIDE	HIGH	1330	0.00729
OCB	3	SOUTHSIDE	MED	40552	0.06998
OCB	3	SOUTHSIDE	LOW	52396	0.03640
OCB	5	PIEDMONT	HIGH	0	0.00000

OCB	5	PIEDMONT	MED	2784	0.00480
OCB	5	PIEDMONT	LOW	10926	0.00759
OCB	6	BLUE RIDGE	HIGH	0	0.00000
OCB	6	BLUE RIDGE	MED	35896	0.06195
OCB	6	BLUE RIDGE	LOW	91615	0.06365
OCB	10	ROBERT E. LEE	HIGH	0	0.00000
OCB	10	ROBERT E. LEE	MED	52245	0.09016
OCB	10	ROBERT E. LEE	LOW	25822	0.01794
OCB	11	NEW RIVER	HIGH	0	0.00000
OCB	11	NEW RIVER	MED	4016	0.00693
OCB	11	NEW RIVER	LOW	145530	0.10111
OCB	12	JAMES RIVER	HIGH	9644	0.05286
OCB	12	JAMES RIVER	MED	1498	0.00259
OCB	12	JAMES RIVER	LOW	0	0.00000
OCB	14	SKYLINE	HIGH	456	0.00250
OCB	14	SKYLINE	MED	5591	0.00965
OCB	14	SKYLINE	LOW	194784	0.13533
OCB	15	PEANUT	HIGH	30361	0.16640
OCB	15	PEANUT	MED	54081	0.09333
OCB	15	PEANUT	LOW	0	0.00000
OCB	19	CHOWAN BASIN	HIGH	114101	0.62536
OCB	19	CHOWAN BASIN	MED	56839	0.09809
OCB	19	CHOWAN BASIN	LOW	0	0.00000
OCB	20	EASTERN SHORE	HIGH	1413	0.00775
OCB	20	EASTERN SHORE	MED	45670	0.07881
OCB	20	EASTERN SHORE	LOW	0	0.00000
OCB	22	VIRGINIA DARE	HIGH	43	0.00023
OCB	22	VIRGINIA DARE	MED	57217	0.09874
OCB	22	VIRGINIA DARE	LOW	0	0.00000
OCB	23	HOLSTON RIVER	HIGH	0	0.00000
OCB	23	HOLSTON RIVER	MED	3563	0.00615
OCB	23	HOLSTON RIVER	LOW	102605	0.07129
OCB	24	DANIEL BOONE	HIGH	0	0.00000
OCB	24	DANIEL BOONE	MED	57612	0.09942
OCB	24	DANIEL BOONE	LOW	6837	0.00475
OCB	25	CLINCH VALLEY	HIGH	0	0.00000
OCB	25	CLINCH VALLEY	MED	0	0.00000

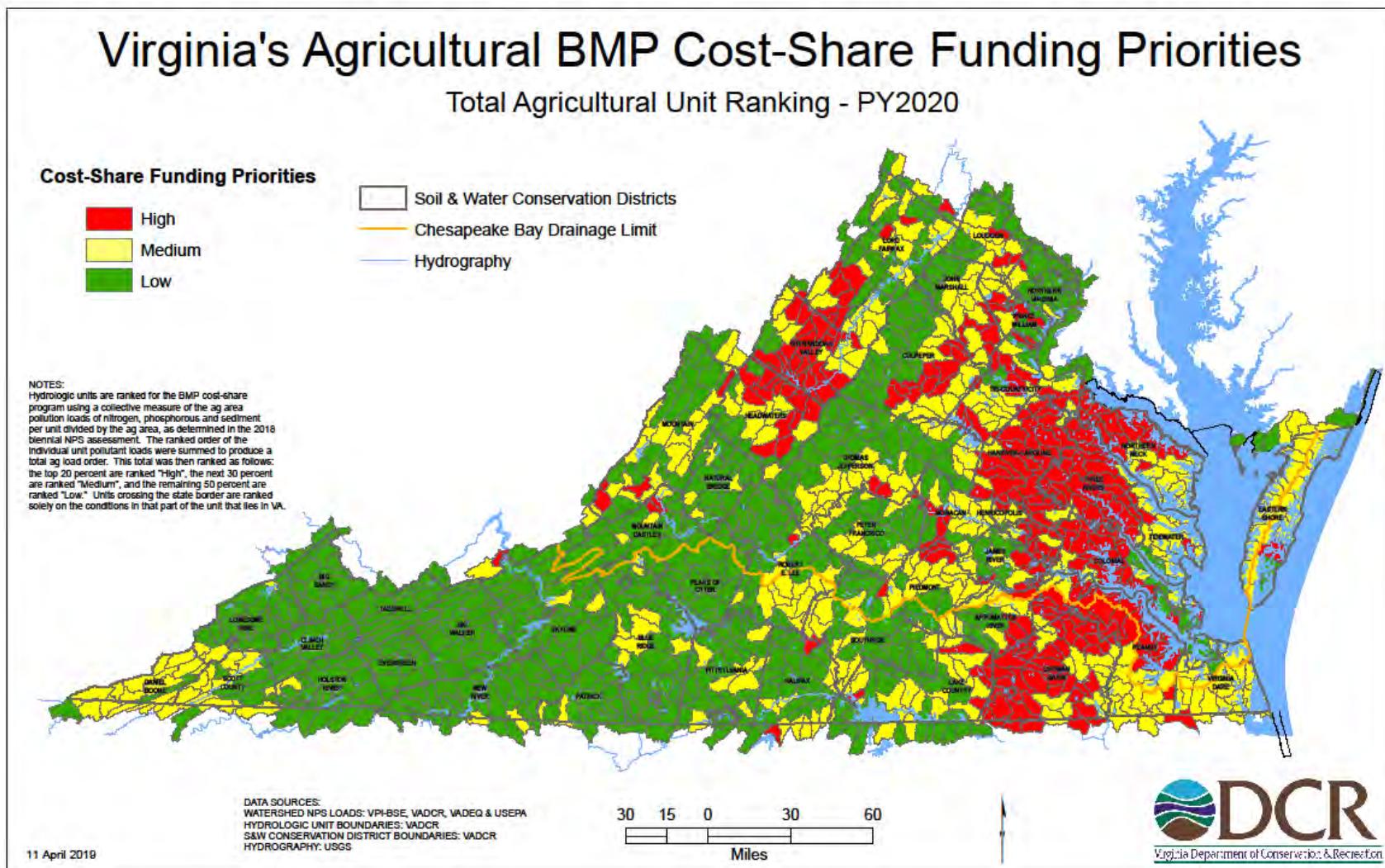
OCB	25	CLINCH VALLEY	LOW	87577	0.06085
OCB	26	SCOTT COUNTY	HIGH	0	0.00000
OCB	26	SCOTT COUNTY	MED	25933	0.04475
OCB	26	SCOTT COUNTY	LOW	38662	0.02686
OCB	27	LONESOME PINE	HIGH	0	0.00000
OCB	27	LONESOME PINE	MED	3136	0.00541
OCB	27	LONESOME PINE	LOW	17899	0.01244
OCB	28	EVERGREEN	HIGH	0	0.00000
OCB	28	EVERGREEN	MED	0	0.00000
OCB	28	EVERGREEN	LOW	65020	0.04518
OCB	29	TAZEWELL	HIGH	0	0.00000
OCB	29	TAZEWELL	MED	0	0.00000
OCB	29	TAZEWELL	LOW	64948	0.04513
OCB	31	PITTSYLVANIA	HIGH	0	0.00000
OCB	31	PITTSYLVANIA	MED	42530	0.07339
OCB	31	PITTSYLVANIA	LOW	100307	0.06969
OCB	33	HALIFAX	HIGH	2500	0.01370
OCB	33	HALIFAX	MED	20061	0.03462
OCB	33	HALIFAX	LOW	73387	0.05099
OCB	34	PEAKS OF OTTER	HIGH	0	0.00000
OCB	34	PEAKS OF OTTER	MED	0	0.00000
OCB	34	PEAKS OF OTTER	LOW	104281	0.07245
OCB	37	BIG WALKER	HIGH	0	0.00000
OCB	37	BIG WALKER	MED	0	0.00000
OCB	37	BIG WALKER	LOW	135686	0.09427
OCB	42	APPOMATTOX RIVER	HIGH	11099	0.06083
OCB	42	APPOMATTOX RIVER	MED	8774	0.01514
OCB	42	APPOMATTOX RIVER	LOW	12577	0.00874
OCB	44	PATRICK	HIGH	0	0.00000
OCB	44	PATRICK	MED	4718	0.00814
OCB	44	PATRICK	LOW	40444	0.02810
OCB	45	MOUNTAIN CASTLES	HIGH	0	0.00000
OCB	45	MOUNTAIN CASTLES	MED	70	0.00012
OCB	45	MOUNTAIN CASTLES	LOW	15573	0.01082
OCB	46	LAKE COUNTRY	HIGH	11510	0.06308
OCB	46	LAKE COUNTRY	MED	56684	0.09782
OCB	46	LAKE COUNTRY	LOW	47884	0.03327

OCB	47	BIG SANDY	HIGH	0	0.00000
OCB	47	BIG SANDY	MED	0	0.00000
OCB	47	BIG SANDY	LOW	4520	0.00314
CB	1	TIDEWATER	HIGH	4887	0.00603
CB	1	TIDEWATER	MED	27297	0.03206
CB	1	TIDEWATER	LOW	4651	0.00566
CB	2	THOMAS JEFFERSON	HIGH	4891	0.00603
CB	2	THOMAS JEFFERSON	MED	65404	0.07681
CB	2	THOMAS JEFFERSON	LOW	131396	0.15978
CB	3	SOUTHSIDE	HIGH	0	0.00000
CB	3	SOUTHSIDE	MED	15	0.00002
CB	3	SOUTHSIDE	LOW	43	0.00005
CB	4	NATURAL BRIDGE	HIGH	0	0.00000
CB	4	NATURAL BRIDGE	MED	9413	0.01105
CB	4	NATURAL BRIDGE	LOW	72029	0.08759
CB	5	PIEDMONT	HIGH	13028	0.01607
CB	5	PIEDMONT	MED	45462	0.05339
CB	5	PIEDMONT	LOW	35506	0.04318
CB	6	BLUE RIDGE	HIGH	0	0.00000
CB	6	BLUE RIDGE	MED	0	0.00000
CB	6	BLUE RIDGE	LOW	3212	0.00391
CB	7	CULPEPER	HIGH	85340	0.10529
CB	7	CULPEPER	MED	68972	0.08100
CB	7	CULPEPER	LOW	108869	0.13239
CB	8	NORTHERN NECK	HIGH	65402	0.08070
CB	8	NORTHERN NECK	MED	41153	0.04833
CB	8	NORTHERN NECK	LOW	0	0.00000
CB	9	SHENANDOAH VALLEY	HIGH	143448	0.17699
CB	9	SHENANDOAH VALLEY	MED	61904	0.07270
CB	9	SHENANDOAH VALLEY	LOW	930	0.00113
CB	10	ROBERT E. LEE	HIGH	1115	0.00138
CB	10	ROBERT E. LEE	MED	10300	0.01210
CB	10	ROBERT E. LEE	LOW	62427	0.07591
CB	12	JAMES RIVER	HIGH	5778	0.00713
CB	12	JAMES RIVER	MED	8421	0.00989
CB	12	JAMES RIVER	LOW	3424	0.00416
CB	13	LORD FAIRFAX	HIGH	58360	0.07201

CB	13	LORD FAIRFAX	MED	98509	0.11569
CB	13	LORD FAIRFAX	LOW	78612	0.09560
CB	14	SKYLINE	HIGH	0	0.00000
CB	14	SKYLINE	MED	0	0.00000
CB	14	SKYLINE	LOW	167	0.00020
CB	15	PEANUT	HIGH	44191	0.05452
CB	15	PEANUT	MED	11385	0.01337
CB	15	PEANUT	LOW	0	0.00000
CB	16	MOUNTAIN	HIGH	2182	0.00269
CB	16	MOUNTAIN	MED	18649	0.02190
CB	16	MOUNTAIN	LOW	64802	0.07880
CB	17	TRI-COUNTY/CITY	HIGH	25162	0.03105
CB	17	TRI-COUNTY/CITY	MED	26062	0.03061
CB	17	TRI-COUNTY/CITY	LOW	3831	0.00466
CB	18	COLONIAL	HIGH	25987	0.03206
CB	18	COLONIAL	MED	8091	0.00950
CB	18	COLONIAL	LOW	1704	0.00207
CB	20	EASTERN SHORE	HIGH	0	0.00000
CB	20	EASTERN SHORE	MED	63159	0.07417
CB	20	EASTERN SHORE	LOW	0	0.00000
CB	21	NORTHERN VIRGINIA	HIGH	48	0.00006
CB	21	NORTHERN VIRGINIA	MED	1181	0.00139
CB	21	NORTHERN VIRGINIA	LOW	2205	0.00268
CB	22	VIRGINIA DARE	HIGH	0	0.00000
CB	22	VIRGINIA DARE	MED	4514	0.00530
CB	22	VIRGINIA DARE	LOW	0	0.00000
CB	30	HANOVER-CAROLINE	HIGH	79252	0.09778
CB	30	HANOVER-CAROLINE	MED	13054	0.01533
CB	30	HANOVER-CAROLINE	LOW	295	0.00036
CB	32	JOHN MARSHALL	HIGH	25645	0.03164
CB	32	JOHN MARSHALL	MED	69579	0.08171
CB	32	JOHN MARSHALL	LOW	45865	0.05577
CB	34	PEAKS OF OTTER	HIGH	0	0.00000
CB	34	PEAKS OF OTTER	MED	0	0.00000
CB	34	PEAKS OF OTTER	LOW	6946	0.00845
CB	35	PRINCE WILLIAM	HIGH	6939	0.00856
CB	35	PRINCE WILLIAM	MED	14817	0.01740

CB	35	PRINCE WILLIAM	LOW	332	0.00040
CB	36	LOUDOUN	HIGH	3718	0.00459
CB	36	LOUDOUN	MED	40747	0.04785
CB	36	LOUDOUN	LOW	59690	0.07259
CB	38	MONACAN	HIGH	9187	0.01133
CB	38	MONACAN	MED	27674	0.03250
CB	38	MONACAN	LOW	15705	0.01910
CB	39	PETER FRANCISCO	HIGH	1085	0.00134
CB	39	PETER FRANCISCO	MED	29427	0.03456
CB	39	PETER FRANCISCO	LOW	45547	0.05539
CB	40	HENRICOPOLIS	HIGH	9184	0.01133
CB	40	HENRICOPOLIS	MED	1425	0.00167
CB	40	HENRICOPOLIS	LOW	354	0.00043
CB	41	HEADWATERS	HIGH	99365	0.12260
CB	41	HEADWATERS	MED	70121	0.08235
CB	41	HEADWATERS	LOW	20872	0.02538
CB	42	APPOMATTOX RIVER	HIGH	768	0.00095
CB	42	APPOMATTOX RIVER	MED	4333	0.00509
CB	42	APPOMATTOX RIVER	LOW	350	0.00043
CB	43	THREE RIVERS	HIGH	93347	0.11517
CB	43	THREE RIVERS	MED	6672	0.00784
CB	43	THREE RIVERS	LOW	0	0.00000
CB	45	MOUNTAIN CASTLES	HIGH	2177	0.00269
CB	45	MOUNTAIN CASTLES	MED	3785	0.00444
CB	45	MOUNTAIN CASTLES	LOW	52576	0.06393
OCB	3	SOUTHSIDE	HIGH	1330	0.00729
OCB	3	SOUTHSIDE	MED	40552	0.06998
OCB	3	SOUTHSIDE	LOW	52396	0.03640
OCB	5	PIEDMONT	HIGH	0	0.00000
OCB	5	PIEDMONT	MED	2784	0.00480
OCB	5	PIEDMONT	LOW	10926	0.00759
OCB	6	BLUE RIDGE	HIGH	0	0.00000
OCB	6	BLUE RIDGE	MED	35896	0.06195
OCB	6	BLUE RIDGE	LOW	91615	0.06365
OCB	10	ROBERT E. LEE	HIGH	0	0.00000

Attachment D



**DEPARTMENT OF CONSERVATION AND RECREATION AND VIRGINIA SOIL AND WATER
CONSERVATION DISTRICT (Department/ District) GRANT AGREEMENT:
Administrative and Operational Support from the Commonwealth of Virginia**

Agreement Number «AgreementN»

This Agreement becomes effective as of the 1st day of July, 2019, between the Virginia Department of Conservation and Recreation (Department), herein referred to as the Department and the «SWCD» Soil and Water Conservation District (District), herein referred to as the District.

The parties of this Agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

(1) SCOPE OF SERVICE:

The District shall provide the services set forth in Attachment A (Fiscal Year 2020 Performance Deliverables), the terms of which are incorporated herein. The Department, as directed by the Virginia Soil and Water Conservation Board (Board), shall assess at the end of Fiscal Year 2020 (FY20) each District's success in meeting the deliverables utilizing an A (fully satisfied), B (partially fulfilled), and C (did not fulfill) evaluation scale and provide the results to the Board for review and appropriate action (Attachment C). Those Districts receiving a "C" score for any deliverable shall be sent a Letter of Notice (LON) on behalf of the Board by the Department to the District's Board Chairman and Manager. The LON shall direct the District to develop a Performance Improvement Plan (PIP) within 60 days from the Board meeting where review of the deliverables receiving a "C" score occurred. The District's CDC shall closely assist the District in the development of their PIP. The PIP shall be presented to the Board's Audit Subcommittee (Subcommittee) at their next meeting by the District Board Chairman and/or a designated Director. Any explanations and actions taken to date may be presented to the Subcommittee at that time. Upon the Subcommittee's agreement with the PIP, the District Board shall report progress made towards successful implementation of the PIP to their CDC at their monthly meetings. Copies of the Subcommittee approved PIP shall be provided to the Board and the Subcommittee Chair shall brief the Board on all matters brought before the Subcommittee.

Failure to meet performance deliverables contained in Attachment A may result in funding adjustments to the District's future fiscal year's funding allocations by the Board. Such actions shall be taken at the recommendation of the Subcommittee and upon approval of the Board. The Board may also reduce future funding to Districts that fail to act upon guidance and recommendations from auditors and the Department. In the event the District fails to comply with the provisions of this Agreement, the Board reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise that impacts funding, the District will be apprised of the issue(s) and be provided an opportunity to address the concerns of the Board prior to Board action. Board actions will be considered on a case-by-case basis.

Where applicable, Districts notified by the Department in FY 2019 of repeat and additional comments cited in their audit will be required to have annual audits for periods ending June 30, 2018 and June 30, 2019. The cost of the 2019 audit will be at the expense of the District and will be reduced from their 2020 allocation. The 2019 audit will be conducted by auditors at the request of the Department. The June 30, 2020 audit will be funded by the Department through the normal allocation process as it will bring the District back into the regular two-year audit cycle. The Subcommittee must meet to review corrective action plans and to discuss special audit inquiries. Upon a District's timely submittal of the Subcommittee's requested corrective action plan, and after considering the Department's recommendation, the Subcommittee is authorized to evaluate the information and advise the Department as to the appropriate actions to be taken regarding requested or received corrective actions plans and special audit inquiries in order to ensure fiscal integrity of the audit process. Such determinations should be made at least 60-days prior to the audit's scheduled date. The Subcommittee may require Districts with repeat or additional comments cited in their audit to attend trainings provided by the Department; such trainings will address policies and procedures which should reduce the number of audit findings and additional comments.

(2) TIME OF PERFORMANCE:

The services of the District shall commence on July 1, 2019 and shall terminate on June 30, 2020. All time limits stated are of the essence of this Agreement.

(3) COMPENSATION:

The District shall be funded by the Department for services as set forth in Attachment A and per the compensation agreement outlined in Attachment B. The Department's fiscal obligation under this Agreement

is set forth in **Attachment B**. The Department's fulfillment of funding to the District which is specified within this Agreement is contingent upon appropriations by the Virginia General Assembly. Should a reduction of funds occur during the course of Fiscal Year 2020, after the Department has utilized all unallocated and unobligated balances it may have available, every District will receive an equal percent reduction which will be calculated and deducted from each District's total approved administrative and operational funding specified within the Department/District Grant Agreement (excluding dam maintenance funding). If additional direction is necessary, the Department shall consult with the Board. Should a reduction of funds occur, every District must return funding within 30 days of receiving notice of such reduction from the Department.

The District shall spend the funds according to the specified categories as referenced in **Attachment B**, Completion of **Attachment E (Project Financial Report)**, and submission of the District Quarterly Cash Balance Sheet and quarterly Profit and Loss Statement, by deadlines established within this Agreement is required.

(4) MATCHING FUNDS:

The use of funds made available through this Agreement by the Department as a match commitment for other funding opportunities the District may pursue must be approved by the Department in writing in advance of any binding commitment entered into by the District. This requirement must be fulfilled to avoid double counting of match commitments against these funds. Match commitment requests will be considered on a case-by-case basis. The final decision is at the sole discretion of the Department.

(5) ASSISTANCE:

The Department agrees, upon request of the District, to furnish or otherwise make available to the District copies of existing non-proprietary materials in the possession of the Department that are reasonably related to the subject matter of this Agreement and are necessary to the District for completion of performance under this Agreement.

(6) GENERAL PROVISIONS:

The District is expected to comply with generally accepted financial accounting principles; to annually review the current version of **DCR's Desktop Procedures for District Fiscal Operations** (Effective date July 1, 2019); to modify existing accounting procedures to comply with the auditor recommendations; to abide by laws and standards applicable to employment of staff; to develop and comply with internal policies regarding the Conflict of Interest Act that comport with State law; and to operate under a system of reasonable, adequate internal controls that provide integrity to all facets of District management and delivery of programs and services for the public good.

The District is encouraged to use the web-based purchasing system eVA, especially to announce District bid opportunities, invite bidders, receive quotes, and place orders for goods and services. Furthermore, all Districts shall participate throughout the Agreement period in the Commonwealth of Virginia's Financial Electronic Data Interchange (FEDI) program.

Expenditure of District funds, regardless of source, will be made without regard to any person's race, color, religion, sex, age, national origin, handicap, or political affiliation.

Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the Fiscal Year 2020 Performance Deliverables contained herein. The schedule of service set forth in **Attachment A and Attachment C** shall be deemed to have been consented to upon the execution of this Grant Agreement by the Department.

(7) TERMINATION:

This Agreement is established in the spirit of a conservation partnership. Either party may terminate this Agreement with cause, upon sixty (60) days written notice to the other party. The District shall not expend state funding awarded under this Agreement for services rendered or expenses incurred after receipt of such notice except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of work under this Agreement. From the date of such notice, the District shall within 30 days refund a pro-rated amount based on a monthly value, minus any documented fees and expenses referenced above, to the Department.

In the event of breach by either party of this Agreement, either party shall have the right immediately to rescind, revoke, or terminate the Agreement. In such event either party will give written notice to the other specifying the manner in which the Agreement has been breached. When such a breach occurs, either party may be provided opportunity to correct the breach within sixty (60) days of receipt of the written notice. If acceptable

corrections have not occurred by the close of that period, either party shall have the right to terminate this Agreement.

In the event of rescission, revocation, or termination, all documents and other materials related to the performance of this Agreement shall become the property of the Department.

(8) FINANCIAL RECORDS AVAILABILITY:

The District agrees to retain all books, records, and other documents relative to this Agreement for three (3) fiscal years from the end of Fiscal Year 2020. The Department, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.

All funds received by Districts are public funds and provisions of the Freedom of Information Act shall apply to financial records, unless otherwise specified within the Act or elsewhere in the *Code of Virginia*. Each District shall safeguard, provide accountability, and expend funds only for approved purposes.

(9) PARTNERSHIP ACKNOWLEDGMENTS AND REPORTS:

In the spirit of the conservation partnership, the Board and Department work with, and make available support and assistance to, each District in a variety of ways. The conservation partnership will be enhanced through District recognition of its primary partner agencies within certain printed documents produced by the District. Specifically, the District's Strategic Plan (or SWCD 4-year Program and Resource Plan), Annual Plan, and Annual Report will acknowledge Board and Department support and financial assistance by written acknowledgment in the following format:

The Commonwealth of Virginia supports the (Name of district) Soil and Water Conservation District through financial and administrative assistance provided by the Virginia Soil and Water Conservation Board and the Department of Conservation and Recreation.

Acknowledgment of the Board's and Department's support within other publications and products is encouraged.

(10) REPORTS

The District agrees to provide to the Department timely and accurate reports as specified within this Agreement by the dates contained herein. Reports shall be submitted to the Department's Conservation District Coordinator (CDC) by the District on or before the following deadlines:

Quarters	Report Period	Report Deadline (due to CDC)
First Quarter*	07/01/19 thru 09/30/19	October 15, 2019
Second Quarter*	10/01/19 thru 12/31/19	January 15, 2020
Third Quarter*	01/10/20 thru 03/31/20	April 15, 2020
Fourth Quarter*	04/01/20 thru 06/30/20	July 15, 2020

*Fiscal Year 2020 funds will not be disbursed until the Fourth Quarter Fiscal Year 2019 reports have been submitted (including the District's End of Year Cash Balance Report, Carry Over Report, and SL-6 Pending Reports) and until the complete execution of the Grant Agreement and the return of an original signed Agreement to the District's assigned Department CDC. Except due to extenuating circumstances, disbursements to Districts will be executed within 45 calendar days following the beginning of a quarter contingent upon the satisfactory completion of database updates and the receipt of complete and accurate reports.

When the Report Deadline falls on a weekend, the deadline will be the following Monday. When the reporting deadline falls on a holiday, the deadline will be the next business day.

In witness whereof the parties have caused this Agreement to be executed by the following duly authorized officials:

SOIL AND WATER CONSERVATION
DISTRICT

DEPARTMENT OF CONSERVATION
AND RECREATION

By: _____

By: _____

Clyde E. Cristman, Director
Department of Conservation and Recreation

Title: _____

Date: _____

Date: _____

ATTACHMENT A
Soil and Water Conservation District (District)
Fiscal Year 2020 Performance “Deliverables”
For Acceptance of Department Funds to Administer This Agreement
and for Operating Expenses to the Extent that Funding Permits

- Demonstrates leadership by promoting nonpoint source pollution reduction and related conservation efforts through support of, reporting for, and/or implementation of the following programs:
 - The Virginia Agricultural BMP Cost-Share Program;
 - The Virginia Agricultural BMP Tax Credit Program;
 - Conservation Reserve Enhancement Program (CREP);
 - Voluntary BMP installation;
 - TMDL (Total Maximum Daily Load) development and implementation processes;
 - Agricultural Stewardship Act; and
 - Resource Management Plans (RMP) Program.
- **Wherever applicable**, actively participate in the local promotion, development, and implementation of the following programs and initiatives:
 - The Virginia Water Quality Improvement Act;
 - Chesapeake Bay and Virginia Waters Clean-Up Plan (§62.1-44.117 of the Code of Virginia) actions;
 - Virginia’s Healthy Waters initiatives;
 - Nutrient Management Training and Certification Program;
 - Conservation Planning Programs;
 - Local TMDL development and implementation processes;
 - Land conservation initiatives (consistent with any state-identified priorities);
 - Sound land use and watershed planning approaches; and
 - Environmental Education programs.
- Actively support and foster partnerships to deliver natural resource conservation programs with consideration to resource needs and issues with local governments, the agricultural community, agencies, organizations, councils, roundtables, and others to protect soil resources, improve water quality, and further natural resource conservation.
- Hold monthly meetings with a quorum of District board members present.
- Develop and maintain a long-term plan that enhances District capabilities, on a 4-year cycle through a process that obtains input from District stakeholders, including local governments. A documented review of the plan is expected at least annually during a scheduled meeting of the District Board. This plan should contain, at a minimum, a discussion of district goals and/or objectives and include strategies or action items to achieve each of those goals in order to implement the applicable programs covered in this Agreement.
- Prepare and follow an annual plan of work that demonstrates how the District will implement specific strategies or action items in support of its long-term plan.
- Submit meeting minutes from all routine, special, and committee meetings of the District Board to the District’s assigned Conservation District Coordinator (CDC). Submit a copy of District publications including an annual plan of work, an annual report, and the long-term 4-year plan to the CDC.
- Submit a District Board approved, completed Attachment D (Itemized District Budget Request Form) for Fiscal Year 2022 to the Department by the latter of June 15, 2020, or 45 days after receipt of the budget template information from DCR.

- Submit complete and accurate quarterly financial reports to the District's assigned CDC. Quarterly reporting includes utilizing the Fiscal Year 2020 electronic template of the **Attachment E (Project Financial Report)**, submittal of a quarterly Profit and Loss Statement, and submittal of a quarterly Cash Balance Sheet. The Attachment E submittals must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required on the Attachment E submittal. Submit End of Year reports including District's Cash Balance Report, Carry Over Report, and SL-6 Pending Report.
- *DCR's Desktop Procedures for District Fiscal Operations* (Procedures) are annually reviewed by the District Board or their Finance Committee and documented in official minutes.
- The District shall act upon audit findings as directed by the Virginia Soil and Water Conservation Board, the Audit Subcommittee of the Virginia Soil and Water Conservation Board, and the Department resulting from the Auditor's review of applicable District records. When audited, a Director must participate, in person or by phone, with District staff at the District's audit exit interview.
- District administrative staff must complete all mandatory trainings listed in **Attachment F (Soil and Water Conservation District Personnel Training Topics and Courses)** in the timeframe established by the Attachment F and when provided by the Department.
- Annually review and maintain personnel documents including employee position descriptions, performance expectations, and the District personnel policy; also document Pay Action Authorizations and conduct annual employee evaluations. Provide the District's assigned CDC with a copy of employee position descriptions and the District personnel policy once documents are annually reviewed and updated.
- All District Directors must complete all mandatory trainings listed in **Attachment F (Soil and Water Conservation District Personnel Training Topics and Courses)** in the timeframe established by the Attachment and when provided by the Department. One or more District Directors from the District must attend the Virginia Association of Soil and Water Conservation Districts (VASWCD) Annual Meeting (held in December) and the Area Spring meeting.
- Conduct business in accordance with the Freedom of Information Act (FOIA). The District shall ensure a FOIA officer is designated and that the officer completes required annual FOIA Officer Training, provides a certificate of completion to the District's assigned CDC, and provides contact information to the FOIA Council.
- The District shall designate a Records Retention Officer in accordance with §42.1-85 of the Code of Virginia and ensure the Officer completes the Library of Virginia training within the first year of hire or within the last three years. A copy of the training certificate(s) must be provided to the District's assigned CDC.
- Provide data and other information needed for preparation of legislative studies and reports that pertain to programs and services delivered by Districts, as requested by the Department to support nonpoint source pollution reduction initiatives that improve water quality including information necessary to fulfill reporting specified within the Virginia Natural Resources Commitment Fund [§ 10.1-2128.1 of the Code of Virginia.]
- Perform District Dam Maintenance as needed (if applicable to your District) with allocated funding.
- For Fiscal Year 2020, \$500,000 for small dam repairs is appropriated in Item 362 A.1. of the 2019 Appropriation Act (Sub-program 50320) for the maintenance and small repairs to the Districts' 104 impounding structures. Any District receiving funds for the maintenance and small repairs of District-owned dams must adhere to the requirements established in the Virginia Soil and Water Conservation Board Policy on Soil and Water Conservation District Administration and Operations Funding Allocations for Fiscal Year 2020.

ATTACHMENT B

COMPENSATION

I. OPERATIONAL

The total grant award by the Department to the District to support specific operational purposes shall be \$«TOTAL» to support District actions that address the Commonwealth's water quality and natural resource conservation needs and to meet state and federal nutrient and sediment reduction requirements.

Description of Funding	Amount
Administration and Operations Core Funding (total to be evenly distributed on a quarterly basis)	\$ «ESSENTIAL»
Dam Maintenance (to be distributed the first quarter)	\$ «DAM_MAINT»
Total Administrative and Operational Support	\$ «TOTAL»

II. DISBURSEMENT OF FUNDS

Disbursements to Districts shall be conducted on a quarterly basis.

Quarters	Period
First Quarter	07/01/19 thru 09/30/19
Second Quarter	10/01/19 thru 12/31/19
Third Quarter	01/01/20 thru 03/31/20
Fourth Quarter	04/01/20 thru 06/30/20

The first quarterly disbursement of Fiscal Year 2020 funds will not be disbursed until the Fourth Quarter Fiscal Year 2019 reports have been submitted (including the District's End of Year Cash Balance Report, Carry Over Report, and SL-6 Pending Reports) and until the complete execution of the Grant Agreement and the return of an original Agreement to the District's assigned Department CDC.

Except due to extenuating circumstances or as otherwise set out in the Grant Agreement, disbursements to Districts will be executed within 45 calendar days following the beginning of a quarter contingent upon the satisfactory completion of database updates and the receipt of complete and accurate reports required under this Agreement.

Correspondence to the District from the Department will specify funding amounts and approved purposes of all funds disbursed. These letters constitute the Department's record of funding to the District.

Any cost overruns incurred by the District during the time of performance shall be the responsibility of the District.

ATTACHMENT C (Evaluation Guidance for Department/District Fiscal Year 2020 Grant Agreement Performance Deliverables)

Grant Agreement Performance Deliverable	Fully Satisfied "A"	Partially Fulfilled "B"*	Did Not Fulfill "C"*
1. Demonstrates leadership by promoting nonpoint source pollution reduction and related conservation efforts through support of, reporting for, and/or implementation of the following programs: <ul style="list-style-type: none"> • The Virginia Agricultural BMP Cost-Share Program • The Virginia Agricultural BMP Tax Credit Program • Conservation Reserve Enhancement Program (CREP) • Voluntary BMP installation • Agricultural Stewardship Act • Resource Management Plan (RMP) Program 	Demonstrates implementation of all but one listed program applicable to the District. Demonstrates leadership in the conservation of soil and water resources.	Implements and supports conservation programs and initiatives applicable to the District but fails to effectively carry out or support two programs.	Fails to deliver and/or support programs and initiatives applicable to the District with multiple deficiencies demonstrated. Leadership in the conservation of soil and water resources is lacking or nonexistent.
2. Wherever applicable , actively participate in the local promotion, development, and implementation of the following programs and initiatives: <ul style="list-style-type: none"> • The Water Quality Improvement Act • Chesapeake Bay and Virginia Waters Clean-Up Plan (§62.1-44.117 of the Code of Virginia) actions • Virginia's Healthy Waters initiatives • Nutrient Management Training and Certification Program • Conservation Planning Programs • Local TMDL development and implementation processes • Land conservation initiatives (consistent with any state-identified priorities) • Sound land use and watershed planning approaches • Environmental education programs 	Demonstrates implementation of all but one listed program/initiative applicable to the District.	Implements and supports programs and initiatives applicable to the District but fails to effectively carry out or support two programs/initiatives.	Fails to deliver and/or support programs and initiatives applicable to the District when funding is made available, with multiple deficiencies demonstrated by the District.
3. Actively support and foster partnerships to deliver natural resource conservation programs with consideration to resource needs and issues with local governments, the agricultural community, agencies, organizations, councils, roundtables, and others to protect soil resources, improve water quality, and further natural resource conservation.	District is proactive and provides leadership in accomplishment of this goal.	District responsive to situations after problem has developed.	District passive and reluctant or lacks commitment in forming relationships with other conservation groups. Fails to keep abreast of current events that impact soil and water resources locally.
4. Hold monthly meetings with a quorum of District board members present.	10 or more meetings.	8 or 9 meetings	7 meetings and fewer.

5. Develop and maintain a long-term plan that enhances District capabilities, on a 4-year cycle through a process that obtains input from stakeholders, including local government(s). A documented review of the plan is expected at least annually during a scheduled meeting of the District Board. This plan should contain, at a minimum, a discussion of district goals and/or objectives and include strategies or action items to achieve each of those goals in order to implement the applicable programs covered in this Agreement.	A current plan (reviewed during this fiscal year) exists that contains applicable District goals, objectives, strategies, and/or action items.	Where a lapsed plan exists, a new plan is actively under development.	The current plan has lapsed, and no action is underway for plan development.
6. Prepare and follow an annual plan of work that demonstrates how the District will implement specific strategies or action items in support of its long-term plan.	An annual plan of work was prepared and substantially followed, with Board progress reviews conducted and documented at least twice annually.	An annual plan of work was prepared, but not referenced or substantially followed or only partially completed.	An annual plan of work was not prepared, is substantially incomplete or was not followed.
7. Submit meeting minutes from all routine, special, and committee meetings of the District Board to the District's assigned Conservation District Coordinator (CDC). Submit a copy of District publications including an annual plan of work, an annual report, and the long-term 4-year plan to the CDC.	Received all minutes and a copy of an Annual Plan and Annual Report.	Received some portion of minutes and other documents.	CDC received no minutes or documents.
8. Submit a District Board approved, completed <u>Attachment D (Itemized District Budget Request Form)</u> for Fiscal Year 2021 to the Department by the latter of June 15, 2019, or 45 days after receipt of the budget template information from DCR.	Completed Attachment D received by due date and was complete.	Some portion of required Attachment D was late and/or incomplete.	The entire Attachment D was late and/or incomplete.
9. Submit complete and accurate quarterly financial reports to the District's assigned CDC. Quarterly reporting includes utilizing the Fiscal Year 2020 electronic template of the <u>Attachment E (Project Financial Report)</u> , submittal of a quarterly Profit and Loss Statement, and submittal of a quarterly Cash Balance Sheet. The Attachment E submittals must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required.	Three or more reports were on time, complete, and accurate.	Two reports were on time, complete, and accurate.	One or fewer reports were on time, complete, and accurate.
10. <i>DCR's Desktop Procedures for District Fiscal Operations</i> (Procedures) annually reviewed by the District Board or their Finance Committee and documented in official minutes.	A current copy of the Procedures was maintained in the District Office and was reviewed by the Board or Finance Committee—once during the fiscal year.	N/A	A current copy of the Procedures was not maintained in the District Office; the Procedures were not reviewed by the Board or Finance Committee during the fiscal year.
11. When audited, the District acted upon audit findings as directed by the Virginia Soil and Water Conservation Board, the Audit Subcommittee of the Virginia Soil and Water Conservation Board, and the Department.	The District had no findings or resolved all findings from the Audit.	N/A	The District did not resolve findings from the Audit.
12. District staff responsible for the District's financial data management and financial reporting, must attend an Accounting for Districts and QuickBooks training when provided by the Department. Staff may attend either beginner or advanced training.	District staff responsible for the financial data and reporting attended the Accounting for Districts and QuickBooks training.	N/A	District staff responsible for the financial data and reporting did not attend training.
13. Annually review and maintain employee personnel documents including position descriptions, performance expectations, and the District personnel policy; also document Pay Action Authorizations and conduct annual employee evaluations. Provide the District's assigned CDC with a copy of employee position descriptions and the District personnel policy once documents are annually reviewed and updated.	All personnel documents and annual review/evaluation processes are current and/or complete.	Some portion of personnel documents and annual review/evaluation processes are current and/or complete.	No personnel documents and review/evaluation processes are current and/or complete. Annual personnel document reviews, Pay Action Authorizations, and evaluations are not occurring.

14. New directors are expected to attend orientation training within six months of qualifying for office.	New directors attended Director Orientation training sessions within 6 months	A majority of new directors attended Director Orientation within 6 months	New director(s) fail to attend Director Orientation training.
15. All Directors are required to complete Conflict of Interest (COIA) training every other year, as provided by the Office of the Attorney General.	Directors completed COIA training every other year, as provided by the Office of the Attorney General.	A majority of Directors completed COIA training	Directors failed to complete COIA training
16. One or more Directors from the District attend VASWCD Annual Meeting (held in December) and the Area Spring meeting.	One or more SWCD directors attended each of the meetings.	One or more SWCD directors attended one of the meetings.	Meetings were not attended by SWCD Director(s).
17. In accordance with the Freedom of Information Act (FOIA), the District designated a FOIA officer and the FOIA Officer completed annual FOIA training. A copy of the training certificate was provided to the District's assigned CDC, and contact information was submitted to the FOIA Council.	The District designated a FOIA Officer and the FOIA Officer completed annual FOIA training.	N/A	The District did not designate a FOIA officer OR the FOIA Officer did not complete annual FOIA training.
18. The District has a designated Records Officer on file with the Library of Virginia and the Records Officer has completed the Library of Virginia Record Retention course(s) within the first year of hire or within the last three years. A copy of the training certificate(s) was provided to the District's assigned CDC.	The District designated Records Officer has completed a Library of VA Record Retention course within the first year of hire or within the last three years	N/A	The District does not have a Records Officer and/or the designated Records Officer has not completed a Library of VA Record Retention course within the first year of hire or within the last three years
19. Provide data and other information needed for preparation of legislative studies and reports that pertain to programs and services delivered by Districts, as requested by the Department to support nonpoint source pollution reduction initiatives that improve water quality including information necessary to fulfill reporting specified within the Virginia Natural Resources Commitment Fund [§ 10.1-2128.1 of the Code of Virginia.]	All Department and/or the Virginia Soil and Water Conservation Board requests for information/assistance were fully addressed.	The Department's and/or the Virginia Soil and Water Conservation Board's requests were partially addressed with shortcomings that could include incomplete information; response delays, and other factors.	No cooperation and/or assistance provided when requested by the Department and/or the Virginia Soil and Water Conservation Board.

* The basis for the ratings that are scored “Partially Fulfilled” or “Did Not Fulfill” will be documented through written comments by the CDC and discussed during a meeting of the District Board and staff. Such results will be shared with the Virginia Soil and Water Conservation Board for their review and consideration.

ATTACHMENT D (Example of Itemized District Budget Request Form)
(Final Fillable Form will be available from the Department)

ATTACHMENT D (Itemized District Budget Request Form)							Notes
ITEMIZED BUDGET FOR THE YEAR BEGINNING JULY 1, 2021			Base General Assembly Funds	DCR Program Funding (VNRCF) LEVEL FUNDING	DCR Program Funding (VNRCF) INCREASED FUNDING	TOTAL	
SWCD Name	# of Localities	Current FTEs					
Central Operations							
Personnel and Fringe Benefits (FICA, retirement, health)		FTE				\$ -	
Rent & Utilities						\$ -	
Directors' Travel, Training, and Meetings		# of Directors				\$ -	
Equipment (field gear, computers, copiers, phones, etc.)						\$ -	
Support Expenses (info systems, dues, postage, supplies, website, communications, etc.)						\$ -	
Staff - Training and Meetings						\$ -	
Vehicles - Federal Rate \$.58 per mile						\$ -	
Other Expenses						\$ -	
TOTAL CENTRAL OPERATIONS			\$ -			\$ -	
Dam Maintenance							
Dam Maintenance - Annual		# of Dams				\$ -	
Personnel and Fringe Benefits (FICA, retirement, health)		FTE				\$ -	
Staff - Training and Meetings						\$ -	
Vehicle - Federal Rate \$.58 per mile						\$ -	
TOTAL DAM MAINTENANCE			\$ -			\$ -	
Agricultural Program Implementation							
Chesapeake Bay Ag BMP Cost Share & Tax Credits		Forecasted BMP Funds (Level funding & Increased funding) =	Level	Increased			
Personnel and Fringe Benefits (FICA, retirement, health)		FTE					
Staff - Training and Meetings							
Vehicle - Federal Rate \$.58 per mile							
Outside the Chesapeake Bay Ag BMP Cost Share & Tax Credits		Forecasted BMP Funds (Level funding & Increased funding) =	\$ -	\$ -			
Personnel and Fringe Benefits (FICA, retirement, health)		FTE					
Staff - Training and Meetings							
Vehicle - Federal Rate \$.58 per mile							
Resource Management Plans to Review		Forecasted RMP plans to be reviewed =	\$ -	\$ -			
Personnel and Fringe Benefits (FICA, retirement, health)		FTE					
Staff - Training and Meetings							
Vehicle - Federal Rate \$.58 per mile							
Resource Management Plans to Inspect		Forecasted RMP plans to be inspected =	\$ -	\$ -			
Personnel and Fringe Benefits (FICA, retirement, health)		FTE					
Staff - Training and Meetings							
Vehicle - Federal Rate \$.58 per mile							
CREP		Forecasted CREP Funds =	\$ -	\$ -			
Personnel and Fringe Benefits (FICA, retirement, health)		FTE					
Staff Training and Meetings							
Vehicle - Federal Rate \$.58 per mile							
TOTAL AGRICULTURAL PROGRAM IMPLEMENTATION			\$ -	\$ -	\$ -	\$ -	
Chesapeake Bay Preservation Act Agricultural Program (Non-DCR Funding)							
Personnel and Fringe Benefits (FICA, retirement, health)		FTE				\$ -	
Staff Training and Meetings						\$ -	
Vehicles - Federal Rate \$.58 per mile						\$ -	
TOTAL CHESAPEAKE BAY PRESERVATION ACT			\$ -			\$ -	
Environmental Education (List Activities)							
Personnel and Fringe Benefits (FICA, retirement, health)		FTE				\$ -	
Staff Training and Meetings						\$ -	
Vehicles - Federal Rate \$.545 per mile						\$ -	
Program Costs						\$ -	
TOTAL ENVIRONMENTAL EDUCATION			\$ -			\$ -	
Other Programs/Projects (Non-DCR Funded) - For Information Only - (List Activities and Staff FTE required)							
		FTE					
GRAND TOTALS							
Personnel and Fringe Benefits (FICA, retirement, health)		FTE	\$0	\$0	\$0		
Rent & Utilities			\$0				
Directors' Travel, Training, and Meetings			\$0				
Equipment (field gear, computers, copiers, phones, etc.)			\$0				
Support Expenses (info systems, dues, postage, supplies, website, communications, etc.)			\$0				
Staff - Training and Meetings			\$0	\$0	\$0		
Vehicles - Federal Rate \$.58 per mile			\$0	\$0	\$0		
Other Expenses			\$0				
Chesapeake Bay Preservation Act (Non-DCR Funded)			\$0				
Program Costs (Environmental Education Only)			\$0				
LEVEL FUNDING GRAND TOTAL			\$0	\$0		\$0	
INCREASED FUNDING GRAND TOTAL			\$0			\$0	
District Point of Contact			Contact Number				
Reviewed by (SWCD Board or Director)			Date				

ATTACHMENT E (Project Financial Report)
(Fillable Form Available from the Department)

(Example of 1st Quarter Report)

1st Quarter

Attachment E
*******OFFICIAL FISCAL YEAR 2020 FORM*******
 Department of Conservation and Recreation
 Virginia Nonpoint Source Management Program
Project Financial Report

SWCD:	Agreement Number:
Contact:	Phone Number:
Address:	

Reporting Quarter Dates: **7/1/2019** thru **9/30/2019**
 (beginning) (closing)

***NOTE: Only the Yellow fields are unprotected and capable of having data entered into them.
 Please remember to enter a negative sign (-) when you enter Expenditures or Transfers Out. Thanks!***

	Beginning Balance *	Transfers In/Out (Must = 0)	Adjusted Beginning Balance (1) +/- (2)	Receipts (During the report period)	Expenditures (During the report period)	Ending Balance
State Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total State Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Federal Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total Federal Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local/Other Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total Local/Other Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL (All Sources)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

* - The beginning balance is the amount of funds on hand at the start of the report period. The ending balance from the previous report period will become the beginning balance for the new report period. This figure will automatically carry forward to the next report period.

** Must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required on the Attachment E submittal.

Prepared by:

Print Name	Signature	Date
------------	-----------	------

Approved by:

Print Name	Signature	Date
------------	-----------	------

Completed reports should be directed to the district's assigned DCR Conservation District Coordinator by the deadlines established in this agreement.

7/1/2019

Soil and Water Conservation District Personnel Training Topics and Courses

	District Directors	District Administrative Staff	District Technical Staff
Mandatory	<ul style="list-style-type: none"> ▪ New Director Training I & II Provided by DCR (In Person) Within six month from taking the Oath of Office. ▪ FOIA (If FOIA Officer) Annually DLS - Freedom Of Information Act - FOIA (COVLC or In Person) ▪ COIA* OAG Conflict of Interest Act Training (In person every two years when provided by OAG) 	<ul style="list-style-type: none"> ▪ FOIA Officer-FOIA Training Annually DLS - Freedom Of Information Act - FOIA (COVLC or In Person) ▪ Accounting for Districts and Quickbooks Training or other financial training When Provided by DCR (In Person) ▪ IT Security Course (Annually) (for DCR web application suite users) ▪ Library of VA Record Retention (In Person or online resources) (Complete within first year of hire and at least every three years) 	<ul style="list-style-type: none"> ▪ IT Security Course (Annually) (for DCR web application suite users) ▪ VACS Program Manual Periodically provided by DCR (In Person) ▪ RMP/CP Module Access Provided by DCR (In Person) ▪ VACS Program Update (Annually) Provided by DCR (In Person)
Recommended	<ul style="list-style-type: none"> ▪ VASWCD Trainings (In Person) ▪ Basic Parliamentary Procedures (In Person) ▪ Personnel Management MVP Enhancing Employee Performance Modules I – IV <ul style="list-style-type: none"> I. Introduction to Supervision II. Managing the Work Process III. Delegation IV. Motivation for Improved Performance (COVLC) ▪ MVP Conflict Management Skills (COVLC) ▪ VACS Program Update Provided by DCR (In Person) 	<ul style="list-style-type: none"> ▪ COIA OAG Conflict of Interest Act Training ▪ Driver Safety DGS Fleet Driver Safety and Policy Lesson (COVLC) ▪ VACS Program Update Provided by DCR (In Person) ▪ Ag BMP Tracking Program Provided by DCR (In Person) ▪ VASWCD Trainings (In Person) ▪ VACDE Trainings (In Person) ▪ Conservation Selling Skills Periodically provided by DCR (In Person) <p>Environmental Educators are encouraged to take the recommended Administrative courses and</p> <ul style="list-style-type: none"> ▪ Project Learning Tree Workshop ▪ Project Wild Workshop ▪ Project WET Workshop 	<ul style="list-style-type: none"> ▪ Conservation Planning Certification (On Line and In Person classes) ▪ Engineering workshops Provided by DCR/NRCS (In Person) ▪ Driver Safety DGS Fleet Driver Safety and Policy Lesson (COVLC) ▪ Ag BMP Tracking Program Provided by DCR (In Person) ▪ JEDs Provided by NRCS (In Person) ▪ VACDE Trainings (In Person) ▪ VASWCD Trainings (In Person) ▪ COIA OAG Conflict of Interest Act Training ▪ Effective Presentation & Instruction (In Person) ▪ Conservation Selling Skills Periodically provided by DCR (In Person)

*Newly elected Directors must take COIA training on-line via COVLC if no in-person class will be offered within six months of their appointment or election

Additional Resources

MVP - Managing Virginia Program (COVLC)

Microsoft Office: www.microsoft.com/en-us/learning/training.aspx

Commonwealth of Virginia Learning Center (COVLC) classes can be accessed by the following link

<https://covlc.virginia.gov/Default.aspx>

Note: COVLC requires a username and password. See instructions to create a user profile.

Contact Carl Thiel-Goin with questions carl.thiel-goin@dcr.virginia.gov 804-887-8915

**DEPARTMENT OF CONSERVATION AND RECREATION AND VIRGINIA SOIL AND WATER
CONSERVATION DISTRICT (Department/ District) GRANT AGREEMENT:**

Cost-share and Technical Assistance from the Commonwealth of Virginia

Agreement Number «AgreementN»

This Agreement becomes effective as of the 1st day of July, 2019, between the Virginia Department of Conservation and Recreation (Department), herein referred to as the Department and the «SWCD» Soil and Water Conservation District (District), herein referred to as the District. This Agreement supersedes Fiscal Year 2019 (FY19) Agreements; accordingly, this Agreement governs the distribution and disbursement of new Fiscal Year 2020 (FY20) cost-share and technical assistance funds.

The parties of this Agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

(1) SCOPE OF SERVICE:

The District shall provide the services set forth in Attachment A (Fiscal Year 2020 Performance Deliverables), the terms of which are incorporated herein. The Department, as directed by the Virginia Soil and Water Conservation Board (Board), shall assess at the end of Fiscal Year 2020 (FY20) each District's success in meeting the deliverables utilizing an A (fully satisfied), B (partially fulfilled), and C (did not fulfill) evaluation scale and provide the results to the Board for review and appropriate action (Attachment C). Those Districts receiving a "C" score for any deliverable shall be sent a Letter of Notice (LON) on behalf of the Board by the Department to the District's Board Chairman and Manager. The LON shall direct the District to develop a Performance Improvement Plan (PIP) within 60 days from the Board meeting where review of the deliverables receiving a "C" score occurred. The District's CDC shall closely assist the District in the development of their PIP. The PIP shall be presented to the Board's Audit Subcommittee (Subcommittee) at their next meeting by the District Board Chairman and/or a designated Director. Any explanations and actions taken to date may be presented to the Subcommittee at that time. Upon the Subcommittee's agreement with the PIP, the District Board shall report progress made towards successful implementation of the PIP to their CDC at their monthly meetings. Copies of the Subcommittee approved PIP shall be provided to the Board and the Subcommittee Chair shall brief the Board on all matters brought before the Subcommittee.

Failure to meet performance deliverables contained in Attachment A may result in the withholding of funding granted by the Department to the District set out in this Grant Agreement, either temporarily, or permanently, and/ or result in funding adjustments to the District's future fiscal year's funding allocations. Such actions shall be taken at the recommendation of the Subcommittee and upon approval of the Board. In the event the District fails to comply with the provisions of this Agreement, the Department, with the Board's concurrence, reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise that impacts funding, the District will be apprised of the issue(s) and be provided an opportunity to address the concerns of the Department or Board prior to Department action. Board actions will be considered on a case-by-case basis.

(2) TIME OF PERFORMANCE:

The services of the District shall commence on July 1, 2019 and shall terminate on June 30, 2020 unless extended or superseded by a renewed grant agreement during this contract period.

(3) COMPENSATION:

The District shall be funded, in accordance with the provisions of this Agreement, by the Department for services as set forth in **Attachment A** and in the amounts set out in **Attachment B**. The Department's fulfillment of cost-share and technical assistance funding to the District which is specified within this Agreement is contingent upon appropriations by the Virginia General Assembly. Should funding availability fall short of appropriation projections during the course of FY20, after the Department has utilized all unallocated and unobligated balances it may have available (such as CTI), every District will receive an equal percent reduction which will be calculated and deducted from each District's unobligated total approved cost-share and technical assistance funding specified within the Department/District Grant Agreement. When a reduction of funds is necessary, the Department will make reductions from available unobligated cost-share first and reduce technical assistance last. Should a reduction of funds occur, every District must return funding within 30 days of receiving notice of such reduction from the Department. Should all cost-share and technical assistance funding within a District be obligated and it becomes necessary to reduce such funds, then adjustments will be made to the next fiscal year's spending plan to honor existing commitments from the prior fiscal year first or during reallocation as determined by the Department.

The District shall spend the funds according to the specified categories as referenced in **Attachment B**. Any cost overruns incurred by the District during the time of performance shall be the responsibility of the District.

(4) MATCHING FUNDS:

The use of funds made available through this Agreement by the Department as a match commitment for other funding opportunities the District may pursue, must be approved by the Department in writing, in advance of any binding commitment entered into by the District. This requirement must be fulfilled to avoid double counting of match commitments against these funds. Match commitment requests will be considered on a case-by-case basis. The final decision is at the sole discretion of the Department.

(5) INFORMATION REQUESTS:

The Department agrees upon request of the District, to furnish or otherwise make available to the District, copies of existing non-proprietary materials in the possession of the Department that are reasonably related to the subject matter of this Agreement and are necessary to the District for completion of performance under this Agreement.

(6) GENERAL PROVISIONS:

The District is expected to comply with generally accepted financial accounting principles; to annually review the current version of **DCR's Desktop Procedures for District Fiscal Operations**; to modify existing accounting procedures to comply with the auditor recommendations; to abide by laws and standards applicable to employment of staff; to develop and comply with internal policies regarding Conflict of Interest that comport with State law; to develop and comply with internal policies regarding Freedom of Information Act requirements that comport with State law; and to operate under a system of reasonable, adequate internal controls that provide integrity to all facets of District management and delivery of programs and services for the public good.

For the purposes of procurement, Districts are considered a unit of local government. The District is encouraged to use the web-based purchasing system eVA, especially to announce District bid opportunities, invite bidders, receive quotes, and place orders for goods and services. Furthermore, all Districts shall participate throughout the Agreement period in the Commonwealth of Virginia's Financial Electronic Data Interchange (FEDI) program.

Expenditure of District funds, regardless of source, will be made without regard to any person's race, color, religion, sex, age, national origin, handicap, or political affiliation.

Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the FY20 Performance Deliverables contained herein. The schedule of service set forth in **Attachment A and Attachment C** shall be deemed to have been consented to upon the execution of this Grant Agreement by the Department.

(7) TERMINATION:

This Agreement is established in the spirit of a conservation partnership. Either party may terminate this Agreement with cause, upon sixty (60) days written notice to the other party. The District shall not expend state funding awarded under this Agreement for services rendered or expenses incurred after receipt of such notice except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of work under this Agreement. From the date of such notice, the District shall within sixty (60) days refund a pro-rated amount based on a monthly value, minus any documented fees and expenses referenced above, to the Department.

In the event of breach by either party of this Agreement, either party shall have the right immediately to rescind, revoke, or terminate the Agreement. In such event, either party will give written notice to the other specifying the manner in which the Agreement has been breached. When such a breach occurs, either party may be provided opportunity to correct the breach within sixty (60) days of receipt of the written notice. If acceptable corrections have not occurred by the close of that period, either party shall have the right to terminate this Agreement.

In the event of rescission, revocation, or termination, all documents and other materials related to the performance of this Agreement shall become the property of the Department.

(8) FINANCIAL RECORDS AVAILABILITY:

The District agrees to retain all books, records, and other documents relative to this Agreement for three (3) fiscal years from the end of the grant period. The Department, its authorized agents, and/or State auditors shall have full access to and the right to examine any of said materials during said period.

All funds received by Districts are public funds and provisions of the Freedom of Information Act shall apply to financial records, unless otherwise specified within the Act or elsewhere in the *Code of Virginia*. Each District shall safeguard, provide accountability, and expend funds only for approved purposes.

(9) PARTNERSHIP ACKNOWLEDGMENTS:

In the spirit of conservation partnership, the Board and Department work with and make available support and assistance to each District in a variety of ways. The conservation partnership will be enhanced through District recognition of its primary partner agencies within certain printed documents produced by the District. Specifically, the District's Strategic Plan (or SWCD 4-year Program and Resource Plan), Annual Plan, and Annual Report will acknowledge Board and Department support and financial assistance by written acknowledgment in the following format:

The Commonwealth of Virginia supports the (Name of district) Soil and Water Conservation District through financial and administrative assistance provided by the Virginia Soil and Water Conservation Board and the Department of Conservation and Recreation.

Acknowledgment of the Board's and Department's support within other publications and products is encouraged.

(10) COST-SHARE ALLOCATION AND DISTRIBUTION:

Cost-share shall be allocated to Districts in accordance with the POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020) and shall be disbursed in accordance with the provisions of this Agreement and in the amounts set out or referenced in Attachment B. Department personnel will confer with District staff at least quarterly to determine their projected needs for cost-share payments for projected completed BMPs. Department personnel will generate a disbursement letter based upon their District's projected ninety-day needs and Agricultural BMP Tracking program data showing obligations. Cost-share payments to applicants shall be conducted in accordance with the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*. Any application must meet appropriate technical agency standards and specifications of that practice before cost-share payment is made. Payment is issued after the participant and technical representative have certified practice installation in their Virginia BMP Incentives Contract.

Any funding provided as "VACS WIP Acceleration Cost-share Total" is considered a component of the District's total cost-share allocation and is subject to the transfer and reallocation procedures set out in Sections 12 and 14 of this grant agreement.

Information regarding cost-share payments made by Districts shall be entered into the BMP cost-share tracking database within one month of payments being rendered.

(11) TECHNICAL ASSISTANCE ALLOCATION AND DISTRIBUTION:

Technical Assistance shall be allocated to Districts in accordance with the POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020) and shall be disbursed in accordance with the provisions of this Agreement and in the amounts set out in Attachment B.

FY20 Technical Assistance allocations shall be disbursed after the Fourth Quarter FY19 reports have been submitted (including the District's End of Year Cash Balance Report, Carry Over Report, and SL-6 Pending Reports) to the Department, the Grant Agreement has been executed, and the original signed Agreement returned to the District's assigned Department CDC. FY20 Technical Assistance shall be disbursed in accordance with the following procedures. During the first quarter of FY20, twenty-five percent of the Technical Assistance allocations shall be disbursed; with an additional twenty-five percent awarded in each of the second, third, and fourth quarters provided updates to the AgBMP Tracking Module are being entered monthly to the satisfaction of the Department. Except due to extenuating circumstances or as otherwise set out in the Grant Agreement, disbursements to Districts will be executed within 45 calendar days following the beginning of a quarter contingent upon the satisfactory completion of database updates and the receipt of complete and accurate reports.

Should new FY20 funding be transferred between Districts or reallocated, Technical Assistance Funds noted in the columns "FY20 TA Addition to the FY13 TA Base and FY20 Additional Technical Assistance for WIP Acceleration funds" shall proportionally be transferred with the cost-share.

Additionally, should a District decline a recommended cost-share allocation, technical assistance allocations may also be reduced accordingly.

(12) DEPUTY DIRECTOR APPROVAL OF TRANSFER OF COST-SHARE:

After Grant Agreement issuance, Districts may choose to work with the Department to determine if cost-share allocations should be transferred from one District to another District to maximize water quality improvements. Cost-share shall not be transferred between CB and OCB drainage allocations. Recommended adjustments shall be advanced by Department field personnel through the Division's Central Office to the Deputy Director for consideration as District contract adjustments. A completed Transfer of Virginia Agricultural Best Management Practices Cost-Share Program (VACS) Allocated Cost-Share Funds Form 199-225 (Form) from the affected Districts will be required to document their approval of the recommended transaction. The completed Form regarding reallocations/transfers shall be routed to the Comptroller to update the Department's records. For amounts already distributed to Districts, funds shall be returned back to the Department, or deducted from the next quarterly FY19 disbursement(s), for redistribution to the approved receiving District (accordingly such funds shall not be directly sent between Districts). A proportional amount of Technical Assistance shall be transferred with the cost-share funds; however, cost-share funds may be voluntarily transferred between two Districts without a proportional amount of technical assistance funds if both the donor and recipient District Boards agree, by formally adopted motions, to such transfer. Such motions and all documentation required to execute the voluntary transfer of cost-share must be submitted to the Department prior to June 30, 2020. All transferred cost-share funds will be subject to the recipient District's ninety percent (90%) obligation requirement for their total VACS allocation as set out in Section 14 – Reallocation of cost-share funds.

Aside from transfers of funds approved under this Section, no other movements of cost-share or technical assistance funding may occur between Districts.

(13) TARGETING THE EXPENDITURE OF COST-SHARE FUNDS IN EACH DISTRICT TO MAXIMIZE WATER QUALITY IMPROVEMENTS:

Once cost-share has been allocated to Districts, cost-share expenditures within Districts should be utilized to solve water quality problems by fixing the worst problems first on a field by field basis. Priority Considerations (statewide water quality considerations) shall be used by all Districts to qualify cost-share applications for District Board consideration for funding. Any application that does not meet at least one of the priority considerations set out in the POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020) shall not receive funding.

Further, a set of Secondary considerations that identify the local District Board's water quality improvement focus shall be developed by the District Board. The District shall submit their Secondary Considerations to the Department prior to the beginning of the fiscal year and receive Department approval prior to the District approving cost-share applications. Districts should prioritize the implementation of appropriate BMPs that will reduce the greatest amount of nutrient and sediment contamination while utilizing the least amount of cost-share funds to address site-specific water quality problems in identified high priority watersheds with all Program cost-share funds. Each District shall, when comparing projects for cost-share funding, utilize the Conservation Efficiency Factor (CEF). Districts shall be prepared to verify and document that their cost-share allocations are being spent in accordance with the priority considerations, their approved secondary considerations, and in accordance with the *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*.

Additionally, for Districts within the Chesapeake Bay basin, Districts shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan; for Districts outside of the Chesapeake Bay basin, priority shall be given to BMPs in the highest priority agricultural TMDL watersheds (as ranked by the Department; high, medium, and low). BMPs within fields covered by a Resource Management Plan shall also receive priority.

(14) REALLOCATION OF COST-SHARE FUNDS:

Following the end of each fiscal year, the Board shall reallocate (redistribute) unobligated VACS allocations, including unobligated funds from prior fiscal years, and unobligated CREP or RCPP funds (keeping cost-share within the drainage basin it was originally allocated within) at its next scheduled meeting. These funds will be used for VACS programmatic priorities which may include funding for Chesapeake Bay Watershed Implementation Plan implementation or targeted agricultural BMPs. VACS funds that have not been approved by the District's Board of Directors at the end of the fourth quarter of the fiscal year (June 30, 2020) to fund an existing cost-share application are considered to be unobligated.

Data collected from the budget summary page of the Virginia Agricultural BMP Tracking Program (Tracking Program) will be analyzed to identify those Districts that have obligated ninety percent (90%) or more of their Total VACS allocation. The percent of their VACS allocation obligated will be identified by dividing the "Approved" amount by the "Allocation" amount. For those Districts that did not obligate at least ninety percent (90%) of their Total VACS allocation by June 30, 2020, unobligated cost-share funds will be summed and all of a District's unobligated VACS funds will be reallocated. This includes amounts already distributed to Districts for which a project has since been discontinued (which shall be reverted back to the Department; such funds shall not be directly sent between Districts) as well as VACS funds still being held by the Department for which there are no pending obligations against it. Technical assistance funding shall proportionally be transferred with the reallocated cost-share.

Reallocation cost-share amounts and the associated technical assistance amounts shall be specifically noted in cost-share disbursement letters to Districts and become part of the financial record.

All funds eligible for reallocation in the Chesapeake Bay watershed will be reallocated to one or more of the ten targeted Districts for increased Chesapeake Bay Watershed Implementation Plan implementation.

(15) UNEXPENDED STATE FUNDS MAINTAINED BY DISTRICTS:

FY2020 and any prior year cost-share funds, including issued to Districts that remain unobligated at the close of FY2020 will be returned to the Department for reallocation by the Board in accordance with Section 14.

In witness whereof the parties have caused this Agreement to be executed by the following duly authorized officials:

SOIL AND WATER CONSERVATION
DISTRICT

DEPARTMENT OF CONSERVATION
AND RECREATION

By: _____

By: _____

Clyde E. Cristman, Director
Department of Conservation and Recreation

Title: _____

Date: _____

Date: _____

Date: _____

ATTACHMENT A
Soil and Water Conservation District (District)
FY20 Performance “Deliverables”
For Acceptance of Department Virginia Agricultural BMP Cost-Share Program Funds for Cost-share and Technical Assistance

- Locally deliver the Commonwealth’s Agricultural BMP Cost-Share Assistance Program as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department’s nonpoint source pollution management program. (§10.1-546.1 Code of Virginia):
 - Implement the Virginia Agricultural BMP Cost-Share program in accordance with the provisions of:
 - The POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020);
 - This Grant Agreement; and
 - The *Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual*.
- Submit complete and accurate quarterly financial reports to the District’s assigned CDC. Quarterly reporting includes utilizing the Fiscal Year 2020 electronic template of the Attachment E (Project Financial Report), submittal of a quarterly Profit and Loss Statement, and submittal of a quarterly Cash Balance Sheet. The Attachment E submittals must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required on the Attachment E submittal. (Note: This is an existing expectation within the Operational Support Grant Agreement and it is applicable to this Agreement).
- Submit complete and accurate End of Year Cash Balance Reports, Carry Over Reports, and SL-6 Pending Reports by the End of Year reporting deadline.
- Provide database updates according to established deadlines and special needs, as requested by the Department, to support Virginia’s nonpoint source pollution reduction initiatives, including information necessary to fulfill reporting specified within the Virginia Natural Resources Commitment Fund [§10.1-2128.1]. (Note: This is an existing expectation within the Operational Support Grant Agreement and it is applicable to this Agreement). This includes updating the Agricultural BMP tracking program within one month of payments being rendered, and updating other financial records by the reporting deadline for each quarter. Additionally, Conservation Reserve Enhancement Program (CREP) project information must be entered into the tracking program within 30 days of District Board project approvals.
- Submit secondary considerations to the Department prior to the beginning of the fiscal year and receive Department approval prior to the District approving cost-share applications.
- The District shall act consistently with both primary and secondary considerations and act consistently with Virginia Soil and Water Conservation Board policies while also demonstrating the following priorities during the program year:
 - For Districts within the Chesapeake Bay basin, Districts shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan and;

- For Districts in basins outside the Chesapeake Bay, priority shall be given to BMPs in the highest priority agricultural TMDL watersheds (as ranked by the Department; high, medium, and low).
- Data entry in the AgBMP Tracking Module is entered to the satisfaction of the Department, including the entry of a practice location point, path to stream (where required), digitized practice components to facilitate resource reviews, and accurate practice measurements including soil loss rate value based upon site specific soil type(s).
- Obligate at least 90% of the VACS (cost-share) allocations to participants for this grant period.
- Take appropriate action within 180 days to address all verification or spot check issues once identified. EPA approved BMP verification processes shall be implemented in the Chesapeake Bay watershed.
- Issue IRS Form 1099s to cost-share recipients on or before January 31st.
- Ensure that tax credit applications submitted pursuant to §58.1-339.3 or §58.1-439.5 receive District Board approval and that there is a corresponding District Board-approved conservation plan on file at the District for each tax credit approval. Ensure that tax credit certificates are issued only after practices receive technical certification. The tax credit issue date should be in the same calendar year as the technical certification date.
- Cost-share and tax credit approvals are to be individually documented in their District Board minutes (identified by contract/ instance #).
- Each of the technical staff for the District completed all mandatory trainings as listed in Attachment D, Soil and Water Conservation District Personnel Training Topics and Courses when available, as provided by DCR, and attended trainings, certification or recertification courses within the fiscal year. Any District technical staff responsible for utilizing any component of the Department's application suite must complete the IT Security Course.
- The District shall be represented at an annual VACS training sponsored by the Department and shall attend a VACS Program Manual course when offered by the Department.

At the end of FY20, CDCs shall complete an evaluation of FY20 deliverables that will be subject to the provisions of paragraph “(1) SCOPE OF SERVICE” of this Grant Agreement.

ATTACHMENT B

COMPENSATION

I. COST-SHARE PROGRAM

Funding provided by the Board and Department to the District to support the Virginia Agricultural BMP Cost-Share Program is addressed through this Agreement. Funds made available to the District set out in the POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020) are summarized as follows:

Total available SWCD allocation for July 1, 2019 through June 30, 2020 is: \$«TOTAL»

To be managed as follows:

A total of \$«TotalCB» for the portion of the District within the Chesapeake Bay (CB) to implement agricultural best management practices.

A total of \$«TotalOCB» for the portion of the District outside of the Chesapeake Bay (OCB) to implement agricultural best management practices.

A total of \$«TotalTA» has been allocated for Technical Assistance funding for the implementation of agricultural best management program.

The amounts set out above may be amended during the grant period only in accordance with the provisions of this Grant Agreement.

II. DISBURSEMENT OF FUNDS

Cost-share program funds will be disbursed only in accordance with the provisions of this Grant Agreement.

Department/District Grant Agreement No. «AgreementN»

ATTACHMENT C (Evaluation Guidance for Department/District Fiscal Year 2020 Grant Agreement Performance Deliverables)

Grant Agreement Performance Deliverable	Fully Satisfied "A"	Partially Fulfilled "B"*	Did Not Fulfill "C"*
1. Did the District implement the Virginia Agricultural BMP Cost-Share program (<u>§10.1-546.1 Code of Virginia</u>) in accordance with the provisions of: <ul style="list-style-type: none"> • The POLICY AND PROCEDURES ON SOIL AND WATER CONSERVATION DISTRICT COST-SHARE AND TECHNICAL ASSISTANCE FUNDING ALLOCATIONS (FISCAL YEAR 2020); • This Grant Agreement; • The <i>Program Year 2020 Virginia Agricultural Cost Share (VACS) BMP Manual</i>; and • All state laws and regulations. 	Effectively delivers the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements.	Generally delivers the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements.	Fails to deliver the Agricultural BMP Cost-Share Assistance Program in accordance with program requirements, with multiple deficiencies demonstrated by the District.
2. Did the District submit secondary considerations prior to the beginning of the fiscal year and receive Department approval prior to the District approving cost-share applications?	Secondary considerations were submitted to the Department prior to the beginning of the fiscal year and were approved by the Department prior to the District approving cost share applications.	Secondary Considerations were submitted after the beginning of the fiscal year, and were approved by the Department prior to the District approving cost share applications.	Secondary Considerations were not submitted or approved by the Department prior to the District approving cost share applications.
3. Did the District act consistently with both primary and secondary considerations and act consistently with Virginia Soil and Water Conservation Board policies while also demonstrating the following priorities during the program year: <ul style="list-style-type: none"> • For Districts within the Chesapeake Bay basin, Districts shall give priority to BMPs addressed within the Virginia Chesapeake Bay Watershed Implementation Plan and; • For Districts in basins outside the Chesapeake Bay, priority shall be given to BMPs in the highest priority agricultural TMDL watersheds (as ranked by the Department; high, medium, and low). 	100% District ranked all cost-share applications consistent with primary and secondary considerations and other applicable program priorities.	District ranked some cost-share applications consistent with primary and secondary considerations and was generally consistent with other applicable program priorities.	District ranked no cost-share applications inconsistent with primary and/or secondary considerations and/or was generally inconsistent with other applicable program priorities.

4. Was data entered in the AgBMP Tracking Module to the satisfaction of the Department, including the entry of a practice location point, path to stream (where required), digitized practice components to facilitate resource reviews, and accurate practice measurements including soil loss rate value based upon site specific soil type(s).	Yes	Score of Partially Fulfilled N/A	No
5. What percentage of the District's VACS (cost-share) allocation for this grant period was obligated to participants?	$\geq 90\%$	< 90% >75%	$\leq 75\%$
6. Did the District take appropriate action within 180 days to address all verification or spot check issues once identified?	100%	< 100% > 75%	$\leq 75\%$
7. Did the District maintain the Agricultural BMP tracking program within one month of payments being rendered, and other financial records by the reporting deadline for each quarter?	Yes	Score of Partially Fulfilled N/A	No
8. Did the District submit complete and accurate End of Year Cash Balance Reports, Carry Over Reports, and SL-6 Pending Reports, by the End of Year reporting deadline?	Reports were submitted by the End of Year reporting deadline and were complete and accurate.	Reports were submitted after the End of Year reporting deadline but were complete and accurate.	Reports were submitted after the End of Year reporting deadline and were incomplete or inaccurate.
9. Were tax credit applications submitted pursuant to §58.1-339.3 or §58.1-439.5 approved and was there a corresponding District Board approved conservation plan on file at the District for each tax credit? Were tax credits issued after practices received technical certification and did the tax credit issue date fall in the same calendar year as the technical certification date?	Yes or N/A	Score of Partially Fulfilled N/A	No
10. Were applications for cost-share and tax credits approved by District Board action and individually documented in their District Board minutes (identified by contract/ instance #)?	Yes	Score of Partially Fulfilled N/A	No
11. Each District technical staff responsible for utilizing any component of the Department's application suite completed the IT Security Course	All District staff completed the IT Security Course	Some of the staff completed the IT Security Course	No staff complete the IT Security Course
12. Did each technical staff attend trainings, certification or recertification courses?	All technical staff attended trainings, certification, or recertification courses.	Some staff attended trainings, certification, or recertification courses.	No staff attended training courses.

13. Was District technical staff present at an annual VACS training sponsored by the Department and did staff attend a VACS Program Manual course when offered by the Department?	All of the technical staff attended an annual VACS training and a VACS Program Manual course (when offered by DCR)	Some of the technical staff attended an annual VACS training and/or a VACS Program Manual course. OR some staff attended only one of the trainings	No technical staff attended an annual VACS training or a VACS Program Manual course
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Does the District have documentation to explain any measures in their Grant Agreements that were not fully met? If so, please provide to CDC.

Soil and Water Conservation District Personnel Training Topics and Courses

	District Directors	District Administrative Staff	District Technical Staff
Mandatory	<ul style="list-style-type: none"> •New Director Training I & II Provided by DCR (In Person) Within six month from taking the Oath of Office. •FOIA (If FOIA Officer) Annually DLS - Freedom Of Information Act - FOIA (COVLC or In Person) •COIA* OAG Conflict of Interest Act Training (In person every two years when provided by OAG) 	<ul style="list-style-type: none"> •FOIA Officer-FOIA Training Annually DLS - Freedom Of Information Act - FOIA (COVLC or In Person) •Accounting for Districts and Quickbooks Training or other financial training When Provided by DCR (In Person) •IT Security Course (Annually) (for DCR web application suite users) •Library of VA Record Retention (In Person or online resources) (Complete within first year of hire and at least every three years) 	<ul style="list-style-type: none"> •IT Security Course (Annually) (for DCR web application suite users) •VACS Program Manual Periodically provided by DCR (In Person) •RMP/CP Module Access Provided by DCR (In Person) •VACS Program Update (Annually) Provided by DCR (In Person)
Recommended	<ul style="list-style-type: none"> •VASWCD Trainings (In Person) •Basic Parliamentary Procedures (In Person) •Personnel Management MVP Enhancing Employee Performance Modules I – IV I. Introduction to Supervision II. Managing the Work Process III. Delegation IV. Motivation for Improved Performance (COVLC) •MVP Conflict Management Skills (COVLC) •VACS Program Update Provided by DCR (In Person) 	<ul style="list-style-type: none"> •COIA OAG Conflict of Interest Act Training •Driver Safety DGS Fleet Driver Safety and Policy Lesson (COVLC) •VACS Program Update Provided by DCR (In Person) •Ag BMP Tracking Program Provided by DCR (In Person) •VASWCD Trainings (In Person) •VACDE Trainings (In Person) •Conservation Selling Skills Periodically provided by DCR (In Person) <p>Environmental Educators are encouraged to take the recommended Administrative courses and</p> <ul style="list-style-type: none"> •Project Learning Tree Workshop •Project Wild Workshop •Project WET Workshop 	<ul style="list-style-type: none"> •Conservation Planning Certification (On Line and In Person classes) •Engineering workshops Provided by DCR/NRCS (In Person) •Driver Safety DGS Fleet Driver Safety and Policy Lesson (COVLC) •Ag BMP Tracking Program Provided by DCR (In Person) •JEDs Provided by NRCS (In Person) •VACDE Trainings (In Person) •VASWCD Trainings (In Person) •COIA OAG Conflict of Interest Act Training •Effective Presentation & Instruction (In Person) •Conservation Selling Skills Periodically provided by DCR (In Person)

*Newly elected Directors must take COIA training on-line via COVLC if no in-person class will be offered within six months of their appointment or election

Additional Resources

MVP - Managing Virginia Program (COVLC)

Microsoft Office www.microsoft.com/en-us/learning/training.aspx

Commonwealth of Virginia Learning Center (COVLC) classes can be accessed by the following link

<https://covlc.virginia.gov/Default.aspx>

Note: COVLC requires a username and password. See instructions to create a user profile.

Contact Carl Thiel-Goin with questions carl.thiel-goin@dcr.virginia.gov 804-887-8915

Attachment E
*******OFFICIAL FISCAL YEAR 2020 FORM*******
Department of Conservation and Recreation
Virginia Nonpoint Source Management Program
Project Financial Report

SWCD:	<input type="text"/>	Agreement Number:	<input type="text"/>
Contact:	<input type="text"/>	Phone Number:	<input type="text"/>
Address:	<input type="text"/>		

Reporting Quarter Dates: **7/1/2019** thru **9/30/2019**

(beginning) (closing)

NOTE: Only the Yellow fields are unprotected and capable of having data entered into them.
Please remember to enter a negative sign (-) when you enter Expenditures or Transfers Out. Thanks!

	Beginning Balance *	Transfers In/Out (Must = 0)	Adjusted Beginning Balance (1) +/- (2)	Receipts (During the report period)	Expenditures (During the report period)	Ending Balance
State Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
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Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total State Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Federal Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total Federal Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local/Other Sources	(1)	(2)	(3)	(4)	(5)	(6)
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Other: (Specify)			\$0.00			\$0.00
Total Local/Other Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL (All Sources)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

* - The beginning balance is the amount of funds on hand at the start of the report period. The ending balance from the previous report period will become the beginning balance for the new report period. This figure will automatically carry forward to the next report period.

**** Must be signed by the District Treasurer or a Director/Associate Director with check signing authority. Two different signatures are required on the Attachment E submittal.**

Prepared by:			
	Print Name	Signature	Date
*Approved by:			
	Print Name	Signature	Date

Completed reports should be directed to the district's assigned DCR Conservation District Coordinator by the deadlines established in this agreement.

7/1/2019

SOIL AND WATER CONSERVATION DISTRICTS

Desktop Procedures for District Fiscal Operations

Adopted by the Virginia Soil and Water Conservation Board
May 22, 2019

Effective Date
July 1, 2019

Issued by:

The Virginia Department of Conservation and Recreation

Soil and Water Conservation Districts
Desktop Procedures for District Fiscal Operations

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Section I – Introduction

The Virginia Soil and Water Conservation Board's (VSWCB) Desktop Procedures for District Fiscal Operations (Procedures) are provided to assist Soil and Water Conservation District (SWCD or district) directors and staff in the execution of their fiscal operations. The Procedures are provided for the SWCD Board of Directors (BOD) and staff so they may obtain a full and rapid understanding of their fiscal duties and fiduciary responsibilities. The Procedures shall be reviewed annually by the BOD or its Finance Committee and documented in the official minutes.

Development of and Revisions to the Desktop Procedures for District Fiscal Operations

The Virginia Department of Conservation and Recreation (DCR), Division of Soil and Water Conservation, contracted with professional staff of private accounting organizations to develop and later, refine the contents of these Procedures. It is the intention of DCR to continue to revise the Procedures as needed and share these revisions with each district. Any questions regarding the information in the Procedures should be directed to the DCR Conservation District Coordinators (CDC).

Version History

Version	Effective Date
Original	August 1998
Revision 1	December 2001
Revision 2	December 2003
Revision 3	July 2006
Revision 4	October 2014
Revision 5	July 2016
Revision 6	July 2017
Revision 7	July 2019

Section II - Administrative Requirements

Directors

Each district is required to have a BOD, which is comprised of local citizens elected or appointed to a four-year term of office. The directors are not public employees and do not receive a salary for their district work. However, directors may receive reimbursement for expenses associated with performance of their district functions. The district BOD may appoint associate directors who do not have voting capabilities, but augment the directors' knowledge and experience. Associate directors may serve on district committees when requested, are encouraged to attend 75 percent of the monthly BOD meetings, and may receive reimbursement for district related expenses.

Responsibilities of BOD members include, but are not limited to, the following:

- Identify local conservation needs;
- Ensure the proper management of the district's financial and personnel resources;
- Represent local citizens in conservation issues;
- Educate others about conservation issues and programs;
- Work effectively with local, state and federal agencies to resolve conservation problems;
- Attend regularly scheduled BOD meetings and meetings of allied organizations; and,
- Serve on standing and ad-hoc district committees.

DCR has produced a Soil and Water Conservation District Director's Handbook. All new directors should obtain this handbook and read it thoroughly. It provides guidance that should be helpful in performing the responsibilities of directors including the following:

- Roles and Responsibilities of Directors;
- Administration of the Districts;
- District Issues; and,
- Conservation Programs.

In order to be adequately prepared to serve the district, all new directors are expected to attend a regional orientation training session provided by DCR within six months of qualifying for office as a BOD member.

As an elected or appointed official, directors are required to take an oath of office and make a personal commitment to fulfill the responsibilities of the position. Further, as public officials, directors must uphold laws of the Commonwealth. Among the many state laws and regulations that are directly applicable to districts and their boards of directors, the Virginia Freedom of Information Act (FOIA) has particular significance to the ways districts as "Public Bodies" must conduct business. Newly elected and/or appointed directors should receive a copy of the current FOIA within two weeks following their election or appointment. Familiarity with provisions of this law is expected of every district director. Each district is required to designate a FOIA Officer, who may be staff or director, and have that person complete required annual training. Once designated, the FOIA Officer information must be reported to the Virginia FOIA Council;

instructions for reporting this information can be found on the FOIA Council webpage (<http://foiacouncil.dls.virginia.gov/>). When questions arise, counsel may be sought from the Attorney General's Office or from the Virginia FOIA Council. The FOIA Council can be reached via telephone at (866) 448-4100 or via email at foiacouncil@dls.virginia.gov

Employees

All employees should receive an initial orientation from their district when they begin employment with the district and should receive additional training as considered necessary to perform their duties. The initial orientation should include:

- Training in specific district policies and fiscal procedures;
- Strengthening understanding of conservation issues;
- Communicating precise job duties, as determined by their district BOD; and,
- Assuring a mutual understanding between the BOD and staff as to the roles and responsibilities of each.

Hiring a SWCD employee vs. an Independent Contractor

The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done. The earnings of a person who is working as an independent contractor are subject to Self-Employment Tax.

An independent contractor is generally self-employed. The Self-Employed Tax Center provides additional information.

A person is not an independent contractor if he/she performs services that can be controlled by an employer (what will be done and how it will be done). This applies even if given freedom of action. What matters is that the employer has the legal right to control the details of how the services are performed.

Payment of more than \$600 per year requires that the District issue a 1099-MISC declaring the amount paid for the contractor's services, as well as a 1098 and government copy of the 1099-MISC to the Internal Revenue Service by January 31st of the following year.

If an employer-employee relationship exists (regardless of what the relationship is called), the person performing the work is not an independent contractor and earnings are generally not subject to Self-Employment Tax.

However, earnings as an employee may be subject to FICA (Social Security tax and Medicare) and income tax withholding.

Personnel Policy

Each district should establish a Personnel Policy that addresses the personnel administration policies of the district. This policy should cover the conditions of employment, work hours, fringe benefits including leave policies, personnel management including job descriptions and grievance policies, travel policies and other pertinent policies of the district. Personnel policies, including position descriptions, should be approved by the district BOD and be reviewed and updated at least annually and when employment conditions change.

Fair Labor Standards Act (FLSA) Exempt/Non-exempt

Each district personnel policy should specifically address the provisions of the Fair Labor Standards Act (FLSA) as well. The FLSA governs whether individual employees are compensated for over-time hours worked based on their employment agreement. SWCDs should test each position description on a periodic basis (no less than every 3 years) to determine exempt or non-exempt status. Tests should also be performed when changes are made to job descriptions and/or salaries. Tests should be maintained in the position description file and available for review by auditors. Employees are required to be notified when they are hired whether their positions are exempt or non-exempt from the provisions of the FLSA. For further information on the FLSA refer to the Department of Labor's website: <https://webapps.dol.gov/elaws/flsa.htm>. See Section XVI for FLSA Checklist.

One district director, usually the personnel committee chairman, should be identified to serve as the liaison between the staff and the BOD.

Meetings

The BOD should meet on a monthly basis and minutes of each meeting must be prepared and maintained by the district. Minutes should capture the essence of the meeting and the decisions reached - not the content of every conversation. The minutes must document attendance, any motion that is made and by whom, whether it is seconded and by whom, the motion, discussion of the motion, and the final vote or disposition. The minutes must be signed by either the Secretary and/or Chair and approved by the district BOD at the following meeting.

Each district is expected to have a Finance Committee (or group charged to fulfill this function) and a Treasurer to oversee all financial aspects of the district and advise the BOD in financial matters. Some of the responsibilities of the Finance Committee (or designated group) include:

- Review all sources of funding and develop reliable acquisition strategies;
- Develop budgets and budget reports;
- Ensure finances are handled according to sound accounting principles;
- Arrange for required audits;
- Check the reliability of financial information;
- Formulate and recommend policies for consideration by the district BOD (such as a purchasing policy or a check signing policy);

- Establish a system to ensure prompt, accurate payment of invoices and other financial obligations;
- Ensure compliance with surety bond requirements; and
- Annually review the Desktop Procedures for District Fiscal Operations to ensure the District meets their fiduciary responsibilities.

The Finance Committee (or designated group) should meet a minimum of twice a year to establish a budget and to review the financial statements. Minutes of these meetings must be prepared and maintained by the district. Again, minutes should capture the essence of the meeting and the decisions reached - not the content of every conversation. The Chair of the Finance Committee should sign the minutes. Per FOIA, all committees established by a district must prepare and maintain committee meeting minutes. Committee minutes should be reviewed by the full BOD at the next appointed BOD meeting and should be signed by the committee chair.

Audits

All districts are required to accommodate an audit of accounts of receipts and disbursements on an annual basis in accordance with the *Code of Virginia* § 10.1-535, which states, “The district directors shall...provide for an annual audit of the accounts of receipts and disbursements by the Auditor of Public Accounts or a certified public accountant approved by him.” DCR has currently contracted to have each SWCD audited on a two-year rotating basis. Additional audits may be requested by the Board or Audit Subcommittee or to meet federal requirements. Prior to the beginning of an audit, each district should have completed and have available the following items:

- BOD member listing.
- Signed BOD meeting and committee meeting minutes.
- Lease agreements.
- Debt agreement.
- Property (inventory) listing.
- Financial statements that roll forward by line item [i.e. (beginning balance) + (receipts) – (disbursements) = (ending balance)]. The current year beginning balance must equal the prior year ending balance in total and by financial statement line item. The statements must agree in total and by line item to the general ledger (e.g. Quick Books).
- Reports submitted to DCR should agree to the financial statements and to the general ledger.
- Detailed listing of cash receipts that agree in total and by line item to the financial statements.
- Detailed listing of cash disbursements that agree in total and by line item to the financial statements.
- Bank reconciliations with the bank balance agreeing to the bank statement and the checkbook balance agreeing to the general ledger.
- Determination of FLSA exempt and non-exempt by position description.

- Supporting documentation for all transactions within the audit period (cancelled checks, receipts, letters, invoices, etc.). If cancelled checks are not returned to the SWCD the District should request printed or electronic bank copies of the cancelled checks.
- Documentation of funds as to their source (i.e. local, state, and federal).
- Payroll tax returns and personnel records (IRS Form 941), timesheets, W-4s, personnel files, W-2s and 1099s issued).

Compliance with shortcomings and findings identified through an audit is expected. Auditing staff will conduct an exit interview with the District to report recommended corrections and any outstanding compliance issues. It is expected that District staff in person and a director in person or by phone will participate in the exit interview. DCR will provide to Districts the auditor's management letter and matrix of areas of discussion and the specific exit interview notes to each audited district individually. The CDC will review audit reports with the BOD and facilitate discussion about ways financial controls may be improved. The district BOD should approve the report and indicate what corrective actions will be taken to address audit finding issues. A progress report on these corrective actions should be provided on a monthly basis and recorded in the district's minutes until all issues have been addressed.

Record Retention

All supporting documentation must be maintained in accordance with the Library of Virginia Records Retention Schedules. Schedules are located at

http://www.lva.virginia.gov/agencies/records/sched_local/index.htm

Supporting documentation includes, but is not limited to:

- General ledger reports at the summary and detail levels
- Cancelled checks or check images from the bank
- Check registers
- Invoices or other support as applicable for disbursements
- Receipt logs
- Check copies for receipts
- Letters or other support as applicable for receipts
- Personnel folders including salary approvals
- Bank statements and reconciliations

Electronic files, including the general ledger system (i.e. QuickBooks) should be backed-up on a regular basis (most auditors would recommend at least weekly, preferably daily). The backup should be maintained either in a fireproof cabinet/safe at the district or at an off-site location (e.g. bank lock box, post office box, etc.).

All district BODs are required by the *Code of Virginia* §42.1-85 to designate "Records Retention Officer," who may be staff or director. This officer is responsible for ensuring that all supporting documentation is being maintained according to the record retention schedule and serves as the liaison to the Library of Virginia. Once designated, information for the records officer must be

sent to the Library of Virginia via the RM-25 form. This form and accompanying instruction can be found at <http://www.lva.virginia.gov/agencies/records/forms.asp>.

Debt/Leases

The BOD must approve any debt or lease agreement entered into by the district *prior to obtaining the commitment*. The approval should be documented in district BOD meeting minutes. The district should maintain any debt or lease agreements.

Bonding

All employees and BOD members with access to district funds must be bonded. Bonding coverage provided through DCR presently covers all SWCD directors, associate directors, and employees that handle district monies. Bonding guidelines require that fiscal practices enumerated in this Procedures document be complied with.

In dealing with both clients and employees, the district must comply with all federal and state laws established to protect citizens' civil rights and employment opportunities.

Section III - Accountability

District Directors are accountable for all funds, property and equipment belonging to the district. Accountability requires documentation, as well as ensuring that the district is applying all funds in a manner that serves the public's interest.

Procedures regarding Potential Conflict of Interest (COIA)

The State and Local Government Conflict of Interests Act ("COIA"), § 2.2-3100 et seq. of the *Code of Virginia*, prohibits a range of behavior relating to impermissible conflicts. COIA, along with federal corruption statutes, applies to public officials and employees of the districts. Newly elected and/or appointed directors, and recently hired staff, should receive a copy of the current COIA law within two weeks following their election, appointment, or hire. Familiarity with provisions of this law is expected of every district director and employee. Each district elected and appointed director must complete the required biennial COIA training provided by DCR and the OAG.

The COIA law provides for both civil and criminal penalties for violations. District officers or staff who question whether certain conduct would violate COIA, should ask legal counsel at the Office of the Attorney General for an opinion and may rely on such advice as a shield to prosecution pursuant to § 2.2-3121 of the *Code of Virginia*.

District directors are not permitted to decide or vote on matters where they have a personal or professional stake. Directors with potential conflicts of interest must disclose to the BOD or other committee members the material facts as to their personal interest in the transaction and/or in any corporation, partnership, association or other organization that may receive financial benefit as a result of the decision of the BOD or committee.

After disclosure of the possible conflict of interest, the Director or staff person (interested individual) shall leave the room prior to the discussion of the issue. The interested individual shall not participate in any discussion or decision/ recommendation making associated with the subject issue. Such action shall be noted in the minutes of the BOD or committee. The interested individual may return to the room and resume participation in the proceedings once all discussions have concluded and decisions/ recommendations rendered pertaining to the issue. Specific questions pertaining to conflicts of interest should be directed to the district's assigned Assistant Attorney General. District Directors should take care to maintain their professional independence in both fact AND appearance.

Budget Development

As stated in Section II, the Finance Committee should develop a budget for each fiscal year. The budget should include:

- Consideration of unexpended funds from the previous year as presented in the financial statements and plans for their use;
- Projected revenue and expenses;

- A detail of actual revenue and expenses of the previous year;
- An estimate of staff and volunteer time and costs to accomplish proposed activities; and,
- A narrative summary that ties planned expenditures to the district's annual plan of work.

The budget shall be reviewed and approved by the district BOD and included as part of minutes. The Treasurer should review the budget on a monthly basis and any significant variances between budget and actual revenue and expenses should be researched and reconciled.

Treasurer's Report

Monthly, directors should be provided a written Treasurer's Report that, at a minimum, documents and explains significant variances between budget and actual revenue and expenses for the year to date and changes in the cash balance of the district from the previous month end. Outstanding check information should be provided as part of the report.

Quarterly and annual reporting to DCR is also required. The Treasurer should review and sign (and/or initial) all financial reports that are forwarded to DCR.

Annual reports should be developed and provided as public record for information regarding accomplishments, and financial status. All supporting documentation (such as records and reports documenting volunteer time and match requirements) must be maintained on file by the district.

All district specific policies should be maintained and kept current. Districts should conduct an annual review of all district policies and record the review and approval of these policies in the meeting minutes. Policies should be updated to show the most current review/revision date listed on each policy document.

Section IV - Cash Management

Accounting records on Cash Basis versus Accrual Basis

Cash basis - Revenue is recorded when cash is received from customers, and expenses are recorded when cash is paid to suppliers and employees. It is easiest to account for transactions using the cash basis, since no complex accounting transactions such as accruals and deferrals are needed. Given its ease of use, the cash basis is widely used in small businesses.

Accrual basis - Revenue is recorded when earned and expenses are recorded when consumed. Its use is required for tax reporting when sales exceed \$5 million.

Based on SWCD auditor recommendations, districts shall maintain their financial records based on Cash Basis Accounting. This will result in a uniform process that will help districts easily reconcile their accounting records with the DCR Attachment E reporting form. For QuickBooks users, this is a simple change in their setting preferences to the Cash Basis setting and will automatically generate QuickBooks reports that will correspond to Attachment E reporting.

Insured Accounts

All funds are to be maintained in fully insured bank accounts. Generally, the Federal Deposit Insurance Corporation (FDIC), through your local bank, provides such insurance coverage. Each bank the SWCD does business with should be informed that the district accounts contain public funds and should be insured accordingly.

All accounts should be interest bearing to the extent possible. The district shall maintain a separate bank account for the Agricultural BMP Cost-Share Program funds. Interest earned from that account must be applied to additional program practices and expenses, and must be logged in the Agriculture BMP Tracking Module.

All cash of the districts should be maintained in accounts collateralized in accordance with the Virginia Security for Public Deposits Act, § 2.2-4400 et seq. of the *Code of Virginia* and covered by Federal Depository insurance. (The following website may be helpful with addressing questions that pertain to the Virginia Security for Public Deposits Act:

<http://www.trs.virginia.gov>). Under the Act, banks holding public deposits in excess of the amounts insured by FDIC (\$250,000) must pledge collateral in the amount of 50% of excess deposits to a collateral pool in the name of the State Treasury Board. The State Treasury Board is responsible for monitoring compliance with the collateralization and reporting requirements of the Act and for notifying Districts of compliance by banks. Accounts maintained in National Credit Union Accounts (NCUA) should be also be insured up to \$250,000. Districts that maintain investment funds with a broker should be insured by SIPC, Securities Investor Protections Corporations, up to \$500,000. To ensure all SWCD bank accounts are being classified by the bank as public funds and secured by the Virginia Security for Public Deposits Act, the SWCD can visit <https://spda.trs.virginia.gov/quarterlysearch.aspx> and search for the report of the account(s) quarterly. If you find that your account(s) has not been reported, you should address the issue with your financial institution.

In accordance with § 2.2-4518 of the *Code of Virginia*, districts can elect to participate in ICS (Insured Cash Sweep) and CDARS (Certificate of Deposit Account Registry Services) programs. Both ICS and CDARS allow large deposits of funds to be placed across multiple participating institutions in increments below the standard FDIC insurance maximum of \$250,000, so that both principal and interest are eligible for FDIC insurance. See the following links for more information.

<http://www.insuredcashsweep.com/home/how-ics-works>

<http://www.cdars.com/home/how-cdars-works/>

Direct Deposit (EDI)

Pursuant to the State Appropriation Act, all districts shall be set up to receive electronic payments from the Commonwealth.

Chapter 732: § 4-5.04 GOODS AND SERVICES

h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section.

Petty Cash Accounts

Petty cash accounts should contain no more than \$100 at any time. Petty cash should only be used for small purchases of supplies, food, postage, etc. Use of the petty cash fund should be limited as much as possible. All withdrawals from petty cash must be supported by a receipt or invoice. A person independent of the petty cash function should perform surprise counts of the petty cash at least twice a year and document their counts to ensure funds are intact. Another option is establishing a system for an individual independent of the petty cash account to be responsible for reconciling the account monthly. This arrangement can replace the petty cash surprise counts, since counting the cash on hand and the supporting receipts is part of the monthly reconciliation process.

Gift Cards

Gift cards are often given to recipients of district awards or winners of competitions (e.g. district envirothon and poster contest winners and district level awards for conservation friendly farms). However, gift cards are a form of money and should be managed with the same sensitivity as cashes or checks. The purchase of all gift cards should be voted on and documented in the board or committee meeting minutes, which should include both the purpose and value of each gift card. The district should also develop a “Gift Card Log” for each fiscal year. The gift card log should note the type, value, purpose, recipient name, and date of delivery for each gift card the district distributes throughout the fiscal year.

Gift cards given to district employees are considered taxable income and should be reported as such to the IRS. For that reason, gift cards are not recommended for employee compensation.

Reserve Fund Balances

Each district should limit its level of un-obligated reserve funds. Un-obligated funds are monies maintained in the district account(s) that have no restricted, limited use and may be spent on any reasonable business related purpose by the district. It is unadvisable for any District to accumulate more than six months of undedicated reserve funds. Funds beyond this level must be accumulated for specific dedicated purposes (ex. Vehicles, Equipment, Dam Maintenance, Computers, Funding unanticipated staff severances) as directed by an action of the BOD and recorded in the official minutes of the district and not for routine operating expenses. At the end of each fiscal year, the district should review their reserve funds and determine which funds are to be dedicated for specific future expenses. A list should be maintained of these dedicated reserves which should be reviewed and updated annually. Public funds from local, state, and federal sources are provided to districts not for savings, but strictly for performance of conservation. DCR will monitor the growth of unexpended funds through grant agreement required audit reports, and report situations of concern to the VSWCB.

Reserve funds are allowed to be maintained in CDs or MMAs; however, Districts also have the option to participate in the Virginia Department of Treasury's Local Government Investment Pool (LGIP). For more information about the LGIP, contact the Department of Treasury at (800) 634-7800 or <https://trs.virginia.gov/Cash-Management-Investments/LGIP>.

Transfers

When transfers are made between bank accounts, including the opening of new bank accounts, these amounts should not be reflected as receipts or disbursements for any financial reporting purpose. On the Attachment E these transfers should be shown in the transfer in/out column.

Online Bill Paying

Generally, authorizing an individual to make a direct withdrawal from the bank account to settle a claim provides an opportunity for abuse of the payment system. Given the limited number of personnel and the limited opportunities for segregation of duties and internal control, the use of online bill payment is discouraged. If the circumstances dictate that there is no other viable option, the controls surrounding this type of transaction should be carefully considered. Important elements of the control system should include:

- Two approvals on the invoice prior to initiating the online payment;
- Processing/transmitting of the online payment by a third individual; and
- Careful review of all bank statements with special scrutiny given to the propriety of any direct withdrawals from the bank account.

Larger organizations that utilize online payments typically have one person initializing the payment of the transaction and another individual reviewing the online transaction using the bank's software prior to actually releasing or transmitting the payment transaction. Banks may provide a chip or electronic token that offers a dynamic code to enter prior to releasing a transaction. Banks may "call back" to an authorized individual prior to releasing larger online payments. While sound internal controls can be implemented around online payments, building adequate controls in a local district with limited staff might be challenging.

Virginia Agricultural Cost-Share Payments and Tax Forms

Once the SWCD BOD has approved cost-share practice(s) for payment; the practice(s) have been certified as installed; and Part III of the Contract has been signed by the participant, the SWCDs should pay promptly (within 30 days). SWCDs must retain any supporting documentation (i.e. receipts for materials) and clear documentation to justify the amount of payment (i.e. payment calculation sheet) as part of the cost-share file.

SWCDs must provide an Internal Revenue Service Form 1099-G to any individual installing an agriculture BMP with cost-share or other funding sources (i.e. settlement funds) who receives \$600 or more in cost-share payment(s). If the payment for a contract is redirected at the participant's request to a certified nutrient management planner or resource management plan developer, then the appropriate 1099-MISC should be issued to the entity receiving the cost-share funds. SWCDs that also issue payments for non-agricultural practices (i.e. DEQ 319 septic practices and VCAP practices) must also issue a 1099-MISC to participants. Districts must also file the appropriate IRS Form 1099 and Form 1096 with the Internal Revenue Service in accordance with IRS regulations.

For SWCD quarterly reporting to DCR, the district's QuickBooks accounting records, the Agricultural Cost-Share Tracking Program ledgers, and the Attachment E reporting form should all reconcile before submission.

Section V - Cash Control

The opening of all bank accounts, as well as a list of check signatories, should be authorized by the BOD and recorded in the district minutes. Check signatories should be updated whenever one signatory is added or deleted.

All checks should be pre-numbered and contain the name and address of the district.

The supply of unused checks should be maintained in a locked cabinet/desk at the district. Only an individual who does not have check signing capabilities should maintain access to the supply of unused checks to safeguard against theft. Individuals with check signing capabilities should not have access to the supply of unused checks.

Checks should never be signed prior to completion of the check. **Check signers should never sign any check that is to be paid to themselves.** Electronic signatures are not an allowable option for the signing of checks.

A check that has been outstanding for six months should be researched and a stop payment should be placed on the check. Per the Commonwealth of Virginia's Unclaimed Property Act, a check that is outstanding for greater than one year is required to be tracked in a liability account and the amount of the check must be remitted to the Commonwealth of Virginia per § 55-210.0 of the *Code of Virginia*. See Virginia's Unclaimed Property website <http://vamoneysearch.org/> for additional information including the required reporting schedule since due diligence must be shown prior to reporting unclaimed property to the Virginia Department of Treasury.

Voided checks should have "VOID" either written or stamped on them. The signatures on voided checks should be torn off the checks as well. Normal procedures require a voided check to be appropriately marked and stapled back into the check register (or maintained in a voided checks file, if checks are printed from a printer and a check register is not maintained.) This allows any review of the records to clearly indicate a check was indeed voided.

Bank statements should be reconciled to the district's accounting records on a monthly basis. The bank reconciliations should be prepared by the individual authorized by the district to perform this task, and should be initialed and dated when prepared. Any bank differences resulting from the bank reconciliation that require recording in the accounting records (e.g., interest earned, service charges, etc.) should be posted in a timely manner (i.e., prior to the next bank statement being received). **A second individual other than the preparer should review, initial and date the reconciliation and periodically review canceled checks for proper signatures and authority.**

Section VI – Sales

When cash/checks are received from the various receipt sources by the districts, they should be documented in a pre-numbered receipt book immediately. The receipt book serves to document the amount received, payee, reason for receipt, and date of receipt. All cash and checks received by the district must be documented in the receipt book.

Any documentation (i.e., letter, check stub) received with the cash/check should be date stamped when received and maintained in a cash receipts folder. The receipt number should be noted on the supporting documentation.

All checks received by the district should be endorsed (i.e., For Deposit Only, Example Soil and Water Conservation District) immediately upon receipt. Cash/checks should be secured in a locked cabinet/desk at the district until deposited in the bank. Deposits should be made once a week or when the district has collected \$500, whichever occurs first.

Deposits should be recorded in the checkbook on the day of deposit. Individual receipts should be recorded in the general ledger (i.e., QuickBooks) on a weekly basis.

The use of “mobile deposit” to deposit checks through a bank’s mobile application is prohibited. All checks received by the SWCD should be deposited at the bank and a deposit slip should be retained with the SWCD’s financial records.

Collection of State Retail Sales and Use Tax

Concerning collection of state sales tax, as political subdivisions of the Commonwealth, districts must collect the tax on sales of their tangible personal property unless such property is otherwise exempt. The *Code of Virginia* and Virginia regulations provide for certain exemptions.

Questions concerning the collection of the tax and specific instances that may provide exemptions should be directed to the Department of Taxation, Office of Tax Policy, (804) 367-8037.

Section VII – Procurement

All purchases made by districts should be made as a result of a competitive and open process that encourages participation by all qualified vendors. All district procurements should be in accordance with the Virginia Public Procurement Act, §2.2-4300 et seq. of the *Code of Virginia*.<https://dgs.virginia.gov/globalassets/business-units/dps/documents/vppa/virginia-public-procurement-act---july-2018.pdf> . It is important to note that for the purposes of procurement, districts fall under the local government determination. If you have procurement questions, you can contact a Department of General Services DPS Local Government Account Executive, their contact information is listed at <https://dgs.virginia.gov/procurement/contacts/dps---account-executive-list/>.

Every district should have a purchasing policy. The Finance Committee of each district should abide by a policy for competitive procurement based upon dollar amounts of purchases and periodically (at least annually) review and recommend changes to such policy to the district BOD. It should be intended that the lowest cost quotation be accepted; however, in some instances, the district may believe that the least costly price is not in the district's best interest. In this case, a written justification for accepting other than the low bid shall be maintained with the quotations.

The following is an *example* to serve as a guideline for procurement of goods and services:

- *Purchases less than \$500* - District personnel will procure goods and services using sound business practices and endeavor to obtain the best product available for the lowest cost. While no formal bid or quotation process is required, quotations should be obtained if district personnel deem it to be in the district's best interest.
- *Purchases between \$500 and \$1,000* - Quotations shall be obtained from at least three vendors. These quotations may either be in writing or by telephone. In either case, all quotations shall be maintained on file for subsequent review and inspection. The district BOD (or the Finance Committee) shall make the purchasing decision.
- *Purchases between \$1,000 and \$5,000* - At the direction of the BOD, written quotations or sealed bids shall be obtained. The decision to purchase shall be made by the BOD.
- *Purchases greater than \$5,000* - Sealed bids shall be obtained for these purchases. The district BOD or a committee of the BOD shall review the bids. The decision to purchase shall be made by the district BOD.

Surplus Property

Any local public body of the Commonwealth may use the Office of Surplus Property Management (OSPM) to dispose of their surplus property. SWCDs that wish to dispose of surplus property should review Chapter 12 of the *Agency Purchasing & Surplus Property Manual* for proper methods of disposal. This manual and other resources can be found on the

OSPM website (<https://dgs.virginia.gov/office-of-surplus-property-management/government-entities/declare-surplus-property/>).

Section VIII - Expenditure Processing (Non-Payroll)

Disbursements are to be made only with proper supporting documentation, such as invoices, receipts, and/or receiving slips. All documentation should be originals and not copies to prevent double payments of balances.

A voucher system (or invoice approval system) should be used requiring an invoice to be vouched (or approved) before the district issues any payment. Prior to issuing payments, invoices must be endorsed by two individuals (ideally, the person requesting the disbursement in order to verify the invoice is legitimate, and that person's supervisor (or other authorized individual), in order to verify the requestor has authority to make the request). The Virginia Agricultural BMP Incentives Programs Contract Parts I, II, III serves as the invoice for payments issued to farmers participating in the Virginia Agricultural BMP Cost-Share Program. An employee expense report with attached receipts serves as an invoice for payment when submitted with appropriate signatures and documentation.

Invoices should be mathematically verified before payment.

A check signing policy should be developed and adopted by the BOD and reviewed annually. Checks issued over \$1,000 shall require dual signatures. All authorized check signers should be approved by the BOD. The check signer should only sign checks that match a vouched invoice. Check signers should be presented with vouched invoices at the time the checks are presented for signature. Check signers should never sign any check that is to be paid to themselves. Electronic signatures shall not be used for signing checks.

To prevent duplicate payment of expenses, invoices should be stamped "PAID" upon payment. In addition, the check number and check date should be written on the invoice.

Ideally, the individual who accounts for cash disbursements (i.e., records the disbursement in the accounting records and/or signs the checks) should not prepare and mail the checks.

A district employee should **never** make personal purchases with the use of district funds or utilize the district's tax exempt status for personal purchases.

Disbursements should be recorded in the checkbook when the check is written. Individual disbursements should be recorded in the general ledger (i.e., QuickBooks) on a weekly basis.

Section IX – Credit/Debit Card Usage

District Credit Cards

Districts issuing credit cards to district staff or directors for business purposes must adhere to the following:

- The BOD must approve the issuance of any credit card to be used by staff and/or BOD member(s).
- Districts should adopt a written credit card policy to establish guidelines for users.
- A reputable credit card company with “no annual fee” and a reasonable and competitive interest rate should be used.
- Credit card statements must be mailed directly to the SWCD district office.
- Receipts for all expenditures must be turned into the SWCD district office and will be matched with the line items on the credit card statement before payment can be made.
- The voucher system described in Section VIII will be used to authorize payment of the credit card. Each attached receipt/invoice should be reviewed for accuracy and appropriateness before payment can be made.
- Expenditures should be made in accordance with procurement guidelines.
- No personal usage of the credit card will be allowed or tolerated.
- Payment of the balance of the credit card will be made by the due date, in order to avoid unnecessary finance charges or late payment fees
- Non-compliance with the above will result in, at a minimum, termination of credit card privileges for the abusing staff member or director.

Debit Cards

State policy prohibits the use of Debit Cards by any state agency. The SWCD Auditors concur due to the potential for fraud. Therefore, the use of debit cards by SWCDs is prohibited.

Use of Personal Credit Cards

Use of personal credit cards for business expenses:

- Staff or director use of a personal credit card for business expenses incurred by the individual only is permissible, but payment or reimbursement of such expenses will only be made by proper submission of an employee/director expense report with attached original invoices (not credit card statements)
- Nothing will be reimbursed for incurred interest, late charges, or other credit card fees charged to the statement. It is the responsibility of the employee or director to request reimbursement thru proper channels prior to incurring such fees.
- Expenditures should be made in accordance with procurement guidelines.
- Receipts for all expenditures must be attached to the employee/director expense report and submitted to the SWCD district office in a timely manner (within the same quarter that the expense occurred).

- The voucher system described in Section XIV will be used to authorize payment of the employee/director expense report. Each attached receipt should be reviewed for accuracy and appropriateness before payment is made.

Section X – Employee/Director Expense Reimbursements

All personally incurred SWCD expenses shall be reimbursed to the employee/director through the use of an employee/director expense report. At a minimum, the expense report format used by the district should include the individual's name, date of submission, signature, and approvals. The body of the form should be multi-lined and columnar so that several incidences of expenses may be recorded. Columns should include the date of the incurrence, description, business reason for the expense, miles traveled, mileage rate and dollar amount of mileage reimbursement, meals, and other expenses. The last column should indicate a total of the expenditures for that day with a grand total at the bottom to indicate the total to be reimbursed.

Each employee/director submitting an expense report for reimbursement should adhere to the following:

Non-Travel

- Employee/director expenditures for business expenses are permissible, but payment or reimbursement of such expenses will only be made by proper submission of an expense report with attached original invoices (not credit card statements).
- Expenditures should be made in accordance with procurement guidelines.
- Receipts for all expenditures must be attached to the employee/director expense report and turned into the SWCD district office in a timely manner (within the same quarter that the expense occurred). No reimbursement will be made without a proper receipt.
- The voucher system described in Section XIV will be used to authorize payment of the expense report. Each attached receipt should be reviewed for accuracy and appropriateness before payment can be made.
- Only business expenses will be reimbursed.
- Abuse of any of the above may result in termination of staff; loss of director use of employee/director expense reports for reimbursement; and/or further actions that are appropriate for violations.

Each employee/director submitting an expense report for reimbursement should adhere to the following:

Travel

Travel expenses may be paid based on per diem or based on actual receipts. However, the district must be consistent and shall select one method or the other so that all travel expenses are paid reliably (i.e. district directors and staff must be paid using the same method). This should be clearly noted in a district policy.

- Mileage is reimbursable at a rate not more than the Federal IRS rate. Mileage rates should be revisited by the district BOD when there is an IRS mileage rate change and should be clearly recorded in the meeting minutes. Per diem and mileage reimbursements must not exceed IRS rates. The IRS rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

- If the SWCD issues reimbursements based on per diem then an appropriate per diem worksheet must be submitted with the expense report. An example of a Per Diem Worksheet can be found at <http://perdiemcalc.net/gsa/>. If the SWCD issues reimbursements on an actual basis, all receipts must be submitted with the travel voucher reimbursement request.
- Meals provided by conference or hotel must be deducted from the applicable per diem.
- Conference documentation showing what is included with the registration must be attached to the expense report.
- Per diem is not to be paid in advance of the trip.
- Receipts – All receipts must be originals. This includes hotel receipts, boarding passes, bag fees, etc.
- When paying per diem the original receipts do not have to be submitted.
- The maximum mileage rate that is reimbursable is the Federal IRS rate less normal commute miles.

Section XI – Employees and Payroll Processing

Establishment of new employee positions, as well as approval of new hires, should be approved by the district BOD and recorded in the minutes. Pay rates of each employee should be discussed and approved by the BOD and recorded in the district minutes. The district should maintain a personnel file for each district employee containing essential data. The ultimate responsibility for hiring/firing and increases/decreases in salary rests with the BOD. Use of an Employee Pay Action Approval Form is required.

Hiring a New Employee

All individuals applying for a job at the district should complete an application. Once the BOD selects the individual it desires to employ, a letter stating the position, job description, and salary should be prepared and sent to the individual. The district should maintain a copy of the letter sent to the individual. The letter should include a signature line for the individual to sign indicating acceptance of the position and the stated salary. If the individual accepts the position, the district should include the signed original in the employee's personnel file.

Personnel Evaluations

Written evaluations of each district employee's performance should be prepared, ideally, on a quarterly or semiannual basis, but, at a minimum, annually. The Personnel Committee or the employee's immediate supervisor should complete the evaluations. The Chair of the Personnel Committee or other authorized individual, and the employee being evaluated should both sign the evaluation. The Personnel Committee should recommend raises/dismissals (based on the evaluations) to the BOD. The raises/dismissals should be approved/denied at an official BOD meeting and included in the minutes. The evaluations as well as the minutes from the BOD meeting where the raise/dismissal was approved/denied should be maintained in the appropriate employee's personnel file.

Salary Adjustments

When a salary increase or decrease is approved, it is required that a "Personnel Action Notification/Form" or something similar be completed showing the previous rate of pay, the new rate of pay and the effective date. This form should be signed by the chairman of the BOD or another designated BOD member and filed in the personnel files of the affected employee. A Personnel Action Notification/Form is also required to document any bonus payments for employees. Bonus payments are considered compensation by the IRS and as such are subject to payroll and FICA taxes. In addition, any gift provided to a district employee valued in excess of \$25 is taxable. Please consult IRS guidelines for further information on the tax implications of bonus payments and employee gifts. The IRS website is can be found at <https://www.irs.gov>.

Personnel Files

Personnel files should also include a signed W-4, VA-4, and I-9 (with required documentation attached). These documents should be obtained prior to 1st day of employment. W-4's and VA-4's should be updated at least annually for each employee, or upon employee request. All new hires must be reported to the Virginia New Hire Reporting Center. Information can be found at <https://va-newhire.com/>.

Timesheets

Timesheets should be prepared and signed by each district employee and approved by his/her immediate supervisor (or an individual designated by the Finance Committee) for each pay period. The timesheet should serve as the required documentation for payment of salary. The district should maintain the timesheet (or a copy of the timesheet, if a local county processes the district's payroll).

Payroll and Taxes

If a local governmental entity pays the district employee salaries and does not require reimbursement from the district, this is neither a cash receipt nor a disbursement. This transaction has no impact on the accounting records or financial statements and thus no accounting entry is required.

District recordkeeping should reflect best practices of separating payroll information by Gross Pay, Fringe Benefits, Payroll taxes, etc.

Districts are responsible for filing all required Federal and State tax forms and making applicable tax deposits. The 941 (Federal withholdings) should be filed on a quarterly basis and tax deposits should be made on a monthly basis. State withholdings information and deposits should be submitted on a monthly basis, unless the withholdings are less than \$100, in which case, on a quarterly basis, unless otherwise specified by the Virginia Department of Taxation. State unemployment taxes should be remitted to the Virginia Employment Commission on a quarterly basis. The District should be cognizant that the taxing authority may change the timing of these filings and deposits.

All applicable processing policies and procedures apply to payroll processing. It is the responsibility of each district to ensure proper tax withholding occurs, as well as proper withholding and tax application of various voluntary deductions (such as pensions, cafeteria plans, health insurance, dental insurance and garnishments).

The processing and handling of payroll checks should be in a manner similar to that described in Section VIII – Expenditure Processing.

Section XII – Fixed Assets Inventory

An inventory listing, including the detail of all fixed assets (e.g., computers, vehicles, equipment, copiers, etc.) owned and/or controlled by the district, should be maintained and updated on an annual basis. All inventory items should be tagged and the sequential tag number included on the inventory listing. The district may wish to establish a minimum value for items maintained on an inventory list. For example, items valued greater than \$100.00 will be inventoried. It is recommended that a list be maintained in a safe, secure location where risk of damage or alteration is reduced.

The listing should include a description of the asset, serial number or VIN number if applicable, the date purchased, the cost of the asset, and an estimated useful life of the asset for budgeting purposes. The SWCD can maintain other information if it is deemed of value, such as from whom the asset was purchased, warranty information, replacement value, etc.

Section XIII – Segregation of Duties

Segregation of duties is an important aspect of a sound internal control system. Proper segregation of duties provides for a system of checks and balances such that the functions of one member (employee, director or other empowered individual) of the district are subject to review through the performance of interrelated functions of another member. The following list provides examples of adequate segregation of duties:

- Check signers should not have access to the unused check supply.
- One individual should not be responsible for opening, recording, and depositing receipts.
- One individual should not be responsible for recording, preparing, and mailing disbursements.
- Employees/directors should not be the check signer for payroll and/or reimbursement checks made payable to themselves.
- Bank reconciliations should be performed monthly, and reviewed and approved by someone other than the preparer.

Due to the small size of the districts, ultimate segregation of duties may not be reasonable. Districts should keep in mind that just the bookkeeper and BOD members need not perform these procedures, but that the conservation specialists and district managers (“program personnel”) may also play a key role in the internal control structure. For example:

- The bookkeeper and the program person sign all checks below \$1,000 and the bookkeeper and the Treasurer sign all checks greater than \$1,000.
- Bank reconciliations may be reviewed by a program person.

The size of the District’s administrative staff, and other staff, precludes certain internal controls, including proper segregation of duties. This situation dictates that often the BOD needs to be involved in the financial affairs of the District to provide oversight and independent review functions.

Section XIV – Reporting (General Guidance)

Individuals, agencies, and organizations that contribute resources (monetary or other) to a district generally have reporting requirements and expectations. Districts are advised to fully understand and accept reporting requirements prior to entering into any contract and/or agreement with any individual or organization. Reporting expectations (such as reporting frequency, amount of information required and the related details) often vary widely between organizations.

Reporting Expenditures of SWCD Discretionary Funds

Districts receive financial resources from many diverse sources. Funds may be received through government appropriations, endowments, corporate contributions, revenue generating programs and many other sources. Funds provided for specific purposes must be accurately tracked and reported according to requirements of the contributing source, and sufficient documentation must be maintained to support revenues, expenditures, and remaining balances.

However, some contributors allow great latitude in the use of resources provided to a district. When several sources of “discretionary” funds are combined in a single account to cover operating costs of a district, it becomes difficult to resolve what balance remains for any particular source of funds at the close of a report period. If a funding contributor has not specifically advised the district as to how their contribution must be spent, districts should adopt an expenditure process or procedure they can document and apply consistently.

Examples of procedures a district may adopt to assign costs from discretionary funds (depending on requirements of their funding sources) are as follows:

- Spend funds appropriated by state sources first, until depletion.
- Spend funds appropriated by the local government(s) first, until depletion.
- Spend revenues generated by district rental/sales programs first, until depletion.
- Split expenditures equally among fund sources (for any given report period).
- Assign disbursement amounts to funding sources based upon the relative amount of funds contributed (for example, if state contributions are twice the amounts contributed by local governments, the relative amount of disbursements would be assigned accordingly to state and local sources).

In fact, any allocation method may be used to allocate costs between operational funding sources, as long as the method is documented so the auditors can recreate the final results reported by the SWCD.

With regards to operational funds issued to each district by DCR, districts have significant latitude with the approach taken as costs are assigned to those funds. It is an acceptable practice to spend state funds first, until that state source is depleted, before assigning remaining costs to other fund sources. It is also appropriate to assign costs to all operational funding sources based on their respective contributions to the SWCD.

However, here is a word of caution to every SWCD regarding assignment of expenses. Contributors, regardless of the individual or organization, want assurance that their contribution is used in an appropriate, productive manner. Districts that may adopt procedures of expending state funds first for discretionary operational expenses will generally reflect remaining balances in other sources, such as local government contributions, which may accumulate over time. Using this example, local government representatives may reasonably question why their contributions are not being expended and, more fundamentally, whether they should continue appropriations to the district. The example is intended to illustrate the need for careful planning and adoption of procedures that are appropriate for each particular district and satisfy those that contribute to its programs and services.

SWCD completion of most current electronic DCR reporting form “Attachment E” [from annual DCR/SWCD Grant Agreements for operational and administrative as well as cost-share program financial support]

According to guidance contained within annual agreements between DCR and each SWCD for financial assistance to support district operational and administrative expenses and delivery of the VA Ag. BMP Cost-Share (VACS) program, districts must complete a financial report on a quarterly schedule. The report is contained within each DCR/SWCD grant agreement as Attachment E.

It is the expectation of DCR that financial information contained within the Attachment E report correlate with district financial records (Cash Balance Report, Profit and Loss Report and monthly reconciliations). This applies to all funds made available to a district from various sources. All funds should be properly documented under the corresponding funding category of the Attachment E. For example, DCR grant issued funds are to be documented under the “State” category, federal grants issued by DEQ or other organizations should be categorized as “Federal,” and funds issued to the district from their local government should be categorized as “Local/Other.” Other funding sources like roundtables and the Virginia Conservation Assistance Program (VCAP) should also be documented under the “Local/Other” category of the Attachment E. If a district is unsure of how to categorize a new funding source they should seek guidance from their CDC or the SWCD Liaison.

It is also an expectation of DCR that the flow of financial information from the electronic Attachment E last quarterly report to the next is consistent. This means that ending balances reported at the close of any quarter, become beginning balances for the start of the quarter that follows. The electronic Attachment E that combines the four quarterly reports for a fiscal year should provide an accurate statement of the receipts, expenditures and remaining balances in a manner that is consistent with other financial records maintained by a district.

If a district needs to correct an amount improperly reported on the Attachment E, the adjustment should be made in the current quarter to correct the balance on the Attachment E going forward. A clearly written memo discussing the adjustment should accompany the Attachment E and should be submitted to the CDC at the time of Attachment E submittal and should also be maintained in the district file for audit purposes.

Section XV - Federal Funds Requirements

Districts and the Federal government enter into grant agreements when districts receive Federal funds related to a specific grant. Districts must abide by and follow Federal requirements when they receive Federal funds from any grantor. Each grant agreement should be reviewed and signed by the chairman of the district BOD. An individual at the district should be responsible for reviewing the grant agreement and understanding the requirements the district must adhere to as a result of receiving the grant. This same individual should be responsible for ensuring that all requirements are met and the district is in compliance with the grant agreement.

There are 14 compliance requirements that an entity must adhere to if it is a recipient of Federal funds. However, in the case of the Soil and Water Conservation Districts, only nine of the compliance requirements apply. The district should document its compliance with each compliance requirement. The applicable compliance requirements are as follows:

Activities Allowed or Not Allowed

Requirement

- Federal funds are expended only for allowable activities.

Control Activities

- Review the grant agreement to determine activities that are allowable under the grant.
- Adequate segregation of duties in review and authorization of costs.

Allowable Costs/Cost Principles

Requirement

- Costs of goods and services charged to grants are allowable and in accordance with the applicable cost principles.

Control Activities

- Review the grant agreement and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 to determine allowable costs.
- Per 2 CFR Part 200, typical direct costs chargeable to Federal awards include:
 - Compensation of employees for the time devoted and identified specifically to performance of those awards.
 - Costs of materials acquired, consumed or expended specifically for the purpose of those awards.
 - Equipment and other approved capital expenditures.
 - Travel expenses incurred specifically to carry out the award.
 - Adequate segregation of duties in review and authorization of costs.

Cash Management

Requirements

- Funds are requested only when needed and are spent within a reasonable period of time after receipt.
- Interest earned on an advance is reported/remitted as required.

Control Activities

- Monitor expected versus actual cash disbursements of Federal awards.
- Ensure any interest earned on Federal funds is recorded in the applicable program and returned to the granting agency or spent in accordance with the requirements of the applicable program.

Equipment and Real Property Management

Requirement

- Proper records are maintained for equipment acquired with Federal awards, equipment is adequately safeguarded and maintained, and disposition of any equipment or real property is in accordance with Federal requirements, and the Federal awarding agency is appropriately compensated for its share of any property sold or converted to non-Federal use.

Control Activities

- Maintain accurate records on all acquisitions and dispositions of property acquired with Federal awards.
- Place property tags on all equipment.
- Property records contain description, source, titleholder, acquisition date, cost, percentage of Federal participation in the cost, location, condition, and disposition data.

Matching

Requirement

- Matching requirements are met using only allowable funds or costs which are properly calculated and valued and not used to match other funding sources.

Control Activities

- Review the grant agreement to determine the matching requirements related to the grant and what funds are allowed to be used as a match.

Period of Availability of Funds

Requirement

- Federal funds are used only during the authorized period of availability.

Control Activities

- Review the grant agreement to determine the period during which funds must be used.

Procurement

Requirement

- Procurement of goods and services are made in compliance with the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.318-.326 and Contract Provisions for Non-Federal Entity Contracts Under Federal Awards at 2 CFR 200 Appendix II.

Control Activities

- Review Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.318-.326 and Contract Provisions for Non-Federal Entity Contracts Under Federal Awards at 2 CFR 200 Appendix II to become aware of the various requirements.

Program Income

Requirement

- Program income is correctly earned, recorded, and used in accordance with program requirements per Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.307. Program income is gross income received that is directly generated by a federally funded project.
- Per Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.80, Program income includes but is not limited to income from fees for services performed, the use or rental or real or personal property acquired under Federal awards, the sale of commodities or items fabricated

under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award.

Program income does not include rebates, credits, discounts, and interest earned on any of them.

Control Activities

- Identify generators of program income through inquiry of granting agency and the grant agreement.
- Ensure program income is properly recorded as earned and either: deducted from outlays, added to the project budget, or used to meet matching requirements. Unless specified in the Federal agency regulations or in the grant agreement, program income shall be deducted from program outlays.
- Generally, program income requires a program income plan that details how the funds will be spent in accordance with the federal grant regulations under the Catalog of Federal Domestic Assistance. Information can be found at <https://www.cfda.gov/>.

Reporting

Requirement

- Reports of Federal awards submitted to the Federal awarding agency or pass-through entity include all activity of the reporting period, are supported by underlying accounting or performance records, and are fairly presented in accordance with program requirements.

Control Activities

- The accounting ledger is the basis for all reports.
- Supervisory review of reports is performed to ensure accuracy and completeness of data and information included in the reports.
- Submit an annual report to the Department of Conservation and Recreation by July 31 indicating the total amount of Federal funds expended during the prior fiscal year if this is not captured on the Attachment E Financial form. This information is needed to address the Single Audit requirement of disbursements of \$750,000 or greater.

XVI – Appendix A

The following pages contain sample policies and forms that Soil and Water Conservation Districts are encouraged to adopt and implement. The policies and forms are only templates and should be customized to better fit the unique nature of your District. It should be noted that there is no requirement by DCR or the Commonwealth of Virginia that these policies be adopted.

Sample – Purchasing Policy

It is the intent of the District that all purchases be made as the result of a competitive and open process that encourages participation by all qualified vendors. It is also the District's intent that all District procurement be in accordance with the Virginia Public Procurement Act, § 11-35 of the *Code of Virginia*.

The following guidelines set forth the District's policy for competitive procurement, based on the dollar amount of the anticipated purchase. It is intended that the lowest cost quotation will be accepted. However, should the District determine that acceptance of the least costly price is not in the District's best interest, a written justification for accepting an offer other than the low bid shall be prepared and maintained as the record of district action with the quotations.

The District's annual budget is developed to cover anticipated purchases. If sufficient funds do not remain in a particular budget sub-category to cover a purchase, this shall be brought to the attention of the Board of Directors (BOD) by providing them with a copy of the "budget vs. actual" report. If sufficient funds do not remain under the main category heading (i.e. total budget for Educ, PR & Youth) the BOD must first authorize the purchase and/or amend its annual budget.

Accounting Procedures: All District checks greater than \$_____ must have two signatures. Two individuals must approve each invoice (Director and employee other than one who prepares the payment/check).

Credit Card Policy: All purchases shall be made in accordance with the limitations of this policy. District credit card(s) shall only be used by District staff for the purchase of the necessary items needed for operations and to carry out District programs. Credit card(s) may be provided for use to the Office Administrator, Conservation Specialist and/or Education Specialist. Credit card purchases will be consistent with the approved budget. Non-budgeted purchases will be made in accordance with the District's purchasing policy.

No personal items will be purchased using the District's credit card.

Receipts for all purchases must be turned in to the Office Administrator when the purchase is made. This is the responsibility of the staff member making the purchase.

When the credit card statement is received, the Office Administrator or designated staff member shall check each charge against the receipt and code each purchase according to the chart of accounts. A District Director and an employee other than the one reconciling the statement shall also review and initial each credit card statement, with receipts attached.

The following serve as guidelines for procurement of goods and services:

- **Purchases less than \$600** – District officials and/or staff will procure goods and services using sound business practices and will endeavor to obtain the best product available for the lowest cost.
- **Purchases between \$600 and \$1,000** – Quotations shall be sought, where practical and available, from at least three (3) vendors. These quotations may either be in writing or by telephone. In either case, all quotations shall be maintained on file for subsequent review and inspection. If three (3) quotations are not available, circumstances shall be documented and retained on file.
- **Purchases greater than \$1,000** – At least three (3) written quotations (or sealed bids) shall be obtained for these purchases. If three (3) quotations (or sealed bids) are not obtained, circumstances must be documented and retained on file. The BOD or a committee, or those authorized by the BOD shall review quotations or bids. The decision to purchase shall be recorded in the minutes.

In the case of an emergency (i.e. securing contractor for work on a flood control dam, etc.) when obtaining three (3) written quotations (or sealed bids) is not possible, the employee or other individual(s) securing the service/purchase shall contact one or more directors for permission to proceed, followed by written

documentation of circumstances involved in securing said service/purchase. This action shall be brought to the attention of the BOD at its subsequent meeting and recorded in the minutes.

Inventory – An inventory list shall be developed and updated on an annual basis. This list shall be maintained in a safe, secure location where risk of damage or alteration is reduced.

The inventory list should be a detail of all fixed assets (e.g., computers, vehicles, equipment, etc.) owned and/or controlled by the District whose purchase price is \$500 or more. Any item with a purchase price of \$500 or more shall be maintained on the inventory list until it is disposed of by one of the ways listed below. All inventory items should be tagged and the tag number included on the inventory listing. The net asset should be included for each item on the inventory list.

Disposal of District Property – The following serve as guidelines for the disposal and removal from inventory of District property:

- Trade in on a replacement or acquisition of similar property.
- Advertisement for sale by receiving bids.
- Advertised public auction.
- Donation to a non-profit organization.
- Other method as declared by the BOD.

No tangible property of the District with a value greater than \$_____ shall be sold or otherwise disposed by the District without authorization by the BOD, taken and recorded by an action of the BOD during a monthly or other public meeting of the District.

Chair

Date

Sample – Vehicle Use Policy

Purpose

The purpose of this policy is to set guidelines for the use of District-owned vehicles. The District (SWCD) maintains an interest in providing for the official transportation needs of District personnel and/or directors. The District seeks to maintain quality, safe transportation for such uses. In order to do that, proper use, care and supervision of District-owned vehicles are required. Drivers must be licensed to operate vehicles they use; Only properly maintained vehicles will be made available for such uses and the transportation program will be supervised and administered by both the District manager (or other designated individual(s)) and the District Board of Directors (BOD).

Vehicle Use and Responsibilities: Drivers shall practice defensive driving techniques including anticipating and observing the actions of other drivers and controlling the vehicle in a manner to avoid accidents. When operating the vehicle, drivers must be aware that averting their eyes from the road may cause an accident. Drivers should use “best judgment” when changing climate control settings, using the radio, or accessing other settings on the vehicle’s dashboard. Operation and maintenance of District vehicles needs to be assigned to a staffer by District Manager or District BOD.

Responsibilities of Drivers: Use District owned vehicles for official business only. Completion and submission of a vehicle mileage report is recommended. Items tracked could include: date, driver, destination, mileage in, mileage out and a grand total of miles for the month. All gas receipts shall be kept and turned in to the Administrative Secretary on a monthly basis. It is the responsibility of each individual driver to observe all motor vehicle laws of Virginia. Under no circumstance may a District employee operate a vehicle while under the influence of intoxicating beverages, drugs or other substances.

Responsibility of District BOD: It is the responsibility of each District to guarantee their employees possess a valid driver’s license prior to authorizing use of a District vehicle.

Policy

A. Licensure: Persons operating a District-owned vehicle must be licensed in Virginia to operate the type of vehicle they are using.

- Vehicle operators must show a valid license to the District Manager or BOD prior to obtaining initial authorization to use any vehicle owned by the District.
- Vehicle operators must read and sign the *Vehicle-Use Policy* prior to obtaining initial authorization to use any vehicle owned by the District.
- Authorized vehicle operators must immediately notify the District Manager and/or District BOD if their license has been suspended or revoked.
- During June of each year the District Manager or BOD will review the driver authorization list to ensure it is current and to ensure all vehicle operators are driving under a valid license.

B. Conditions of Use: Persons violating conditions of use may be subject to disciplinary action. The District Manager and/or District BOD will monitor all conditions of use.

1. District-owned vehicles are to be used for official business only.

- Relatives – Relatives of District employees who are not on official District business may not operate or ride in a District-owned vehicle at any time, unless authorized by the District BOD or their designee(s).
- Hitchhikers – Hitchhikers may not be transported in District-owned vehicles at any time.
- Use for Obtaining Meals and Other Necessities – District-owned vehicles may be used to obtain meals and/or other necessities while on official travel.
- Out-of-State Travel – The District BOD must approve all out-of-state travel using a District-owned vehicle.

2. General Vehicle Operating Rules

- Drivers must obey all traffic regulations, including posted speed limits.
- All operators and passengers must wear seat belts at all times while traveling.
- Alcohol and Drug Use – Alcohol and illegal drug-use is prohibited while traveling in a District-owned vehicle. Persons found in violation of this rule are subject to immediate termination. (Also authorized vehicle users are advised to carefully consider whether or not to drive a District-owned vehicle when taking certain prescription drugs.)
- Smoking – Smoking in a District-owned vehicle is strictly prohibited.
- Adverse Weather Conditions – Weather conditions must be evaluated and travel should be postponed when conditions are hazardous. (This includes, but not limited to: fog, heavy rain, snow, ice, high winds, etc.)
- Keys/Credit Cards – Under no circumstances should keys be left in a District-owned vehicle when not in operation. District credit cards should not be left where they are visible inside the vehicle, but rather maintained in the glove compartment.
- Parking/Security Considerations – District-owned vehicles should not be left on non-residential streets or highways overnight, unless required due to mechanical failure. Towing costs for improper parking are the responsibility of the driver.
- Fines/Parking Citations – Any fines and parking citations incurred by the driver are the responsibility of the driver and not the District. Persons incurring fines for traffic violations must report such circumstances to their supervisor, as soon as is practically feasible for conveyance to the District BOD and may be subject to disciplinary action by the District which could include loss of privileges to use District-owned vehicles.
- Personal Property – Personal property left in District-owned vehicles when not in operation is the responsibility of the operator/passenger. Loss or damage to personal items is the responsibility of the operator/passenger.

3. Maintenance and Care of District-owned vehicle

- The District Manager and/or BOD will be responsible for the monitoring and control of the routine maintenance and repair of vehicle(s).
- It is the responsibility of all vehicle operators to routinely check the vehicle(s) to ensure proper oil level, water and antifreeze for radiators, battery, wear on belts, proper inflation of tires, etc. This service should be performed at time of fueling.
- If maintenance repairs are required the District Manager and/or District BOD should be notified and consulted as to the procedure for maintenance.
- When returning the District-owned vehicle, all garbage shall be removed from the vehicle including both the cab and bed areas.
- Personnel will share the following cleaning responsibilities: the exterior of the vehicle will be washed on an as needed basis, the interior will be vacuumed on an as needed basis and windows will be cleaned as often as needed.

4. Insurance

- The District maintains vehicle insurance coverage through _____.
- Insurance information can be found in the vehicle's glove compartment and on file in the District office.

5. Vehicle Accidents

- Any driver using a District-owned vehicle who is involved in an accident should contact the police immediately.
- The driver should obtain the name, address, phone number and operator's license number of all parties involved in the accident or witnesses to the accident.
- The driver should refer to the insurance card found in the glove compartment of the vehicle. Refer to instructions on the back of the insurance card and the agent name and contact number found on the front of the card.

- If the vehicle is safely operable, it should be driven to the District office, the District BOD will be responsible for determining a procedure for estimates and repairs.
- If the vehicle is not safely operable, with guidance from the police, the vehicle should be towed to a nearby service facility. The District BOD should be notified and will be ultimately responsible for determining a procedure for estimates and repairs.

6. Driving a Privately Owned Vehicle

- A privately owned vehicle may be used on official business if no District-owned vehicle is available or in other special circumstances with the approval of the District Manager and/or District BOD.
- An official *Travel Expense Reimbursement Voucher* must be submitted with appropriate receipts attached with 30 days of accrual to the designated District staff member for payment.

7. Carpooling Related to Trips

- If a number of individuals will be attending a workshop, conference or other activity, the District expects that, barring unusual circumstances, District employees attending will car pool using the District-owned vehicle. The District Manager and/or BOD will consider any exceptions to this policy.

Chair

Date

Sample Mileage Sheet

DISTRICT _____

VEHICLE MILEAGE LOG

License#:

MONTH:

Year:

Vehicle:

PERSON ASSIGNED:

Date	DRIVER'S NAME	DESTINATION	MILEAGE IN	MILEAGE OUT	TOTAL MILEAGE

Sample 1– Credit Card Policy

All purchases shall be made in accordance with the limitations of this policy. District credit card(s) shall only be used by District staff (or other authorized individual(s)) for the purchase of the necessary items needed for district operations and to carry out District programs. Credit card(s) may be provided for use to the Office Administrator, Conservation Specialist and/or Education Specialist. Credit card purchases must be consistent with the approved budget. Non-budgeted purchases must be made in accordance with the District's purchasing policy.

No personal items will be purchased using the District's credit card.

Original receipts for all purchases must be turned in to the Office Administrator when the purchase is made. This is the responsibility of the authorized individual making the purchase.

When the credit card statement is received, the Office Administrator or designated staff member shall check each charge against the receipt and code each purchase according to the chart of accounts. A District Director and an employee, other than the one reconciling the statement, shall also review and initial each credit card statement, with receipts attached.

Chair

Date

Sample 2– Credit Card Policy

SWCD CREDIT CARD POLICY

Original Adoption Date: _____
Amended Date(s): _____

_____ SWCD has obtained three VISA credit cards from _____; Identified as _____ SWCD Card #####, _____ SWCD Card #####, and _____ SWCD Card #####. The purpose of these credit cards is for authorized _____ SWCD employees to make necessary purchases associated with carrying out SWCD programs and office operations.

The purpose of this Credit Card Policy is to ensure that all authorized users understand the procedures and responsibilities associated with the assigned credit card.

Policy and Procedures

Use of the credit card must be controlled and limited to business use only. The credit card shall not be used for any personal expenses on the part of employees, directors, or associate directors, with or without the intention of reimbursing the SWCD. Any violation shall be referred to the _____ SWCD Personnel Committee and/or Finance Committee and appropriate action taken.

- The maximum limit for the three credit cards is cumulative and will not exceed \$5000.
- It is not the intent of this policy that the credit card displaces the normal procurement process.
- All purchases shall be consistent with _____ SWCD's current Purchasing Policy and with the approved fiscal year _____ SWCD Budget.
- Debit use of the card is not allowed.
- Cash advances are not allowed on the credit card.
- Individual employees will be assigned a business credit card, for which each is responsible.
- The following purchases may be made with the credit card, taking into consideration the current Purchasing Policy and approved SWCD Budget:

- Educational Program Supplies
- Gas and Routine Vehicle Maintenance
- General Operating Expenses
- Lodging
- Meals Outside _____ County(ies) (excluding alcohol)
- Office Equipment and Repairs
- Postage

Other purchases must be approved by the _____ SWCD Treasurer or a voting member of the Board of Directors (BOD).

- It is the responsibility of the individual user to obtain transaction receipts each time the card is used. All receipts must be submitted to the Administrative Secretary in a timely manner. Either the signature or initials of the employee must be written on the receipt. Failure to do so may result in an employee being responsible for disputed charges.
- Should a receipt be lost, the individual making the purchase should immediately attempt to acquire a second receipt from the merchant. If a second receipt is not available, the individual must provide a signed affidavit indicating the date and approximate time of purchase, name of merchant, and the amount of the charge. The Treasurer and/or Budget Committee must determine if the individual is personally responsible for the associated charges or if the SWCD will authorize payment.
- When using the credit card for Internet purchases, individual users should ensure that the site utilizes industry recognized encryption transmission tools.
- When the credit card statement is received, the Administrative Secretary shall check each charge against the receipt and code each purchase according to the QuickBooks Chart of Accounts. A SWCD Director shall also review and initial each credit card statement, with receipts attached.

Payment of the balance of the credit card shall be made by the due date, in order to avoid unnecessary finance charges or late payment fees. A copy of the statement shall be included with the monthly Treasurer's Report submitted to the BOD.

- Validation and Safekeeping: The cardholder (_____ SWCD) shall sign the card(s) immediately upon receipt. If a card is lost, damaged, stolen, or misplaced, the employee assigned the card and the cardholder (_____ SWCD) shall notify the credit card company immediately. The Administrative Secretary and Treasurer shall be notified immediately of the situation.
 - Credit Card Violations: Credit card violations include, but are not limited to:
 - Purchase of items for personal use.
 - Failure to submit receipts or other back-up documentation to the SWCD's Administrative Secretary in a timely manner for the purpose of establishing accountable reconciliation procedures.
 - Failure to return the credit card when an employee is reassigned, terminated, or upon request.
 - Unauthorized use of the credit card is a violation of the _____ SWCD Personnel Policy and may result in either one or more of the following actions: written warning, revocation of credit card privileges, cancellation of purchasing authority, disciplinary action, and termination and/or criminal prosecution. Human error and extraordinary circumstances may be taken into consideration when investigating any violation. The Personnel Committee and/or Finance Committee will be responsible for investigating unauthorized use of the credit card.
 - Authorized credit card users must sign an agreement indicating acceptance of all the conditions of use of the credit card, as stated in this document, including possible penalties for unauthorized use.
- Authorized Users and Titles
- 1) Employee/Title
 - 2) Employee/Title
 - 3) Employee/Title

Credit Card Authorized User Agreement

I, _____, have read, understand, and accept all terms and conditions of use of the _____ SWCD credit card as stated in the _____ SWCD Credit Card Policy. Assigned Card ####.

Signature Date

I, _____, have read, understand, and accept all terms and conditions of use of the _____ SWCD credit card as stated in the _____ SWCD Credit Card Policy.
Assigned Card ####.

Signature Date

I, _____, have read, understand, and accept all terms and conditions of use of the _____ SWCD credit card as stated in the _____ SWCD Credit Card Policy.
Assigned Card ####.

Signature Date

Sample 1- Check Signing Policy

District checks may only be signed by individuals with check signing authority registered with the financial institution.

Any District check under the amount of \$1,000 may be signed by a single District check signatory. The District Manager may not serve as the single check signer for checks under \$1,000 since he/she also serves in an administrative role at the SWCD.

Any check written for \$1,000 and over must receive two signatures and may be signed by any check signatory as noted below.

Check Signatories and Authorized Amounts are as follows:

- District Manager – may only sign checks over \$1,000 since his/her signature must be accompanied by that of another check signer.
- Director #1 (currently the Chairman) may sign checks of any amount.
- Director #2 (currently the Vice Chairman) may sign checks of any amount.
- Director #3 (currently a Director) may sign checks of any amount.

Checks must be made payable to specific payees based upon appropriate documentation; and never to “cash” or “bearer”. Check signers should be presented with vouched invoices at the time the checks are presented for signature.

A check signer (staff or director) is not authorized to sign a check made payable to himself/herself.

Disbursements must be recorded in the checkbook when the check is written. Individual disbursements must be recorded in the general ledger (QuickBooks).

Access to blank checks must be limited to directors and district employees. Individuals with check signing authority shall not have access to the supply of unused checks. Blank checks must be kept locked in a secure place when not in use. Checks shall not be signed prior to completion of the check.

Chair

Date

Sample 2- Check Signing Policy

District checks may only be signed by individuals with check signing authority registered with the financial institution.

All District checks must have two signatures. Check signatories for the District include the following:

- Chairman of the board
- Treasurer
- Administrative Assistant
- TMDL Conservation Specialist

Checks must be made payable to specific payees based upon appropriate documentation; and never to “cash” or “bearer”. Check signers should be presented with vouched invoices at the time the checks are presented for signature.

A check signer (staff or director) is not authorized to sign a check made payable to himself/herself.

Disbursements must be recorded in the checkbook when the check is written. Individual disbursements must be recorded in the general ledger (QuickBooks).

Access to blank checks must be limited to directors and district employees. Individuals with check signing authority shall not have access to the supply of unused checks. Blank checks must be kept locked in a secure place when not in use. Checks shall not be signed prior to completion of the check.

Chair

Date

Sample Pay Action Authorization Form

Soil and Water Conservation District Employee Pay Action Approval Form

Employee Name:

Position title:

Initial Employment Date: ____/____/_____ Exempt or Non-Exempt status: _____

SWCD Board Meeting Approval Date ____/____/____

Date	Description of Pay Action	Amount of Pay Action	Employee Current Pay Rate	Employee New Pay Rate	Signature (Chair or Personnel Comm. Chair)

Sample Gift Card Log

Soil and Water Conservation District Fiscal Year _____ Gift Card Log

Name of Recipient	Type	Value	Reason for Award	Date Awarded
Ex: John Doe	Visa Gift Card	\$25	Poster Contest Winner	October 1, 2019

FLSA CHECKLIST

This questionnaire serves as a basic outline for determining the appropriate FLSA exemption. Job titles are insufficient to determine the exempt status.

Position: _____ **Employee:** _____

Date: _____ **Completed by:** _____

Completion of this questionnaire helps determine the exemption status of a position. Check the appropriate exemption (Executive, Administrative, Professional, Computer-Related, and Highly Compensated). Then check all boxes under the selected exemption that are applicable. To qualify for an exemption, ALL boxes must be checked for that exemption.

EXECUTIVE:

- Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- Is paid at least \$23,660 annually (\$455 weekly).
- Primary duty consists of managing the enterprise or a customarily recognized department or subdivision.
- Customarily and regularly directs the work of two or more full-time employees or their equivalents (for example, one full-time and two half time employees).
- Has the authority to hire or fire other employees OR makes recommendations that carry particular weight as to the hiring, firing, advancement, promotion or any other change in status of other employees.

ADMINISTRATIVE:

- Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- Is paid at least \$23,660 annually (\$455 weekly).
- Primary duty consists of performing office or non-manual work directly related to the management or general business operations.
- Work includes the exercise of discretion and independent judgment with respect to matters of significance.

PROFESSIONAL: LEARNED AND CREATIVE:

- _____ Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- _____ Is paid at least \$23,660 annually (\$455 weekly).

Learned Professional

- _____ Primary duty consists of the performance of work that requires advanced knowledge (beyond high school) and that is predominantly intellectual in character and consistently includes the exercise of discretion and independent judgment.
- _____ The advanced knowledge is in a field of science or learning.
- _____ The advanced knowledge was acquired by a prolonged course of specialized intellectual instruction (position possesses the appropriate academic degree or has substantially the same knowledge level and performs substantially the same work as degreed employees but possesses advanced knowledge only through a combination of work experience and intellectual instruction).

Creative Professional

- _____ Primary duty consists of the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical, or physical work.

COMPUTER-RELATED:

- _____ Is paid at least \$23,660 annually (\$455 weekly) OR \$27.63 per hour.

- _____ Primary duty consists of:

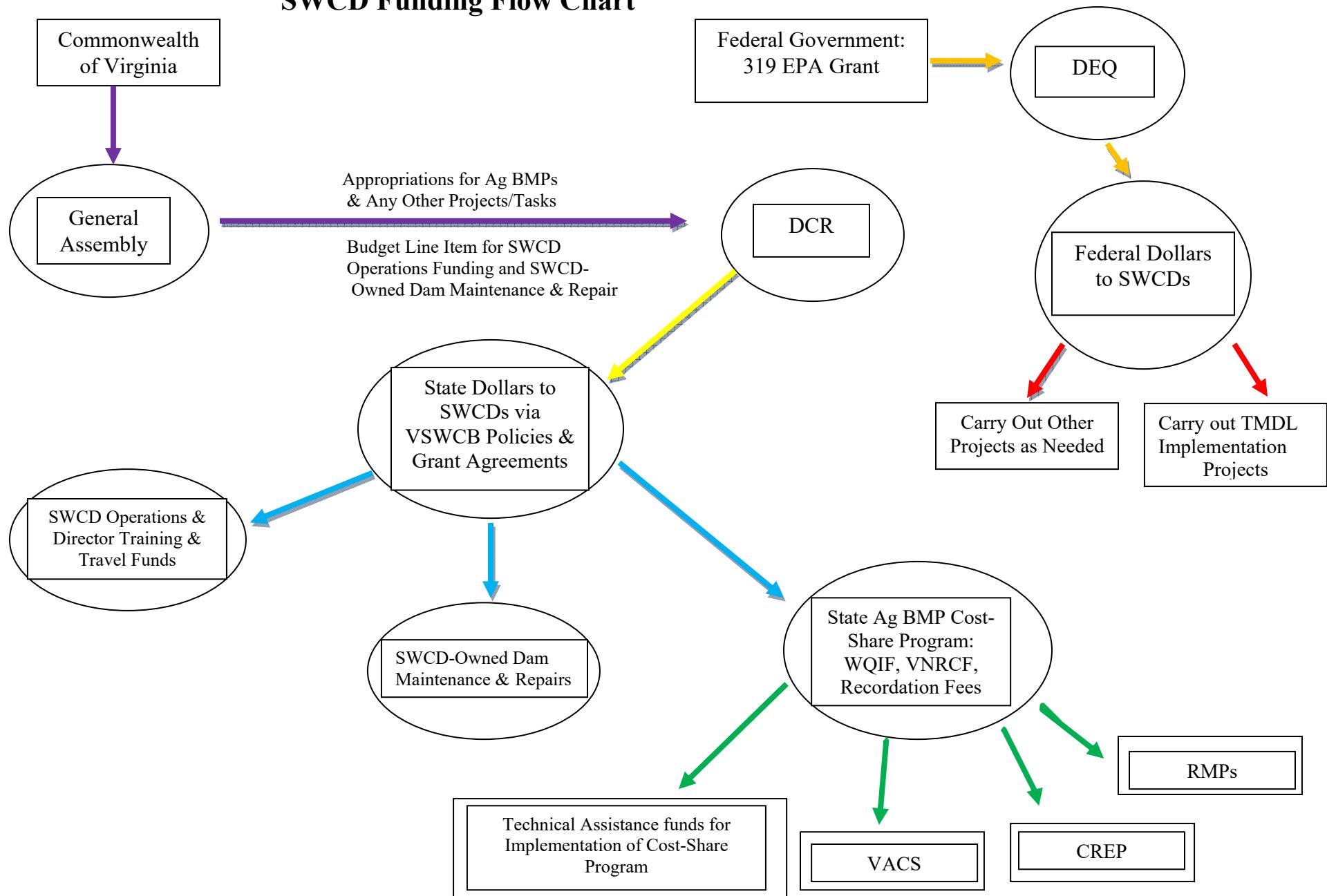
The application of system-analyst techniques and procedures, including consulting with users to determine hardware, software or systems functional specifications, OR
The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, OR
The design, documentation, testing, creation, or modification of computer programs related to machine-operating systems, OR
A combination of these duties which requires the same level of skills.

**HIGHLY COMPENSATED EMPLOYEES PERFORMING EXECUTIVE,
PROFESSIONAL OR ADMINISTRATIVE DUTIES:**

- _____ Is paid an annual total compensation of \$100,000 or more, which includes at least \$455 per week paid on a salary basis. The required total annual compensation does not include credit for board or lodging, payments for medical or life insurance, or contributions to retirement plans or other fringe benefits.
- _____ Primary duty consists of performing office or non-manual work.
- _____ Customarily and regularly performs at least one of the exempt duties or responsibilities of the Executive, Professional, or Administrative exemption.

Additional information can be found at CFR 29, Part 541 and the U.S. Department of Labor Fair Pay website <https://www.dol.gov/whd/index.htm#>

SWCD Funding Flow Chart



Adopted October 15, 2003

Virginia Soil & Water Conservation Board (Board) Policy

Title: Financial Commitments For Establishment of a New Soil & Water Conservation District (SWCD/district), or Realignment of an Existing District

Purpose:

To preserve the annual appropriation for SWCD funding made by the General Assembly so that the creation of a new district or realignment of an existing district does not adversely impact the financial resources of existing districts as specified by the Board's Policy entitled: Financial Assistance for Soil & Water Conservation Districts (districts).

To achieve this purpose:

- The Board hereby establishes a position of supporting inclusion of every county and/or city of the Commonwealth in an SWCD (solely, or in partnership with one or more localities). The Board also recognizes that creating or realigning districts can adversely impact the financial resources the Board administers.
- Given authority established by § 10.1-512. and § 10.1-514. of the Code of Virginia, the Board will require commitments of financial support from the locality(ies) of the newly created or realigned SWCD in situations where the creation of a new district, or realignment of an existing district will result in a reduction of funding to all other districts.
- This commitment shall be required as a condition of approval for establishment of a new district or realignment of an existing district.
- When a county or city not within an existing district is added to a district or is established as a new district; or an existing district's boundaries are realigned, the newly added or established locality(ies) must commit resources (cash and/or in kind assistance) in amounts no less than the appropriate portions that comprise the essential funding level specified in the Board's Policy entitled: Financial Assistance for Soil & Water Conservation Districts (districts) to provide for the technical and administrative needs for the district and its board of directors.
- This commitment must continue annually until an equal increase is established within state funds administered by the Board to support SWCD operational expenses, or until otherwise notified by the Board in writing.

Soil and Water Conservation District (SWCD) Funding

1. State funding for Virginia's SWCDs is administered by what state agency?
 - a. Virginia Department of Conservation and Recreation
 - b. Virginia Department of Environmental Quality
 - c. Virginia Association of Soil and Water Conservation Districts
2. What are the two types of SWCD funding available from the state that require annual grant agreements?
 - a. General and TMDL
 - b. Operating and Cost-Share and Technical Assistance Funds
 - c. CREP and VACS
3. All SWCDs receive the same amount of funding from their respective localities.
 - a. True
 - b. False
4. Examples of other sources of revenue for SWCDs include which of the following?
 - a. Equipment Rental Programs
 - b. Grants
 - c. Interest Income
 - d. All of the above
5. Districts are not required by law to be bonded.
 - a. True
 - b. False
6. What is the most important tool for the board to use when deciding how to allocate SWCD operating funds?
 - a. Annual Report
 - b. Annual Budget
 - c. Purchasing Policy
7. What is the name of the financial reference manual specifically designed for SWCDs?
 - a. Desktop Guide for SWCD Fiscal Operations
 - b. Director's Handbook
 - c. Financial Planning Guide for SWCD Operations
8. How often does the VA Department of Conservation and Recreation require SWCDs to be audited?
 - a. Annually
 - b. At least every 2 years
 - c. At least every 7 years
9. Cost-share funds may be used to pay employee salaries and office rent.
 - a. True
 - b. False
10. It is advisable to give the Administrative Secretary total control of the accounts with no oversight by a fellow staff member and/or board member.
 - a. True
 - b. False

Answers (Soil and Water Conservation Districts FUNDING):

1. A
2. B
3. B
4. D
5. B
6. B
7. A
8. B
9. B
10. B

Personnel Management for SWCD Directors



January 2019



Personnel Management Responsibilities

Responsibilities of District Directors:

- Oversee and manage employees fairly and equitably.
- Provide for staff development and training.
- Establish written Personnel Policies and review annually.
- Develop and review performance expectations with employees **at least annually**.
- Perform performance evaluations **at least annually**.
- Maintain employee personnel files.
- Understand and comply with **all** federal and state labor laws.



Personnel Management Responsibilities

Staff Responsibilities:

- Vary from District to District.
- Staff are responsible for implementing policy set by the District Board.
- Staff carry out the work of the District through professional expertise, input and data.
- Staff serve as positive representatives of the District to the citizens they serve.



District Personnel Supervision

- Direct supervision of staff may be handled several different ways, but the final supervisory responsibility rests with each and every District BOARD.
- The District Board should establish work schedules, telework agreements (if applicable), and employee reporting criteria prior to the beginning of employment.

Personnel Committees

- Many District Boards appoint a personnel committee to handle personnel matters rather than handling personnel matters as a Board.
- As a result, the personnel committee has many roles and responsibilities.





Roles of Personnel Committees

- Serve as a liaison between staff and the SWCD board.
- Assure mutual understanding between the SWCD board and staff concerning roles and responsibilities.
- Communicate precise job duties to staff as determined by the SWCD board.
- Maintain an awareness of employee concerns.
- Handle employee concerns and grievances in a professional manner.



Roles of Personnel Committees Continued...

- Respect employee confidentiality.
- Oversee any personnel actions and maintain current Personnel Policies.
- Develop job descriptions for each employee and review/update annually.
- Perform recruitment and selection of new employees.
- Distribute and review the Employee Checklist with newly hired staff.
- Conduct evaluations and make recommendations for position or salary adjustments.



Roles of Personnel Committees Continued...

- Personnel committees are responsible for advertisement of positions as well as new employee application review, interviewing, hiring, overseeing, disciplinary actions, and termination.
- Identify and support (including financially) appropriate training, certification and continuing education classes for certifications held.
- It is crucial that personnel committees become familiar with, and assure compliance with, all applicable labor laws.

District Personnel Policy

- Each District should develop and adhere to its own Personnel Policy.
- Personnel Policies should be reviewed annually.
- Every Director should review and become familiar with their district's personnel policy.





Essential Elements of a Personnel Policy

Should include:

- **Definitions of Employees and Status**
- **Work hours, Holidays, Types of Leave**
- **Leave Earned & Used Procedures, Maternity/Paternity Leave, Disability, etc.**
- **Benefits Descriptions**
- **Travel Reimbursement Procedures & Rates**
- **Grievance Procedures**
- **Probationary period, Resignation & Termination**
- **Statement of nondiscrimination**
- **Illustrated compliance with labor laws including but not limited to the Fair Labor Standards Act and the Family and Medical Leave Act**



Fair Labor Standards Act

- Federal law governing wages, work schedules, and benefits.
- Classifies all covered positions as “exempt” or “non-exempt” -
 - “Non-Exempt”: Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.
 - “Exempt”: An employee does not qualify for overtime pay. Employment must meet certain qualifications in order to be classified “exempt”.
- Tests are available to determine if your district positions are exempt or non-exempt.
- Violations carry fines (\$\$\$).
- For more detailed information,
please visit: www.dol.gov/whd/flsa/





Family and Medical Leave Act

- Federal law governing provision of job-protected, unpaid leave for covered employees.
- Provides 12 workweeks of unpaid leave in a 12-month period for the birth of a child, the adoption/foster care placement of a child, the care of an immediate family member with a serious health condition, and the care of an employee's own serious health condition.
- Provides 26 workweeks of unpaid leave in a 12-month period to permit a spouse, son, daughter, parent, or next of kin to care for a member of the Armed Forces, including a member of the National Guard or Reserves, due to injury or illness.
- For more detailed information, please visit:
<https://www.dol.gov/general/topic/benefits-leave/fmla>

General Types of District Positions



Technical Position:

- Implements components of Virginia's Nonpoint Source Pollution Control Program such as the Ag. BMP Cost Share & Tax Credit Program as well as CREP, TMDL cost-share programs, VCAP and erosion & sediment control programs (as needed).
- Works with producers to write farm conservation plans, provides technical assistance and evaluates conservation practices.
- Manages district conservation equipment.
- Carries out other duties assigned by the district and as described in the technical position description.

General Types of District Positions

Continued...



Administrative Position:

- Performs administrative and fiscal duties as required.
- Types and files paperwork for the District.
- Answers the telephone, keeps schedules, orders supplies, etc.
- Circulates meeting notices, agendas, and minutes.
- Transcribes SWCD board meeting minutes.
- Works closely with SWCD bank accounts.
- Carries out other duties assigned by the district and as defined in the administrative position description.

General Types of District Positions Continued...

Education/Information Position:

- Performs citizen outreach.
- Manages SWCD public relations efforts (newsletters, press releases).
- Carries out youth and adult education programming.
- Coordinates awards programs.
- Applies for project-related grants.
- Carries out other duties assigned by the district and as described in the education/information position description.





General Types of District Positions Continued...

District Manager:

- Oversees day-to-day activities of other district employees (training, travel, problems, schedules, performance, etc.).
- Provides guidance and advice to other employees, particularly new employees.
- Provides input to the district personnel committee/ board regarding employee performance and evaluations.
- Position is typically combined with other district positions.



Position Descriptions

- A position description should be developed for each employee and approved by the SWCD Board.
- The position description should include all expectations, qualifications, roles and responsibilities, benefits, salary scale and supervision.
- Position descriptions should be reviewed annually and updated as needed.
- When possible, the SWCD should solicit employee input when reviewing and updating job descriptions. This promotes employee buy-in and increases general job satisfaction.



Individual Development Plan (IDP)

For Staff

- An assessment tool and training schedule created jointly between the employee and employer.
- This plan is a guideline for employee growth and development.
- Allows staff to plan ahead to achieve goals outlined in position descriptions.
- Can be particularly beneficial in guiding technical employees toward achievement of certifications.



Individual Development Plan (IDP)

For Directors

- An assessment tool and training schedule created jointly between the employee and employer.
- Allows district directors to set measurable goals for staff.
- Can be particularly beneficial in helping staff to identify their certification and training needs to Directors (you).
- Useful in evaluating progress when conducting annual personnel evaluations.



Personnel Evaluations

- Personnel evaluations can be viewed as a two-way street. Not only should the SWCD be evaluating the progress of staff, staff should have a chance to provide feedback regarding the position and its associated duties.
- During evaluations, give staff an opportunity to voice concerns in an attentive, non-threatening environment.
- Interview employees: ask questions that allow you, as a director, to seek out features employees enjoy most about their jobs.
- Based on staff input, it's up to directors (you!) to find ways to challenge staff so they don't get bored with their positions.
- Remember: Showing staff that you care enough to gain their input can boost their job satisfaction and self-esteem, leading to increased employee retention- a win-win situation for everyone involved!



And as District Directors, Remember to Always...

- Get to know staff on a personal level and let them get to know you. This is important in building trust.
- Check in with staff at least once a month to see how things are going: Ask for their input as well as any concerns that they might have.
- Trust staff to do their jobs- it's okay to voice concerns when necessary but remember why you hired them.
- Treat all staff in a consistent, professional manner.
- Thank staff frequently for the great work that they do. A simple "thank you" goes a long way in making an employee feel appreciated.



Personnel References & Sources of Assistance

- U.S. Department of Labor: www.dol.gov
- Code of Virginia: <https://law.lis.virginia.gov/vacode/>
- State or Federal Human Resources Offices
- U.S. Office of Personnel Management:
<http://www.opm.gov/>
- National Association of Soil & Water Conservation Districts (NACD): <http://www.nacdnet.org/>
- VASWCD Personnel Management Handbook:
<http://vaswcd.org/personnel-management>

Your DCR Conservation District Coordinator may provide help and assist in obtaining needed materials.

CHECKLIST FOR NEW SWCD EMPLOYEE

Recognizing that training is a continuous process, this checklist is designed as a guide for the orientation of new employees. The form is meant to act as an outline of the minimum information that should be discussed with the employee within the first few days of employment. Both employee and supervisor sign and date upon completion.

Employee Name _____ Id # or
SS # _____

Position Title _____

SWCD _____ Location _____

Effective Date _____

Title/Name of Supervisor _____

Current Home Address _____

Current Home Telephone _____

Current Email Address _____

In Case of Emergency Contact Person and Telephone Number:

When approved, eligible for overtime compensation? Yes _____ No _____

Emergency or Essential Personnel? Yes _____ No _____

Employee Status Full Time _____ Part Time _____ # hrs/week _____

The following checklists are designed as a guide for the orientation of new full and part-time employees. The form is not meant to limit the supervisor in the training of the new employee, but rather to act as an outline of pertinent information to be discussed during the first few days of employment. The checklist should be completed on all new employees. All items should be discussed, the boxes provided beside each item should be checked when complete.

Mark each box as the item is completed!

PRIOR TO EMPLOYEE'S FIRST DAY

- Evaluate office supplies, furniture and equipment needs. (See if they are immediately available or need to be ordered, i.e. business cards, computer software/hardware, etc.)
- Contact employee. (Address any questions concerning directions to office, dress code, arrival time, etc.)
- Receive from employee signed letter of employment that includes starting salary and date/time to begin employment.

FIRST DAY OR AS SOON AS POSSIBLE

- Provide "Check List For New SWCD Employee".

WORK SCHEDULE

- Work Hours. (Specify days, starting and quitting times. Explain any exceptions and reasons for them.) Discuss probationary period.
- Work Location. (Telework ability, Specify days, starting and quitting times. Explain any exceptions and reasons for them.) Discuss probationary period.
- Overtime/Compensatory Time. (Explain policy, include night and weekend work.)
- Travel Requirements. (Explain nature, frequency, regulations, and reimbursement policies)
- Lunch. (Explain length of period, time schedule, and what most of the other employees do for lunch, i.e., go out - suggest places, or bring lunch.)
- Non-work Related SWCD Activities (Include office parties, social funds, informal gatherings, etc.)

WORK ENVIRONMENT

- Review SWCD Personnel Policy. (Clarify supervisor's responsibilities.)
- Introduce Workers. (Explanation of their work relationship with new employee, including NRCS staff and explain duties of each.)
- Work Area Tour. (Tour area noting employee's specific work area and other pertinent areas, normal employee entrance and exit, after hours entrance and exit, provide keys as required.)
- Emergency exits and equipment. (Show the location of emergency exits, emergency meeting places, fire extinguishers, first aid kits, evacuation procedures, also review reporting accidents and emergencies, etc.)
- Parking. (Explain parking facilities for personal and government/SWCD vehicles,

employee's role in fueling and periodically cleaning vehicles.)

- Leave. (Explain types of leave, how it is requested, how it is received, i.e., orally, written notice, leave slip; length of leave period; and from whom to request the leave.)
- Leave Forms. (Explain completion and submission.)
- SWCD Holidays. (Explain office policy regarding staffing on those days and compensatory leave.)
- Inclement Weather. (Explain policy.)
- Timesheet. (Explain completion and submission process and deadline.)
- Paycheck. (Explain when and where the employees will receive their paycheck.)
- Training Opportunities. (Explain the Joint Employment Development Program, Conservation Planner Certification Program, and Engineering Job Approval Authority including any conference travel opportunities and training programs and continuing education available to the employee.)
- General Office Procedures. (Staff Meetings, Telephone, FAX Machine, Copy Machine, Supplies, Mail, Email & Internet, etc.)
- Travel. (Explain availability and proper use of government/SWCD vehicles, field equipment and checkout procedures, and mileage reporting and vehicle safety procedures.)
- Travel Reimbursement Procedures and Travel Policy.

PROVIDE A COPY OF THE FOLLOWING ITEMS:

- | | |
|--|--|
| <input type="checkbox"/> I-9 Form | <input type="checkbox"/> SWCD Mission and Vision Statement |
| <input type="checkbox"/> Forms W-4/VA-4 Tax Withholding Certificates | <input type="checkbox"/> SWCD Annual Plan |
| <input type="checkbox"/> Health Benefits and Extended Coverage Information | <input type="checkbox"/> SWCD Annual Report |
| <input type="checkbox"/> Retirement Information | <input type="checkbox"/> SWCD Strategic Plan |
| <input type="checkbox"/> Life Insurance Information | <input type="checkbox"/> VA Soil and Water Conservation Law (VA Code 10.1 Chapter 5) |
|
 |
 |
| <input type="checkbox"/> Personnel Policy | <input type="checkbox"/> VA Freedom Of Information Act (FOIA) (VA Code 2.2 Chapter 37) |
| <input type="checkbox"/> Holidays and Paydays Schedule | <input type="checkbox"/> VA Conflict of Interest Act (COIA) (VA Code 2.2 Chapter 31) |
| <input type="checkbox"/> Grievance Procedure Policy |
 |
| <input type="checkbox"/> Internet Use Policy | <input type="checkbox"/> SWCD Director's Handbook |
| <input type="checkbox"/> Drug and Alcohol Abuse Policy | <input type="checkbox"/> VSWCB Policy on SWCD Financial Assistance |
|
 | <input type="checkbox"/> SWCD Directory |
| <input type="checkbox"/> SWCD Travel Regulations/ Policy |
 |
| <input type="checkbox"/> Sample Leave Form | <input type="checkbox"/> DCR Grant Agreements |
| <input type="checkbox"/> Sample Travel Voucher | <input type="checkbox"/> DCR/DSWC Personnel Directory |
| <input type="checkbox"/> Sample Timesheet |
 |
|
 |
 |
| <input type="checkbox"/> Job Description | <input type="checkbox"/> NRCS 1619 Form |
| <input type="checkbox"/> Draft Performance Expectations | <input type="checkbox"/> NRCS Directory |
| <input type="checkbox"/> Individual Development Plans (IDPs) | |

The preceding information has been provided and/or explained.

Employee Signature

Date

Supervisor Signature

Date

FLSA Fair Pay Exemption Questionnaire

Note to Employers: This questionnaire serves as a basic outline for an employer's initial analysis of positions being considered for exemption under the FLSA and is meant to serve as one of several tools in an employer's analysis. Job titles are insufficient to determine exempt status.

Position: _____

Employee: _____

Date: _____

Completed by: _____

Completion of this questionnaire helps determine the exemption status of a position. Check the appropriate exemption (Executive, Administrative, Professional, Computer-Related, Outside Sales and Highly Compensated). Then check all boxes under the selected exemption that are applicable. To qualify for an exemption, all boxes must be checked for that exemption. To access the Department of Labor (DOL) online resources for FLSA compliance assistance here is the website:
<https://www.dol.gov/whd/flsa/>

EXECUTIVE (examples: chief executive officer, controller, vice president, director)

- Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- Is paid at least \$35,568 annually (\$648 weekly).
- Primary duty consists of managing the enterprise or a customarily recognized department or subdivision of the enterprise.
- Customarily and regularly directs the work of two or more full-time employees or their equivalents (for example, one full-time employee and two half-time employees).
- Has the authority to hire or fire other employees **OR** makes recommendations that carry particular weight as to the hiring, firing, advancement, promotion or any other change in status of other employees.

ADMINISTRATIVE (examples: manager, supervisor, administrator)

- Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.
- Is paid at least \$35,568 annually (\$648 weekly).
- Primary duty consists of performing office or nonmanual work directly related to the management or general business operations of the employer or the employer's customers.
- Work includes the exercise of discretion and independent judgment with respect to matters of significance.

PROFESSIONAL: LEARNED AND CREATIVE (examples: accountant, nurse, engineer, composer, singer, graphic designer)

Regularly receives a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed.

Is paid at least \$35,568 annually (\$648 weekly). Note: For teachers, licensed or certified practitioners of law and medicine, medical interns and residents covered under this exemption, the salary basis and salary requirements do **NOT** apply.

Learned Professional

Primary duty consists of the performance of work that requires advanced knowledge (beyond high school) and that is predominantly intellectual in character and consistently includes the exercise of discretion and independent judgment.

The advanced knowledge is in a field of science or learning.

The advanced knowledge was acquired by a prolonged course of specialized intellectual instruction (position possesses the appropriate academic degree or has substantially the same knowledge level and performs substantially the same work as degreed employees but possesses advanced knowledge only through a combination of work experience and intellectual instruction).

Creative Professional

Primary duty consists of the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work.

COMPUTER-RELATED (examples: network or database analyst, developer, programmer, software engineer)

Is paid at least \$35,568 annually (\$648 weekly) **OR** \$27.63 per hour. That is, this exemption does **NOT** have to meet the salary basis requirement to regularly receive a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed **IF** paid at least \$27.63 on an hourly basis.)

Primary duty consists of:

- The application of system-analyst techniques and procedures, including consulting with users to determine hardware, software or systems functional specifications, OR
- The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, OR
- The design, documentation, testing, creation or modification of computer programs related to machine-operating systems, OR
- A combination of these duties which requires the same level of skills.

OUTSIDE SALES (examples: salespersons, contract negotiators)

The salary basis and salary requirements do **NOT** apply for this exemption. That is, this exemption does **NOT** have the salary basis requirement to regularly receive a predetermined amount constituting all or part of the employee's salary, which is not subject to reduction because of variations in the quality or quantity of work performed, **AND** this exemption does **NOT** have to be paid \$35,568 annually (\$648 weekly).

- Primary duty consists of making sales or obtaining orders for contracts for services or for the use of facilities for which consideration will be paid by the client or customer.
- Customarily and regularly is engaged away from the employer's place or places of business.

HIGHLY COMPENSATED EMPLOYEES PERFORMING EXECUTIVE, PROFESSIONAL OR ADMINISTRATIVE DUTIES

- Is paid an annual total compensation of \$107,432 or more, which includes at least \$648 per week paid on a salary basis. The required total annual compensation of \$107,432 or more may consist of commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period, but does not include credit for board or lodging, payments for medical or life insurance, or contributions to retirement plans or other fringe benefits.
- Primary duty consists of performing office, nonmanual work. Note: No matter how highly paid, manual workers or other "blue-collar" workers, including nonmanagement construction workers, who perform work involving repetitive operations with their hands, physical skill and energy are not eligible for this exemption.
- Customarily and regularly performs at least one of the exempt duties or responsibilities of the Executive, Professional or Administrative Exemption.

Instructions For Completing An Individual Development Plan

Introduction

It is the intent of the primary conservation partner agencies (DCR, NRCS and the VASWCD) to make available to SWCDs and others, a format that captures fundamental, essential information in order to assess an employee's training and development needs –as they relate to the individual's specific job activities. This approach complements (and in no way substitutes) other essential personnel resource documents that include an employee's position description and performance expectations or standards.

1. Job Priority: Work tasks/activities are often prioritized. Completion of this category should be consistent with an employee's performance expectations or standards. Work tasks/activities may be numerically ranked using number one (1) as the highest priority, through the remaining number of identified tasks/activities. Another option may be identification of priorities through appropriate ratings of "high", "medium" or "low".

2. Task/Activity: A brief description of the essence of the work task or activity is needed. The form accommodates subdividing tasks as needed and appropriate, and may necessitate further listings of sub categories.

3. Standard/Measure: To the extent possible, the expected standard for completion of work tasks should be captured. This may relate to:

- An established standard (such as levels of competency or certification),
- A quantity of tasks to be completed
- Designation of deadlines or completion times (for example: "within one week", "by June 30", etc...)
- Incorporation of some or all of the above

4. Current Proficiency: Using the following key, enter one of the following (note: the employee and supervisor must agree on the assessment of current proficiency for the work task/activity):

- | | | | |
|-----|--------------------------|-----|---|
| (1) | Awareness | (4) | Apply independently |
| (2) | Understanding | (5) | Expert, may be capable of training others |
| (3) | Perform with supervision | | |

5. Needed Proficiency: Using the same key above (item 4), enter the needed degree of proficiency. It is essential that the employer, supervisor and employee seek consensus on the needed proficiency; however, the employer and supervisor may resolve this designation without employee concurrence.

6. Identified Training Need: Use the following key as a guide:

Extensive: A margin of 2 or more levels between an employee's current proficiency and the needed skill level

Intermediate: A margin of approximately 2 skill levels between current and needed proficiency levels.

Minimal: Indicates the employee lacks the needed level of skill by a narrow margin, as reflected by a narrow gap of 1 level between the current and needed proficiency levels.

7. Method of Training: Completion of specific, time bound, measurable actions (e.g. specifying the approach such as a formal classroom course, on-the-job training, informal mentoring ...etc., with inclusion of dates and deadlines to the maximum extent possible) that designate responsibilities of the employee, as well as the supervisor and when appropriate the employer, will lead to the desired outcome –staff that are proficient with completion of work tasks and activities.

Individual Development Plan (IDP)

For the Period: _____ to _____
 (Beginning) (Ending)

Agency/Organization:		Employee Signature:			Supervisor Name:				
		Date:	(Date final IDP prepared and approved)						
Office:							Supervisors Title:		
Employee Name:		Employee Comments:			Supervisor Signature:				
Title:					Date:	(Date final IDP prepared and approved)			
Work Address:					Supervisors Comments:				
Work Phone:									
Fax:									
Email:									
1* Job Priority	2* Task/Activity	3* Standard/Measure	4* Current Proficiency	5* Needed Proficiency	6* Identified Training Need	7* Method of Training			
	Task:								
	Sub-task:								
	Task:								
	Sub-task:								
	Task:								
	Sub-task:								

*See separate sheet of instructions for items 1 through 7

(continue on additional pages as needed..)

Individual Development Plan For: _____ (employee name) (date)

1* Job Priority	2* Task/Activity	3* Standard/Measure	4* Current Proficiency	5* Needed Proficiency	6* Identified Training Need	7* Method of Training
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					
	Task:					
	Sub-task:					

(continue on additional pages as needed... once the performance period ends, complete the IDP evaluation on the final page)

Individual Development Plan For: _____
(employee name) _____
(date) _____

IDP Evaluation

To be completed by the employee's supervisor:

Specify identified training activities not fully completed during the IDP performance period (also specify unmet needs and recommended approaches for the upcoming IDP)

Additional comments (including factors beyond the employee's control..., things that went well..., things that did not go well..., other...)

Supervisor Signature: _____ Date: _____

To be completed by the employee:

Employee comments (issues, problems, things that worked well, recommendations for development of the upcoming IDP, other)

Employee Signature: _____ Date: _____

Instructions For Completing An Individual Development Plan

Introduction

It is the intent of the primary conservation partner agencies (DCR, NRCS and the VASWCD) to make available to SWCDs and others, a format that captures fundamental, essential information in order to assess an employee's training and development needs –as they relate to the individual's specific job activities. This approach complements (and in no way substitutes) other essential personnel resource documents that include an employee's position description and performance expectations or standards.

1. Job Priority:

Work tasks/activities are often prioritized. Completion of this category should be consistent with an employee's performance expectations or standards. Work tasks/activities may be numerically ranked using number one (1) as the highest priority, through the remaining number of identified tasks/activities. Another option may be identification of priorities through appropriate ratings of "high", "medium" or "low".

2. Task/Activity:

A brief description of the essence of the work task or activity is needed. The form accommodates subdividing tasks as needed and appropriate, and may necessitate further listings of sub categories.

3. Standard/Measure:

To the extent possible, the expected standard for completion of work tasks should be captured. This may relate to:

- An established standard (such as levels of competency or certification),
- A quantity of tasks to be completed
- Designation of deadlines or completion times (for example: "within one week", "by June 30", etc.)
- Incorporation of some or all of the above

4. Current Proficiency:

Using the following key, enter one of the following (note: the employee and supervisor must agree on the assessment of current proficiency for the work task/activity):

- | | |
|-----------------------------|--|
| -1 Awareness | -4 Apply independently |
| -2 Understanding | -5 Expert, may be capable of training others |
| -3 Perform with supervision | |

5. Needed Proficiency:

Using the same key above (item 4), enter the needed degree of proficiency. It is essential that the employer, supervisor and employee seek consensus on the needed proficiency; however, the employer and supervisor may resolve this designation without employee concurrence.

6. Identified Training Need: Use the following key as a guide:

Extensive: A margin of 2 or more levels between an employee's current proficiency and the needed skill level

Intermediate: A margin of approximately 2 skill levels between current and needed proficiency levels.

Minimal: Indicates the employee lacks the needed level of skill by a narrow margin, as reflected by a narrow gap of 1 level between the current and needed proficiency levels.

7. Method of Training:

Completion of specific, time bound, measurable actions (e.g. specifying the approach such as a formal classroom course, on-the-job training, informal mentoring ...etc., with inclusion of dates and deadlines to the maximum extent possible) that designate responsibilities of the employee, as well as the supervisor and when appropriate the employer, will lead to the desired outcome –staff that are proficient with completion of work tasks and activities.



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Personnel Management

The Virginia Association of Soil & Water Conservation Districts working with a committed group of SWCD staff and stakeholders has created the [Personnel Management Resource Guide](#) to serve as a resource to local Soil & Water Conservation District.

While this resource guide is by no means intended to serve as legal counsel it does provide critical personnel management materials including recruitment and hiring information, new employee on-boarding, performance management forms, separation/termination details, as well as sample policies shared by soil and water conservation districts across the Commonwealth. This resource can also help ensure that districts have what they need, and that they are effectively matching skills and competencies to specific tasks, requirements, and outcomes.

In addition to the resources available within this guide, the VASWCD website serves as a repository of information on both personnel and human resource topics as well as all items vital for district official training. Visit the [Leadership Course](#) page to review these materials.

As you review the reference materials and recognize a need for further training on a topic don't hesitate to reach out to your Association leadership and staff. Annual trainings sponsored/hosted by the Association are tailored based on district need. Your Association can better serve you through trainings and staff support if made aware of the areas of growth needed at your district level.

We believe this resource is a strong starting point to strong personnel management practices within your local soil and water conservation district.

Recruiting

This portion reinforces the importance of recruiting and provides practical tips to help you organize and begin the recruiting process.

The following are covered in this section:

- Job Posting/ Advertising
- The Fair Labor Standards Act
- Equal Employment Opportunity
- Recruitment
- Tips for writing a job description
- FLSA Checklist: Exempt vs nonexempt status
- Job Description Samples
- Full Hiring Packet/Position Announcement Sample

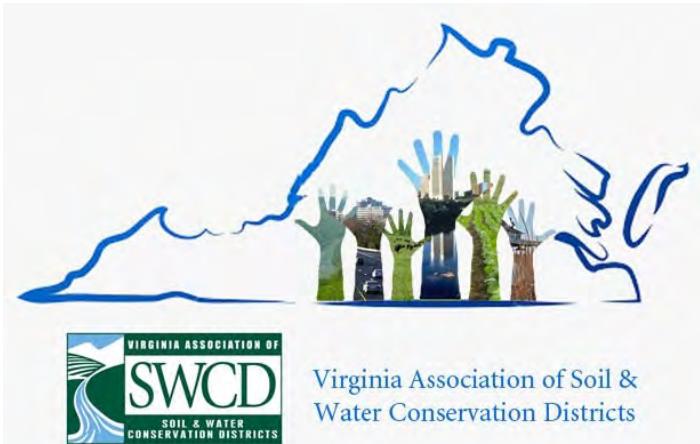
Hiring

This portion reinforces the importance of interviewing and provides practical tips to help you organize and begin the hiring process.

The following are covered in this section:

- Pre-Interview
- Interview Process
- Application sample
- Conducting an interview
- Protection against discrimination in employment practices
- Interview worksheet samples
- Offer/No Offer letter samples

New Employee



Virginia Association of Soil & Water Conservation Districts

This portion is to explain the hiring process and to provide a proactive approach to hiring new employees so they have as much as possible setup prior to their work assignment.

The following is covered in this section:

- Onboarding
- Assimilation Process
- Successful Employee Orientation, checklists, and forms

Performance Evaluations

With the rise in the number of lawsuits brought on by former employees, evaluations must be handled carefully to ensure that the organization is not opening itself to legal complications.

The following is covered in this section:

- Practical and legal criteria
- Steps in the formal evaluation
- Performance evaluation definitions
- Common rater errors
- Probationary Progress Review
- Performance evaluation samples based on job title
- Notice of improvement needed

Termination/Separation

In order to ensure uniform and consistent procedures for employee termination, it is important to have established rules applicable to each termination.

The following is covered in this section:

- 5 steps to help prevent lawsuits
- Incident & Action Report sample
- Written Notice sample
- Employee Termination Checklist sample

Supporting Documents/Miscellaneous

The following is covered in this section:

- Personnel Policy Review by the VASWCD
- Sample SWCD Personnel Policy
- Grievance Resolution
- Grievance Form
- Drug-Free Workplace
- Biosecurity Policy
- Job Descriptions for Director and Associate Director
- Internships
- Volunteers
- Earth Team
- Potential SWCD Resources for HR

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(804) 559-0324 • Fax (804) 559-0325 • www.vaswcd.org

December 2014

Dear SWCD Directors, Associate Directors & Staff:

The Virginia Association of Soil & Water Conservation Districts working with a committed group of SWCD staff and stakeholders has created this Personnel Management Resource Guide to serve as a resource to your local Soil & Water Conservation District.

While this resource guide is by no means intended to serve as legal counsel it does provide critical personnel management materials including recruitment and hiring information, new employee on-boarding, performance management forms, separation/termination details, as well as sample policies shared by soil and water conservation districts across the Commonwealth. This resource can also help ensure that districts have what they need, and that they are effectively matching skills and competencies to specific tasks, requirements, and outcomes.

In addition to the resources available within this guide, your VASWCD website serves as a repository of information on both personnel and human resource topics as well as all items vital for district official training. Visit the Association website at <http://www.vaswcd.org/leadership-course> to review these materials.

Your VASWCD serves you. As you review the enclosed reference materials and recognize a need for further training on a topic don't hesitate to reach out to your Association leadership and staff. Annual trainings sponsored/hosted by the Association are tailored based on district need. Your Association can better serve you through trainings and staff support if made aware of the areas of growth needed at your district level.

We believe the attached resource is a strong starting point to strong personnel management practices within your local soil and water conservation district.

Sincerely,

A handwritten signature in black ink that reads "Lou A. Wallace".

Lou Ann Wallace
VASWCD President
Director, Clinch Valley SWCD

Thank you to the following SWCD members and supporting members for your time, involvement, and assistance in the creation of the Personnel Management Resource Guide to benefit our 47 soil and water conservation districts across the commonwealth.

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United States Department of Labor

Wage and Hour Division

Final Rule: Overtime Update

On September 24, 2019, the U.S. Department of Labor announced a final rule to make 1.3 million American workers newly eligible for overtime pay.

The final rule updates the earnings thresholds necessary to exempt executive, administrative and professional employees from the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay requirements, and allows employers to count a portion of certain bonuses/commissions towards meeting the salary level. The new thresholds account for growth in employee earnings since the thresholds were last updated in 2004.



In the final rule, the Department is:

- raising the "standard salary level" from the currently enforced level of \$455 per week to \$684 per week (equivalent to \$35,568 per year for a full-year worker);
- raising the total annual compensation requirement for "highly compensated employees" from the currently enforced level of \$100,000 per year to \$107,432 per year;
- allowing employers to use nondiscretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices; and
- revising the special salary levels for workers in U.S. territories and the motion picture industry.

The final rule is effective on January 1, 2020.

Additional Information

- [Federal Register notice for the final rule](#)
- News release (9/24/2019): [U.S. Department of Labor Issues Final Overtime Rule](#)
- Wall Street Journal (9/24/19): [More Overtime Pay May Be Coming Your Way](#) by Patrick Pizzella
- [Fact sheet](#)
- [Frequently asked questions](#)
- [Small Entity Compliance Guide](#)
- [Learn more about overtime pay](#)
- [Webinar: FLSA Part 541 – Overtime Final Rule – 2019 Public Presentation Recording](#)
 - [FLSA Part 541 – Overtime Final Rule – 2019 Public Presentation Slide Deck \(PDF\)](#)

History of Soil and Water Conservation Districts

JANUARY 2020



The roots of Conservation Districts in the U.S.

The economy and natural resources collide.

A national crisis begins...

1929 October 24, 1929 "Black Thursday", the stock market crashes, sending the country into an economic depression lasting over a decade.

1931 Severe drought hits the Midwestern and southern plains. Crops die, the 'black blizzards' begin. Dust from over-plowed and over-grazed land begins to blow.

The Dust Bowl

May, 1934

Great dust storms spread from the Dust Bowl area. The drought is the worst ever in U.S. history, covering more than 75 percent of the country and affecting 27 states severely.



The Dust Bowl



The Dust Bowl (continued...)

1934

The "Yearbook of Agriculture" for 1934 announces, "Approximately 35 million acres of formerly cultivated land have essentially been destroyed for crop production. . . . 100 million acres now in crops have lost all or most of the topsoil; 125 million acres of land now in crops are rapidly losing topsoil..."



From the Dust Bowl... Hugh Hammond Bennett

A member of Roosevelt's administration realizes the average American's fate is closely tied to Dust Bowl farmers. Hugh Hammond Bennett comes to be known as "the father of soil conservation".

Bennett gained the support of Congress with the help of a providentially timed storm from the plains that hit Washington, D.C. in May 1934, while he was testifying before a congressional committee. Experiencing a debilitating dust storm for the first time in the Capital, Congress was moved to begin action on legislation to address national erosion problems through a focus on improving farming techniques.

Soil Erosion Service Established

April 14, 1935

Black Sunday. The worst "black blizzard" of the Dust Bowl occurs.



April 27, 1935

Congress declares soil erosion "a national menace" in an act establishing the Soil Erosion Service in the U.S.

Department of Interior.

Creation of SWCDs begins

1935

Under the direction of Hugh H. Bennett, the SES develops extensive conservation programs that retain topsoil and prevent irreparable damage to the land. Farming techniques such as strip cropping, terracing, crop rotation, contour plowing, and cover crops are advocated.



Standard State Soil Conservation Districts Law

A standard “district” law is developed in 1936 for adoption by individual states.

President Roosevelt urged states to create conservation districts.

By 1947 Conservation Districts covered 1 billion acres.

One of the few grassroots organizations set up by the New Deal that is still in operation, the soil conservation district program recognizes that new farming methods must be accepted and enforced by the farmers on the land.



Conservation in Virginia

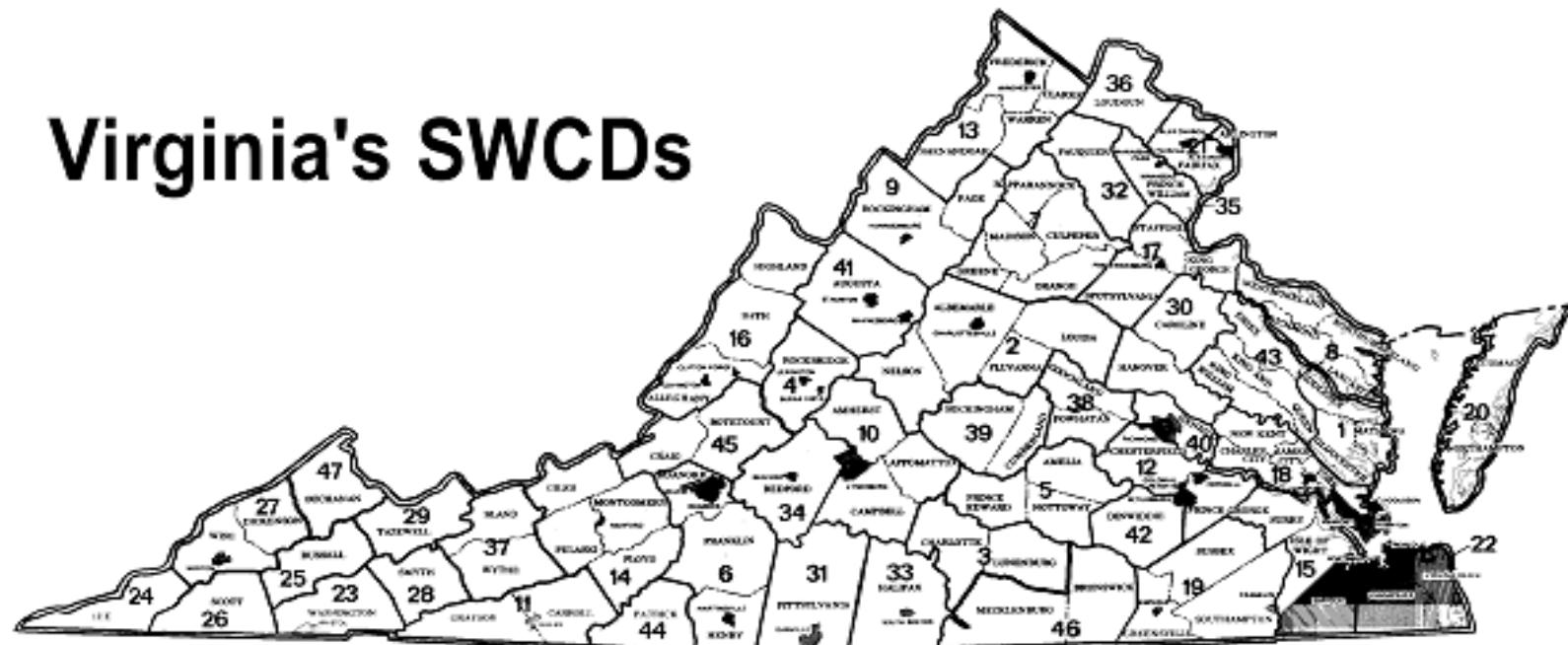
November 3, 1938, on a post card ballot the purpose of Virginia's first district (Tidewater SWCD) is stated:

"The purpose of a Soil Conservation District is for organization under local management to build and maintain the fertility of the soil and prevent the serious losses of farm land by erosion. The district is managed by the people through a locally elected board of supervisors. Cooperation in the District program is voluntary, there is no cost to the farmer in the District other than changes in farming practice he may desire to make."

Virginia Soil Conservation Districts Law

Virginia enacts the Soil Conservation District Law in 1938 (Title 10.1 Conservation, Chapter 5 Soil & Water Conservation, Code of Virginia)

Virginia's SWCDs



What does history teach us?

Assignment:

As we look from our creation to the present... what has changed? Are we facing the same issues? How has our mission changed? What is our future? Which challenges should we address?

Code of Virginia

Title 10.1. CONSERVATION.

Subtitle I. Activities Administered By the Department of Conservation and Recreation

Chapter 1. General Provisions

Article 1. Department of Conservation and Recreation

10.1-104.1 Department to assist in the nonpoint source pollution management program

10.1-104.3 Clean Water Farm Award Program

§ 10.1-104.1. Department to assist in the nonpoint source pollution management program.

A. The Department, with the advice of the Board of Conservation and Recreation and the Virginia Soil and Water Conservation Board and in cooperation with other agencies, organizations, and the public as appropriate, shall assist in the Commonwealth's nonpoint source pollution management program.

B. The Department shall be assisted in performing its nonpoint source pollution management responsibilities by Virginia's soil and water conservation districts. Assistance by the soil and water conservation districts in the delivery of local programs and services may include (i) the provision of technical assistance to advance adoption of conservation management services, (ii) delivery of educational initiatives targeted at youth and adult groups to further awareness and understanding of water quality issues and solutions, and (iii) promotion of incentives to encourage voluntary actions by landowners and land managers in order to minimize nonpoint source pollution contributions to state waters.

The provisions of this section shall not limit the powers and duties of other state agencies.

1993, cc. 19, 830; 2004, c. **474**; 2013, cc. **756, 793**.

§ 10.1-104.3. Clean Water Farm Award Program.

The Director shall establish the Clean Water Farm Award Program to recognize farms in the Commonwealth which utilize practices designed to protect water quality and soil resources. A farm shall be eligible for recognition upon application from the farmer or the local soil and water conservation district, if the district concurs that the farmer is implementing conservation practices that effectively address agricultural nonpoint source pollutants. Such practices may include vegetative riparian buffers, cover crops, conservation tillage, livestock exclusion from waterways, and nutrient management plans. The Director may establish guidelines for limiting the quantity of annual recipients, receiving and ranking applications, ensuring geographical representation of awards from the major watersheds of the Commonwealth including the Chesapeake Bay watershed, providing local farm recognition through the local soil and water conservation districts, and providing special statewide recognition to select farms. Recognition under this program shall not be a requirement under any other state program.

1998, c. 93; 2009, c. 349.

Code of Virginia

Title 10.1. CONSERVATION.

Subtitle I. Activities Administered By the Department of Conservation and Recreation

Chapter 1. General Provisions

Article 1.1. Resource Management Plans

§ 10.1-104.7 Resource management plans; effect of implementation; exclusions

§ 10.1-104.8 Resource management plans; criteria

§ 10.1-104.9 Regulations under this article

10.1-104.7 Resource Management Plans; Effect Of Implementation; Exclusions

A. Notwithstanding any other provision of law, agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan, in accordance with the criteria for such plans set out in § [10.1-104.8](#) and any regulations adopted thereunder, shall be deemed to be in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment.

B. The presumption of full compliance provided in subsection A shall not prevent or preclude enforcement of provisions pursuant to (i) a resource management plan or a nutrient management plan otherwise required by law for such operation, (ii) a Virginia Pollutant Discharge Elimination System permit, (iii) a Virginia Pollution Abatement permit, or (iv) requirements of the Chesapeake Bay Preservation Act ([§ 62.1-44.15:67 et seq.](#)).

C. Landowners or operators who implement and maintain a resource management plan in accordance with this article shall be eligible for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department in accordance with program eligibility

rules and requirements. Such landowners and operators may also be eligible for state tax credits in accordance with §§ [58.1-339.3](#) and [58.1-439.5](#).

D. Nothing in this article shall be construed to limit, modify, impair, or supersede the authority granted to the Commissioner of Agriculture and Consumer Services pursuant to Chapter 4 (§ [3.2-400](#) et seq.) of Title 3.2.

E. Any personal or proprietary information collected pursuant to this article shall be exempt from the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information. This subsection shall not preclude the application of the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) in all other instances of federal or state regulatory actions. Pursuant to subdivision 45 of § [2.2-3711](#), public bodies may hold closed meetings for discussion or consideration of certain records excluded from the provisions of this article and the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.).

2011, c. [781](#); 2015, cc. [27](#), [169](#); 2017, c. [616](#).

10.1-104.8 Resource Management Plans; Criteria

A. The Soil and Water Conservation Board shall by regulation, and in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, specify the criteria to be included in a resource management plan.

B. The regulations shall:

1. Be technically achievable and take into consideration the economic impact to the agricultural landowner or operator;
2. Include (i) determinations of persons qualified to develop resource management plans and to perform on-farm best management practice assessments; (ii) plan approval or review procedures if determined necessary; (iii) allowable implementation timelines and schedules; (iv) determinations of the effective life of the resource management plans taking into consideration a change in or a transfer of the ownership or operation of the agricultural land, a material change in the agricultural operations, issuance of a new or modified total maximum daily load (TMDL) implementation plan for the Chesapeake Bay or other local total maximum daily load water quality requirements, and a determination pursuant to Chapter 4 (§ [3.2-400](#) et seq.) of Title 3.2

that an agricultural activity on the land is creating or will create pollution; (v) factors that necessitate renewal or new plan development; and (vi) a means to determine full implementation and compliance with the plans including reporting and verification;

3. Provide for a process by which an on-farm assessment of all reportable best management practices currently in place, whether as part of a cost-share program or through voluntary implementation, shall be conducted to determine their adequacy in achieving needed on-farm nutrient, sediment, and bacteria reductions;
4. Include agricultural best management practices sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local total maximum daily load water quality requirements of the Commonwealth; and
5. Specify that the required components of each resource management plan shall be based upon an individual on-farm assessment. Such components shall comply with on-farm water quality objectives as set forth in subdivision B 4, including best management practices identified in this subdivision and any other best management practices approved by the Board or identified in the Chesapeake Bay Watershed Model or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan.
 - a. For all cropland or specialty crops such components shall include the following, as needed and based upon an individual on-farm assessment:
 - (1) A nutrient management plan that meets the nutrient management specifications developed by the Department;
 - (2) A forest or grass buffer between cropland and perennial streams of sufficient width to meet water quality objectives and consistent with Natural Resources Conservation Service standards and specifications;
 - (3) A soil conservation plan that achieves a maximum soil loss rate of "T," as defined by the Natural Resources Conservation Service; and
 - (4) Cover crops meeting best management practice specifications as determined by the Natural Resources Conservation Service or the Virginia Agricultural Best Management Practices Cost-Share Program.
 - b. For all hayland, such components shall include the following, as needed and based upon an individual on-farm assessment:

- (1) A nutrient management plan that meets the nutrient management specifications developed by the Department;
- (2) A forest or grass buffer between cropland and perennial streams of sufficient width to meet water quality objectives and consistent with Natural Resources Conservation Service standards and specifications; and
- (3) A soil conservation plan that achieves a maximum soil loss rate of "T," as defined by the Natural Resources Conservation Service.

c. For all pasture, such components shall include the following, as needed and based upon an individual on-farm assessment:

- (1) A nutrient management plan that meets the nutrient management specifications developed by the Department;
- (2) A system that limits or prevents livestock access to perennial streams; and
- (3) A pasture management plan or soil conservation plan that achieves a maximum soil loss rate of "T," as defined by the Natural Resources Conservation Service.

2011, c. [781](#).

10.1-104.9 Regulations Under This Article

Regulations adopted by the Board for the enforcement of this article shall be subject to the requirements set out in §§ [2.2-4007.03](#), [2.2-4007.04](#), [2.2-4007.05](#), and [2.2-4026](#) through [2.2-4030](#) of the Administrative Process Act ([§ 2.2-4000](#) et seq.), and shall be published in the Virginia Register of Regulations. The Board shall convene a stakeholder group to assist in development of these regulations, with representation from agricultural and environmental interests as well as Soil and Water Conservation Districts. All other provisions of the Administrative Process Act shall not apply to the adoption of any regulation pursuant to this article. After the close of the 60-day comment period, the Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15 days after publication in the Virginia Register of Regulations, unless the Board has withdrawn or suspended the regulation or a later date has been set by the Board. The Board shall also hold at least one public hearing on the proposed regulation during the 60-day comment period. The notice for such public hearing shall include the date, time, and place of the hearing.

2011, c. [781](#).

Virginia Administrative Code (Regulations)

Title 4. Conservation and Natural Resources

Agency 50. Virginia Soil and Water Conservation Board

Chapter 70. Resource Management Plans

Section 10 Definitions

Section 20 Purpose and Authority

Section 30 Applicability of other laws and regulations

Section 40 Minimum standards of a resource management plan

Section 50 Components of a resource management plan

Section 60 Revisions to a resource management plan

Section 70 Review of a resource management plan

Section 80 Issuance of a Certificate of Resource Management Plan Implementation

Section 90 Inspections

Section 100 Compliance

Section 110 Appeals

Section 120 Reporting

Section 130 Review of duties performed by soil and water conservation districts

Section 140 RMP developer qualifications and certification

Section 150 Advancing the adoption of RMPs

4VAC50-70-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Assessment" means an onsite review of a management unit.

"Best management practice" or "BMP" means structural and nonstructural practices that manage soil loss, nutrient losses, or other pollutant sources to minimize pollution of water resources and improve water quality.

"Board" means the Virginia Soil and Water Conservation Board.

"Corrective action agreement" means a written agreement that guides the owner or operator in the steps needed and the specific remedies required to return to compliance with the minimum standards of a resource management plan.

"Department" means the Department of Conservation and Recreation.

"Management unit" means one or more agricultural fields or United States Department of Agriculture Farm Service Agency tracts under the control of the owner or operator and identified as the appropriate unit for RMP implementation. The management unit may consist of multiple fields and tracts or an entire agricultural operation.

"NRCS" means the United States Department of Agriculture Natural Resources Conservation Service.

"Operator" means a person who exercises managerial control over the management unit.

"Owner" means a person who owns land included in a management unit.

"Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, any interstate body, or any other legal entity.

"Perennial stream" means water bodies depicted as solid blue lines on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000); or a body of water that flows in a natural or man-made channel year-round during a year of normal precipitation as a result of groundwater discharge or surface runoff. Such stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. However, determinations based on site-specific characteristics shall be made or confirmed by the RMP developer.

"Resource management plan" or "RMP" means a plan developed and implemented pursuant to the standards established by this chapter.

"Review authority" means a soil and water conservation district or the department where applicable that is authorized under this chapter to determine the adequacy of a resource management plan and perform other duties specified by this chapter.

"RMP developer" means an individual who meets the qualifications established by this chapter to prepare or revise a resource management plan.

"Soil and water conservation district" or "district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Chapter 5 (§ 10.1-500 et seq.) of Title 10.1 of the Code of Virginia.

"Technical Review Committee" or "TRC" means a committee established by a soil and water conservation district board to review RMPs and provide recommendations to the soil and water conservation district board regarding RMPs. A TRC may include, but not be limited to, the following members: soil and water conservation district directors, associates, and personnel;

Virginia Cooperative Extension personnel; department nutrient management specialists; and such other technical resources available to the district.

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations for point source discharges and load allocations for nonpoint sources or natural background, or both, and must include a margin of safety and account for seasonal variations.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-20. Purpose and authority.

Pursuant to Article 1.1 (§ 10.1-104.7 et seq.) of Title 10.1 of the Code of Virginia, this chapter is adopted to clarify and specify the criteria that must be included in a resource management plan and the processes by which a Certificate of RMP Implementation is issued and maintained. Except as provided for in 4VAC50-70-30, agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plans, in accordance with the criteria for such plans set out in § 10.1-104.8 of the Code of Virginia and any requirements of this chapter, shall be deemed to be in full compliance with any load allocation contained in a TMDL established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and applicable state water quality requirements for nutrients and sediment.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-30. Applicability of other laws and regulations.

Nothing in this chapter shall be construed as limiting the applicability or preventing or precluding the enforcement of other laws, regulations, or permits.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-40. Minimum standards of a resource management plan.

A. Pursuant to Article 1.1 (§ 10.1-104.7 et seq.) of Title 10.1 of the Code of Virginia, a resource management plan requires the implementation of BMPs sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local TMDL water quality requirements of the Commonwealth. Pursuant to subdivision B 5 of § 10.1-104.8 of the Code of Virginia, an RMP shall address all of the following BMP requirements when applicable to the management unit and needed based upon an on-farm assessment of the following land uses:

1. For all cropland or specialty crops:

- a. A nutrient management plan that meets the specifications of the Nutrient Management Training and Certification Regulations (4VAC5-15);
- b. A forest or grass buffer between cropland and perennial streams shall be consistent with NRCS standards and specifications, except no buffer shall be less than a minimum width of 35 feet as measured from the top of the channel bank to the edge of the field to meet water quality objectives;
- c. A soil conservation plan that achieves a maximum soil loss rate to "T" as defined by NRCS and such BMPs necessary to address gross erosion when it is present as gullies or other severely eroding conditions; and
- d. Cover crops, when needed to address nutrient management or soil loss requirements, or both, that provide for reportable practices which meet best management practice specifications as determined by NRCS or the Virginia Agricultural Best Management Practices Cost-Share Program.

2. For all hayland:

- a. A nutrient management plan that meets the specifications of the Nutrient Management Training and Certification Regulations (4VAC5-15);
- b. A forest or grass buffer between cropland and perennial streams shall be consistent with NRCS standards and specifications, except no buffer shall be less than a minimum width of 35 feet as measured from the top of the channel bank to the edge of the field to meet water quality objectives; and

c. A soil conservation plan that achieves a maximum soil loss rate to "T" as defined by NRCS and such BMPs necessary to address gross erosion when it is present as gullies or other severely eroding conditions.

3. For all pasture:

- a. A nutrient management plan that meets the specifications of the Nutrient Management Training and Certification Regulations (4VAC5-15);
- b. A pasture management plan or soil conservation plan that achieves a maximum soil loss rate of "T" as defined by NRCS and such BMPs necessary to address gross erosion when it is present as gullies or other severely eroding conditions; and
- c. A system that limits or prevents livestock access to perennial streams requires that:
 - (1) Any fencing or exclusion system provides year-round livestock restriction to perennial streams; and
 - (2) Provisions that are made for limited access through stream crossings and livestock watering systems are designed to NRCS standards and specifications and such limited access is determined to be necessary by the RMP developer.

B. Other BMPs approved by the board may be applied to achieve the minimum standards of this section once they have been identified by NRCS or included within the Virginia Agricultural Best Management Practices Cost-Share Program. Additionally, BMPs identified in the Chesapeake Bay Watershed Model or the Chesapeake Bay TMDL Watershed Implementation Plan may be utilized where found to achieve the minimum standards of this section. The department shall annually evaluate such BMPs through decision support tools to determine whether they achieve the minimum standards and are authorized for use in the RMP program as a component of an RMP.

C. The department shall evaluate the minimum standards of this section no later than the end of 2017 as part of the Chesapeake Bay mid-point assessment to determine their adequacy in meeting load allocations contained in revisions to existing TMDL(s) or established in new TMDL(s) developed under § 303(d) of the federal Clean Water Act to address benthic, bacteria, nutrient, or sediment impairments; requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and applicable state water quality requirements for nutrients and sediment. Changes to the minimum standards by the board may result in the use of BMPs identified in the Chesapeake Bay Watershed Model, identified in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan, or approved by the board.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-50. Components of a resource management plan.

A. Pursuant to subdivision B 3 of § 10.1-104.8 of the Code of Virginia, an assessment shall be performed by the RMP developer or by an individual authorized by the RMP developer to perform work on his behalf and shall gather and evaluate the following information:

1. Information on the location of the management unit, including geographic coordinates, United States Department of Agriculture Farm Service Agency tract number or numbers, if applicable, or the locality tax parcel identification number or numbers;
2. Description of the management unit, including acreage, water features, environmentally sensitive features, erosion issues, and agricultural activity;
3. Contact information for the owner or operator who has requested the RMP, including name, address, and telephone number;
4. Authorization from the owner or operator for the RMP developer, or his designee, for right of entry and access to property specified within the management unit and authorization to obtain copies of any conservation or water quality plans necessary for the assessment;
5. Copies of nutrient management plans, soil conservation plans from NRCS, RMPs, and any other conservation or water quality plan that includes the implementation of BMPs; and
6. Information on the location and status of all BMPs and other alternative measures applicable to the management unit that are currently implemented.

B. Following the assessment provided in subsection A of this section, the RMP developer shall prepare the RMP in a format established by the department or in a format approved by the board as equivalent that contains the following components:

1. A determination of the adequacy of existing BMPs, conservation plans, and water quality plans in meeting the minimum standards set out in 4VAC50-70-40;
2. A complete list of BMPs, developed as a result of the assessment required in subsection A of this section, that may be utilized to meet the minimum standards set out in 4VAC50-70-40;

3. A complete list of the BMPs that the owner or operator agrees to implement or maintain to meet the minimum standards set out in 4VAC50-70-40;
4. A confirmation of BMPs that achieve the minimum standards set out in 4VAC50-70-40;
5. A schedule for the implementation of the BMPs;
6. An inclusion of any current nutrient management plans, soil conservation plans, and any other conservation or water quality plans that include the implementation of BMPs; and
7. Other information collected pursuant to subsection A of this section.

C. Certification.

1. The RMP developer must certify that the RMP is true and correct in his professional judgment.
2. The RMP must be signed by the owner or operator affirming that he:
 - a. Is the responsible individual to be implementing the RMP;
 - b. Shall adhere to the RMP components necessary to meet the minimum standards set out in 4VAC50-70-40;
 - c. Shall allow the review authority to conduct inspections of properties within the management unit as needed to ensure the adequacy of the RMP in accordance with 4VAC50-70-70;
 - d. Shall notify the RMP developer within 60 days of potential material changes to the management unit that may require revision of the plan pursuant to 4VAC50-70-60; and
 - e. Shall notify the review authority of a complete change in owner or operator of the management unit or units under the RMP. If a management unit falls within one or more soil and water conservation districts, the owner or operator shall contact the district containing the greatest land area of the management unit.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-60. Revisions to a resource management plan.

A. Upon notification of the review authority by an owner or operator of a change in owner or operator of the management unit with a signed RMP, in accordance with 4VAC50-70-50 C 2 e, where it involves the complete transfer of one or more RMPs and any Certificate or Certificates of RMP Implementation previously issued by the department for such RMPs:

1. The review authority shall contact the new owner or operator within 60 days of the new owner or operator assuming control of the management unit regarding implementation of the RMP and any necessary revisions.
2. Following consultation with the review authority, the new owner or operator may elect to:
 - a. Implement and maintain the provisions of the existing RMP. The new owner or operator must sign the RMP in accordance with 4VAC50-70-50 C. If a Certificate of RMP Implementation has been issued to the prior owner or operator, the certificate shall be transferred by the department to the new owner or operator upon notification by the review authority. The transferred certificate shall be valid for the balance of time remaining since it was originally issued by the department;
 - b. Contact the RMP developer when changes in the operation are planned by the new owner or operator or are otherwise required by this chapter. The new owner or operator may request the RMP developer to revise the RMP as necessary to fulfill BMP requirements pursuant to 4VAC50-70-50 and the administrative requirements of subsection F of this section; or
 - c. Choose not to continue implementing the RMP. If a Certificate of RMP Implementation for the management unit has been issued, it shall be revoked by the department.

B. Upon notification of the RMP developer by the owner or operator of the management unit with a signed RMP, in accordance with 4VAC50-70-50 C, that changes in the management unit or implementation of the RMP may create needs for revision, the RMP developer shall review the RMP within 30 days to determine if material changes to the management unit require a revision of the RMP in accordance with the following:

1. Material changes to the management unit that may require a revision of the RMP include:
 - a. A conversion from one type of agricultural operation to another;

- b. A change in the schedule and type of BMPs implemented pursuant to 4VAC50-70-50;
 - c. An increase or decrease in production acreage that materially impacts the management unit's ability to meet the minimum standards set out in 4VAC50-70-40;
 - d. An increase or decrease in livestock population that materially impacts the management unit's ability to meet the minimum standards set out in 4VAC50-70-40; or
 - e. Any other change the RMP developer identifies that would materially impact the management unit's ability to meet the minimum standards set out in 4VAC50-70-40.
2. The RMP developer will determine if revision of the RMP is required. When the RMP developer determines that revision of the existing RMP is not necessary, the RMP developer shall provide such determination to the requesting owner or operator in writing. Such documentation shall be available upon inspection by the review authority. When the RMP developer determines that revision of the existing RMP is necessary, the owner or operator may elect to:
- a. Request the RMP developer to revise the RMP as necessary to fulfill RMP requirements pursuant to 4VAC50-70-50 and the administrative requirements of subsection F of this section; or
 - b. Choose not to continue implementing an RMP whereupon the RMP for the management unit shall no longer be valid. The RMP developer shall notify the review authority and the department in writing of this decision by the owner or operator. If a Certificate of RMP Implementation for the management unit has been issued, it shall be revoked by the department.
- C. When an owner or operator does not hold a Certificate of RMP Implementation for an RMP that has been approved by the review authority, revision of the RMP is required when a new or modified watershed implementation plan is issued for the Chesapeake Bay or a new or modified local approved TMDL is issued that assigns a load to agricultural uses. An RMP covering land with waters that drain to such TMDL shall be deemed sufficient when the RMP has been revised to address the new or modified TMDL and the owner or operator agrees to implement the revised RMP, except as provided in subsection D of this section.
- D. When an owner or operator holds a Certificate of RMP Implementation that has not expired, revision of the RMP specified in subsection C of this section is not required. In this case the owner or operator may continue operation of the RMP without revision due to a new or modified

watershed implementation plan for the Chesapeake Bay or a new or modified local approved TMDL for the lifespan of the Certificate of RMP Implementation so long as the owner or operator is deemed to be fully implementing the RMP.

E. When an owner or operator with a revised RMP fulfills all requirements pursuant to this section and 4VAC50-70-70, and the owner or operator holds a Certificate of RMP Implementation that has not expired for the management unit addressed by the revised RMP, the owner or operator may request that the department revoke the existing Certificate of RMP Implementation and issue a new Certificate of RMP Implementation. The department shall evaluate and respond to all requests. Upon verification that all requirements have been satisfied, the department shall issue a new Certificate of RMP Implementation in a timely manner and ensure that no owner or operator is found out of compliance with any requirements of this chapter due to any delays in the department's issuance of a new Certificate of RMP Implementation pursuant to this subsection even if the original certificate expires during this issuance time period.

F. Revision of an RMP by an RMP developer requires:

1. If a Certificate of RMP Implementation has not been issued, the revised RMP shall be provided to the review authority and shall be subject to all review requirements set out in 4VAC50-70-70 and shall be subject to the requirements for issuance of a Certificate of RMP Implementation pursuant to 4VAC50-70-80.
2. If a Certificate of RMP Implementation has been issued by the department and its duration has not expired, such existing Certificate of RMP Implementation shall remain valid for the balance of time remaining since it was originally issued by the department or a new Certificate of RMP Implementation may be issued where appropriate in accordance with subsection E of this section.
3. An existing or new owner or operator shall sign a revised RMP pursuant to 4VAC50-70-50 C.
4. When a valid Certificate of RMP Implementation has been issued by the department for the management unit, the RMP developer shall provide the review authority and the department with a copy of a revised RMP within 30 days of completion of the revised plan.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-70. Review of a resource management plan.

- A. Upon completion of a new or revised RMP in accordance with 4VAC50-70-50 and 4VAC50-70-60, the owner or operator or the RMP developer on behalf of the owner or operator, shall submit the RMP to the review authority. If the RMP developer is a district employee or district board member of the district that is the designated review authority, the department shall serve as the review authority for that RMP.
- B. Each soil and water conservation district shall establish a Technical Review Committee (TRC). RMPs received by a soil and water conservation district shall be referred to the TRC for review to ensure the RMP fully meets the minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50. Within 90 days of receipt of the RMP, the soil and water conservation district shall notify the owner or operator and the RMP developer in writing if the RMP fulfills such requirements. An RMP that fails to fulfill such requirements shall be returned to the RMP developer noting all deficiencies. A revised RMP may be resubmitted once the noted deficiencies have been satisfactorily addressed. Revised submittals shall be reviewed and a response regarding RMP sufficiency or a listing of RMP deficiencies provided within 45 days of receipt.
- C. If an RMP is located within multiple soil and water conservation districts, each TRC will review the portion of the plan applicable to the management unit within their district, either in consultation or independently of each other. The soil and water conservation district with the largest amount of acreage under the RMP has lead responsibility for (i) coordinating the review among multiple districts; (ii) resolving disputes; (iii) corresponding with the owner or operator and RMP developer regarding the RMP review; and (iv) when appropriate, submitting required documentation to the department to support issuance of a Certificate of RMP Implementation.
- D. RMPs received by the department where no local soil and water conservation district exists, or where the RMP developer is a district employee or district board member of the district that would have been the designated review authority, must fully meet minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50 and shall be reviewed by the department. Within 90 days of receipt of the RMP, the department shall notify the owner or operator and the RMP developer if the RMP fulfills such requirements. An RMP that fails to fulfill such requirements shall be returned to the RMP developer noting all deficiencies. A revised RMP may be resubmitted once the noted deficiencies have been satisfactorily addressed. Revised submittals shall be reviewed and a response regarding RMP sufficiency or a listing of RMP deficiencies provided within 45 days of receipt.
- E. When an RMP is determined by the review authority to be insufficient to meet minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50, such review authority shall work with the owner or operator and the RMP developer to revise the RMP.

F. Where an RMP is deemed sufficient, the notification issued to the owner or operator and the RMP developer by the review authority shall include approval of the plan and its implementation in accordance with subsection B or D of this section, whichever is applicable.

G. When an owner or operator is aggrieved by an action of the review authority pursuant to this section, the owner or operator shall have a right to appeal in accordance with 4VAC50-70-110.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-80. Issuance of a Certificate of Resource Management Plan Implementation.

A. Prior to issuance of a Certificate of RMP Implementation for a management unit, confirmation shall be made by the RMP developer that the plan meets the requirements of subsections B and C of 4VAC50-70-50 and that no revision of the RMP is required in accordance with 4VAC50-70-60 and as such is adequate, and verification of the full implementation of the RMP shall be completed. The owner or operator shall request the verification of RMP implementation by the review authority.

B. The request to the review authority for verification in a format provided by the department shall include the following:

1. A complete copy of the RMP including any referenced plans;
2. Authorization for review authority employees to conduct an onsite inspection of the management unit to ensure the RMP is fully implemented; and
3. Authorization upon the issuance of a Certificate of RMP Implementation for review authority employees and the department to conduct onsite inspections of the management unit to ensure the continued implementation of, maintenance of, and compliance with the current RMP in accordance with 4VAC50-70-90.

C. If based on onsite verification and a review of referenced plans by the local soil and water conservation district where the district is the review authority the RMP is determined to be adequate and fully implemented in accordance with subsection A of this section, the soil and water conservation district board shall affirm such adequacy and implementation and submit the required documentation to the department for action. Upon receiving such documentation supporting that the plan is adequate and has been fully implemented, the department shall issue a Certificate of RMP Implementation.

D. Where the department is the review authority, the department shall determine adequacy and full implementation of the RMP in accordance with subsection A of this section through onsite verification and a review of referenced plans. If based on the onsite verification and a review of referenced plans, the RMP is determined to be adequate and fully implemented, the department shall affirm such implementation by issuing a Certificate of RMP Implementation.

E. If the resource management plan is not adequate or has not been fully implemented, the review authority shall provide the owner or operator with written documentation that specifies the deficiencies of the RMP within 30 days following the field review of the RMP. The owner or operator may correct the named deficiencies and request verification of RMP adequacy or implementation at such time as the shortcomings have been addressed.

F. A Certificate of RMP Implementation shall be valid for a period of nine years.

G. An owner or operator who holds a Certificate of RMP Implementation that has not expired shall not be required to revise the RMP when the issuance of a new or modified watershed implementation plan for the Chesapeake Bay TMDL or a new or modified local approved TMDL impacts any portion of the management unit during the lifespan of the Certificate of RMP Implementation so long as the owner or operator is deemed to be fully implementing the RMP.

H. Upon the expiration of the Certificate of RMP Implementation, a new RMP may be prepared by a plan developer for the management unit upon request by the owner or operator. The RMP must conform with all existing TMDL implementation plans applicable to the management unit to include the Chesapeake Bay and any local approved TMDL, which assign a load to agricultural uses and impact any portion of the management unit. The plan developer shall ensure the new RMP complies with requirements set forth in 4VAC50-70-40.

I. The department shall maintain a public registry on the agency's website of all current Certificates of RMP Implementation in accordance with the provisions of subsection E of § 10.1-104.7 of the Code of Virginia.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-90. Inspections.

A. Each management unit that has been issued a Certificate of RMP Implementation shall be subject to periodic onsite inspections to be performed by the review authority. In addition the department, when it is not the review authority but deems it appropriate, can conduct inspections

to ensure the continued implementation of, maintenance of, and compliance with the RMP components necessary to meet the minimum standards set out in 4VAC50-70-40.

B. Onsite inspections shall occur no less than once every three years but not more than annually on lands where an active Certificate of RMP Implementation has been issued provided that no deficiencies have been noted pursuant to this section that may require more frequent inspections or re-inspections.

C. As part of an inspection, an owner or operator shall provide any documents needed to verify the implementation of the RMP components necessary to meet the minimum standards set out in 4VAC50-70-40, any documents pertaining to revision of the RMP when applicable, and any other referenced plans as applicable.

D. Upon the completion of the inspection, an inspection report shall be completed in a format provided by the department to document the implementation of the current RMP on the management unit. A copy of the inspection report shall be provided to the department within 10 business days following the date of inspection with a copy to the owner or operator when inspections are performed by a soil and water conservation district. The inspection report shall include:

1. Confirmation of all BMPs implemented, operated, and maintained with a notation of changes in the operation of any BMPs included in the RMP; and
2. Any identified deficiencies that may include any components of the RMP necessary to meet the minimum standards set out in 4VAC50-70-40 that have not been satisfactorily implemented, components that need to be renewed, and any changes to the management unit that may need to be addressed through revision of the RMP.

E. If deficiencies are noted based upon the inspection, the department shall proceed pursuant to 4VAC50-70-100.

F. All inspections or re-inspections conducted in accordance with this chapter shall occur only after 48 hours of prior notice to the owner or operator unless otherwise authorized by the owner or operator.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-100. Compliance.

- A. If deficiencies are identified during an inspection conducted in accordance with 4VAC50-70-90, following review of such deficiencies the department shall provide a written notice to the owner or operator within 30 days of receipt of the inspection report. The written notice shall include a list of the noted deficiencies that need to be addressed to meet full implementation of the RMP.
- B. Within 90 days of the written notice being issued to the owner or operator, a corrective action agreement in a format provided by the department, that may include revisions to the RMP, shall be developed by the RMP developer in consultation with the owner or operator, signed by the owner or operator, and submitted to the department for consideration. The corrective action agreement shall include an implementation schedule to correct the deficiencies found during the inspection. The department shall review the corrective action agreement including any revisions to the RMP within 30 days following receipt. The department shall consult with the review authority. If the corrective action agreement, including any revisions to the RMP, is determined by the department to be reasonable and satisfactory, the department shall convey such determination to the owner or operator in writing within 30 days following receipt.
- C. If the department determines that the corrective action agreement, including any revisions to the RMP, does not satisfactorily address deficiencies documented from an inspection conducted pursuant to 4VAC50-70-90, the department shall document such deficiencies in writing to the owner or operator within 30 days following receipt of the corrective action agreement. A revised corrective action agreement may be submitted once the noted deficiencies have been satisfactorily addressed.
- D. If the department and the owner or operator are unable to concur on a final corrective action agreement within 90 days of the submission of the initial corrective action agreement to the department or such additional time that is acceptable to the department, the department shall revoke the owner's or operator's Certificate of RMP Implementation after an informal fact finding proceeding held in accordance with § 2.2-4019 of the Code of Virginia.
- E. If it is determined by the department through a re-inspection that an owner or operator has failed to fully implement the agreed upon corrective action agreement, the department shall revoke the owner's or operator's Certificate of RMP Implementation for the corrective action agreement. Such re-inspection shall be performed by the department or by the review authority when directed by the department.
- F. At any time, the owner or operator may provide written notice to the department requesting that the Certificate of RMP Implementation be revoked.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-110. Appeals.

A. An owner or operator that has been aggrieved by any action of a soil and water conservation district shall have a right to appeal to the department within 30 days of issuance of the district's decision. The department shall make its decision on an appeal in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). In making its decision on an appeal, the department will hold an informal fact finding proceeding in accordance with § 2.2-4019 of the Code of Virginia.

B. Any party, including but not limited to a district, an owner or operator, or an RMP developer aggrieved by and claiming the unlawfulness of a case decision of the department shall have a right to appeal to the board in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). In making its decision on an appeal, the board will hold an informal fact finding proceeding in accordance with § 2.2-4019 of the Code of Virginia.

C. Any party, including but not limited to a district, an owner or operator, or an RMP developer, aggrieved by and claiming the unlawfulness of a case decision of the board shall have a right to appeal to a court of competent jurisdiction in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

D. Revocation of a Certificate of RMP Implementation issued pursuant to 4VAC50-70-80 shall be suspended pending any appeals.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-120. Reporting.

A. BMP data collection and reporting shall occur:

1. When data is made available to the review authority by an owner or operator following an assessment performed by an RMP developer or individual authorized by them to perform an assessment pursuant to 4VAC50-70-50;

2. Upon changes or revisions to an RMP pursuant to 4VAC50-70-60;
3. Upon verification of the full implementation of the RMP as required by 4VAC50-70-80;
4. When inspections are conducted pursuant to 4VAC50-70-90; and
5. Upon any other opportunities when verification of BMP implementation becomes available.

B. BMP data collected in accordance with subsection A of this section shall be entered in the Virginia Agricultural BMP Tracking Program or any subsequent automated tracking systems made available to soil and water conservation districts by the department.

C. BMP data entry by soil and water conservation districts shall occur throughout the year; however, the annual reporting period shall begin July 1 of one year and end June 30 of the following year. Districts shall ensure all collected data is fully entered in the data collection system by July 31 following the close of the annual reporting period.

D. Any personal or proprietary information collected pursuant to Article 1.1 (§ 10.1-104.7 et seq.) of Title 10.1 of the Code of Virginia shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) and fully comply with all provisions of § 10.1-104.7 of the Code of Virginia.

E. The department, in accordance with subsection D of this section, shall make use of RMP BMP data for purposes that include progress reporting for the Chesapeake Bay TMDL Watershed Implementation Plan; other local approved TMDLs; inclusion in the report required by § 2.2-220 of the Code of Virginia; and other reports required of the department or generated by the agency.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-130. Review of duties performed by soil and water conservation districts.

A. The department shall periodically conduct a comprehensive review of the RMP duties performed by each soil and water conservation district to evaluate whether requirements set forth by this chapter have been satisfactorily fulfilled. The department shall develop a schedule for conducting periodic reviews and evaluations. Each district shall receive a comprehensive review at least once every five years; however, the department may impose more frequent, partial, or comprehensive reviews with cause. Such reviews where applicable shall be coordinated with

those being implemented by agency staff for other purposes that may include annual spot checks of BMPs implemented by districts through the Virginia Agricultural BMP Cost Share Program.

B. If a review conducted by the department indicates that the soil and water conservation district has not administered, enforced where authorized to do so, or conducted its duties in a manner that satisfies the requirements set forth within this chapter, the department shall document such deficiencies and convey the needed corrective actions in writing to the soil and water conservation district's board of directors within 30 days following the review.

C. When the department determines:

1. The deficiencies are due to the district's failure to satisfactorily perform the required duties with the resources at its disposal, the department shall provide close oversight, guidance, and training as appropriate to enable the district to fully perform the duties required by this chapter. If after such actions there remains one or more deficiencies that cannot be resolved to the satisfaction of the department, the department may delay or withhold RMP allocated funding under its authority and control from the district that is not satisfactorily performing its RMP duties. Such duties may be assigned to another soil and water conservation district. Funds withheld from the district with deficiencies may be directed to the district that is performing the additional RMP duties.
2. The deficiencies are due to a work demand generated by the duties required by this chapter that exceed the district's existing resources, the department shall endeavor to assist the district in the performance of its duties and in finding a solution to the shortage of resources.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-140. RMP developer qualifications and certification.

A. An individual shall be qualified to serve as an RMP developer if the individual:

1. Is certified as a conservation planner by the NRCS and is certified as a nutrient management planner by the department; or
2. Is certified as a nutrient management planner by the department and demonstrates academic and applied proficiencies with and an understanding of all of the following:

- a. Agricultural conservation planning;
- b. State and federal environmental laws and regulations and local ordinances;
- c. State and federal laws and regulations that address the identification and preservation of historic resources;
- d. Standards and specifications for agricultural conservation practices utilized in Virginia and the ability to plan and implement such practices;
- e. Soil erosion processes and skill in applying approved erosion prediction technologies including the applicable current United States Department of Agriculture Revised Universal Soil Loss Equation and the Wind Erosion Equation;
- f. The fundamentals of water quality and nonpoint source pollution, pest management, and fire management;
- g. Site vulnerability assessment tools; and
- h. Other proficiencies and understandings identified by the department in consultation with the board.

B. In a format established by the department, such individual shall submit documentation to the department for verification that the requirements of subsection A of this section have been met.

1. Upon receipt, the department shall review the documentation and issue its notification within 60 days. During its review the department shall determine:
 - a. If all required documentation is complete. If incomplete the applicant shall be notified.
 - b. If all requirements have been satisfied. If deficiencies exist the applicant shall be notified.
2. Applicants with deficiencies may submit additional documentation in support of their request to be certified. The department shall review the documentation provided within 30 days to determine its sufficiency.
3. When all requirements of this subsection have been met, the department shall issue to the applicant a Resource Management Plan Developer Certificate.

C. In the event that an individual's proficiency skills or the quality of technical work no longer meet the criteria for RMP developer certification, the individual's certification may be revoked by the department following a seven-day advance notification of the pending action and the holding of an informal fact finding proceeding held in accordance with § 2.2-4019 of the Code of

Virginia. The department shall consider any action by NRCS to decertify a certified conservation planner. An RMP developer may appeal a decision of the department to the board in accordance with 4VAC50-70-110.

D. When an individual's RMP developer certificate has been revoked by the department, the basis for the revocation will be provided to the individual by the department. The individual will be informed of the steps necessary to address the deficiencies that led to the revocation and to re-establish certification.

E. Revocation of an individual's RMP developer certificate shall not result in revocation of a Certificate of RMP Implementation of which the RMP developer was party to.

F. The department shall maintain a public registry on the agency's website of all individuals issued an RMP developer certificate and shall note any subsequent revocations or other changes to the status of RMP developers.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

4VAC50-70-150. Advancing the adoption of RMPs.

The department and districts shall encourage and promote the adoption of RMPs among agricultural communities across the Commonwealth.

Statutory Authority

§ 10.1-104.8 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 18, eff. July 1, 2014.

Code of Virginia

Title 10.1. CONSERVATION

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- 10.1-559.1** through 10.1-559.11 (Repealed)

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- 10.1-560** through 10.1-571 (Repealed)

Article 5. Soil Survey

- 10.1-572** through 10.1-573 (Repealed)
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§ 10.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Soil and Water Conservation Board.

"County" includes towns.

"City" includes all cities chartered under the Commonwealth.

"District" or "soil and water conservation district" means a political subdivision of this Commonwealth organized in accordance with the provisions of this chapter.

"District director" means a member of the governing body of a district authorized to serve as a director.

"Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation is available, by posting at a reasonable number of conspicuous places within the appropriate area. Such posting shall include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs. Hearings held pursuant to such notice, at the time and

place designated in the notice, may be adjourned from time to time without renewing the notice for the adjourned dates.

"Governing body of a city or county" means the entire governing body regardless of whether all or part of that city or county is included or to be included within a district.

"Government" or "governmental" includes the government of this Commonwealth, the government of the United States, and any of their subdivisions, agencies or instrumentalities.

"Land occupier" or "occupier of land" includes any person, firm or corporation who holds title to, or is in possession of, any lands lying within a district organized, or proposed to be organized, under the provisions of this chapter, in the capacity of owner, lessee, renter, tenant, or cropper. The terms "land occupier" and "occupier of land" shall not include an ordinary employee or hired hand who is furnished a dwelling, garden, utilities, supplies, or the like, as part payment, or payment in full, for his labor.

"Locality" means a county, city or town.

Code 1950, § 21-3; 1950, p. 76; 1954, c. 670; 1964, c. 512; 1970, c. 480; 1985, c. 448; 1988, c. 891.

§ 10.1-500.1. Certified mail; subsequent mail or notices may be sent by regular mail.

Whenever in this chapter the Board or the Director is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Board or the Director may be sent by regular mail.

2011, c. **566**.

§ 10.1-501. Duty of the Attorney General.

The Attorney General shall represent and provide consultation and legal advice in suits or actions under this chapter upon request of the district directors or districts.

Code 1950, § 21-89; 1964, c. 512; 1970, c. 480; 1988, c. 891; 2005, c. **236**; 2008, c. **577**.

§ 10.1-501.1. Defense of claims.

The Attorney General shall provide the legal defense against any claim made against any soil and water conservation district, director, officer, agent or employee thereof (i) arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or maintained by any soil and water conservation district or used by district employees or other authorized persons in the course of their employment, or (ii) arising out of acts or omissions of any nature

while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

1988, cc. 763, 780, 891.

§ 10.1-502. Soil and Water Conservation Board; composition.

The Virginia Soil and Water Conservation Board is continued and shall perform the functions conferred upon it in this chapter. The Board shall consist of nine voting members. The Director of the Department of Conservation and Recreation, or his designee, shall be a nonvoting ex officio member of the Board. Three at-large members of the Board shall be appointed by the Governor. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. At least two members shall be appointed by the Governor as at-large members and shall have a demonstrated interest in natural resource conservation with a background or knowledge in dam safety, soil conservation, or water quality protection. Additionally, four members shall be farmers at the time of their appointment and two members shall be farmers or district directors, appointed by the Governor from a list of two qualified nominees for each vacancy jointly submitted by the Board of Directors of the Virginia Association of Soil and Water Conservation Districts, in consultation with the Virginia Farm Bureau Federation and the Virginia Agribusiness Council, and the Virginia Soil and Water Conservation Board, each for a term of four years. All appointed members shall not serve more than two consecutive full terms. Appointments to fill vacancies shall be made in the same manner as the original appointments, except that such appointments shall be for the unexpired terms only. The Board may invite the Virginia State Conservationist, Natural Resources Conservation Service, to serve as an advisory nonvoting member. The Board shall keep a record of its official actions, shall adopt a seal and may perform acts, hold public hearings, and promulgate regulations necessary for the execution of its functions under this chapter.

Code 1950, § 21-6; 1950, p. 77; 1954, c. 670; 1956, c. 654; 1960, c. 208; 1964, c. 512; 1968, c. 149; 1970, c. 480; 1984, c. 750; 1985, c. 448; 1988, c. 891; 1989, c. 656; 1991, c. 188; 1992, c. 121; 2003, c. 128; 2005, c. 102; 2011, cc. 213, 228; 2013, cc. 756, 793.

§ 10.1-503. Administrative officer and other employees; executive committee.

The Director shall provide technical experts and other agents and employees, permanent and temporary, necessary for the execution of the functions of the Board. The Board may create an executive committee and delegate to the chairman of the Board, or to the committee or to the Director, such powers and duties as it deems proper. Upon request of the Board, for the purpose of carrying out any of its functions, the supervising officer of any state agency or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard for the needs of the agency to which the request is directed, assign or detail to the Board, members of the staff or personnel of the agency or institution, and make special reports, surveys, or studies requested by the Board.

Code 1950, § 21-7; 1964, c. 512; 1984, cc. 444, 750; 1988, c. 891; 2003, c. **128**.

§ 10.1-504. Chairman; quorum.

The Board shall designate its chairman and may, from time to time, change such designation. Five members of the Board shall constitute a quorum, and the concurrence of a majority of those present and voting shall be required for all determinations.

Code 1950, § 21-8; 1964, c. 512; 1988, c. 891; 2013, cc. **756, 793**.

§ 10.1-505. Duties of Board.

In addition to other duties and powers conferred upon the Board, it shall have the following duties and powers:

1. To give or loan appropriate financial and other assistance to district directors in carrying out any of their powers and programs.
2. To keep district directors informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between the districts.
3. To oversee the programs of the districts.
4. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of the Commonwealth, in the work of the districts.
5. To disseminate information throughout the Commonwealth concerning the activities and programs of the districts, and to encourage the formation of such districts in areas where their organization is desirable.
6. To assist persons, associations, and corporations engaged in furthering the programs of the districts; to encourage and assist in the establishment and operation of such associations and corporations, and to authorize financial assistance to the officers and members of such associations and corporations in the discharge of their duties.
7. To receive, review, approve or disapprove applications for assistance in planning and carrying out works of improvement under the Watershed Protection and Flood Prevention Act (Public Law 566 -- 83rd Congress, as amended), and to receive, review and approve or disapprove applications for any other similar soil and water conservation programs provided in federal laws which by their terms or by related executive orders require such action by a state agency.
8. To advise and recommend to the Governor approval or disapproval of all work plans developed under Public Law 83-566 and Public Law 78-535 and to advise and recommend to the Governor approval or disapproval of other similar soil and water conservation programs

provided in federal laws which by their terms or by related executive orders require approval or comment by the Governor.

9. To provide for the conservation of soil and water resources, control and prevention of soil erosion, flood water and sediment damages thereby preserving the natural resources of the Commonwealth.

10. To adopt regulations (i) for the operation of the voluntary nutrient management training and certification program as required by § **10.1-104.1** and (ii) that amend the application rates in the Virginia Nutrient Management Standards and Criteria as required by § **10.1-104.2:1**.

11. To provide, from such funds appropriated for districts, financial assistance for the administrative, operational and technical support of districts.

Code 1950, § 21-10; 1956, c. 654; 1958, c. 410; 1962, c. 213; 1964, c. 512; 1970, c. 480; 1972, c. 557; 1988, c. 891; 2013, cc. **593, 658**.

§ 10.1-506. Power to create new districts and to relocate or define district boundaries; composition of districts.

A. The Board shall have the power to (i) create a new district from territory not previously within an existing district, (ii) merge or divide existing districts, (iii) transfer territory from an existing district to another district, (iv) modify or create a district by a combination of the above and (v) relocate or define the boundaries of soil and water conservation districts in the manner hereinafter prescribed.

B. An incorporated town within any county having a soil and water conservation district shall be a part of that district. If a town lies within the boundaries of more than one county, it shall be considered to be wholly within the county in which the larger portion of the town lies.

Code 1950, § 21-2; 1956, c. 654; 1970, c. 480, § 21-12.1; 1988, c. 891.

§ 10.1-507. Petitions filed with the Board.

Petitions to modify or create districts, or relocate or define boundaries of existing districts, shall be initiated and filed with the Board for its approval or disapproval by any of the following methods:

1. By petition of a majority of the directors of any or each district or by petition from a majority of the governing body of any or each county or city.

2. By petition of a majority of the governing body of a county or city not within an existing district, requesting to be included in an existing district and concurred in by the district directors.

3. By petition of a majority of the governing body of a county or city or parts thereof not included within an existing district, requesting that a new district be created.
4. By petition, signed by a number of registered voters equal to twenty-five percent of the vote cast in the last general election, who are residents of a county or city not included within an existing district, requesting that a new district be created, or requesting to be included within an existing district. If the petition bears the signatures of the requisite number of registered voters of a county or city, or two or more cities, then the petition shall be deemed to be the joint petition of the particular combination of political subdivisions named in the petition. If the petition deals in whole or in part with a portion or portions of a political subdivision or subdivisions, then the number of signatures necessary for each portion of a political subdivision shall be the same as if the whole political subdivision were involved in the petition, and may come from the political subdivision at large.

1970, c. 480, § 21-12.2; 1988, c. 891.

§ 10.1-508. Contents and form of petition.

The petition shall set forth:

1. The proposed name of the district;
2. That there is need, in the interest of the public health, safety, and welfare, for the proposed district to function in the territory described in the petition, and a brief statement of the grounds upon which this conclusion is based;
3. A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivision, but shall be deemed sufficient if generally accurate;
4. A request that the Board define the boundaries for such district; that a hearing be held within the territory so defined on the question of the creation of a district in such territory; and that the Board determine that such a district be created.

Where more than one petition is filed covering parts of the same territory, the Board may consolidate the petitions.

The Board shall prescribe the petition form.

Code 1950, § 21-13; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-509. Disapproval of petition.

If the Board disapproves the petition, its determination shall be recorded, and if the petitioners are the governing body of a district, county or city or a part of a county or city, the governing

body shall be notified in writing. If the petitioners are the requisite number of registered voters prescribed by subdivision 4 of § [10.1-507](#), notification shall be by a notice printed once in a newspaper of general circulation within the area designated in the petition.

1970, c. 480, § 21-13.1; 1988, c. 891.

§ 10.1-510. Petition approved; Board to give notice of hearing.

If the Board approves the petition, within sixty days after such determination, the Board shall provide due notice of the approval in a newspaper of general circulation in each county or city involved. The notice shall include notice of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the action proposed by the petition upon (i) the question of the appropriate boundaries to be assigned to such district, (ii) the propriety of the petition and other proceedings taken under this chapter, and (iii) all questions relevant to such inquiries.

Code 1950, § 21-14; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-511. Adjournment of hearing when additional territory appears desirable.

If it appears upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the district.

Code 1950, § 21-16; 1988, c. 891.

§ 10.1-512. Determination of need for district.

After a public hearing, if the Board determines that there is need, in the interest of the public health, safety, and welfare, for the proposed district to function in the territory considered at the hearing, it shall record its determination, and shall define, by metes and bounds or by legal subdivisions the boundaries of the district. In so doing, the Board shall consider (i) the topography of the area considered and of the Commonwealth, (ii) the composition of soils in the area, (iii) the distribution of erosion, (iv) the prevailing land-use practices, (v) the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits the lands may receive from being included within such boundaries, (vi) the relation of the proposed area to existing watersheds and to other soil and water conservation districts already organized or proposed for organization, (vii) the existing political subdivisions, and (viii) other relevant physical, geographical, economic, and funding factors. The territory to be included within such boundaries need not be contiguous.

Code 1950, § 21-17; 1964, c. 512; 1970, c. 480; 1988, c. 891; 2002, c. [192](#).

§ 10.1-513. Determination that district not needed.

If the Board determines after the hearing, and after due consideration of the relevant facts, that there is no need for a soil and water conservation district to function in the territory considered at the hearing, it shall record its determination and deny the petition.

Code 1950, § 21-18; 1964, c. 512; 1988, c. 891.

§ 10.1-514. Determination of feasibility of operation.

After the Board has made and recorded a determination that there is need for the organization of the proposed district in a particular territory, and has defined the boundaries, it shall consider whether the operation of a district within such boundaries is administratively practicable and feasible. In making its determination, the Board shall consider the attitudes of the occupiers of lands lying within the defined boundaries, the probable expense of the operation of such district, the effect upon the programs of any existing districts, and other relevant economic and social factors. If the Board determines that the operation of a district is administratively practicable and feasible, it shall record its determination and proceed with the organization of the district. If the Board determines that the operation of a district is not administratively practicable and feasible, it shall record its determination and deny the petition. If the petition is denied, the Board shall notify the petitioner in the manner provided in this chapter.

Code 1950, § 21-20; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-515. Composition of governing body.

If the Board determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, and the proposed district is created, then its governing body shall be a board of district directors appointed or elected in the number and manner specified as follows:

1. If the district embraces one county or city, or less than one county or city, the board of district directors shall consist of five members, three to be elected by the registered voters of the district and two appointed by the Board.
2. If the district embraces more than one county or city, or parts thereof, the board of district directors shall consist of two members elected by the registered voters from each county or city, or parts thereof embraced by the district. Two members-at-large shall be appointed by the Board.

Code 1950, § 21-27; 1964, c. 512; 1970, c. 480; 1978, c. 763; 1988, c. 891; 2002, cc. [143](#), [236](#).

§ 10.1-516. Status of district directors in event of transfer, merger, or division of districts.

In the event of the transfer, merger, or division of districts, the status of the district directors involved shall be affected as follows:

1. The composition of an existing district board of a district to which territory is transferred shall remain in effect until the terms of office of the present elected members expire. Upon the transfer of a county or city, or parts thereof, from one district to another district, (i) elected district directors residing within the territory transferred shall be appointed as directors of the district to which the territory is transferred for a term of office to coincide with that of the elected directors of the district to which the territory is transferred; and (ii) appointed district directors residing within the territory transferred shall be appointed as directors of the district to which the territory is transferred for a term of office to coincide with that of the appointed directors, either as an extension agent appointee or an at-large appointee of the district to which the territory is transferred. At the option of the petitioners, a petition may request that a proposed transfer be treated as a merger or division for the purpose of this section, and the Board at its discretion may grant or refuse such request.
2. Upon the merger of existing districts, or upon the separation from two or more existing districts of a county or city, or parts thereof, which merge to create a new district, all district directors residing within the territory merged shall be appointed as directors of the new district. Following the merger, (i) elected district directors residing within the territory of the new district shall be appointed as directors of the new district for a term of office to coincide with that of elected directors as provided in § [10.1-529](#); and (ii) appointed district directors residing within the new district shall be appointed as directors of the new district for a term of office to coincide with that of the appointed directors, either as an extension agent appointee or an at-large appointee of the district as provided in § [10.1-529](#).
3. Upon the division of an existing district, to create a new district, all elected or appointed district directors residing within the territory to be divided from the existing district shall be appointed as directors of the new district. Following the division, (i) elected district directors residing within the territory of the new district shall be appointed as directors of the new district for a term of office to coincide with that of elected directors as provided in § [10.1-529](#); and (ii) appointed district directors residing within the territory of the new district shall be appointed as directors of the new district for a term of office to coincide with that of the appointed directors, either as an extension agent appointee or an at-large appointee of the district as provided in § [10.1-529](#).

This section shall not be construed as broadening or limiting the size of a governing body of a district as prescribed by § [10.1-515](#). If the operation of this section results in a governing body larger or smaller than the appropriate size permitted by § [10.1-515](#), then such a variation, if not otherwise corrected by operation of this section, shall be cured by appropriate appointments by the Board and with the next general election after the transfer, merger, or division in which all those elected directors prescribed by § [10.1-515](#) may be elected.

1970, c. 480, § 21-27.2; 1988, c. 891; 2002, cc. [143](#), [236](#).

§ 10.1-517. Application and statement to the Secretary of the Commonwealth.

Upon the creation of a district by any means authorized by this chapter, two district directors appointed by the Board and authorized by the Board to do so, shall present to the Secretary of the Commonwealth an application signed by them, which shall set forth: (i) that a petition for the creation of the district was filed with the Board pursuant to the provisions of this chapter, and that the proceedings specified in this chapter were conducted; (ii) that the application is being filed in order to complete the organization of the district as a political subdivision under this chapter; (iii) that the Board has appointed them as district directors; (iv) the name and official residence of each of the district directors together with a certified copy of the appointments evidencing their right to office; (v) the term of office of each of the district directors; (vi) the proposed name of the district; and (vii) the location of the principal office of the district directors. The application shall be subscribed and sworn to by the two district directors authorized by the Board to make such application before an officer authorized by the laws of the Commonwealth to take and certify oaths. The application shall be accompanied by a certified statement by the Board that the district was created as required by law. The statement shall set forth the boundaries of the district as they have been defined by the Board.

If the creation of a district necessitates the dissolution of an existing district, an application shall be submitted to the Secretary of the Commonwealth, with the application for the district to be created, by the directors of the district to be dissolved, for the discontinuance of such district, contingent upon the creation of the new district. The application for discontinuance, duly verified, shall simply state that the lands encompassed in the district to be dissolved shall be included within the territory of the district created. The application for discontinuance of such district shall be accompanied by a certified statement by the Board that the discontinued district was dissolved as required by law and the new district was created as required by law. The statement shall contain a description of the boundaries of each district dissolved and shall set forth the boundaries of the district created as defined by the Board. The Secretary of the Commonwealth shall issue to the directors of each district a certificate of dissolution and shall record the certificate in an appropriate book of record in his office.

When the boundaries of districts are changed pursuant to the provisions of this chapter, the various affected district boards shall each present to the Secretary of the Commonwealth an application, signed by them, for a new certificate of organization evidencing the change of boundaries. The application shall be filed with the Secretary of the Commonwealth accompanied by a certified statement by the Board that the boundaries have been changed in accordance with the provisions of this chapter. The statement by the Board shall define the new boundary line in a manner adequate to describe the boundary changes of districts. When the application and statement have been filed with the Secretary of the Commonwealth, the change of boundary shall become effective and the Secretary of the Commonwealth shall issue to the directors of each of the districts a certificate of organization evidencing the change of boundaries.

Code 1950, § 21-28; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-518. Action of Secretary on the application and statement; change of name of district.

The Secretary of the Commonwealth shall examine the application and statement and, if he finds that the name proposed for the district is not identical to that of any other soil and water conservation district shall receive and file them and shall record the application in an appropriate book of record in his office. If the Secretary of the Commonwealth finds that the name proposed for the district is identical to that of any other soil and water conservation district, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the Board, which shall submit to the Secretary of the Commonwealth a new name for the district. Upon receipt of the new name, the Secretary of the Commonwealth shall record the application, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed and recorded, as herein provided, the district shall constitute a political subdivision of the Commonwealth. The Secretary of the Commonwealth shall make and issue to the directors a certificate, under the lesser seal of the Commonwealth, of the due organization of the district and shall record the certificate with the application and statement. The boundaries of the district shall include the territory as determined by the Board, but shall not include any area included within the boundaries of another district, except in those cases otherwise provided for in this article. The name of any district may be changed if a petition for such change is subscribed by twenty-five or more landowners from each county or city comprising the district and adopted by resolution of the district directors at any regular meeting. The district directors shall submit a copy of the resolution to the Board and, if the Board concurs, it shall present the resolution, together with a certified statement that it concurs, to the Secretary of the Commonwealth who shall file the resolution and issue a new or amended certificate of organization.

Code 1950, § 21-29; 1954, c. 670; 1958, c. 409; 1960, c. 208; 1962, c. 212; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-518.1. Secretary to send copies of certificates to State Board of Elections.

Whenever the Secretary issues a certificate creating, dissolving, or changing the name or composition of a district, the Secretary shall promptly send a certified copy of such certificate to the State Board of Elections.

2001, c. [53](#).

§ 10.1-519. Renewal of petition after disapproval or denial.

After six months have expired from the date of the disapproval or denial of any petition for a soil and water conservation district, subsequent petitions covering the same or substantially the same territory may be filed with the Board as provided in this chapter.

Code 1950, § 21-30; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-520. Contracts to remain in force; succession to rights and obligations.

Upon consummation of any transfer, merger, or division, or any combination thereof, using territory within a previously existing district to form a new district or to add to an existing district, all contracts in effect at the time of the consummation, affecting or relating to the territory transferred, merged, or divided, to which the governing body of the district from which such territory was acquired is a party shall remain in force for the period provided in the contracts. Rights and obligations acquired or assumed by the district from which the territory was acquired shall succeed to the district to which the territory is transferred.

1970, c. 480, § 21-31.2; 1988, c. 891.

§ 10.1-521. Determination of status of district boundaries upon annexation or consolidation.

Notwithstanding the provisions of § 10.1-507, the Board may, in its discretion, relocate or redefine district boundaries on its own motion pending or subsequent to any annexation or consolidation.

If the Board determines on its own motion to relocate or redefine district boundaries, the Board shall serve written notice of its determination, containing the full terms of the proposed relocation or redefinition, on the governing body of each district, county, city and town affected by the relocation or redefinition of boundaries. If within forty-five days from the date of service of such notice each governing body affected approves the Board's action by resolution of a majority of the members, the Board may then proceed to act on its motion without a public hearing.

1970, c. 480, § 21-31.3; 1988, c. 891.

§ 10.1-522. Certificate of Secretary of Commonwealth as evidence.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established, reorganized, or renamed, in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of the Commonwealth. A copy of such certificate shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of the issuance and contents thereof.

Code 1950, § 21-32; 1954, c. 670; 1988, c. 891.

§ 10.1-523. Nominating petitions; posting of notice.

A. Beginning 30 days after the date of issuance by the Secretary of the Commonwealth of a certificate of organization of a district, but not later than the filing date specified in § [24.2-507](#) for the November 2003 general election and each fourth year thereafter, nominating petitions, statements of qualifications, and declarations of candidacy shall be filed with the general registrar of the county or city where the candidate resides, pursuant to §§ [24.2-501](#), [24.2-503](#), [24.2-505](#), [24.2-506](#), and [24.2-507](#), to nominate candidates for elected directors of such districts. Nominating petitions, statements of qualifications, and declarations of candidacy for elected directors of existing districts shall be filed with the general registrar of the county or city where the candidate resides, pursuant to §§ [24.2-501](#), [24.2-503](#), [24.2-505](#), [24.2-506](#), and [24.2-507](#). Notice of the date for filing such petitions and the time of the election shall be posted in a prominent location accessible to the public at each district office at least 30 days before the filing date. In addition, districts may use newsletters, websites, public service announcements, and other notices to advise the public of elections of district directors.

B. Registered voters may sign more than one nominating petition to nominate more than one candidate for district director.

C. The Virginia Soil and Water Conservation Board shall notify each district of the requirement (i) to post notice of the dates for filing such petitions and the election and (ii) that the posting shall be in a prominent location accessible to the public at each district office at least 30 days before the filing date.

D. Beginning in the year 2003, elections shall be held only at the November general election in 2003 and at the November general election in each fourth year thereafter.

Code 1950, §§ 21-33 to 21-36; 1964, c. 512; 1970, c. 480; 1988, c. 891; 2001, c. [53](#); 2002, cc. [143](#), [236](#); 2009, cc. [370](#), [629](#).

§ 10.1-524. Names of nominees furnished electoral board; how ballots printed, etc.

The names of all nominees shall be furnished to the secretary of the electoral board of the respective county or city and shall be printed upon ballots. The ballots shall be printed, voted, counted and canvassed in conformity with the provisions of general law relating to elections, except as herein otherwise provided.

Code 1950, § 21-37; 1960, c. 208; 1970, c. 480; 1988, c. 891.

§ 10.1-525. Canvassing returns.

The result of the election shall be canvassed and certified by the electoral board for the county or city in which the candidate resides pursuant to §§ [24.2-671](#) through [24.2-678](#). The State Board of Elections shall, promptly after the meeting required by § [24.2-679](#), certify to the Director of the

Department of Conservation and Recreation a list of the candidates elected and certified as Directors of Soil and Water Conservation Districts, as reported pursuant to § [24.2-675](#).

Code 1950, § 21-38; 1960, c. 208; 1964, c. 512; 1988, c. 891; 2001, c. [53](#); 2002, cc. [143, 236](#).

§ 10.1-526. Persons eligible to vote.

All registered voters residing within each county or city or part thereof shall be eligible to vote in the election for their respective nominees.

Code 1950, § 21-39; 1970, c. 480; 1988, c. 891.

§ 10.1-527. Determination of candidates elected.

If the district embraces one county or city, or less than one county or city, the three candidates who receive the largest number of the votes cast in the election shall be elected directors for the district.

If the district embraces more than one county or city, or parts thereof, the two candidates from each county or city, or part thereof, receiving the largest number of the votes cast in the election shall be the elected directors for the district.

Code 1950, § 21-40; 1970, c. 480; 1988, c. 891.

§ 10.1-528. Expenses and publication of results.

The expenses of such elections shall be paid by the counties or cities concerned. The State Board of Elections shall publish, or have published within the district, the results of the election.

Code 1950, § 21-41; 1960, c. 208; 1964, c. 512; 1988, c. 891; 2002, cc. [143, 236](#).

§ 10.1-529. District directors constitute governing body; qualifications.

The governing body of the district shall consist of five or more district directors, elected and appointed as provided in this article.

The two district directors appointed by the Board shall be persons who are by training and experience qualified to perform the specialized skilled services which will be required of them in the performance of their duties. One of the appointed district directors shall be the extension agent of the county or city, or one of the counties or cities constituting the district, or a part thereof. Other appointed and elected district directors shall reside within the boundaries of the district.

Code 1950, §§ 21-42, 21-43; 1954, c. 670; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-529.1. Duties of district directors.

In addition to other duties and powers, district directors shall:

1. Identify soil and water issues and opportunities within the district or related to the district and establish priorities for addressing these issues;
2. Seek a comprehensive understanding of the complex issues that impact soil and water, and assist in resolving the identified issues at the watershed, local, regional, state, and national levels;
3. Engage in actions that will improve soil and water stewardship by use of locally led programs;
4. Increase understanding among community leaders, including elected officials and others, of their role in soil and water quality protection and improvement;
5. Foster discussion and advancement within the community of positions and programs by their district;
6. Actively participate in the activities of the district and ensure district resources are used effectively and managed wisely; and
7. Support and promote the advancement of districts and their capabilities.

2005, c. [73](#).

§ 10.1-530. Designation of chairman; terms of office; filling vacancies.

- A. The district directors shall designate a chairman from the elected members, or from the Board-appointed members, of the district board and may change such designation.
- B. The term of office of each district director shall be four years. A district director shall hold office until his successor has been elected or appointed and has qualified. The selection of successors to fill a full term shall be made in accordance with the provisions of this article. Beginning in the year 2003, the election of district directors shall be held at the November 2003 general election and each fourth year thereafter. The terms of office of elected district directors shall begin on January 1 following the November general election. The term of office of any district director elected in November 1999 shall be extended to the January 1 following the November 2003 general election. The term of office of any district director elected in November 2000 shall expire on the January 1 following the November 2003 general election. The term of office of any district director elected in November 2001 or 2002 shall be extended to expire on the January 1 following the November general election in 2007. Appointments made by the Board to the at-large position held by an extension agent shall be made to commence January 1, 2005, and each fourth year thereafter. Appointments made by the Board to the other at-large position shall be made to commence January 1, 2007, and each fourth year thereafter. Any appointment made by the Board prior to January 1, 2005, to an at-large position held by an

extension agent shall be made to expire January 1, 2005; and any appointment made by the Board prior to January 1, 2007, to the other at-large position shall be made to expire January 1, 2007.

C. A vacancy shall exist in the event of the death, resignation or removal of residence from the district of any director or the elimination or detachment from the district of the territory in which a director resides, or by the removal of a director from office by the Board. Any vacancy in an elected or appointed director's position shall be filled by an appointment made by the Board for the unexpired term. In the event of the creation of a new district, the transfer of territory from an existing district to an existing district, or the addition of territory not previously within an existing district to an existing district, the Board may appoint directors to fill the vacancies of elected directors prescribed by § 10.1-515 in the newly created district or in the territory added to an existing district. Such appointed directors shall serve in office until the elected directors prescribed by § 10.1-515 take office after the next general election at which directors for the entire district are selected.

Code 1950, §§ 21-44, 21-45; 1954, c. 670; 1956, c. 654; 1964, c. 512; 1970, c. 480; 1988, c. 891; 2001, c. 54; 2002, cc. 143, 236.

§ 10.1-531. Quorum and expenses.

A majority of the district directors currently in office shall constitute a quorum and the concurrence of a majority of those present and voting shall be required for all determinations. A district director shall receive no compensation for his services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties.

Code 1950, § 21-46; 1970, c. 480; 1988, c. 891; 2003, c. 616.

§ 10.1-532. Employment of officers, agents and employees.

The district directors may employ a secretary-treasurer, whose qualifications shall be approved by the Board, technical experts, and such other officers, agents and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation.

Code 1950, § 21-47; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-533. Delegation of powers.

The district directors may delegate to their chairman or to one or more district directors, agents or employees such powers and duties as they may deem proper.

Code 1950, § 21-48; 1970, c. 480; 1988, c. 891.

§ 10.1-534. Information furnished Board.

The district directors shall furnish to the Board or Department, upon request, copies of ordinances, rules, regulations, orders, contracts, forms, and other documents that they adopt or employ, and other information concerning their activities as the Board or Department may require in the performance of its duties under this chapter.

Code 1950, § 21-49; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-535. Bonds of officers and employees; records and accounts.

The district directors shall (i) provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; (ii) provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and (iii) provide for an annual audit of the accounts of receipts and disbursements by the Auditor of Public Accounts or a certified public accountant approved by him.

Code 1950, § 21-50; 1970, c. 480; 1988, c. 891.

§ 10.1-536. Removal from office.

Any district director may be removed by the Board for neglect of duty or malfeasance in office, or may be removed in accordance with the provisions of general law. Upon receipt of a sworn complaint against a director filed by a majority of the directors of that same district, the Board shall (i) notify the district director that a complaint has been filed against him and (ii) hold a hearing to determine whether the district director's conduct constitutes neglect of duty or malfeasance in office.

Code 1950, § 21-51; 1964, c. 512; 1970, c. 480; 1988, c. 891; 1996, c. [493](#).

§ 10.1-537. Representatives of governing bodies to be invited to consult with directors.

The district directors shall invite the legislative body of any locality located near the territory comprised within the district to designate a representative to advise and consult with the directors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such locality.

Code 1950, § 21-52; 1970, c. 480; 1988, c. 891.

§ 10.1-538. District is political subdivision.

A soil and water conservation district organized under the provisions of this article shall constitute a political subdivision of this Commonwealth.

Code 1950, § 21-53; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-539. Surveys and dissemination of information.

Districts are authorized to (i) conduct surveys, investigations, and research relating to soil erosion and floodwater and sediment damages, and to agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, and the preventive and control measures and works of improvement needed; (ii) publish the results of such surveys, investigations, or research; and (iii) disseminate information concerning preventive and control measures and works of improvement. However, in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the Commonwealth or the United States.

Code 1950, § 21-54; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-540. Demonstrational projects.

Districts are authorized to conduct demonstrational projects within the district on lands owned or controlled by the Commonwealth or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner and occupier of such lands or the necessary rights or interests in such lands. The purpose of such projects is 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 washing may be prevented and controlled, and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water may be carried out.

Code 1950, § 21-55; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-541. Preventive and control measures.

Districts are authorized to carry out preventive and control measures and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in use of land on lands owned or controlled by the Commonwealth or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner and occupier of such lands or the necessary rights or interests in such lands.

Code 1950, § 21-56; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-542. Financial aid to agencies and occupiers.

Districts are authorized to enter into agreements, within the limits of available appropriations, to give, lend or otherwise furnish financial or other aid to any governmental or other agency, or any

occupier of lands within the district, to provide erosion-control and prevention operations and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district. Agreements shall be subject to such conditions as the directors may deem necessary to advance the purposes of this chapter.

Code 1950, § 21-57; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-543. Acquisition, improvement and disposition of property.

Districts are authorized to (i) obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; (ii) maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this article; and (iii) sell, lease, or otherwise dispose of any of their property or interests therein in furtherance of the provisions of this chapter.

Code 1950, § 21-58; 1988, c. 891.

§ 10.1-544. Making material and equipment available.

Districts are authorized to make available, on terms they prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings and other material or equipment that will assist land occupiers to conserve soil resources, to prevent and control soil erosion and to prevent floods or to carry out the agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water.

Code 1950, § 21-59; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-545. Construction, improvement, operation and maintenance of structures.

Districts are authorized to construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter.

Code 1950, § 21-60; 1956, c. 654; 1988, c. 891.

§ 10.1-546. Development of programs and plans.

Districts are authorized to develop comprehensive programs and plans for the conservation of soil resources, for the control and prevention of soil erosion, for flood prevention or for agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district. Such programs and plans shall specify the acts, procedures, performances, and avoidances which are necessary or desirable to effect such programs and plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land. After such

programs and plans have been approved by the Board, districts are authorized to publish such programs and plans, and information, and bring them to the attention of occupiers of lands within the district.

Code 1950, § 21-61; 1956, c. 654; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under § 10.1-2128.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

2004, c. 474; 2009, cc. 209, 263; 2013, cc. 593, 658.

§ 10.1-547. Acquisition and administration of projects; acting as agent for United States, etc.; acceptance of gifts.

Districts shall have the following additional authority:

1. To acquire by purchase, lease, or other similar means, and to administer, any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control, or erosion prevention project, or combinations thereof, located within its boundaries undertaken by the United States or any of its agencies, or by the Commonwealth or any of its agencies;
2. To manage, as agent of the United States or any of its agencies, or of the Commonwealth or any of its agencies, any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control or erosion prevention project, or combinations thereof, within its boundaries;
3. To act as agent for the United States or any of its agencies, or for the Commonwealth or any of its agencies, in connection with the acquisition, construction, maintenance, operation, or administration of any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control, or erosion prevention project, or combinations thereof, within its boundaries;
4. To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from the Commonwealth or any of its agencies or from any other source, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.

Code 1950, § 21-62; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-548. Contracts; rules.

Districts are authorized to have a seal; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of their powers; to make, amend and repeal regulations not inconsistent with this chapter, to effect their purposes and powers.

Code 1950, § 21-63; 1988, c. 891.

§ 10.1-549. Cooperation between districts.

The directors of any two or more districts may cooperate in the exercise of any or all powers conferred in this chapter.

Code 1950, § 21-4; 1970, c. 480; 1988, c. 891.

§ 10.1-549.1. Virginia Envirothon.

Districts in partnership with other districts, agencies, organizations, and associations are authorized to coordinate and implement the Virginia Envirothon Program, administered by the Virginia Association of Soil and Water Conservation Districts, which enables learning experiences for high school students through competitive events focusing on natural resource conservation.

2003, c. 402.

§ 10.1-550. State agencies to cooperate.

Agencies of the Commonwealth which have jurisdiction over or administer any state-owned lands, and agencies of any political subdivision of the Commonwealth which have jurisdiction over or administer any publicly owned lands lying within the boundaries of any district, shall cooperate to the fullest extent with the district directors in the effectuation of programs and operations undertaken pursuant to this chapter. The district directors shall be given free access to enter and perform work upon such public-owned lands.

Code 1950, § 21-5; 1970, c. 480; 1988, c. 891.

§ 10.1-551. Conditions for extension of benefits.

As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by the Commonwealth or any of its agencies, the district directors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands that will tend to prevent or control erosion and prevent floodwaters and sediment damages thereon.

Code 1950, § 21-64; 1956, c. 654; 1970, c. 480; 1988, c. 891.

§ 10.1-552. Renting machinery and equipment.

Districts are authorized to rent the machinery and other equipment made available to them by the Department to governing bodies and, individuals, or groups of individuals to be used by them for the purpose of soil and water conservation upon such terms as the district directors deem proper.

Code 1950, § 21-65; 1954, c. 670; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-553. Petition by landowners.

Any time after two years after the organization of a district, any twenty-five owners of land lying within the boundaries of the district may file a petition with the Board requesting that the operations of the district be terminated and the existence of the district discontinued.

Code 1950, § 21-106; 1964, c. 512; 1988, c. 891.

§ 10.1-554. Hearings.

The Board may conduct public meetings and public hearings upon the termination petition to assist it in the considerations thereof.

Code 1950, § 21-107; 1964, c. 512; 1988, c. 891.

§ 10.1-555. Referendum.

Within sixty days after a termination petition has been received by the Board it shall give due notice of the holding of a referendum and shall supervise the referendum, and issue appropriate regulations governing the conduct thereof. The ballot shall contain the following question: "Shall the existence of the (name of the soil and water conservation district) be terminated?

Yes

No"

All registered voters residing within the boundaries of the district shall be eligible to vote in the referendum. No informalities in the conduct of the referendum or in any related matters shall invalidate the referendum or the result if proper notice has been given and if the referendum has been fairly conducted.

Code 1950, § 21-108; 1964, c. 512; 1988, c. 891.

§ 10.1-556. Determination of Board.

The Board shall publish the result of the referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively

practicable and feasible. If the Board determines that the continued operation of the district is administratively practicable and feasible, it shall record the determination and deny the petition. If the Board determines that the continued operation of the district is not administratively practicable and feasible, it shall record its determination and certify the determination to the district directors. In making its determination the Board shall consider the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast, the probable expense of carrying on erosion control operations within the district, and other relevant economic and social factors. However, the Board shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum have been cast in favor of the continuance of such district.

Code 1950, § 21-109; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-557. Duty of directors after certification of Board.

Upon receiving from the Board certification that the Board has determined that the continued operation of the district is not administratively practicable and feasible, the district directors shall proceed to determine the affairs of the district. The district directors shall dispose of all property belonging to the district at public auction and shall pay the proceeds of the sale into the state treasury. The district directors shall then file an application, duly verified, with the Secretary of the Commonwealth, for the discontinuance of the district, and shall transmit with the application the certificate of the Board setting forth the determination of the Board that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided by law, and shall set forth a full accounting of such properties and proceeds of the sale. The Secretary of the Commonwealth shall issue to the district directors a certificate of dissolution and shall record the certificate in an appropriate book of record in his office.

Code 1950, § 21-110; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-558. Effect of issuance of certificate of dissolution.

Upon issuance of a certificate of dissolution, all ordinances and regulations previously adopted and in force within such district shall be of no further force. All contracts entered into, to which the district or district directors are parties, shall remain in force for the period provided in the contracts. The Board shall be substituted for the district or district directors as party to the contracts. The Board shall be entitled to all benefits and subject to all liabilities under the contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the district directors would have had.

Code 1950, § 21-111; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-559. Petitions limited to once in five years.

The Board shall not entertain petitions for the discontinuance of any district, conduct elections upon such petitions or make determinations pursuant to such petitions more often than once in five years.

Code 1950, § 21-112; 1964, c. 512; 1988, c. 891.

§§ 10.1-559.1. through 10.1-559.11.

Repealed by Acts 2008, c. **860**, cl. 9, effective October 1, 2008.

§§ 10.1-560. through 10.1-571.

Repealed by Acts 2013, cc. **756** and **793**, cl. 2.

§§ 10.1-572. , 10.1-573.

Repealed by Acts 2012, cc. **785** and **819**, cl. 2.

Code of Virginia

Title 10.1. CONSERVATION

Subtitle I. Activities Administered By the Department of Conservation and Recreation

Chapter 6. Flood Protection and Dam Safety

Article 3. Watershed Improvements Districts

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- 10.1-615** Petition for establishment; what to set forth
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10.1-635 Power of eminent domain**§ 10.1-614. Establishment within soil and water conservation district authorized.**

Whenever it is found that soil and water conservation or water management within a soil and water conservation district or districts will be promoted by the construction of improvements to check erosion, provide drainage, collect sediment or stabilize the runoff of surface water, a small watershed improvement district may be established within such soil and water conservation district or districts in accordance with the provisions of this article.

1956, c. 668, § 21-112.1; 1964, c. 512; 1973, c. 35; 1977, c. 40; 1988, c. 891.

§ 10.1-615. Petition for establishment; what to set forth.

A. Any twenty-five owners of land lying within the limits of a proposed watershed improvement district, or a majority of such owners if there are fewer than fifty, may file a petition with the directors of the soil and water conservation district or districts in which the proposed watershed improvement district is situated asking that a watershed improvement district be organized to function in the territory described in the petition. The petition shall set forth:

1. The proposed name of the watershed improvement district;
2. That there is need, in the interest of the public health, safety, and welfare, for a watershed improvement district to function in the territory described in the petition;
3. A description of the territory proposed to be organized as a watershed improvement district, which description shall be deemed sufficient if generally accurate;
4. That the territory described in the petition is contiguous and is the same watershed, or is two or more contiguous watersheds;
5. A request that the territory described in the petition be organized as a watershed improvement district;
6. The method for financing the proposed district, whether by means of a tax on all real estate in the proposed district or a service charge on the increase in the fair market value of all real estate in the proposed district caused by the district's project.

B. Land lying within the limits of one watershed improvement district shall not be included in another watershed improvement district.

1956, c. 668, § 21-112.2; 1964, c. 512; 1970, c. 480; 1977, c. 40; 1981, c. 156; 1988, c. 891.

§ 10.1-616. Notice and hearing on petition; determination of need for district and defining boundaries.

Within thirty days after a petition has been filed with the directors of the soil and water conservation district or districts, they shall cause due notice to be given of a hearing upon the practicability and feasibility of creating the proposed watershed improvement district. All owners of land within the proposed watershed improvement district and all other interested parties shall have the right to attend such a hearing and to be heard. If the directors determine from the hearing that there is need, in the interest of the public health, safety, and welfare, for the organization of the proposed watershed improvement district, they shall record their determination and define the boundaries of the watershed improvement district. The provisions of Article 2 (§ 10.1-502 et seq.) of Chapter 5 of this title shall apply, mutatis mutandis, to such proceedings.

1956, c. 668, § 21-112.3; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-617. Determination of whether operation of proposed district is feasible; referendum.

If the district directors determine that a need for the proposed watershed improvement district exists and after they define the boundaries of the proposed district, they shall consider the administrative feasibility of operating the proposed watershed improvement district. To assist the district directors in determining such question, a referendum shall be held upon the proposition of the creation of the proposed watershed improvement district. Due notice of the referendum shall be given by the district directors. All owners of land lying within the boundaries of the proposed watershed improvement district shall be eligible to vote in the referendum. The district directors may prescribe necessary regulations governing the conduct of the hearing.

1956, c. 668, § 21-112.4; 1964, c. 512; 1970, c. 480; 1988, c. 891; 1995, c. 654.

§ 10.1-618. Ballots used in such referendum.

The question shall be submitted by ballots, which shall contain the following question: "Shall a watershed improvement district be created of the lands described below and lying in the county(ies) or city(ies) of and ?

[] Yes

[] No"

The ballot shall set forth the boundaries of the proposed district determined by the Board.

The ballot shall also set forth the method or methods of real estate assessment as determined by the district directors.

1956, c. 668, § 21-112.5; 1970, c. 480, § 21-112.4:1; 1977, c. 40; 1988, c. 891.

§ 10.1-619. Consideration of results of referendum; simple majority vote required.

The results of the referendum shall be considered by the district directors in determining whether the operation of the proposed watershed improvement district is administratively practicable and feasible. The district directors shall not be authorized to determine that operation of the proposed watershed improvement district is administratively practicable and feasible unless a simple majority of the votes cast in the referendum have been cast in favor of the creation of the watershed improvement district.

1956, c. 668, § 21-112.5; 1970, c. 480; 1977, c. 40; 1988, c. 891; 2005, c. **128**.

§ 10.1-620. Declaration of organization of district; certification to Board.

If the district directors determine that operation of the proposed watershed improvement district is administratively practicable and feasible, they shall declare the watershed improvement district to be organized and shall record the fact in their official minutes. Following such entry in their official minutes, the district directors shall certify the fact of the organization of the watershed improvement district to the Virginia Soil and Water Conservation Board, and shall furnish a copy of the certification to the clerk of each county or city in which any portion of the watershed improvement district is situated for recordation in the public land records of each such county or city. The watershed improvement district shall thereupon constitute a political subdivision of this Commonwealth.

1956, c. 668, § 21-112.6; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-621. Establishment of watershed improvement district situated in more than one soil and water conservation district.

If a proposed watershed improvement district is situated in more than one soil and water conservation district, copies of the petition shall be presented to the directors of all the soil and water conservation districts in which the proposed watershed improvement district is situated, and the directors of all affected soil and water conservation districts shall act jointly as a board of directors with respect to all matters concerning the watershed improvement district, including its organization. The watershed improvement district shall be organized in the same manner and shall have the same powers and duties as a watershed improvement district situated entirely in one soil and water conservation district.

1956, c. 668, § 21-112.7; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-622. Inclusion of additional territory.

Petitions for including additional territory within an existing watershed improvement district may be filed with directors of the soil and water conservation district or districts in which the

watershed improvement district is situated, and in such cases the provisions hereof for petitions to organize the watershed improvement district shall be observed to the extent deemed practicable by the district directors. In referenda upon petitions for such inclusion, all owners of land situated in the proposed additional territory shall be eligible to vote. No additional territory shall be included in an existing watershed improvement district unless owners of land representing two-thirds of the acreage proposed to be included vote in favor thereof.

1956, c. 668, § 21-112.8; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-623. Governing body of district; trustees.

The directors of the soil and water conservation district or districts in which the watershed improvement district is situated shall be the governing body of the watershed improvement district. They may appoint, in consultation with and subject to the approval of the Virginia Soil and Water Conservation Board, three trustees who shall be owners of land within the watershed improvement district. The trustees shall exercise the administrative duties and powers delegated to them by the directors of the soil and water conservation district or districts. The trustees shall hold office at the will of the directors of the soil and water conservation district or districts and the Virginia Soil and Water Conservation Board. The trustees shall designate a chairman and may change such designation. One of the trustees may be selected as treasurer and shall be responsible for the safekeeping of the funds of the watershed improvement district. When a watershed improvement district lies in more than one soil and water conservation district, the directors of all such districts shall act jointly as the governing body of the watershed improvement district.

1956, c. 668, § 21-112.9; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-624. Officers, agents and employees; surety bonds; annual audit.

The trustees may, with the approval of the directors of the soil and water conservation district or districts, employ such officers, agents, and other employees as they require, and shall determine their qualifications, duties and compensation. The district directors shall provide for the execution of surety bonds for the treasurer and such other trustees, officers, agents, and employees as shall be entrusted with funds or property of the watershed improvement district, and shall publish an annual audit of the accounts of receipts and disbursements of the watershed improvement district.

1956, c. 668, § 21-112.10; 1964, c. 512; 1970, c. 480; 1988, c. 891.

§ 10.1-625. Status and general powers of district; power to levy tax or service charge; approval of landowners required.

A watershed improvement district shall have all of the powers of the soil and water conservation district or districts in which the watershed improvement district is situated, and in addition shall

have the authority to levy and collect a tax or service charge to be used for the purposes for which the watershed improvement district was created. No tax shall be levied nor service charge imposed under this article unless two-thirds of the owners of land, which two-thirds owners shall also represent ownership of at least two-thirds of the land area in such district, voting in a referendum called and held in the manner prescribed in this article, approve the levy of a tax to be expended for the purposes of the watershed improvement district.

1956, c. 668, § 21-112.11; 1964, c. 512; 1981, c. 156; 1988, c. 891; 1995, c. **654**.

§ 10.1-626. Levy of tax or service charge; when district in two or more counties or cities; landbooks certified to treasurers.

A. On or before March 1 of each year, the trustees of the watershed improvement district shall make an estimate of the amount of money they deem necessary to be raised for the year in such district (i) for operating expenses and interest payments and (ii) for amortization of debt, and, after approval by the directors of the soil and water conservation district or districts, and the Virginia Soil and Water Conservation Board, shall establish the tax rate or service charge rate necessary to raise such amount of money. The tax rate or service charge rate to be applied against the amount determined under subsection C or D of this section shall be determined before the date fixed by law for the determination of the general levy by the governing body of the counties or cities in which the district is situated.

B. The trustees of a watershed improvement district which imposes a tax on real estate or a service charge based on the increase in the fair market value of real estate caused by the district's project shall make up a landbook of all properties subject to the watershed improvement district tax or service charge on forms similar to those used by the county or city affected.

A separate landbook shall be made for each county or city if the district is located in more than one county or city. The landbook or landbooks of all properties subject to the district tax or the service charge, along with the tax rate or service charge rate fixed by the governing body of the district for that year, shall be certified to the appropriate county or city treasurer or treasurers, and filed in the clerk's office of such locality or localities, by the governing body of the watershed improvement district on or before the day the county or city landbook is required to be so certified. Such landbook or landbooks shall be subject to the same retention requirements as the county or city landbook.

C. For tax purposes under this article, the assessed valuation of all real estate located in a watershed improvement district shall be the same fair market valuation that appears in the most recent landbook for the county, city, or town wherein the subject property is located. However, in a watershed improvement district which is located in two or more counties or cities and in which there is a disparity of assessed valuations between the counties or cities, the governing body of the watershed improvement district may petition the judge or judges of the circuit courts in which the district is located to appoint one or more persons to assess all of the real estate in the

district. The compensation of such person or persons shall be prescribed by the governing body of the district and paid out of the funds of the district.

D. In districts authorized to impose a service charge, the service charge shall be based on the initial increase in fair market value resulting from a project. In order to determine the initial increase in fair market value, the trustees shall subtract the fair market value of each parcel without the project, as shown in the landbook for the year immediately preceding the year in which the project was begun from the fair market value of the parcel following completion of the project. The fair market value of each parcel with the project shall be determined by the district directors in a reasonable manner. The values so determined shall be the values against which the service charge rate is imposed so long as any bonds remain outstanding, and thereafter unless a change is approved by the district directors. If an additional improvement is made while any bonds are outstanding, the district directors may cause a new increase in fair market values to be computed to reflect such improvement. However, while any bonds are outstanding, such newly computed values shall not be used unless the total new increase in fair market values in the district is equal to or greater than the previously determined increase in fair market values. Within thirty days after determining the increase in fair market value for all real estate in the watershed improvement district resulting from the project, the trustees shall mail a notice of such determination to the owner of record of each parcel in the district.

E. The assessments and determinations of increase in fair market value made under the provisions of this section may be used only for the watershed improvement district tax or service charge and shall in no way affect any county or city assessment or levies.

F. Any person, firm, or corporation aggrieved by any determination of increased value made under any provision of this article shall apply in writing to the trustees of the watershed improvement district within sixty days after the mailing of the notice required in subsection D of this section. Such application shall specify the increased value in the opinion of the applicant and the basis for such opinion. The trustees shall rule on all such applications within 120 days after mailing the notice required in subsection D of this section. If any applicant remains aggrieved by the determination of increased value after such a ruling, he may apply to the circuit court of the county or city wherein the land is situated for a correction of such determination of increased value, within the time limits and following the procedures set out in Article 5 ([§ 58.1-3980 et seq.](#)) of Chapter 39 of Title 58.1.

G. The provisions of this section shall not be used to change the method of real estate assessment in any watershed improvement district established prior to January 1, 1976.

1981, c. 156, § 21-112.12:1; 1988, c. 891.

§ 10.1-627. Collection of tax or service charge; proceeds kept in special account; expenditures from such account.

The special tax or service charge levied shall be collected at the same time and in the same manner as county or city taxes with the proceeds therefrom to be kept in a separate account by the county or city treasurer identified by the official name of the watershed improvement district. Expenditures from such account may be made with the approval of the directors of the soil and water conservation district or districts on requisition from the chairman and the treasurer of the board of trustees of the watershed improvement district.

1956, c. 668, § 21-112.13; 1964, c. 512; 1970, c. 480; 1981, c. 156; 1988, c. 891.

§ 10.1-628. Fiscal powers of governing body; may poll landowners on question of incurring indebtedness or issuing bonds.

The governing body of any watershed improvement district shall have power, subject to the conditions and limitations of this article, to incur indebtedness, borrow funds, and issue bonds of such watershed improvement district. The circuit court of the county or city in which any portion of the watershed improvement district is located, upon the petition of a majority of the members of the governing body of the watershed improvement district, shall order a referendum at any time not less than thirty days from the date of such order, which shall be designated therein, to determine whether the governing body shall incur indebtedness or issue bonds for one or more of the purposes for which the watershed improvement district was created.

The referendum shall be conducted in the manner prescribed by this article for the conduct of other referendums in the watershed improvement districts.

1956, c. 668, §§ 21-112.14, 21-112.15; 1964, c. 512; 1988, c. 891; 1995, c. 654.

§ 10.1-629. Order authorizing governing body to incur indebtedness or issue bonds.

If the owners of at least two-thirds of the land area in the district vote in the election, and if at least two-thirds of the voters in the election vote in favor of incurring the indebtedness or issuing bonds, the circuit court or courts shall enter an order authorizing the governing body of the watershed improvement district to incur indebtedness or issue bonds for one or more of the purposes for which the district was created.

1956, c. 668, § 21-112.16; 1988, c. 891.

§ 10.1-630. Type of indebtedness incurred or bonds issued.

The type of indebtedness incurred or bonds issued shall be that adopted by the governing body of the watershed improvement district and approved by the Virginia Soil and Water Conservation Board.

1956, c. 668, § 21-112.17; 1964, c. 512; 1988, c. 891; 1996, cc. **105, 819**.

§ 10.1-631. Annual tax for payment of interest or to amortize indebtedness or bonds.

The governing body of the watershed improvement district shall, if necessary to pay the interest on the indebtedness or bonds or to amortize such indebtedness or bonds, levy an annual tax or service charge in the manner prescribed by § **10.1-626** on all the real estate in the watershed improvement district subject to local taxation, to satisfy such obligations. This tax, irrespective of any approvals required pursuant to § **10.1-614**, shall be sufficient to pay interest and to amortize such indebtedness or bonds at the times required.

1956, c. 668, § 21-112.18; 1973, c. 35; 1981, c. 156; 1988, c. 891; 1996, cc. **105, 819**.

§ 10.1-632. Powers granted additional to powers of soil and water conservation district; soil and water conservation district to continue to exercise its powers.

The powers herein granted to watershed improvement districts shall be additional to the powers of the soil and water conservation district or districts in which the watershed improvement district is situated; and the soil and water conservation district or districts shall be authorized, notwithstanding the creation of the watershed improvement district, to continue to exercise their powers within the watershed improvement district.

1956, c. 668, § 21-112.19; 1964, c. 512; 1988, c. 891.

§ 10.1-633. Power to incur debts and accept gifts, etc.; watershed improvement district to have same powers as soil and water conservation district.

A watershed improvement district shall have power, as set forth in this article, to incur debts and repay them over the period of time and at the rate or rates of interest, not exceeding eight percent, that the lender agrees to. Any watershed improvement district may accept, receive and expend gifts, grants or loans from whatever source received. In addition, they shall have the same powers, to the extent necessary, within the watershed improvement district that the soil and water conservation district or districts in which the same is located exercise or may possess.

1956, c. 668, § 21-112.20; 1964, c. 512; 1977, c. 40; 1988, c. 891.

§ 10.1-634. Question to be submitted to qualified voters; approval required.

In connection with any referendum held pursuant to the provisions of this article, the directors shall also provide for the submission of the question involved to the qualified voters of the watershed improvement district and any question required to be submitted to referendum hereunder shall only be deemed to be approved, if approved both by vote of the landowners of the district as here above required and by a majority vote of the qualified voters of the district voting in such referendum.

1973, c. 35, § 21-112.20:1; 1988, c. 891.

§ 10.1-634.1. Conduct of referenda.

A. Except as provided in subsection B, the referenda authorized or required by this article shall be conducted pursuant to regulations prescribed by the Virginia Soil and Water Conservation Board and not as provided for under § **24.2-684**.

B. Referenda authorized or required by this article prior to the regulations referred to in subsection A becoming effective shall be conducted by the district directors of the soil and water conservation district in which the watershed improvement district is situated pursuant to the provisions of this article as they were effective on January 1, 1995, and Article 5 (§ **24.2-681** et seq.) of Chapter 6 of Title 24.2. The costs of holding referenda under this subsection shall be paid by the requesting landowners.

1995, c. **654**; 1996, c. **983**.

§ 10.1-635. Power of eminent domain.

In addition to any other powers conferred on it by law, any watershed improvement district organized under the provisions of this article shall be authorized to acquire by eminent domain any lands, property rights, franchises, rights-of-way, easements or other property deemed necessary or convenient for the efficient operation of the district. Such proceedings shall be in accordance with and subject to the provisions of the laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of a public service company and subject to the provisions of Chapter 2 (§ **25.1-200** et seq.) of Title 25.1.

1958, c. 411, § 21-112.21; 1988, c. 891; 2003, c. **940**.

Code of Virginia

Title 3.2. AGRICULTURE, ANIMAL CARE, AND FOOD.

Subtitle I. General Provisions; Protection and Promotion of Agriculture

Chapter 4. Agricultural Stewardship

- 3.2-400** Definitions.
 - 3.2-401** Exclusions from chapter.
 - 3.2-402** Complaint; investigation; agricultural stewardship plan.
 - 3.2-403** Issuance of corrective orders.
 - 3.2-404** Right of entry; court enforcement.
 - 3.2-405** Appeal.
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 - 3.2-408** Guidelines to be published by Commissioner; report.
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§ 3.2-400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural activity" means any activity used in the production of food and fiber, including farming, feedlots, grazing livestock, poultry raising, dairy farming, and aquaculture activities.

"Agricultural stewardship plan" or "plan" means a site-specific plan for an agricultural activity to manage, through use of stewardship measures, one or more of the following: soil, water, plants, plant nutrients, pest controls, wastes, and animals.

"Board" means the Soil and Water Conservation Board.

"Complaint" means an allegation made by any person to the Commissioner that an owner's or operator's agricultural activity is creating or, if not changed, will create pollution and that states the location and nature of such agricultural activity.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Chapter 5 (§ 10.1-500 et seq.) of Title 10.1.

"Informal fact-finding conference" means an informal fact-finding conference conducted in accordance with § **2.2-4019**.

"Operator" means any person who exercises managerial control over any agricultural activity.

"Owner" means any person who owns land where an agricultural activity occurs.

"Pollution" means any alteration of the physical, chemical, or biological properties of any state waters resulting from sedimentation, nutrients, or toxins.

"State waters" means all water, on the surface or in the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Stewardship measures" or "measures" means measures for controlling the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution that reflect the pollutant reduction achievable through the application of the best available nonpoint pollution control methods, technologies, processes, siting criteria, operating methods, or other alternatives.

"Stewardship measures" or "measures" includes: (i) agricultural water quality protection management measures described in the Virginia Agricultural Best Management Practices Manual; and (ii) agricultural water quality protection management measures contained in the U.S. Department of Agriculture's Natural Resources Conservation Service Field Office Technical Guide.

1996, c. **773**, § **10.1-559.1**; 2000, c. **973**; 2008, c. **860**.

§ 3.2-401. Exclusions from chapter.

This chapter shall not apply to any agricultural activity to which: (i) Article 12 (§ **10.1-1181.1** et seq.) of Chapter 11 of Title 10.1; or (ii) a permit issued by the State Water Control Board, applies.

1996, c. **773**, § 10.1-559.2; 2008, c. **860**.

§ 3.2-402. Complaint; investigation; agricultural stewardship plan.

A. After April 1, 1997, upon receiving a complaint, unless the complaint was made anonymously, the Commissioner shall request that the directors of the district where the land lies determine the validity of the information within 21 days. The Commissioner may investigate or ask the directors of the district to investigate an anonymous complaint.

B. The district chairman may, on behalf of the district, act upon or reject the Commissioner's request. If the district declines to act, it shall within five days so advise the Commissioner, who shall determine the validity of the complaint.

C. If, after investigating a complaint, the Commissioner determines that substantial evidence exists to prove that an agricultural activity is creating or will create pollution, the Commissioner shall notify the owner or operator by registered mail, return receipt requested. If, after investigation, the Commissioner determines that the pollution is a direct result of unusual weather events or other exceptional circumstances that could not have been reasonably anticipated, or determines that the pollution is not a threat to human health, animal health, or aquatic life, water quality or recreational or other beneficial uses, the Commissioner may forego any additional action. Copies of the notice shall be sent to the district where the agricultural activity is located. The notice shall state that, within 60 days of the receipt of the notice, the owner or operator shall submit to the Commissioner and district an agricultural stewardship plan that includes stewardship measures needed to prevent or cease the pollution. The district shall review the plan and, if the plan includes such measures, the Commissioner shall approve the plan within 30 days after he receives it. Upon approving the owner's or operator's plan, the Commissioner shall inform the owner or operator and the complainant that a plan has been approved. The owner or operator shall begin implementing the approved agricultural stewardship plan within six months of the date that the owner or operator received the notice that the agricultural activity is creating or will create pollution.

D. The plan shall include an implementation schedule, and implementation of the plan shall be completed within a period specified by the Commissioner, based upon the seasons and other temporal considerations so that the period is that during which the possibility of success in establishment or construction of the measures required in the plan is the greatest, which shall not exceed 18 months from receipt of notice. The Commissioner may grant an extension of up to 180 days if: (i) a hardship exists; and (ii) the request for an extension was made not later than 60 days before the scheduled completion date. The Commissioner shall, within 30 days of receiving the request, inform the owner or operator whether or not an extension has been granted.

E. After implementing the approved plan according to the provisions of this chapter, the owner or operator shall maintain the stewardship measures established pursuant to the plan. The owner or operator may change the agricultural activity so long as the Commissioner is notified.

F. If the Commissioner determines that substantial evidence does not exist to prove that an agricultural activity is creating or will create pollution or that any pollution was caused by unusual weather events or other exceptional circumstances or that the pollution is not a threat to human health, animal health, or aquatic life or recreational or other beneficial uses, he shall inform the complainant and the owner or operator of his determination. Upon approving the owner's or operator's agricultural stewardship plan, the Commissioner shall inform the owner or operator and the complainant that a plan has been approved.

1996, c. **773**, § 10.1-559.3; 2000, c. **973**; 2008, c. **860**.

§ 3.2-403. Issuance of corrective orders.

A. If any owner or operator who has been issued a notice under § 3.2-402 fails to submit an agricultural stewardship plan, begin actively implementing the plan, complete implementation of the plan, or maintain the stewardship measures as provided in § 3.2-402, the Commissioner shall issue a corrective order to such owner or operator. The order shall require that such activity be accomplished within a stated period of time.

B. A corrective order issued pursuant to subsection A shall be issued only after an informal fact-finding conference, with reasonable notice being given to the owner or operator, or both, of the time, place, and purpose thereof, and shall become effective not less than five days after date of delivery to the last known address as provided in subsection C. The corrective order shall be suspended pending appeal by the recipient made within five days after delivery of such order to the last known address of the owner or operator.

C. The Commissioner shall mail a copy of the corrective order by certified mail, return receipt requested, sent to the last known address of the owner or operator, or by personal delivery by an agent of the Commonwealth.

D. Notwithstanding other provisions of this chapter, if the Commissioner determines that a recurring polluting condition that is the subject of an approved plan is occurring or that an emergency condition exists due to runoff from an agricultural activity that is causing or is likely to cause an imminent or substantial danger to: (i) the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other beneficial uses, the Commissioner may issue, without advance notice, informal fact-finding conference, or hearing, an emergency corrective order. Such order may direct the owner or operator of the agricultural activity, or both, to cease immediately all or part of the agricultural activity and to implement specified stewardship measures or any necessary emergency measures within a stated period of time. Following the issuance of an emergency corrective order, the Commissioner shall provide the opportunity for a hearing or an informal fact-finding conference, after reasonable notice as to the time and place thereof, to the owner or operator, for the purpose of affirming, modifying, amending, or canceling the emergency corrective order.

E. The Commissioner shall not issue a corrective order to any land owner or operator if the person is:

1. Actively implementing the agricultural stewardship plan that has been reviewed by the district where the agricultural activity is located and approved by the Commissioner, or
2. Actively implementing stewardship measures that have failed to prevent pollution, if the Commissioner determines that the pollution is a direct result of unusual weather events or other exceptional circumstances that could not have been reasonably anticipated.

1996, c. **773**, § 10.1-559.4; 2000, c. **973**; 2008, c. **860**.

§ 3.2-404. Right of entry; court enforcement.

A. The district or the Commissioner may enter land that is the subject of a complaint, after notice to the owner or operator, to determine whether the agricultural activity is causing or will cause pollution of state waters.

B. Upon failure of any owner or operator to allow the Commissioner entry in accordance with subsection A, to implement stewardship measures in the time specified in a corrective order, or to maintain stewardship measures in accordance with subsection E of § **3.2-402**, the Commissioner may present to the circuit court of the county or city where the land is located, a petition asking the court to require the owner or operator to allow the Commissioner entry or to carry out such measures within a specified time. If the owner or operator fails to implement the stewardship measures specified in the court order, the Commissioner may enter the land involved and implement the measures. The Commissioner may recover the costs of implementing the stewardship measures from the owner or operator.

1996, c. **773**, § 10.1-559.5; 2000, c. **973**; 2008, c. **860**.

§ 3.2-405. Appeal.

Decisions of the Commissioner may be appealed by persons aggrieved to the Board and thereafter to the circuit court in accordance with the Administrative Process Act (§ **2.2-4000** et seq.). The imposition of any civil penalty shall be suspended pending such appeals.

1996, c. **773**, § 10.1-559.6; 2008, c. **860**.

§ 3.2-406. Penalties; injunctions; enforcement actions.

A. Any person violating § **3.2-403** or **3.2-404** shall be subject to a civil penalty not to exceed \$5,000 for every violation assessed by the Commissioner or Board. Each day the violation continues is a separate offense. Payments to satisfy such penalties shall be deposited in a nonreverting, special fund to be used by the Department of Conservation and Recreation to provide financial assistance to persons implementing measures specified in the Virginia Agricultural Best Management Practices Manual. No person who has been assessed a civil penalty under this section shall be eligible for such financial assistance until the violation has been corrected and the penalty paid.

B. In determining the amount of any penalty, factors to be considered shall include the willfulness of the violation, any history of noncompliance, the actions of the owner or operator in notifying, containing and cleaning up any discharge, the damage or injury to state waters or the impairment of its uses, and the nature and degree of injury to or interference with general health, welfare and property.

C. The Attorney General shall, upon request, bring an action for an injunction or other appropriate legal action on behalf of the Commissioner or Board to enforce the provisions of this chapter.

1996, c. **773**, § 10.1-559.7; 2008, c. **860**.

§ 3.2-407. Liens.

If a person who is required to pay a civil penalty under this chapter fails to do so, the Commissioner may transmit a true copy of the order assessing such penalty to the clerk of the circuit court of any county or city wherein it is ascertained that the person owing such penalty has any estate; and the clerk to whom such copy is transmitted shall record it, as a judgment is required by law to be recorded, and shall index it in the name of the Commonwealth as well as in the name of the person owing the civil penalty, and thereupon there shall be a lien in favor of the Commonwealth on the property within such locality of the person owing the civil penalty in the amount of the civil penalty. The Commissioner and Board may collect civil penalties that are owed in the same manner as provided by law in respect to judgment of a circuit court.

1996, c. **773**, § 10.1-559.8; 2008, c. **860**.

§ 3.2-408. Guidelines to be published by Commissioner; report.

A. In consultation with the districts, the Department of Conservation and Recreation, and interested persons, the Commissioner shall develop guidelines for the implementation of this chapter. These guidelines shall address, among other things, the conduct of investigations, sources of assistance for owners and operators, and intergovernmental cooperation. Within 90 days of the effective date of this section, the Commissioner shall submit the proposed guidelines to the Registrar of Regulations for publication in the Virginia Register of Regulations. At least 30 days shall be provided for public comment after the publication of the proposed guidelines. After the close of the public comment period, the Commissioner shall consider the comments that he has received and may incorporate any changes into the guidelines that he deems appropriate. He shall develop a written summary and analysis of the comments, which shall be made available to the public upon request. Thereafter, the Commissioner shall submit final guidelines for publication in the Register. The guidelines shall become effective on April 1, 1997. The Commissioner may alter the guidelines periodically after his proposed changes have been published in the Register and a public comment period has been provided.

B. The Commissioner shall compile a report by August 31 annually listing the number of complaints received, the nature of each complaint, the actions taken in resolution of each complaint, and any penalties that may have been assessed. The Commissioner shall have the discretion to exclude and keep confidential specific information regarding ongoing investigations. The Commissioner shall: (i) provide the report to the Board, the Department of

Conservation and Recreation, and to every district; (ii) publish notice in the Virginia Register that the report is available; and (iii) make the report available to the public upon request.

1996, c. [773](#), § 10.1-559.9; 2008, c. [860](#).

§ 3.2-409. Ordinances.

A. Any locality may adopt an ordinance creating a complaint, investigation, and agricultural stewardship plan development program. Ordinances adopted hereunder may contain only provisions that parallel §§ [3.2-401](#) and [3.2-402](#). No such ordinance shall provide for the imposition of civil or criminal sanctions against an operator or owner who fails to implement a plan. If an owner or operator fails to implement a plan, the local governing body shall submit a complaint to the Commissioner as provided in § [3.2-402](#).

B. This section shall not apply to any ordinance (i) in existence on July 1, 1996 or (ii) adopted pursuant to the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.).

1996, c. [773](#), § 10.1-559.10; 2008, c. [860](#); 2013, cc. [756](#), [793](#).

§ 3.2-410. Construction of chapter.

Nothing in this chapter shall be construed as duplicative of regulations governing agricultural practices under the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.).

1996, c. [773](#), § 10.1-559.11; 2008, c. [860](#); 2013, cc. [756](#), [793](#).

1967

CBF FOUNDED | A group of Baltimore businessmen, sailors, waterfowl hunters, and fishermen formed the Chesapeake Bay Foundation to save the Bay and its rivers and streams.



1970

FIRST EARTH DAY OBSERVED | Roughly 20 million Americans rallied coast-to-coast on April 22 to advocate for a healthier, more sustainable environment.

1970

EPA CREATED | In December, President Richard Nixon established the U.S. Environmental Protection Agency with a mission to protect human health by safeguarding the air we breathe, water we drink, and land on which we live.



1972

CLEAN WATER ACT PASSED | Public concern led to the U.S.'s first major law to address water pollution by regulating pollutant discharge and setting water-quality standards for surface waters like the Chesapeake Bay.

1983

CHESAPEAKE BAY AGREEMENT SIGNED | CBF worked with federal, state, and local partners to formally recognize the need for a cooperative Bay clean-up effort.



1998

FIRST STATE OF THE BAY REPORT ISSUED | CBF published its first report card on the Bay's health, grading it a 27 on a scale of 100 with a goal of reaching 70 before declaring the Bay saved.

2010

CHESAPEAKE CLEAN WATER BLUEPRINT CREATED | The historic agreement was reached between the federal government, the six Bay watershed states, and the District of Columbia to restore the Bay and its rivers, including pollution-reduction goals, plans for achieving them, and consequences for failure. Experts consider the Blueprint the best, perhaps last, chance for real clean-water Bay restoration.



2018

MAKING HISTORY CAMPAIGN LAUNCHED | Alongside vital partners, CBF launched the Chesapeake Oyster Alliance and the Keystone 10 Million Trees Partnership with extraordinary goals of adding 10 billion new oysters to the Bay and planting 10 million trees across Pennsylvania by 2025. These partnerships will accelerate Bay-restoration efforts and ensure the Bay meets the targeted clean-water goals outlined in the Chesapeake Clean Water Blueprint.

2019

AMBITIOUS NEW GOALS SET | Among many other things, in this year alone, CBF plans to:

- **Plant 20 million oysters** in Maryland's Little Choptank River, Harris Creek, and Tred Avon River and build 5+ acres of oyster reef with our partners in Virginia's Lynnhaven River.
- **Plant 95,000 trees** across the watershed with our partners.
- **Engage 30,000 students, teachers, and adults** in environmental education field programs.



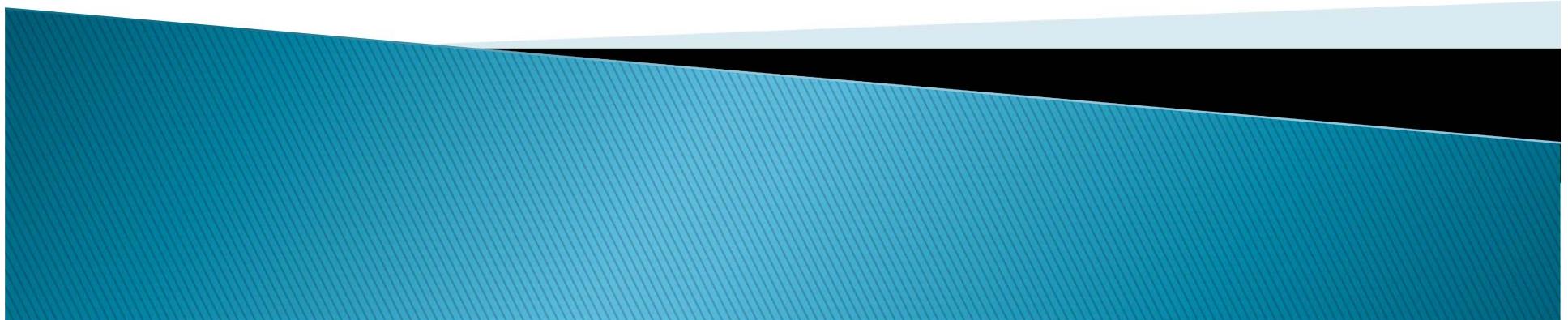
“So You’re a District Director? What do Directors do?”

District Board Member Responsibilities*

Created by Wilkie Chaffin, Piedmont SWCD Director

Presented by Richard Chaffin, Peaks of Otter SWCD Director

*These opinions are those of the presenter and do not necessarily represent the official position of DCR, the VASWCD, or anyone else.



Some things we are going to talk about:

- ▶ Why the director's job is important.
- ▶ Your relationship with District staff.
- ▶ Your relationship with the public, your community, and the Commonwealth.
- ▶ Having productive and efficient meetings.
- ▶ Meeting your responsibilities to the Public.
- ▶ The need be able to adapt to changes in District activities.



Non-Point Soil and Water Conservation is Important.

- If you are going to be a director, you need to be serious about the job. It takes a commitment of your time, and sometimes some of your money, to do the job properly.
- It is a lot more than spending a few hours a month at a district meeting. If you went to the Annual Meeting or you are at this training, you must understand this.



You have a lot of responsibility.

- If something goes wrong, you are going to get at least some of the blame. Here are a few examples:
 - If district money is misused or missing,
 - If grant agreement terms are not satisfied,
 - If the district is accused of not treating all citizens the same,
 - If the district cannot operate properly because of lack of funds, or
 - If the district gets sued.



You are very important, but ...

- Much of the success of the district will be because of your employees.
- Even though you must make most important district decisions, take advantage of their expertise and listen to their opinions on district matters.
- Try to help them accomplish the goals of the district as well as possible.
- If you can't help them, please don't get in their way.



Lum and Abner at a Meeting of the Golden Era Discussion Club

- ▶ Original Topic of Discussion:
- ▶ What is Architecture?
- ▶ Topic of Discussion 30 Seconds Later:
- ▶ Archie Snyder, the red haired boy down at the filling station.
- ▶ Topic of Discussion 50 Seconds later:
- ▶ Should a man attach his garters to his socks on the inside of his leg or on the outside?

- ▶ (172 Listings on Ebay)

The Lum and Abner Rule for Successful SWCD Meetings

- ▶ Organize the meeting in such a way that is it easier to concentrate on the goals that need to be accomplished.



Better Use of Employee and Director Time by Having More Efficient and Effective Meetings

- **Parliamentary Procedures:**
 - The main benefit of using Parliamentary Procedures may be that they help insure that all members of the group are treated fairly and that the rights of minorities (in terms of attitudes) are protected.



However, the use of Parliamentary Procedures may also contribute greatly toward better meetings.

- 1. Productivity---Parliamentary procedures provide a system for accomplishing the objectives of the meeting.
- 2. Efficiency---Parliamentary procedures help the district to accomplish things more quickly, and insure that inordinate amounts of time are not spent in activities that will not lead to the accomplishment of meeting goals.



Try to get other groups and individuals to help you accomplish District Goals.

- Governmental Bodies
- Partner Agencies
- Local Groups and Individuals



Governmental Bodies

Local Government

- In some districts, local governments provide a great deal of money to districts, while in others little or no funds are provided.
- This is partly based on the general finances of the locality and/or the culture of the locality.
- In some cases it is based on how persistent, or even aggressive, directors are in trying to get help for the district.
- However, you need to be able to show that district activities benefit the locality directly. You cannot just show up once a year and ask for money.



Governmental Bodies

State Government

- In the last few years, the resources and other benefits coming to districts have increased dramatically.
- Much of that increase is the result of the lobbying activities of directors with the General Assembly or individual legislators.
- We need a lot more directors to be involved in this process.
- In most cases, you can have a lot more influence with your legislator than can I or some director from another part of the state.



Partner Agencies



Local Groups & Individuals

- Tell People who you are.
- Advertise your meetings as much as you can afford.
- Invite people to attend.
- See if you can get yourself invited to talk about what your district does.
- Don't try to prevent citizens from knowing nearly everything that you say or do.

▪ **FOIA** Virginia Freedom of Information Act



What about a one sentence summary of Virginia FOIA?

- ▶ Citizens have a right to attend all meetings in which district business is discussed and to know what is written in all district documents.
- ▶ (There are a few logical exceptions to these rights.)



Why do Citizens have a right to know what the District is doing?

- We have the job of director or associate director because they elected us or elected people who appointed us.
- They provide nearly all the money that we spend through their taxes. They have a right to know how we spend it.
- Some citizens are very smart. They may be able to help us do a better job managing the District if they know what we are doing.
- It is the law. This is probably less important than the other three.



Conflict of Interest

▶ Legal Issues

- You must disqualify yourself from participating in any transaction in which you have a personal interest.

▶ Ethical/Moral Issues

- Do not participate in any Board activity that might help you, family members, friends, etc.



Districts Are Changing

Directors must be willing to adjust to new district activities.

- Legislative Activities
- Fund Raising
- Urban BMPs
- Small horse operations
- Credit Trading
- Voluntary BMP Reporting
- Resource Management Plans



Sometimes change is difficult, but
is necessary. In fact, change may
be desirable.



GARFIELD • JIM DAVIS



PEOPLE WAIT ON ME HAND
AND FOOT, I GET THREE
BIG MEALS A DAY, AND
ALL I DO IS SLEEP

Distributed by Universal Press Syndicate



JIM DAVIS 11-17



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Questions?



**SOIL AND WATER CONSERVATION DISTRICT
DIRECTOR'S HANDBOOK**



Printed January 2020

Prepared by Virginia Department of Conservation and Recreation



A SPECIAL MESSAGE TO DIRECTORS

You have been selected for the important responsibility of conserving your community's soil and water resources. Both the local economy and quality of life in your community are dependent upon your good work.

Never has the challenge been greater. New demands are placed on the environment daily. Citizens insist we listen and be responsive to their needs. Your efforts and actions directly affect generations of Virginians now and in the future.

A district director has the responsibility to weigh, balance and act upon important conservation issues. The job is complex, stimulating and difficult. We ask that you step forward as a conservation leader and exert a powerful, but tempered, influence on natural resource management in your community, giving full consideration to the citizens you represent.

The goal of this handbook is to hasten your ability to effectively fulfill your role as a director, and to enable you to grow within that role. The handbook provides basic information and background in many conservation programs. It reviews prominent issues, roles, agencies and programs. Please keep it accessible and use it as a reference.

On behalf of the leadership of your conservation partners, we extend our appreciation and thanks to every SWCD director!



LESSONS FROM GEESE

By Milton Olson

1. As each bird flaps its wings, it creates an uplift for the bird following. By flying in a "V" formation, the whole flock adds 71% greater flying range than if the bird flew alone.

Lesson: People who share a common direction and sense of community can get where they are going quicker and easier because they are traveling on the thrust of one another.

2. Whenever a goose falls out of formation, it suddenly feels the drag and resistance of trying to fly alone, and quickly gets back into formation to take advantage of the "lifting power" of the bird immediately in front.

Lesson: If we have as much sense as a goose, we will stay in formation with those who are headed where we want to go (and be willing to accept their help as well as give our's to the others.)

3. When the lead goose gets tired, it rotates back into the formation and another goose flies at the point position.

Lesson: It pays to take turns doing the hard tasks and sharing leadership. People, as geese are interdependent on each other.

4. The geese in formation honk from behind to encourage those up front to keep their speed.

Lesson: We need to make sure our honking from behind is encouraging and not something else.

5. When a goose gets sick or wounded or shot down, two geese drop out of formation and follow it down to protect it. They stay with it until it is able to fly again or dies. Then they launch out on their own with another formation or catch up with the flock.

Lesson: If we have as much sense as a goose, we too will stand by each other in difficult times, as well as when we are strong.

MILESTONES AFFECTING SWCDS

1933 – Soil Erosion Service (SES) established within U.S. Department of Interior (Eventually moved to U.S. Department of Agriculture).

1935 – Congress passed Public Law 46, the Soil Conservation Act, SES endorsed as federal agency, resulting in name change to Soil Conservation Service (SCS) and moved to U.S. Department of Agriculture.

1937 – President Roosevelt urged the creation of districts by state law.

1938 – Virginia passed Soil Conservation District Law; the first Virginia SWCD organized in Tidewater.

1940 – State Association of Conservation Districts (now the Virginia Association of Soil and Water Conservation Districts) formed.

1952 – First aerial photo-based soil survey map published in the United States, Culpeper County.

1966 – All counties (except Arlington) encompassed in SWCDs with formation of the John Marshall SWCD.

1972 – Clean Water Act passed by U.S. Congress.

1973 – Virginia General Assembly passes Virginia Erosion and Sediment Control Law.

1975 – Highest watershed dam in the eastern United States built on Lower North River in Rockingham County.

1978 – Chesapeake Bay Program initiated with extensive research on nonpoint source (NPS) pollution.

1980 – Shoreline Erosion Advisory Service began.

1983 – Virginia General Assembly funds the first Chesapeake Bay NPS clean-up initiatives.

1985 – Virginia Soil and Water Conservation Commission merged with state agencies and evolved into the present-day Virginia Department of Conservation and Recreation (DCR).

1985 – USDA Food Security Act (Farm Bill) ties continued farming of highly erodible lands to certain program benefits causing significant changes in conservation and the work of the SCS.

1987 – Clean Water Act is amended to fund NPS pollution (runoff).

1989 – Chesapeake Bay Preservation Act; EPA study reveals NPS pollution is dominant form of water pollution; EPA approves Virginia's NPS Management Program.

1990 – Virginia General Assembly passes Stormwater Management Law.

1992 – Watershed concepts are implemented in Virginia for NPS control.

1995 – USDA reorganization. SCS becomes Natural Resources Conservation Service (NRCS).

1996 – Virginia General Assembly established a process for addressing complaints of NPS from farm operations (Agricultural Stewardship Act).

1997 – Virginia Water Quality Improvement Act (WQIA) is established to restore and improve the quality of state waters and protect them from impairment and destruction.

2004 – Virginia General Assembly clarifies the water quality role of SWCDs in state law: The Department of Conservation and Recreation shall be assisted in performing its nonpoint source pollution management responsibilities by Virginia's soil and water conservation districts.

2011 – Virginia General Assembly established the Virginia Natural Resources Commitment Fund "solely for the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department of Conservation and Recreation".

2013 – Virginia General Assembly amended the duties of the Virginia Soil and Water Conservation Board to include "[t]o oversee the programs of the districts".

2014 – Resource Management Plan review and approval responsibilities began in 2014 upon the effective date of the RMP regulations.

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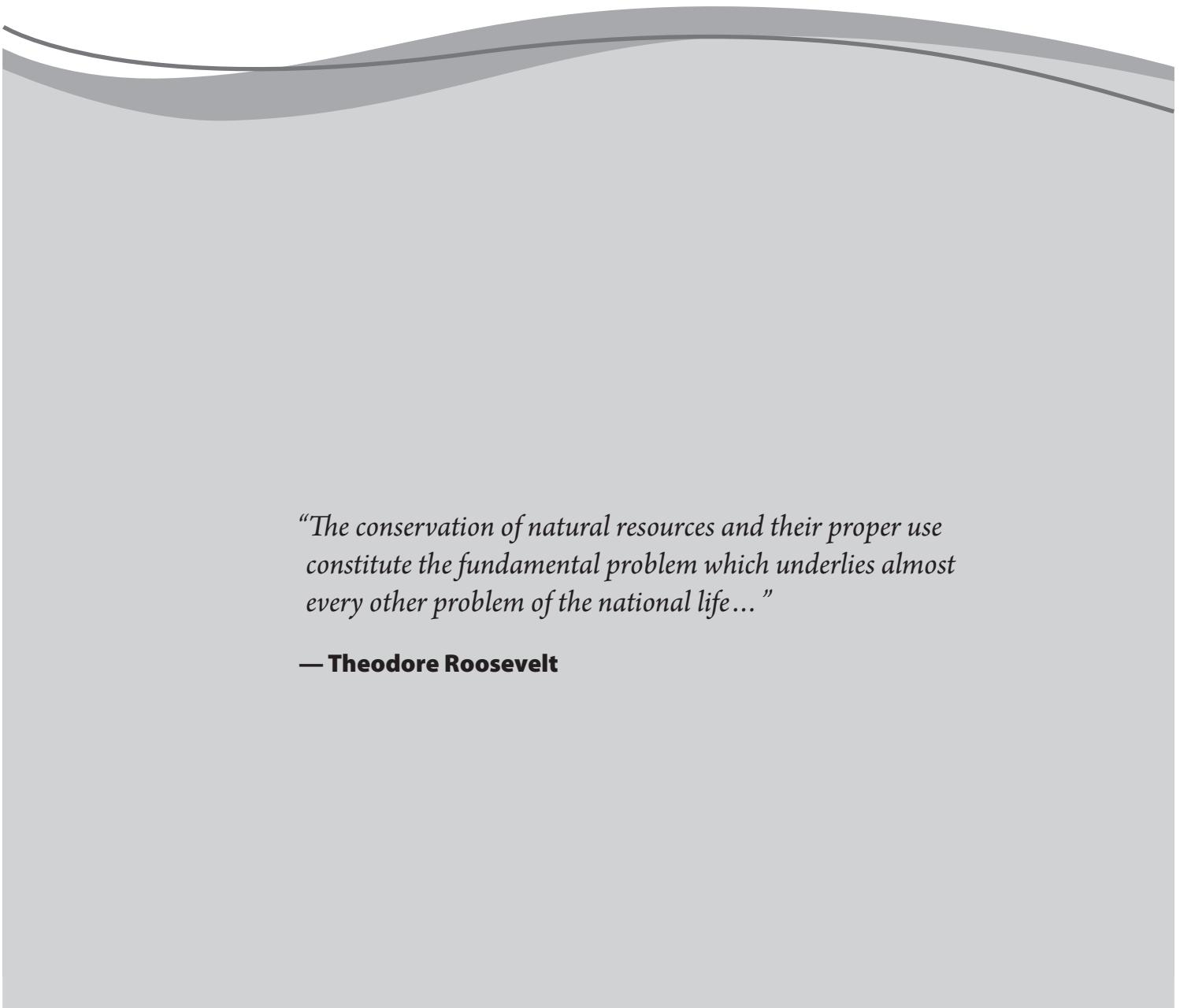
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NOTES

CONSERVATION DISTRICTS



“The conservation of natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of the national life...”

— **Theodore Roosevelt**

SWCD MAKEUP AND PURPOSE

In 1935, the U.S. Congress declared soil and water conservation and wise land use a national policy through the passage of Public Law 46. This action was prompted by a growing public concern for the poor condition of the nation's natural resources. In 1937, President Franklin Delano Roosevelt wrote to the governors of each state recommending state legislation to form soil and water conservation districts. Within a year, Virginia's Soil Conservation District Law was passed. This legislation was an effort to provide local citizens the opportunity to shape soil and water conservation and resource planning in their communities.

Today, there are 47 soil and water conservation districts in Virginia. The districts are directed by boards composed of:

- Locally elected directors

If a district encompasses only one county or one city, there are three elected directors.

If more than one county or city is represented, there are two elected directors for each entity.

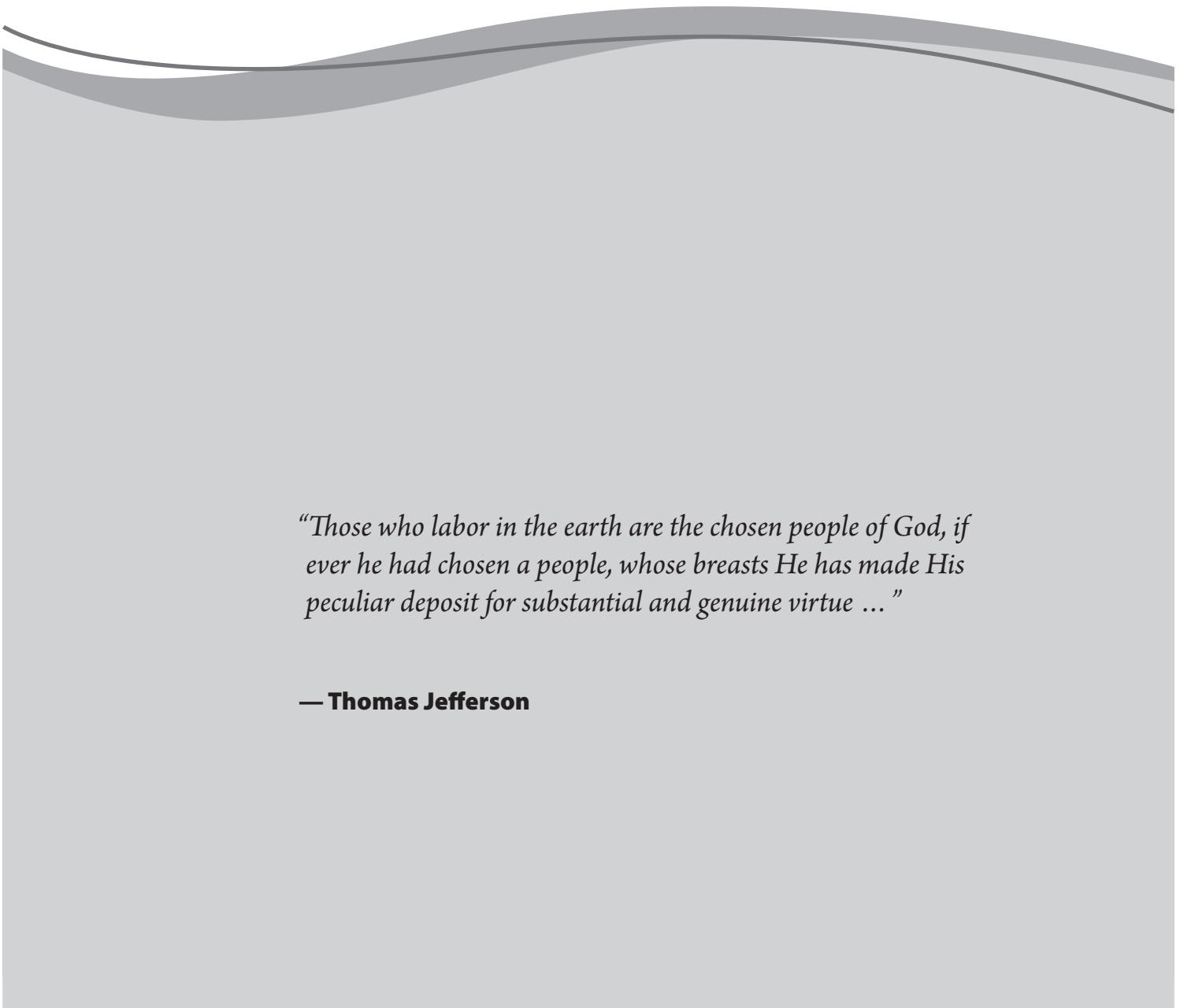
- An extension agent appointed by the Virginia Soil and Water Conservation Board (VSWCB) upon recommendation of the Virginia Cooperative Extension State Program Leader for Agriculture and Natural Resources and after consultation between VCE and the local district.
- An at-large director, recommended by local SWCDs and appointed by the VSWCB.

In Virginia, district boards range in size from five to 12 director members. These directors are empowered by state law to fulfill many responsibilities related to the management of soil and water resources and the conservation of natural resources. To achieve their missions, they may receive technical and limited financial assistance from cooperating local, state and federal sources such as local government, the Virginia Department of Conservation and Recreation, Virginia Department of Environmental Quality, USDA Natural Resources Conservation Service, Virginia Cooperative Extension and others.

Cooperation by districts with other organizations focuses on issues such as:

- Water quality and control of nonpoint source (NPS) pollution.
- Soil erosion control and prevention.
- Development and land-use patterns.
- Prevention of flood water and sediment damage.
- Watershed management to control and reduce NPS.
- Preservation of wildlife.
- Conservation planning for multiple natural resources on private and public lands.
- Soil survey and database development through the Virginia Cooperative Soil Survey program.

DISTRICT DIRECTORS



“Those who labor in the earth are the chosen people of God, if ever he had chosen a people, whose breasts He has made His peculiar deposit for substantial and genuine virtue ...”

— **Thomas Jefferson**

DIRECTORS

District directors are local citizens elected or appointed to a four-year term of office. They serve as the legislatively mandated voice for local natural resource concerns. For several decades, directors were typically local landowners. However as the scope of conservation has grown, so has the diversity of board members, lending broader perspective and credibility to the district's positions. Today, district boards are made up of bankers, teachers, homemakers, farmers, educators and business owners. They represent a variety of local environmental concerns.

JOB DESCRIPTION

Directors are not public employees and receive no salary. However, they may receive reimbursement for expenses, including travel expenses that are incurred in the performance of their duties. They voluntarily assess local conservation needs and encourage cooperative efforts in achieving district conservation goals. At a minimum, directors should attend 75% of the regular monthly board meetings and ensure a quorum is present at every meeting. Each district should develop a job description clarifying director roles and responsibilities to be used when recruiting new directors. The following requirements should be considered when developing the director's job description.

MANDATORY REQUIREMENTS

Duties of district directors §10.1-529.1
(Code of Virginia)

In addition to other duties and powers, district directors shall:

1. Identify soil and water issues and opportunities within the district or related to the district and establish priorities for addressing these issues.
2. Seek a comprehensive understanding of the complex issues that impact soil and water, and assist in resolving the identified issues at the watershed, local, regional, state and national levels.
3. Engage in actions that will improve soil and water stewardship by use of locally led programs.
4. Increase understanding among community leaders, including elected officials and others, of their role in soil and water quality protection and improvement.
5. Foster discussion and advancement within the community of positions and programs by their district.
6. Actively participate in the activities of the district and ensure district resources are used effectively and managed wisely.
7. Support and promote the advancement of districts and their capabilities.

ADDITIONAL RESPONSIBILITIES

- Identify local conservation needs.
- Represent local citizens in conservation issues.
- Educate others about conservation issues and programs.
- Work effectively with local, state and federal agencies to resolve conservation problems.
- Attend regularly scheduled board meetings, and meetings of allied organizations.
- Serve on standing and ad hoc district committees.
- Recognize and act upon natural resource management needs.
- Establish district policies and develop programs to meet those needs.
- Promote the district as a reliable source of natural resource information and policy.
- Help district citizens resolve problems related to soil and water conservation.
- Provide guidance and direction to employees of the district for the efficient operation of the district office.
- Provide financial direction by taking responsibility for the proper expenditure and management of public funds; review monthly and annual financial statements; maintain a working knowledge of the budgetary process, and approach local boards of supervisors/city council when requesting county or city public funds.
- Develop and maintain a progressive public information and education program to keep citizens informed about conservation issues and programs.
- Speak publicly about conservation issues such as providing testimony at public hearings.
- Serve on the district's personnel committee and participate in aspects of district personnel management including hiring; conducting staff personnel reviews; and developing and maintaining fair personnel policies.
- Cultivate and recruit potential directors and associate directors.
- Maintain adherence to the policies of the Virginia Soil and Water Conservation Board.
- Acquire and enhance the skills essential to effective directors to include leadership capabilities, personnel management, public speaking, negotiation, fiscal management and environmental policies.

TRAINING REQUIREMENTS

Each new director is expected to:

- Attend at least one local and one regional orientation training session within first year of taking oath of office.

All directors must:

- Meet training requirements as set forth by the district, grant agreements with DCR or policy of the VSWCB.

TECHNICAL REQUIREMENTS

- Develop a thorough knowledge of conservation needs in the areas of soil, water and other natural resources.
- Develop a working knowledge of environmental sciences, agriculture, engineering, local, state and national legislative processes, and parliamentary procedures.

FAILURE TO MEET REQUIREMENTS

As an elected official, directors are required to take an oath of office and make a personal commitment to fulfill the responsibilities of the position. On occasion, a director may fail to meet the criteria established for the office. In this case, fellow directors should consult with the individual to determine a cause for the shortcoming(s) and attempt to develop a plan to remedy the situation. The board should make an effort to motivate the official and address the unsatisfactory behavior at the district level. If the behavior does not improve through discussion and encouragement to a satisfactory level, the directors may proceed through a more formal process to seek the removal of the district director. This course of action is addressed through state law.
(§10.1-536. Removal from office)

ROLES AND RESPONSIBILITIES



*“The history of every nation is eventually written
in the way it cares for its soil.”*

— **Franklin D. Roosevelt**

PLANNING

As with any sound organization, planning is essential for deciding future courses of action. Planning processes occur at many levels of the organization of districts and for varying lengths of time. Annual plans specify what a district aims to accomplish during a calendar or fiscal year. A longer-term four-year plan is developed using a facilitated strategic planning approach with stakeholder input and is designed to align closely with the district director election cycle. The plan guides a district's actions over a four-year period and must be reviewed annually during a board meeting.

In multi-year planning, directors and staff invite key district clients to participate in a planning event. The plan prepares a district to ready itself for the future, to accomplish change and to be proactive. Annual plans provide the year-to-year incremental basis for achieving goals of a district's longer-term plan.

INFORMATION AND EDUCATION

Conservation districts encourage voluntary cooperation of landowners and the general public through information and education. Persuading landowners to adopt conservation values and practices begins with the process of instilling awareness and building conservation messages through information and education.

The broader public must be reached for people to understand their stake in conservation and to contribute their financial, political and volunteer support to district programs. Local, state and federal legislators must also be informed about conservation implications of issues and decisions.

To have effective informational and educational programs, directors should understand their clients and the most appropriate methods to reach them. Each type of client must be recognized and addressed according to their particular needs. This "marketing" approach to helping district constituents is essential to involving citizens.

Directors should integrate public relations into each conservation program and be aware of how the media can communicate a message.

General Public

District directors work with many adult audiences, including landowners, land managers, community leaders, civic clubs and cooperating agency personnel. Speaking to local civic organizations is one of the most effective ways to advance conservation actions. Audience learning styles usually change with age. Adults have more life experiences, want educational experiences to be applicable to their present needs and expect teachers to be sensitive to their particular questions. Adults also have the freedom to decide whether or not to participate and whether or not to be supportive. Here are a few methods to consider for adult education:

- Personal contact
- Community meetings
- Newsletters
- Field days and open houses
- Demonstration plots
- Presentations

- Invitations to district board meetings
- Annual meetings
- Legislative breakfasts
- Workshops, conferences and panel discussions
- Social media outlets

Legislators

Legislators are a unique audience. District programs are often directly affected by local, state or federal laws. The Virginia Association of Soil and Water Conservation Districts (VASWCD) and the National Association of Conservation Districts (NACD) are the principal legislative arms for conservation districts. Therefore, directors should inform them of district legislative concerns.

- Train teachers and youth group leaders in conservation and support the Envirothon Program.
- Provide educational materials for conservation components of youth group programs.
- Consider youth group leaders as associate members of the district board.
- Provide youth conservation education scholarships through VASWCD Educational Foundation.
- Seek sponsors for awards and other conservation programs for youth.
- Encourage youth groups to implement conservation plans on youth group facilities and property.
- Coordinate with local schools to host youth-oriented field days that are focused on grade-specific standards of learning.

Youth

A major goal in conservation education is to heighten awareness and enrich conservation values. Youth are one of the most fertile grounds for enriching the general public's conservation values. To be most effective, think about the age and environment of the youth group and present information for the appropriate level. For example: teens vs. kindergartners; agricultural vs. urban. Consider these methods:

- Develop conservation programs and projects that can involve youth.
- Sponsor youth to attend annual Youth Conservation Camp or create a local "Youth Conservation Day Camp."

VASWCD and NACD have a variety of ready-made educational materials for working with youth. There are also materials developed and promoted by other groups, agencies and organizations such as Envirothon, Project Learning Tree, Project Wet and Project Wild, Master Gardeners and Agriculture in the Classroom (AITC), which provide adult instructors with ready-made, fun conservation training modules.

PUBLIC RELATIONS

Public relations by members of a district is a continuous process of building understanding among people concerning what a conservation district is, what it does and why it is important. A good public relations program will:

- Inform the public about the conservation district and its purpose.
- Promote favorable recognition of the district.
- Ensure that potential cooperators are aware of the availability of district assistance.
- Build rapport with other groups.
- Increase the amount of funding districts receive.
- Increase the quality and amount of assistance the district obtains from cooperating state and federal agencies.
- Improve local corporations, foundations, counties, cities and the quality of people who serve as conservation district directors or on district committees.

One director on each board should take the lead for district public relations. An annual "PR" strategy should be developed and followed. Each district should set goals that permeate all aspects of the district's plans and programs.

Consistent information is a vital key to good public relations. Written, graphic, verbal and non-verbal aspects of the programs must be consistent to create credibility, recognition and have the desired impact. Here are a few key points to a positive public relations program:

- Directors should represent the board in person if possible; sending a staff person is rarely as effective.
- Sometimes it's the little things that people remember. Details are important. A couple of examples include a personal letter or phone call from a director to the new county supervisor or handwritten thank you notes for financial contributions. Actions as small as these can prove very effective in building rapport.
- Always follow through on commitments.
- Recognize and appreciate cultural differences.

Give recognition to agencies, associations and other groups for their support. They'll be more eager to support you again if they are recognized for their efforts.

WORKING WITH THE MEDIA

Whether you are engaging in information, education, public relations or all three, you will use a wide range of media:

- Personal telephone or conference calls
- Personal letters
- Direct mail to target specific audiences
- Interview shows
- Free public service messages
- Columns or regular features in newspapers, magazines or newsletters
- Films, movies and videos
- Website
- Events such as Soil Stewardship Week, (Virginia) Natural Resource Conservation week, NACD Conservation Education Awards Program and others
- Displays, shows and fairs
- Field demonstrations (with signs)
- Newsletters and annual reports
- Press coverage of meetings
- Public service announcements (PSAs) on radio and TV (including cable)
- Press releases to newspapers and magazines
- Calendar listings
- Brochures, handouts and mailers
- Social media outlets
- Photos or other artwork, posters and banners

It is important to establish friendly, mutually helpful relationships with media representatives. Work to persuade them of the importance of your district programs and they can be an advocate to the public. A media relations committee for the district may be developed to decide:

- Which issues or programs should be promoted;
- Primary audiences for particular issues and interests; and
- The most effective media type for reaching target audiences.

HUMAN RESOURCES

People are a conservation district's primary resource. Part of the responsibility of a district director is to offer guidance and foster good relationships among directors, associate directors, district staff, committee members, volunteers and partners.

Associate Directors

Associate Directors are appointed by the district board and are advisers and representatives of particular interests that are critical to the district they serve. They may have varied backgrounds but the common link should be a concern for natural resource conservation. Associate directors don't vote on board decisions but augment the knowledge and experience of directors. Many boards have developed terms of office for associate directors. Associate Directors are encouraged to serve on district committees and attend monthly board meetings. Because their experience and knowledge are valuable to the board, it is wise to provide them the same initial orientation as a director and involve them in the work of the district as much as possible. They may also receive reimbursement for travel-related expenditures.

Personnel

There is flexibility in the structure of each district's personnel because of the varying needs of districts and their boards. However, the combination of employees should result in a smoothly implemented conservation program with effective policies. Board member roles versus staff roles should be very well defined. A general rule of thumb is that the

board sets policy and the staff implements it. When staff assumes a policy-making role, the board of directors can lose credibility in the community. Some responsibilities fulfilled by staff should include:

Many of the policies governing staff are established in the Personnel Policy created and approved by each District Board. The Personnel Policy should include specific items such as:

- Definitions of employees and status
- Work hours, holidays, leave, emergency closure procedures
- Benefits description
- Reimbursement and procurement procedures
- Grievance procedures
- Probationary, resignation and termination information
- Statements of compliance with nondiscrimination and fair labor act/laws and FMLA requirements
- Additional information as approved by the District Board

The personnel policy should be reviewed and approved annually.

Staffing

It is the board's role to identify needs and develop a support staff to address those needs. Staff positions may include:

- **District Manager** – a leadership role as the supervisory staff person; mediates district problems; works with cooperating agencies to gather information for planning efforts; assists with staff recruitment and may supervise other district employees; primary representative and point of contact (other than Board officers) for the District.
- **Administrative Secretary/Assistant** – initial contact for callers to the district; assists in the preparation of written materials including correspondence, agendas, minutes, plans, reports, newsletters and news releases; performs clerical work; maintains district files; assists directors with fiscal management.
- **Secretary-Treasurer** – maintains all accounting records; prepares financial and budget reports; assists in the preparation of correspondence, agendas and minutes. Approval of the VSWCB is required if a district wants to appoint an employee as secretary/treasurer. (Code of VA § 10.1-532)
- **Conservation Specialist/Technician** – administers DCR's Virginia Agricultural Best Management Practices Cost-Share and Tax Credit Program (VACS), the state's portion of the Conservation Reserve Enhancement Program (CREP) and certain BMP loan program functions; designs and lays out BMPs; manages the SWCD's equipment program; reviews erosion and sediment control plans; assists with local watershed planning and with the district's role will SWCD owned dams, and other NPS prevention activities; provides nutrient management, resource management and related advice to landowners.
- **TMDL Agricultural Specialist and Urban or Residential Specialist** – administers DEQ's Total Maximum Daily Load (TMDL) agricultural and residential cost-share program. These positions are funded through special funding sources including federal EPA 319 grant funds and special state appropriations.
- **Information/Education Specialist** – assists with all aspects of information, education and public relations; writes newsletter and newspaper articles; prepares radio and TV coverage; and works with cooperating agencies in planning and conducting tours, demonstrations, youth programs and related activities.

In addition to the paid staff employed by a district, needs may arise for contractual services that may be met through independent consultants. The work performed may be due to a short-term need or to provide expertise in a specialized area such as developing an environmental display. Consultants are not true district employees but rather work on a contractual, as needed basis.

Position Description/ Performance Expectation

Position descriptions should be developed for all district employees to include all roles and responsibilities, performance expectations, qualifications, benefits and salary. A position description may combine tasks typically associated with more than one job title if there is not a full-time need in one area (for example, Conservation Technician/Equipment Manager).

Performance expectations are statements that capture the quantity, quality and timeliness of activities performed by staff. They are developed annually and provide a basis for measuring and evaluating the work by district employees.

The District Board approves position descriptions and performance expectations for each district staff member. The position descriptions and performance expectations should be reviewed and approved annually.

Hiring

The entire board should help determine the district's staffing needs and agree on candidate(s) before hiring. Recruitment and selection of new employees require knowledge of fair employee practices. There must be continuity between the position description, advertisement, application screening criteria, interview questions and reasons for selection. DCR Conservation District Coordinators (CDCs) may be consulted in this process.

Choosing an effective combination of staff and compensating them appropriately can multiply the efforts of the board many times over. The following should be considered in developing an employee compensation package:

- Salary
- Professional development opportunities
- Fringe Benefits: Health insurance, Dental Insurance, etc.
- Leave: annual/vacation, sick, etc.
- Paid holidays
- Retirement

The district must also be aware of legally required employee programs, such as:

- Social Security
- Unemployment insurance
- Workman's compensation
- Civil rights laws
- State and federal income tax
- Affordable Care Act
- Americans with Disabilities Act
- Fair Labor Standards Act
- Family and Medical Leave Act
- Equal Employment Opportunity

New employees should receive orientation and training to:

- Explain specific district policies, including a review of the District's personnel policy.
- Assure a mutual understanding between the board and staff as to roles and responsibilities of each.
- Strengthen their understanding of conservation issues.

- Communicate their precise job duties formalized in a position description and performance expectations, as determined by the board.
- Be provided a copy of DCR's Operations and NPS (Cost-Share) Grant Agreements to gain an understanding of District and DCR deliverables.
- Receive and review the SWCD Employee Checklist.

Districts are encouraged to identify one district director as a contact director (usually the personnel committee chair) who should serve as the liaison between the staff and the board. The contact should:

- Maintain a keen awareness of employee concerns.
- Initiate evaluations and salary increases (evaluations should occur at least once each fiscal year).
- Oversee any personnel actions.
- Develop and implement an employee individual development plan.

VOLUNTEERS

In many ways, supervising volunteers is similar to supervising employees. The first step is to clearly define the tasks to be performed by one or more volunteers. Establishing position descriptions for volunteers clarifies their roles and enables greater focus on district needs. A position description can also be a written agreement, legally protecting the volunteer and the district. Once the district needs and the functions of volunteers have been defined, the next step is to develop programs for the recruitment, orientation, training and evaluation of those that volunteer their time and expertise. Districts are encouraged to designate someone to serve as the district's volunteer coordinator to oversee all volunteer efforts.

Developing volunteer support is an important mechanism for broadening the district's sphere of influence and ultimately achieving district conservation goals. In recruitment efforts, directors should seek citizens with areas of expertise not represented on the existing board.

Volunteers have individual motivations for contributing to district initiatives such as self-expression or philanthropy. In order to maximize volunteer efforts, these motivations must be realized and fulfilled. Volunteers may be motivated and encouraged by:

- Being allowed to help shape district plans and programs.
- Seeing positive results from their efforts.
- Realizing their efforts are appreciated.
- Being entrusted with increased responsibilities.
- Being recognized for their contributions with awards and letters of commendation.
- Having good working conditions and a pleasant working environment.
- Receiving reimbursement for appropriate expenses.

ADMINISTRATION



“Perhaps the most serious obstacle impeding the evolution of a land ethic is the fact that our educational and economic system is headed away from, rather than toward, and intense consciousness of the land. Your true mode is separated from the land by many middlemen, and by innumerable physical gadgets.”

— Aldo Leopold

ADMINISTRATIVE STRUCTURE

Conservation district administration is led by board officers and carried out through committees.

OFFICERS

- **Chair** – Must be an elected or appointed member of the district board. The chair sets the meeting agenda, appoints committees and assigns their responsibilities, and orients new directors. The chair may entertain a motion. Robert's Rules of Order provides for the chair to vote if he/she wants; however, it is good practice for the chair to abstain from participating in debate and voting unless the chair feels a responsibility to take a position or to break a tie vote.
- **Vice Chair** – acts in place of the chair when needed and advises the chair on programs and policies; arranges special programs for regular board meetings; serves as chair for at least one standing committee.
- **Secretary** – notifies members of each meeting; provides the chair a list of business items for the agenda; signs board meeting minutes and records of committees; transmits correspondence on behalf of the board; prepares district reports for review by the board; ensures that all forms of communication are documented in accordance with pertinent policies.
- **Treasurer** – oversees the district finances and usually serves as chair of the finance committee; leads budget development; receives deposits and disburses funds; keeps complete financial records; contributes to the development of the district fund raising plan; presents financial statements at meetings.

Many districts combine the responsibilities of Secretary and Treasurer into one position as Secretary/Treasurer. In situations where the district wishes for the Secretary/Treasurer to be a staff member, the VSWCB must approve the appointment. When responsibilities are combined, it is recommended that a second individual other than the preparer review, initial, and date the bank reconciliations, invoices etc.

COMMITTEES

Committees study and conduct business in a specific area, such as finance, personnel and legislative. They implement and monitor decisions made by the board, gather support from organizations and agencies, and are an excellent training ground for those who may eventually become district directors. Committee meetings are required to be recorded in minutes. There are two basic types of district committees:

- **Standing Committee** – a permanent committee charged with developing one basic aspect of the district. Typical standing committees include but are not limited to finance, personnel, technical, public relations and education.
- **Ad-Hoc** – a short-term committee charged with a specific task. Examples of tasks might include legislative issues, elections, awards and grant solicitation

Committee meetings are considered open meetings and subject to the requirements of the Virginia Freedom of Information Act (FOIA). Minutes should include attendance and actions recorded.

MEETINGS

Monthly board meetings are held to share information and ideas, hear from constituents, develop district policies, direct activities, and monitor implementation of programs. As public bodies, districts are bound by requirements of the Virginia Freedom of Information Act (FOIA). District board meetings and all committee meetings are open to the public, unless there is a specific exception permitted by the Virginia FOIA. Even then, the board must carefully follow statutory procedure for closing a meeting. Directors participate in meetings of committees, district associations and representative groups. In order to maximize meeting productivity:

- Participants should be notified at least one week prior to the meeting and should be provided a complete agenda. Participants should be prepared to discuss the business at hand.
- Arrangements for the meeting should include: a comfortable room, reasonable accommodation for individuals with disabilities, parking, appropriate seating arrangements for participants and audience, and audio-visual resources.
- The chair should ensure that all views are presented and disallow time-consuming repetition or undirected dialogue.
- Participants should be familiar with parliamentary procedure or Roberts Rules of Order. Use of Roberts Rules is not required but should be generally followed for the conduct of district business.
- Minutes must be taken to provide a written record. They should be sent to all participants immediately following the meeting as a reference to commitments made, and they should be approved at the beginning of the following meeting. Minutes should capture the essence of a meeting, the decisions reached and not the content of every conversation.
- Conduct all transactions in ways that maintain the trust of all contributors (which includes the general public).
- Obtain adequate district funding; account for all dollars and district assets. All directors, district employees and those approved to act on behalf of the district are covered by bonding insurance.

FINANCES

Securing funding is a board function and not one of paid staff. The board should establish a committee to develop a fundraising plan and decide how to implement it.

Each board should have a finance committee to oversee all financial aspects of the district and advise the board in financial matters. The committee should

- Review all sources of funding and develop reliable acquisition strategies.
- Develop budgets and budget reports.
- Ensure finances are handled according to sound accounting principles and in accordance with the Desktop Guide for Fiscal Operations.
- Arrange required audits.
- Check the reliability of financial information.

The first step in district funding is to define the needs and assess available funding in relation to those needs. The following is a summary of typical funding sources:

Federal – a district may develop a cooperative agreement or apply for a grant for a specific purpose. These sources may require matching funds from the district.

State – Virginia, primarily through DCR, makes funding available for district operations, NPS implementation programs and other mutual projects and programs. This money may be used for, but is not limited to:

- Cover costs associated with district operations and employ district staff.
- Implement NPS soil and water quality management projects.

The Virginia Department of Environmental Quality (DEQ) offers a loan program for the implementation of certain agricultural conservation practices.

Local Funding – Districts develop fundraising activities to provide additional funding for programs. The primary local donors are the counties and cities. Other local development activities take on many forms, such as contractual agreements, fundraising drives, special events, direct appeals, honorary gifts, bequests, sponsorships and advertisements.

BUDGET

The budget is the most important tool for the board to use when deciding how to allocate district funds. A budget should be prepared annually by the finance committee and should include:

- Consideration of unexpended funds from the previous year as presented in the financial statement.
- Projected revenue and expenses.
- A detail of actual income and expenditures for the previous year.
- An estimate of staff and costs to accomplish proposed activities.
- A narrative summary.

Budget requirements vary for different grants. All requirements must be met prior to submission.

ACCOUNTABILITY

As public officials, directors are accountable for all funds, property and equipment belonging to the district. Accountability requires documentation, as well as maintaining public trust that the district is applying all funds entrusted to it in a manner that the public will accept and support.

Districts must periodically accommodate an audit of accounts, receipts and disbursements, as well as adhere to the guidance in the Desktop Guide for District Fiscal Operations.

- To receive monies from DCR, districts must fully disclose their financial situations by submitting certain information in a quarterly financial report (Attachment E) to DCR.

- Annual reports are developed and provide a public record of accomplishments, financial status and volunteer support. They may include a message from the chair, statement of the district's financial condition, highlights of the year and remaining problems to be solved. These reports can be used effectively for education, public relations, and fundraising with local governments and businesses.
- Quarterly and special reports describing project accomplishments, remaining tasks, problems encountered and fiscal data are often required by grant sources.
- Property inventory is developed and updated annually, with a copy filed in an offsite location for security purposes.
- Accountability is a legal obligation. Directors have some protection from liability while discharging their official duties and are named as insured's within the Commonwealth of Virginia's Risk Management Plan. Further, districts may request the assistance from a local, public or private legal source or the Office of the Attorney General should legal advice be needed. A bonding insurance policy secured through the Division of Risk Management covers all SWCD directors and employees. To minimize legal liability, each director should gain a thorough understanding of the roles and responsibilities of the office and should fulfill those responsibilities as conscientiously as possible.

CONFLICTS OF INTEREST

Public officials in Virginia, including district directors and SWCD staff, should identify any potential conflict of interest, including the approval of a cost-share application for an operation in which that director or staff member has a direct or indirect material personal interest. Directors and/or staff members should identify the potential conflict and remove themselves from the room until all discussion about that application has been completed. Specific questions pertaining to conflict of interest should be posed to the Office of the Attorney General. (Code of Virginia, Title 2.2 Chapter 31 State and Local Conflict of Interests Act § 2.2-3100 - 3131). For more information visit <http://leg1.state.va.us/>

CIVIL RIGHTS/EQUAL EMPLOYMENT OPPORTUNITY

In dealing with both clients and employees, district directors must comply with all federal and state laws established to protect citizens' civil rights and employment opportunities. For further information, contact the Office of the Attorney General, Division of Human Rights at 804-225-2292 or <http://www.oag.state.va.us/index.php/programs-initiatives/human-rights> or the U.S. Equal Opportunity Employment Commission (EEOC) at <http://www.eeoc.gov/>

SEXUAL HARASSMENT

Districts must provide a work environment free from discrimination, intimidation, coercion and sexual harassment. Sexual harassment is unlawful and intolerable. For more information visit: http://www.dhrm.virginia.gov/hrpolicy/web/pol2_30.html

THE BASICS OF NONPOINT SOURCE POLLUTION (NPS) AND WATER QUALITY



“The days have ended when the forest may be viewed only as trees and trees viewed only as timber. The soil and the water, the grasses and the shrubs, the fish and the wildlife, and the beauty that is the forest must become integral parts of the resource manager’s thinking and actions.”

— **Hubert Humphrey**

THE BASICS OF NONPOINT SOURCE POLLUTION (NPS) AND WATER QUALITY

District directors are elected or appointed to represent the conservation needs of their communities. Therefore, the goals of each board will vary, as will its community's needs. For example, districts in the eastern half of the state may be strongly governed in their conservation planning by the Virginia Chesapeake Bay Preservation Act. Some districts have responsibility for maintaining earthen flood control structures and therefore are guided by the Virginia Dam Safety Act. Still, others may be influenced by the Virginia Erosion and Sediment Control Law due to construction activity in the district.

Many issues are common to all districts:

- Water quality
- Addressing NPS pollution
- Land-use planning
- Land-use changes, open space and preservation of productive farm land
- Use of natural resources

Water quality issues gained greater recognition in 1987 when the Clean Water Act was amended to provide additional funding to control NPS pollution, any type of water pollution that cannot be linked to a specific location. There are four major categories of NPS pollution: sediments, nutrients, toxic substances and pathogens.

- Sediments are soil particles transported by water into streams, lakes, rivers and bays. By volume, sediment is the greatest pollutant of all and originates from soil erosion.
- Nutrients are substances that help plants and animals grow. However, in large doses, nutrients such as nitrogen and phosphorus can cause excessive plant and algae growth in lakes and streams, suffocating the natural system.
- Toxic substances cause human and wildlife health problems. They include chemical wastes, metals, pesticides, formaldehyde, household chemicals, gasoline, motor oil, battery acid and roadway salt.
- Pathogens are disease-causing microorganisms (actually bacteria) and include those present in human and animal wastes.

Every board faces both common and unique environmental challenges. However, one fact remains the same: the quality of life in any area is dependent on the stewardship of its natural resources.

CONSERVATION PROGRAMS



“The central thing for which conservation stands is to make this country the best possible place to live in, both for us and our descendants. It stands against the waste of natural resources which cannot be renewed, such as coal and iron; it stands for the perpetuation of the natural resources which can be renewed, such as food-producing soils and forests...”

— **Gilford Pinchot**

CONSERVATION PROGRAMS

Programs exist to address soil and water conservation issues and are funded by state and federal monies allocated to conservation districts on an as-needed or competitive basis. District boards implement the programs and help develop and approve the conservation plans on a local level.

Virginia Agricultural Best Management Practices (BMP) Cost-Share Program, Virginia Ag BMP Tax Credit Program and Conservation Reserve Enhancement Program (CREP)

These programs provide incentives for farmers to install conservation practices. Funding needs are determined by an integrated analysis of the area. Partial assistance is available year-round for individuals who carry out a district board-approved conservation plan. The programs consist of a few dozen practices, including:

- No-till
- Cover Crops
- Livestock Exclusion
- Riparian Buffers
- Nutrient Management

DEQ Agricultural BMP Loan Program

Funds for loans are generally made available to farmers having the greatest potential for actual pollution resulting from surface runoff, erosion, leaching or intense production of animal waste.

Watershed Management Programs

Increasingly, government and private organizations are recognizing that it makes sense to assess water quality problems and develop solutions on a watershed basis.

In Virginia, two primary state conservation agencies (DEQ and DCR), along with the Natural Resources Conservation Service (NRCS), have divided the land surface of the state into over 1,200 6th order specific watersheds (NWBDs). These watersheds have been evaluated and ranked based on land use and water quality factors. The ranking helps agency resources be directed to watersheds with the greatest water quality problems.

No single entity can solve the state's water quality problems. Ultimately, those that live and work within a watershed must accept personal responsibility for the stewardship of Virginia's soil and water resources.

Partnerships are being established within specific watersheds among concerned citizens, government and industry to identify and solve water quality problems. These partnerships are an effective way of bringing government closer to the people and offering services that are needed and supported by local citizens. Districts are ideally positioned to be effective local leaders and coordinators for these partnerships.

Nutrient Management Program

Virginia's Nutrient Management Program assists farmers and other constituents to protect water quality by encouraging efficient use of manures, fertilizers, sewage sludge and other nutrient sources for crop production. DCR nutrient management specialists prepare site-specific nutrient management plans, review plans prepared by others, and conduct technical and educational programs. Plans are required for large permitted confined animal operations and for certain sewage sludge application sites in order to be eligible for certain cost-sharing and tax credits. DCR's voluntary certification program allows individuals to take an examination and be certified to write nutrient management plans. DCR also negotiates more efficient use of non-agricultural fertilizers with lawn service companies and homeowner fertilizer retailers to assist in reducing nutrient pollution from urban areas.

The primary objectives of this program are to:

- Improve water quality by minimizing application of excess nutrients.
- Maximize crop use of applied nutrients.

Resource Management Plans

The Resource Management Plan (RMP) Program is a voluntary program that allows agricultural landowners or operators to have a resource management plan written by a certified RMP plan developer. Each plan must contain minimum standard best management practices. When a participant has fully implemented the plan, the planned acreage is granted "certainty," meaning that it is considered to be in full compliance with a load allocation contained in a TMDL established under the §303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient or sediment impairments; any requirements of the Virginia Chesapeake Bay TMDL: Watershed Implementation Plan; and applicable state water quality requirements for nutrients and sediment. The primary role of Soil and Water Conservation Districts in this program is to function as the review authority, reviewing plans and conducting verification and compliance inspections.

Food Security Act (FSA)

Provisions of the federal 1985 Food Security Act and subsequent federal Farm Bills (1990, 1996, 2002, 2008, 2014 and their amendments) require producers with highly erodible cropland to completely implement conservation plans to obtain benefits, such as price support and crop insurance. Highly erodible land has a potential erosion rate at least eight times the rate at which soil maintains its productivity. The development and implementation of conservation plans helps reduce soil loss to levels that are technically and economically acceptable.

URBAN PROGRAMS

Chesapeake Bay Preservation Act

In Tidewater Virginia, soil and water quality conservation plans must be established and approved by the district board for agricultural land in locally designated Chesapeake Bay Preservation Areas. These areas are divided into two categories:

- Resource Protection Areas (RPA) – sensitive lands at or near the shoreline, which, by nature, affect water quality.
- Resource Management Areas (RMA) – land adjacent to RPAs, which protect RPAs and water quality.

Soil and water quality conservation plans are developed in accordance with state regulations carried out by DEQ and county ordinances. The plans address:

- Soil erosion control
- Nutrient management
- Pest management
- Required vegetated buffers adjacent to RPAs

Erosion and Sediment Control Program

In accordance with the Virginia Erosion and Sediment Control Law, Regulations, and Certification Regulations, effective July 1, 2013, DEQ is responsible for implementation of the Virginia ESC Program. The purpose of the program is to help prevent destruction of property and natural resources caused by soil erosion, sedimentation and nonagricultural runoff from regulated land-disturbing activities.

ESC regulations specify the “minimum standards” that must be followed on all regulated activities including: criteria, techniques and policies. State law explains the rights and responsibilities of local and state governments to administer ESC programs, as well as those of property owners who must comply with them.

A network of local and government programs regulates most private land-disturbing activities, while DEQ oversees state and federal activities. Throughout the Commonwealth, Districts assist local governments with ESC programs at varying degrees. Districts may be the designated ESC plan review and approval authority, ESC inspector, ESC administrator or a combination of roles.

Stormwater Management Program

DEQ is also the lead agency for developing and implementing statewide stormwater management programs to protect the Commonwealth's water quality and quantity.

In response to the Virginia Stormwater Management Regulations, some Districts provide assistance to local entities similar to that provided for ESC programs.

Virginia Conservation Assistance Program (VCAP)

A pilot project was started in 2012 with four Districts within the Chesapeake Bay Watershed for the purpose of increasing public awareness about conservation practices on urban and residential properties and installing such practices. Practices include rain gardens, reduction of residential fertilizer and urban forest buffers. Today, the program is state wide and managed by VASWCD.

Dam Safety Program

In order to protect public safety, dams impounding water are regulated by permits according to the height of the structure and the size of the water surface area impounded. Districts owning dams must provide for their operation and maintenance and adhere to permit requirements. Maintenance may

involve annual structural checks, mowing and fertilization of sod earthen structures. DCR staff provides technical and administrative support to districts for dam safety. This presents several two-way opportunities such as:

- Meetings with directors and district employees on-site to inspect the dam.
- Review of spillway design modifications with DCR's consulting engineers.
- Review of Emergency Action Plans.
- A partnership opportunity between district directors and DCR to bring all dams in the district into compliance.

Floodplain Programs

DCR assesses flooding problems in Virginia, and identifies strategies for solutions. DCR also:

- Provides mitigation planning, technical workshops and community visits.
- Responds to inquiries from insurance representatives, real estate agents and lending institutions.
- Maintains a centralized state-wide database.
- Assists with floodplain district zoning and local ordinances.
- Administers the Flood Prevention and Protection Assistance Fund.

SHORELINE PROGRAMS

Virginia has more than 5,000 miles of tidal shoreline. DCR provides technical expertise to localities and private property owners to address shoreline erosion prevention and management.

Impaired Waters Program

Increasing numbers of Virginia's waterways are being included on the 303(d) impaired waters list. When waters are designated as impaired, they are referred to as Total Maximum Daily Load (TMDL) watersheds. A study is conducted on the impaired watershed to outline the source(s) of the impairment followed by the formulation of an implementation plan (IP). The IP reviews possible solutions to the impairment and involves stakeholder participation as well as partnerships between agencies such as SWCDs, DCR, DEQ and localities. Districts are often the resource needed to carry out the implementation plan and are often provided funding opportunities to implement the IP.

Awards Programs

Virginia has an extensive awards program offering recognition to those who excel in the conservation of natural resources. Nearly all districts have active awards programs. By promotion of these programs, districts can recognize individuals and promote district programs.

Some of the more widely used programs are:

- VASWCD – Conservation Teacher and Conservation Education District of the Year Awards

- VASWCD – E.C. Compton Meritorious Achievement Award for Associate Directors
- VASWCD – R.E. "Bobby" Wilkinson Award for District Director
- Dora and Wilkie Chaffin Award for district staff
- DCR-DSWC Clean Water Farm Awards
- VASWCD – Watershed Connections Outstanding Director Award
- VASWCD – Director Years of Service Pins
- VASWCD – Legislator of the Year Award
- VASWCD – Forestry Awards
- VACDE Outstanding Employee Awards
- NACD Awards
- Earth Team Volunteer

In addition to those listed, many districts sponsor and promote their own awards programs to increase public awareness.

OTHER PROGRAMS

A variety of programs have been developed to address different issues related to soil and water conservation. Many of these programs are funded by both state and federal monies allocated to conservation districts on an as-needed or competitive basis. District boards implement the programs and help develop and approve the conservation initiatives at the local level.

SWCD PARTNERS



“There cannot be a more rational principle in the code of agriculture, than that every farm which is in good heart should be kept so; that everyone not in good heart should be made so...”

— **James Madison**

SWCD PARTNERS

SWCD PARTNERS

Districts rely on assistance and funding from federal, state and local governments; various associations; private organizations, businesses and individuals. Many agencies have a strong interest in the same natural resource issues; therefore, combining efforts can save time and money.

Cooperative assistance with joint projects can be formally documented through a cooperative agreement, or a Memorandum of Understanding. Less formal involvement can take the form of appointing representatives from interested groups to be associate directors, advisors or committee members. Further positive relationships can be built if directors serve on a committee or task force of cooperating organizations.

FEDERAL AGENCIES

United States Department of Agriculture (USDA)

USDA is the umbrella under which the following cooperating agencies are found:

Natural Resources Conservation Service (NRCS)

The working relationship between districts and NRCS began in the 1930s as the legislation that created the federal conservation system and allowed state governments to create districts. The NRCS, operating through a series of cooperative agreements, provides staffing to advise and assist districts with technical assistance to producers and to carry out federally mandated conservation programs. The main focus of NRCS technical assistance is planning and implementation of conservation practices to protect the soil and water resources. This includes soil surveys, watershed planning and management, technical soil assistance, engineering assistance, and emergency flood protection. NRCS maintains a series of field offices across Virginia. Many SWCDs are co-located with NRCS at these locations through additional cooperative agreements that may include items such as phone service, equipment use and other shared technical resources.

Farm Service Agency (FSA)

FSA administers programs for farmers related to production and conservation practices. It also provides aerial photos for conservation work, assistance for land treatment and development, and natural disaster relief.

Rural Development (RD)

RD makes loans for farm ownership, operating expenses, livestock emergencies, soil and water conservation, grazing, tribal land acquisition, recreation and subsidized and unsubsidized housing.

U. S. Forest Service (USFS)

The Forest Service carries out its mission through five main activities:

- Protection and management of natural resources on National Forest System Lands.
- Research on all aspects of forestry, rangeland management, and forest resource utilization.
- Community assistance and cooperation with state and local governments, forest industries, and private landowners to help protect and manage non-federal forest and associated range and watershed lands.
- Achieving and supporting an effective workforce that reflects the full range of diversity of the American people.
- International assistance in formulating policy and coordinating U.S. support for the protection and sound management of the world's forest resources.

Department of the Army

United States Army Corps of Engineers (COE)

The Corps of Engineers plans and constructs reservoirs and local measures to control floods and improve navigation. It is active in flood control, wetlands protection, hydroelectric power, municipal and industrial water supplies, and recreation, as well as planning for all functions of water resource development.

United States Environmental Protection Agency (EPA)

The EPA carries out federal pollution control laws covering air, land, waste and water. The EPA has delegated many pollution control programs to state governments. State agencies carry out many natural resource management activities. The mission of the EPA is to protect human health and to safeguard the natural environment – air, land and water– upon which life depends.

Department of the Interior

The United States Fish and Wildlife Service (USFWS)

The USFWS's major responsibilities involve migratory birds, endangered species, certain marine mammals, and freshwater and anadromous fish. The USFWS mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The agency conducts research, environmental impact assessments and manages wildlife refuges.

National Park Service

The National Park Service preserves the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

United States Geological Survey (USGS)

The USGS conducts studies on public lands as well as research in geology, geophysics, hydrology, water quality, cartography and related sciences. It also studies natural hazards, such as earthquakes and volcanoes and identifies flood hazard zones.

STATE AGENCIES
AND ORGANIZATIONS**Virginia Soil and Water Conservation Board (VSWCB)**

As the oversight body for certain state soil and water conservation programs, the VSWCB helps guide the delivery of soil and water conservation services to the citizens of the Commonwealth, provides expert advice to the governor and has authority over several DCR programs. The VSWCB provides oversight to the districts, establishes financial policy regarding operational and administrative funding to districts, appoints directors for at-large positions, approves the Virginia Agricultural BMP Cost-Share and Tax Credit Program, and oversees the programs associated with the Virginia Dam Safety Act. It approves equipment and water resource loans.

As referenced in Virginia Code (§10.1-502) the Board shall consist of nine voting members. All voting members are appointed by the governor and serve four-year terms. At least two of the at-large members must have a demonstrated interest in natural resource conservation with a background or knowledge in dam safety, soil conservation or water quality protection. Additionally, four members shall be farmers and two members shall be farmers or district directors.

The DCR director, or his designee, shall be a nonvoting ex officio member of the Board. The Board may invite the Virginia State Conservationist, Natural Resources Conservation Service, to serve as an advisory nonvoting member. The VSWCB is supported mainly by staff of DCR's Division of Soil and Water Conservation and Division of Dam Safety and Floodplain Management.

**Virginia Department of Conservation
and Recreation (DCR)**

DCR has seven divisions: Administration and Finance, State Parks, Planning and Recreation Resources, Natural Heritage, Land Conservation, Soil and Water Conservation, and Dam Safety and Floodplain Management. DCR maintains a close and important relationship with SWCDs. The department, primarily through the Division of Soil and Water Conservation, provides financial, administrative and technical assistance to districts; disseminates information to statewide and national associations of conservation districts; informs the public about district programs; and assists with coordination of NPS pollution programs, as well as programs for urban conservation, district dam safety and shoreline erosion.

Virginia Department of Forestry (DOF)

As protector and developer of Virginia's forest resources, DOF prevents and suppresses forest fires, enforces forest fire laws, encourages good forestry practices and conducts reforestation programs. It also implements programs to control insects and diseases that attack and injure Virginia's forest resources.

Virginia Cooperative Extension (VCE)

VCE is part of the Land Grant College/University System and is an arm of the USDA with funding from federal, state and local sources to carry out its mission. VCE's primary focus is on education programs targeting farmers, 4-H Club members (youth), families and consumer groups. By law, an Extension agent is a director on every district board.

**Virginia Department of Environmental
Quality (DEQ)**

DEQ combines the staff from six regional offices covering more than 30 program areas to take a comprehensive and unified approach to managing environmental issues. DEQ is concerned with water and environmental policy focusing on protecting Virginia's environment and promoting the health and well-being of the citizens of the Commonwealth. DEQ is the lead non-point agency in Virginia.

**Virginia Department of Agriculture and
Consumer Services (VDACS)**

VDACS, located within the governor's Secretariat of Agriculture and Forestry, has both economic development and regulatory responsibilities. It is responsible for over 60 laws and more than 70 regulations relating to consumer protection and promotion of agriculture. VDACS is organized into four units - the Commissioner's Office, Division of Animal and Food Industry Services (AFIS), Division of Consumer Protection, and Division of Marketing. VDACS focuses on the economic growth and development of Virginia agriculture, encourages environmental stewardship and provides consumer protection. VDACS administers the Agricultural Stewardship Act with close cooperation from soil and water conservation districts.

**Virginia Department of Game
and Inland Fisheries (DGIF)**

The mission of DGIF is: To manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth; to provide opportunity for all to enjoy wildlife, inland fish, boating and related outdoor recreation; and to promote safety for persons and property in connection with boating, hunting and fishing.

State Water Control Board (SWCB)

The SWCB enforces the Virginia Water Control Law, which provides for clean ground and surface water throughout the state (Code of Virginia, Title 62.1, Chapter 3.1). The board performs water resource planning, establishes standards for water quality and is the lead for both nonpoint and point sources of pollution. It also issues permits to agricultural operations with large numbers of livestock under the Virginia Pollution Abatement permit program.

**Virginia Marine Resources
Commission (VMRC)**

VMRC manages the Commonwealth's marine fisheries and habitat resources. It emphasizes a decision-making process that is science-based, balanced and open to wide public participation to ensure healthy resources and maximum benefit to all citizens. It re-seeds publicly owned oyster beds, leases oyster planting grounds, constructs artificial reefs to enhance habitat and is responsible for Virginia's streambeds and tidal bottomlands, wetlands and dunes. The Virginia Marine Patrol enforces boating, fishery, and habitats management laws and regulations in tidal waters. It also provides search and rescue services, and public health services related to seafood.

**LOCAL GOVERNMENTS
AND ORGANIZATIONS****County/City**

All conservation districts in Virginia are defined geographically along county and city boundary lines. Cooperation with cities and counties is mutually beneficial. While there is no legal mandate to work cooperatively, each can be beneficial to one another in many ways. Local governments are empowered to effect land-use patterns through zoning, and are natural allies with districts because they share a keen concern for land and its use. Counties and cities can provide funding, office space, co-sponsorship and operation and maintenance for watershed projects; cooperation on county parks; and funds for soil surveys. Resource contacts include: board of supervisors, administrators, county administrators and city managers, treasurer, clerk of the court, engineers, assessor, highway superintendent, health officer, planning commission, school board, parks and recreation department, zoning administrator, and others.

**Regional Planning District Commissions
(PDCs, also known as
Regional Commissions)**

PDCs are voluntary associations created in 1969 pursuant to the Virginia Area Development Act and regionally executed charter agreements. Their purpose is to encourage and facilitate local government cooperation and state-local cooperation in addressing problems of greater than local significance. There are 21 PDCs in the Commonwealth representing various local governments on a regional basis. Many prefer to be known as regional commissions.

Universities, Colleges and Local School Systems

Educational institutions help carry out conservation education plans and cooperate by delivering many public service and outreach activities. School contacts include: faculty and staff, school board members, principals, superintendents, vocational agriculture instructors, and science and natural resources teachers.

DISTRICT ASSOCIATIONS

National Association of Conservation Districts (NACD)

The NACD is a nonprofit, nongovernmental organization representing nearly 3,000 districts and their state associations in the 50 states, Puerto Rico and the U.S. Virgin Islands. It unites districts to develop national conservation policies, influence lawmakers and build partnerships with other agencies and organizations. NACD also provides services to its districts such as brochures and report printing, distribution of conservation films, and training and education.

Virginia Association of Soil and Water Conservation Districts (VASWCD)

The VASWCD is a statewide, nonprofit organization, organized to collect and address needs of local districts. It speaks for districts before state and federal agencies and governing bodies. The VASWCD provides districts with model policies and programs and training opportunities and serves as a forum for idea exchange among districts. Standing committees coordinate most of the association's activities and workload.

Virginia Association of Conservation District Employees (VACDE)

The VACDE mission is to provide professional development, leadership and a voice for communicating issues and solutions on behalf of district employees.

Soil and Water Conservation Society (SWCS)

The SWCS is a private, nonprofit, educational organization dedicated to fostering the science and the art of soil, water and related natural resource management to achieve sustainability. It promotes and practices an ethic recognizing the interdependence of people and the environment. The Virginia chapter of SWCS works to achieve this goal through lobbying, public information, awards programs and conferences. There is a Virginia Tech Student Chapter of the SWCS that supports the missions of the national and state organizations by engaging in a variety of service and social activities such as stream monitoring, trail maintenance, hiking and caving.

PRIVATE ORGANIZATIONS, BUSINESSES AND ASSOCIATIONS

Private industries are often interested in conservation. In particular, natural resource industries frequently share interests with districts. These industries include lumber, mining, power, environment and engineering consulting. Private organizations such as civic organizations, fishing and hunting clubs, and environmental groups often have a strong interest in promoting conservation.

Private organizations can be an excellent resource for volunteers and other district partnerships. The following is a partial list of possible organizations:

- Alliance for the Chesapeake Bay
- Boy and Girl Scouts
- Chambers of commerce
- Chesapeake Bay Foundation
- 4-H Clubs
- Virginia Farm Bureau
- Future Farmers of America (FFA)
- Garden clubs
- Homeowner associations
- Izaak Walton League of America
- Lake and river associations
- Piedmont Environmental Council
- Trout Unlimited
- Virginia Cattlemen's Association
- Virginia Chapter of Ducks Unlimited
- Virginia Conservation Network
- Virginia Corn and Soybean Association
- Virginia Dairyman's Association
- Virginia Poultry Federation
- Virginia Forage and Grassland Council
- Virginia Quail Unlimited
- Virginia Grain Producers Association
- Virginia Agribusiness Council

CONSERVATION ABBREVIATIONS

ACE – Advanced Conservation Engineering	NASCA – National Association of State Conservation Agencies
APA – Administrative Process Act	NIMBY – Not In My Back Yard
APW – Annual Plan of Work	NM – Nutrient Management
ASA – Agricultural Stewardship Act	NMP – Nutrient Management Plan
BMP – Best Management Practices (s)	NPS – Nonpoint Source Pollution
CB – Chesapeake Bay	NRCS – Natural Resources Conservation Service (USDA)
CBF – Chesapeake Bay Foundation	OAG – Office of the Attorney General
CBLA – Chesapeake Bay Local Assistance	OCB – Outside the Chesapeake Bay
CDC – Conservation District Coordinator	PY – Program Year
CEF – Conservation Efficiency Factor	RMP – Resource Management Plan
COIA – Conflict of Interest Act	RFP – Request for Proposals
CRP – Conservation Reserve Program	RCPP – Regional Conservation Partnership Program
CREP – Conservation Reserve Enhancement Program	SEAS – Shoreline Advisory Service
CWFA – Clean Water Farm Award	SOS – Save Our Streams
DC – District Conservationist (NRCS-USDA)	SWCD – Soil and Water Conservation District
DCR/DSWC – Virginia Department of Conservation and Recreation/Division of Soil and Water Conservation	T – The amount of soil that any given soil type would be able to lose and have a zero net soil loss (usually calculated on tons/acre/year basis – NRCS)
DEQ – Department of Environmental Quality	TA – Technical Assistance
DGIF – Department of Game and Inland Fisheries	TAC – Technical Advisory Committee
DMLR – Department of Mined Land Reclamation	TMDL – Total Maximum Daily Load
DMME – Department of Mines, Minerals and Energy	USDA – United States Department of Agriculture
DOF – Virginia Department of Forestry	USFS – United States Forest Service
EJAA – Engineering Job Approval Authority	USFWS – United States Fish and Wildlife Service
E&S – Erosion and Sediment Control	USGS – United States Geological Survey
EPA – United States Environmental Protection Agency	VASWCD – Virginia Association of Soil and Water Conservation Districts
EQIP – Environmental Quality Incentives Program	VACS – Virginia Agricultural Cost-Share
FLSA – Fair Labor Standards Act	VACDE – Virginia Association of Conservation District Employees
FMLA – Family & Medical Leave Act	VCE – Virginia Cooperative Extension
FOIA – Freedom of Information Act	VDACS – Virginia Department of Agriculture and Consumer Services
FSA – Farm Service Agency (USDA)	VMRC – Virginia Marine Resource Commission
FTE – Full-time Equivalent	VOF – Virginia Outdoors Foundation
FY – Fiscal Year	VSWCB – Virginia Soil and Water Conservation Board
HEL – Highly Erodible Land	WIP – Watershed Implementation Plan
HU – Hydrologic Unit	WQIA (F) – Water Quality Improvement Act (Fund)
ICE – Introduction to Conservation Engineering	
IDP – Individual Development Plan	
MOU/MOA – Memorandum of Understanding/Agreement	
NACD – National Association of Conservation Districts	

COUNTIES/CITIES BY DISTRICT

COUNTIES/CITIES BY DISTRICT:

Accomack Co.	Eastern Shore SWCD	Fredericksburg, City of	Tri-County/City SWCD
Albemarle Co.	Thomas Jefferson SWCD	Galax, City of	New River SWCD
Allegheny Co.	Mountain SWCD	Giles Co.	Skyline SWCD
Amelia Co.	Piedmont SWCD	Gloucester Co.	Tidewater SWCD
Amherst Co.	Robert E. Lee SWCD	Goochland Co.	Monacan SWCD
Appomattox Co.	Robert E. Lee SWCD	Grayson Co.	New River SWCD
Augusta Co.	Headwaters SWCD	Greene Co.	Culpeper SWCD
Bath Co.	Mountain SWCD	Greenville Co.	Chowan Basin SWCD
Bedford Co.	Peaks of Otter SWCD	Halifax Co.	Halifax SWCD
Bland Co.	Big Walker SWCD	Hanover Co.	Hanover-Caroline SWCD
Botetourt Co.	Mountain Castles SWCD	Harrisonburg, City of	Shenandoah Valley SWCD
Brunswick Co.	Lake Country SWCD	Henrico Co.	Henricopolis SWCD
Buchanan Co.	Big Sandy SWCD	Henry Co.	Blue Ridge SWCD
Buckingham Co.	Peter Francisco SWCD	Highland Co.	Mountain SWCD
Buena Vista, City of	Natural Bridge SWCD	Isle of Wight Co.	Peanut SWCD
Campbell Co.	Robert E. Lee SWCD	James City Co.	Colonial SWCD
Caroline Co.	Hanover-Caroline SWCD	King George Co.	Tri-County/City SWCD
Carroll Co.	New River SWCD	King & Queen Co.	Three Rivers SWCD
Charles City Co.	Colonial SWCD	King William Co.	Three Rivers SWCD
Charlotte Co.	Southside SWCD	Lancaster Co.	Northern Neck SWCD
Charlottesville, City of	Thomas Jefferson SWCD	Lee Co.	Daniel Boone SWCD
Chesapeake, City of	Virginia Dare SWCD	Lexington, City of	Natural Bridge SWCD
Chesterfield Co.	James River SWCD	Loudoun Co.	Loudoun SWCD
Clarke Co.	Lord Fairfax SWCD	Louisa Co.	Thomas Jefferson SWCD
Covington, City of	Mountain SWCD	Lunenburg Co.	Southside SWCD
Craig Co.	Mountain Castles SWCD	Lynchburg, City of	Robert E. Lee SWCD
Culpeper Co.	Culpeper SWCD	Madison Co.	Culpeper SWCD
Cumberland Co.	Peter Francisco SWCD	Mathews Co.	Tidewater SWCD
Dickenson Co.	Lonesome Pine SWCD	Mecklenburg Co.	Lake County SWCD
Dinwiddie Co.	Appomattox River SWCD	Middlesex Co.	Tidewater SWCD
Essex Co.	Three Rivers SWCD	Montgomery Co.	Skyline SWCD
Fairfax Co.	Northern Virginia SWCD	Nelson Co.	Thomas Jefferson SWCD
Fauquier Co.	John Marshall SWCD	New Kent Co.	Colonial SWCD
Floyd Co.	Skyline SWCD	Northampton Co.	Eastern Shore SWCD
Fluvanna Co.	Thomas Jefferson SWCD	Northumberland Co.	Northern Neck SWCD
Franklin Co.	Blue Ridge SWCD	Nottoway Co.	Piedmont SWCD
Frederick Co.	Lord Fairfax SWCD	Orange Co.	Culpeper SWCD

Page Co.	Shenandoah Valley SWCD
Patrick Co.	Patrick SWCD
Petersburg, City of	Appomattox River SWCD
Pittsylvania Co.	Pittsylvania SWCD
Powhatan Co.	Monacan SWCD
Prince Edward Co.	Piedmont SWCD
Prince George Co.	James River SWCD
Prince William Co.	Prince William SWCD
Pulaski Co.	Skyline SWCD
Rappahannock Co.	Culpeper SWCD
Richmond Co.	Northern Neck SWCD
Roanoke, City of	Blue Ridge SWCD
Roanoke Co.	Blue Ridge SWCD
Rockbridge Co.	Natural Bridge SWCD
Rockingham Co.	Shenandoah Valley SWCD
Russell Co.	Clinch Valley SWCD
Scott Co.	Scott County SWCD
Shenandoah Co.	Lord Fairfax SWCD
Smyth Co.	Evergreen SWCD
Southampton Co.	Chowan Basin SWCD
Spotsylvania Co.	Tri-County/City SWCD
Stafford Co.	Tri-County/City SWCD
Staunton, City of	Headwaters SWCD
Suffolk, City of	Peanut SWCD
Surry Co.	Peanut SWCD
Sussex Co.	Chowan Basin SWCD
Tazewell Co.	Tazewell SWCD
Virginia Beach, City of	Virginia Dare SWCD
Warren Co.	Lord Fairfax SWCD
Washington Co.	Holston River SWCD
Waynesboro, City of	Headwaters SWCD
Westmoreland Co.	Northern Neck SWCD
Williamsburg, City of	Colonial SWCD
Winchester, City of	Lord Fairfax SWCD
Wise Co.	Lonesome Pine SWCD
Wythe Co.	Big Walker SWCD
York Co.	Colonial SWCD

**CITIES/COUNTY NOT
COVERED BY SWCDS:**

Alexandria	Manassas
Bristol	Manassas Park
Clifton Forge	Martinsville
Colonial Heights	Newport News
Danville	Norfolk
Emporia	Norton
Fairfax	Poquoson
Falls Church	Portsmouth
Franklin	Radford
Hampton	Richmond
Hopewell	Salem

Arlington County

CALENDAR OF SIGNIFICANT EVENTS

January

- Election of district officers if not done in December.
- Appoint SWCD committees.
- Set meeting dates and times for year.
- Appoint/reappoint SWCD associate directors.
- Review annual plan of work.
- VASWCD Legislative Day.
- Quarterly reports due to DCR.
- Continue working with local government on local budget requests.
- Conduct mid-year personnel evaluations.

February

- Review 4-year longer term plan.

March

- Begin SWCD annual planning process.
- Conduct area spring meetings.

April

- Prepare an annual SWCD operating budget for the coming fiscal year (beginning July 1).
- Educational Foundation Scholarship applications due to VASWCD.
- Conduct area Envirothon competitions.
- Quarterly reports due to DCR.
- Conduct area spring meetings.

May

- Soil and Water Stewardship Week.
- Approve SWCD operating budget.
- Youth Camp participant forms due to VASWCD.
- State Envirothon event.
- Update and approve personnel policy.
- Update and approve employee job descriptions.

June

- SWCDs take action on DCR/SWCD grant agreements.
- Approve annual plan of work.
- Conduct year-end personnel evaluations.
- Nominating petitions, declaration of candidacy form and certificate of candidate qualifications due to local registrars by 7 p.m. of the second Tuesday for candidates seeking the office of SWCD director in the general election (every fourth year 2019, 2023).
- State Agricultural BMP Cost-Share Program year ends.

July

- District annual plan of work begins.
- VASWCD Youth Conservation Camp at Virginia Tech.
- Virginia Agricultural BMP Cost-Share Program year begins.
- Quarterly and year-end reports due to DCR.
- Suggestions for upcoming VACS program year due to Ag TAC.
- Ag BMP spot checks begin.

August

- Prepare SWCD annual report.
- Complete Criteria/Nominations forms – R.E. “Bobby” Wilkinson/E.C. Compton Meritorious Achievement Award nominations due.

September

- Conservation Award entries due.
- SWCD annual report due.

October

- Natural Resources Conservation Week.
- Begin working with local governments on local budget requests.
- Quarterly reports due to DCR.
- Submit Clean Water Farm Award application for Grand Basin nominations.

November

- General election including election of SWCD directors for all SWCDs every fourth year (2019, 2023).
- Appoint nominating committee to present slate of officers at December/January board meeting.

December

- VASWCD annual meeting.
- Approve nutrient management plans -equipment tax credit - BMP Tax credits.
- Appoint nominating committee to present slate of officers at January board meeting (recommended).
- Newly elected or appointed directors take oath of office.

NOTES



Created 1995 (revised 2020)

Virginia Department of Conservation and Recreation, programs, activities, and employment opportunities are available to all people regardless of race, color, religion, sex, age, natural origin, disability or political affiliation. An equal opportunity/affirmative action employer.

SWCD Code & SWCD Programs (What a Director Needs to Know)

1 What you will learn:

- Information about SWCD Programs –and links to Code, what's mandated and what's authorized
- The role of Directors with SWCD programs
- Broad exposure to Info and References

2 What resources are available?

- SWCD staff
- Other district directors
- VASWCD
- Your DCR CDC
- Partners... NRCS, VCE and others

3 What's covered:

- What's mandated for districts to carry out through state law?
- What authorities "empowerments" are provided to districts thru state law that enable programs?
- Generally, what's expected of directors "programmatically"?
- What's a program?

What does the Code of Virginia empower SWCDs to do?
Understanding the distinctions between “SHALL vs. Authorized”

According to Virginia State Law, SWCDs SHALL:

<p>§ 10.1-104.1 Department to assist in the nonpoint source pollution management program.</p>	<p>A. The Department, with the advice of the Board of Conservation and Recreation and the Virginia Soil and Water Conservation Board and in cooperation with other agencies, organizations, and the public as appropriate, shall assist in the Commonwealth's nonpoint source pollution management program.</p> <p>B. The Department shall be assisted in performing its nonpoint source pollution management responsibilities by Virginia's soil and water conservation districts. Assistance by the soil and water conservation districts in the delivery of local programs and services may include (i) the provision of technical assistance to advance adoption of conservation management services, (ii) delivery of educational initiatives targeted at youth and adult groups to further awareness and understanding of water quality issues and solutions, and (iii) promotion of incentives to encourage voluntary actions by landowners and land managers in order to minimize nonpoint source pollution contributions to state waters.</p> <p>The provisions of this section shall not limit the powers and duties of other state agencies.</p>
<p>§ 10.1-546.1 Delivery of Agricultural Best Management Practices Cost-Share Program.</p>	<p>Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under § 10.1-2182.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.</p>
<p>§ 10.1-530 Designation of chairman; terms of office; filling vacancies</p>	<p>A. The district directors shall designate a chairman from the elected members, or from the Board-appointed members, of the district board and may change such designation.</p> <p>B. The term of office for each district director shall be four years. A district director shall hold office until his successor has been elected or appointed and has qualified. (section continues)</p>
<p>§ 10.1-531 Quorum and expenses.</p>	<p>A majority of the district directors currently in office shall constitute a quorum and the concurrence of a majority of those present and voting shall be required for all determinations. A district director shall receive no compensation for his services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties.</p>
<p>§ 10.1-534 Information furnished Board.</p>	<p>The district directors shall furnish to the Board or Department, upon request, copies of ordinances, rules, regulations, orders, contracts, forms, or other documents that they adopt or employ, or other information concerning their activities as the Board or Department may require in the performance of its duties under this chapter.</p>

§ 10.1-535 Bonds of officers and employees; records and accounts	The district directors shall (i) provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; (ii) provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and (iii) provide for an annual audit of the accounts of receipts and disbursements by the Auditor of Public Accounts or a certified public accountant approved by him.
§ 10.1-537 Representatives of governing bodies to be invited to consult with directors.	The district directors shall invite the legislative body of any locality located near the territory comprised within the district to designate a representative to advise and consult with the directors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such locality.
§ 3.2-402 Complaint; investigation; agricultural stewardship plan.	<p>A. After April 1, 1997, upon receiving a complaint, unless the complaint was made anonymously, the Commissioner shall request that the directors of the district where the land lies determine the validity of the information within 21 days. The Commissioner may investigate or ask the directors of the district to investigate an anonymous complaint.</p> <p>B. The district chairman may, on behalf of the district, act upon or reject the Commissioner's request. If the district declines to act, it shall within five days so advise the Commissioner, who shall determine the validity of the complaint.</p> <p>C. If, after investigating a complaint, the Commissioner determines that substantial evidence exists to prove that an agricultural activity is creating or will create pollution, the Commissioner shall notify the owner or operator by registered mail, return receipt requested. If, after investigation, the Commissioner determines that the pollution is a direct result of unusual weather events or other exceptional circumstances that could not have been reasonably anticipated, or determines that the pollution is not a threat to human health, animal health, or aquatic life, water quality or recreational or other beneficial uses, the Commissioner may forego any additional action. Copies of the notice shall be sent to the district where the agricultural activity is located. The notice shall state that, within 60 days of the receipt of the notice, the owner or operator shall submit to the Commissioner and district an agricultural stewardship plan that includes stewardship measures needed to prevent or cease the pollution. The district shall review the plan and, if the plan includes such measures, the Commissioner shall approve the plan within 30 days after he receives it. Upon approving the owner's or operator's plan, the Commissioner shall inform the owner or operator and the complainant that a plan has been approved. The owner or operator shall begin implementing the approved agricultural stewardship plan within six months of the date that the owner or operator received the notice that the agricultural activity is creating or will create pollution. (section continues)</p>

SWCD Plan Approval Mandates:

<p>§ 58.1-339.3 Agricultural best management practices tax credit.</p>	<p>A. For all taxable years beginning on and after January 1, 1998, any individual who is engaged in agricultural production for market, or has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a soil conservation plan approved by the local Soil And Water Conservation District (SWCD), shall be allowed a credit against the tax imposed by § 58.1-320 of an amount equaling 25 percent of the first \$70,000 expended for agricultural best management practices by the individual....</p> <p>B. Any practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.</p> <p>(section continues)</p>
<p>§ 58.1-436 Tax credit for purchase of advanced technology pesticide and fertilizer application equipment.</p>	<p>A. Any corporation engaged in agricultural production for market which has in place a nutrient management plan approved by the local Soil and Water Conservation District by the required tax return filing date of the corporation shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling twenty-five percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. (section continues)</p>
<p>§ 58.1-439.5 Agricultural best management practices tax credit.</p>	<p>A. For all taxable years beginning on and after January 1, 1998, any corporation engaged in agricultural production for market who has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD) shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling twenty-five percent of the first \$70,000 expended for agricultural best management practices by the corporation. (section continues)</p>

Resource Management Plan Regulations:

<u>4VAC50-70-150</u> Advancing the adoption of RMPs.	The department and districts shall encourage and promote the adoption of RMPs among agricultural communities across the Commonwealth.
<u>4VAC50-70-70</u> Review of a resource management plan	<p>B. Each soil and water conservation district shall establish a Technical Review Committee (TRC). RMPs received by a soil and water conservation district shall be referred to the TRC for review to ensure the RMP fully meets the minimum standards set forth in 4VAC50-70-40 and the components specified in 4VAC50-70-50. Within 90 days of receipt of the RMP, the soil and water conservation district shall notify the owner or operator and the RMP developer in writing if the RMP fulfills such requirements. An RMP that fails to fulfill such requirements shall be returned to the RMP developer noting all deficiencies. A revised RMP may be resubmitted once the noted deficiencies have been satisfactorily addressed. Revised submittals shall be reviewed and a response regarding RMP sufficiency or a listing of RMP deficiencies provided within 45 days of receipt.</p> <p>C. If an RMP is located within multiple soil and water conservation districts, each TRC will review the portion of the plan applicable to the management unit within their district, either in consultation or independently of each other...</p> <p>F. Where an RMP is deemed sufficient, the notification issued to the owner or operator and the RMP developer by the review authority shall include approval of the plan and its implementation in accordance with subsection B or D of this section, whichever is applicable.</p>
<u>4VAC50-70-80</u> Issuance of a Certificate of Resource Management Plan Implementation	<p>C. If based on onsite verification and a review of referenced plans by the local soil and water conservation district where the district is the review authority the RMP is determined to be adequate and fully implemented in accordance with subsection A of this section, the soil and water conservation district board shall affirm such adequacy and implementation and submit the required documentation to the department for action. Upon receiving such documentation supporting that the plan is adequate and has been fully implemented, the department shall issue a Certificate of RMP Implementation.</p>

Other binding commitments...

Other binding commitments to carry out a program, project, service include:

- Contracts, commitments entered into by a SWCD with other agencies and organizations (example: SWCD Dams)
- SWCD performance of tasks established through local ordinance (example: E & S site inspections)
- Others...

According to Virginia State Law, SWCDs have the Following Authorizations/Empowerments:

§ 10.1-532 . Employment of officers, agents and employees.	The district directors may employ a secretary-treasurer, whose qualifications shall be approved by the Board, technical experts, and such other officers, agents and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation.
§ 10.1-533 Delegation of powers.	The district directors may delegate to their chairman or to one or more district directors, agents or employees such powers and duties as they may deem proper.
§ 10.1-539 . Surveys and dissemination of information.	Districts are authorized to (i) conduct surveys, investigations, and research relating to soil erosion and floodwater and sediment damages, and to agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, and the preventive and control measures and works of improvement needed; (ii) publish the results of such surveys, investigations, or research; and (iii) disseminate information concerning preventive and control measures and works of improvement. However, in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the Commonwealth or the United States.
§ 10.1-540 . Demonstrational projects.	Districts are authorized to conduct demonstrational projects within the district on lands owned or controlled by the Commonwealth or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner and occupier of such lands or the necessary rights or interests in such lands. The purpose of such projects is 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 washing may be prevented and controlled, and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water may be carried out.
§ 10.1-541 . Preventive and control measures.	Districts are authorized to carry out preventive and control measures and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in use of land on lands owned or controlled by the Commonwealth or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner and occupier of such lands or the necessary rights or interests in such lands.
§ 10.1-542 . Financial aid to agencies and occupiers.	Districts are authorized to enter into agreements, within the limits of available appropriations, to give, lend or otherwise furnish financial or other aid to any governmental or other agency, or any occupier of lands within the district, to provide erosion-control and prevention operations and works of improvement for flood prevention or agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district. Agreements shall be subject to such conditions as the directors may deem necessary to advance the purposes of this chapter
§ 10.1-543 . Acquisition,	Districts are authorized to (i) obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or

improvement and disposition of property.	otherwise, any property, real or personal, or rights or interests therein; (ii) maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this article; and (iii) sell, lease, or otherwise dispose of any of their property or interests therein in furtherance of the provisions of this chapter.
§ 10.1-544 . Making material and equipment available.	Districts are authorized to make available, on terms they prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings and other material or equipment that will assist land occupiers to conserve soil resources, to prevent and control soil erosion and to prevent floods or to carry out the agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water.
§ 10.1-545 . Construction, improvement, operation and maintenance of structures.	Districts are authorized to construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter.
§ 10.1-546 . Development of programs and plans.	Districts are authorized to develop comprehensive programs and plans for the conservation of soil resources, for the control and prevention of soil erosion, for flood prevention or for agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water within the district. Such programs and plans shall specify the acts, procedures, performances, and avoidances which are necessary or desirable to effect such programs and plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land. After such programs and plans have been approved by the Board, districts are authorized to publish such programs and plans, and information, and bring them to the attention of occupiers of lands within the district.
§ 10.1-547 . Acquisition and administration of projects; acting as agent for United States, etc.; acceptance of gifts.	<p>Districts shall have the following additional authority:</p> <ol style="list-style-type: none"> 1. To acquire by purchase, lease, or other similar means, and to administer, any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control, or erosion prevention project, or combinations thereof, located within its boundaries undertaken by the United States or any of its agencies, or by the Commonwealth or any of its agencies; 2. To manage, as agent of the United States or any of its agencies, or of the Commonwealth or any of its agencies, any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control or erosion prevention project, or combinations thereof, within its boundaries; 3. To act as agent for the United States or any of its agencies, or for the Commonwealth or any of its agencies, in connection with the acquisition, construction, maintenance, operation, or administration of any soil conservation, flood prevention, drainage, irrigation, agricultural and nonagricultural water management, erosion control, or erosion prevention project, or combinations thereof, within its boundaries; 4. To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from the Commonwealth or any of its agencies or from any other source, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.

§ 10.1-549 Cooperation between districts.	The directors of any two or more districts may cooperate in the exercise of any or all powers conferred in this chapter.
§ 10.1-549.1 . Virginia Envirothon.	Districts in partnership with other districts, agencies, organizations, and associations are authorized to coordinate and implement the Virginia Envirothon Program, administered by the Virginia Association of Soil and Water Conservation Districts, which enables learning experiences for high school students through competitive events focusing on natural resource conservation.
§ 10.1-552 . Renting machinery and equipment.	Districts are authorized to rent the machinery and other equipment made available to them by the Department to governing bodies and, individuals, or groups of individuals to be used by them for the purpose of soil and water conservation upon such terms as the district directors deem proper.

“Programmatic” Roles of District Directors

§ [10.1-529.1](#). Duties of district directors. [enacted 2005]

In addition to other duties and powers, district directors shall:

1. Identify soil and water issues and opportunities within the district or related to the district and establish priorities for addressing these issues;
2. Seek a comprehensive understanding of the complex issues that impact soil and water, and assist in resolving the identified issues at the watershed, local, regional, state, and national levels;
3. Engage in actions that will improve soil and water stewardship by use of locally led programs;
4. Increase understanding among community leaders, including elected officials and others, of their role in soil and water quality protection and improvement;
5. Foster discussion and advancement within the community of positions and programs by their district;
6. Actively participate in the activities of the district and ensure district resources are used effectively and managed wisely; and
7. Support and promote the advancement of districts and their capabilities.

“Condensed” Roles of District Directors

1. Identify soil and water problems; address them
2. Become educated about soil and water problems, work to resolve problems at all levels
3. Improve soil and water stewardship by using locally led* programs
4. Educate decision makers about their responsibilities to soil and water conservation
5. Initiate local discussions and tell others about the district and what it does
6. Be active in the work of your district and manage your resources wisely
7. Support districts and tell others about them

* Locally led conservation brings together people and organizations in communities, to plan and work effectively to resolve long term solutions and plans

“PROGRAMS” What Is A Program?

A system of projects or services intended to meet a public need –a plan of activities to be done or things to be achieved.

[web definition]

A photograph of a river flowing through a lush green forest. The water is clear and turbulent, creating white foam as it moves over rocks. The banks of the river are covered in dense green foliage and trees. The overall scene is natural and serene.

SWCD Programs



Incentive Programs for the Implementation of Voluntary Agricultural BMPs

Incentive Program Categories

- Virginia Agricultural BMP Cost-Share
- Virginia Agricultural BMP Tax Credit
- Equipment Tax Credit Program
- Conservation Reserve Enhancement Program (CREP)
- Resource Management Plans

BMP Cost-Share Program

- Administered by DCR thru local Soil and Water Conservation Districts (SWCDs).
- SWCDs recruit participants from areas that will make the greatest impact on water quality.

BMP Cost-Share Program...

- Cost-share rates
 - 3 basic approaches:
 - flat per acre rate
 - A percentage of the eligible cost
 - Combination of a flat rate and a percentage of the eligible cost.
 - District Boards approve conservation plans that itemize components of cost-share applications.



PRACTICE LIFESPANS

- **Annual practices** are completed in one year like: Cover Crops, 4 types; specialty crops (SL-8), small grain for nutrient and residue management (SL-8B), harvestable (SL-8H), legume (WP-4).
- **Longer Lifespan practices** include a maintenance commitment usually 5, 10, or 15 years; during which spot check are conducted to assure continued effectiveness.

Conservation Planning

- May be generated by SWCD conservation technicians, or Natural Resources Conservation staff and identify practices to be implemented and a timeline for doing so.
- Not all cost-shared practices require a conservation plan; however, all practices approved for a VA state tax credit must have a SWCD approved conservation plan.

Roles of District Directors

- Establish recruitment guidelines following priority considerations:
 - Priority given to lands in the SWCD's highest ranked Hydrologic Units (some practices are exceptions to this rule)
 - Fields that are at least 1/3 HEL
 - Lands within or upstream of an identified TMDL segment receive priority
 - Priority given to applications to implement BMPs included in an approved Resource Management Plan
- Establish (local) secondary considerations prior to the beginning of each program year.



BMP Tax Credit Program

- Administered by local SWCDs.
- Many BMPs are eligible for Tax Credit.
- Individuals seeking a tax credit must have a conservation plan **approved by the local SWCD Board.**

BMP Tax Credit Program

- BMP and estimated cost must be approved for tax credit **prior** to installation.
- Tax Credit is granted after the BMP is complete and certified.
- Tax Credit is equal to 25% of the cooperator's approved expenses not to exceed \$17,500 in any taxable year.
- A producer must use (apply against state tax obligation) the tax credit in the tax year the BMP is completed.

Use of Tax Credit

- If the amount of a participants' tax liability in the tax year that the BMP is completed is less than that amount of the approved BMP tax credit, the Dept. of Taxation will refund the difference to the tax payer.

Equipment Tax Credit Programs

- Credit can be up to 25% of the purchase cost of identified types of equipment.
- Tax Credit must be utilized in the tax year the equipment is purchased.
- Tax credit above the individual's tax liability can be carried over for up to 5 years.

Tax Credit for Purchase of Conservation Tillage Equipment (§58.1-320)

- A maximum of a \$4,000 state tax credit for the purchase of conservation tillage equipment
- Tillage equipment such as: a planter, drill or other equipment used to reduce soil compaction including guidance systems used to control traffic patterns
- Applicable to any individual, partnership or small business corporation engaged in agricultural production

Tax Credit for Purchase of Precision Ag. Equipment (§58.1-337)

- A maximum of \$3,750 state tax credit for purchase of advanced technology pesticide and fertilizer application equipment such as:
- Sprayers, pneumatic applicators, monitors, computer regulators, height adjustable booms, manure applicators, tramline adaptors, starter fertilizer banding attachments for planters
- Producer must have a current nutrient management plan **approved by the local SWCD**

Conservation Reserve Enhancement Program (CREP)

- Farm Service Agency (FSA) Administers Contracts
- Natural Resources Conservation Service (NRCS) has technical authority
- VA Department of Forestry (DOF) recommends buffer plantings
- Soil and Water Conservation Districts (SWCD) disburse state funds and record BMP data

SWCD CREP Activities

- Directors approve Conservation Plans
- Enter CREP BMP data into tracking program
- Request CREP funds and pay participants when practices are complete
- Maintain documentation file

Resource Management Plan

RMPs are designed to encourage farmers to use a high level of conservation best management practices to reduce runoff pollution to state waters and the Chesapeake Bay. In return for full implementation of these plans, farmers are insured a “**certainty**” from new state nutrient, sediment and bacterial-related water quality requirements.

The RMP program is completely voluntary – a participant may opt out at any time without penalty.

What is Certainty?

Agricultural landowners or operators who fully implement and maintain the applicable components of their resource management plan shall be deemed to be in full compliance with any new state regulations for nutrients, sediment, benthic, or bacteria to address:

- Any new requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; or
 - Any new load allocation contained in a local total maximum daily load (TMDL)
- Certificates of certainty are effective for nine years.

Certainty does not protect from:

- Federal permits
- Changes to federal regulations or requirements
- Chesapeake Bay Preservation Act requirements
- Pre-existing TMDLs
- VPA&VPDES permits
- Some local ordinances

Other RMP Benefits

- Certainty from new Chesapeake Bay WIP and local TMDL requirements
- Farmers can receive credit or recognition for practices already installed or implemented
- Agricultural industry representatives can speak with confidence about existing conservation practices
- Long-term farm planning will help cost-share program leaders to assess future funding needs to maintain existing practices and to install or implement planned practices
- Farmers with an RMP will be among other priority considerations for BMP cost-share funding
- If desired, the farmer may advertise or promote their status of having implemented an RMP

Requirements of an RMP

Cropland	Hayland	Pasture
Nutrient Management Plan	Nutrient Management Plan	Nutrient Management Plan
Soil Conservation Plan to “T”	Soil Conservation Plan to “T”	Pasture Management/ Soil Conservation Plan to “T”
35’ Buffer on Perennial Streams	35’ Buffer on Perennial Streams	Fencing on Perennial Streams
Cover Crop (When Needed)		

Program Contacts

Virginia Agricultural BMP Cost-Share, Ag. BMP Tax Credit,
and CREP Programs

- David Bryan at (804) 692-0070 or
David.Bryan@dcr.virginia.gov

- Resource Management Planning
- Scott Ambler at (540) 332-9231 or
Scott.Ambler@dcr.virginia.gov



Department of Conservation & Recreation
CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES

Other Water Quality Programs that may impact SWCDs

- Agricultural Stewardship Act
- Chesapeake Bay Preservation Act
- Erosion & Sediment Control &
Stormwater Management Programs
- Dam Safety
- District Equipment & Fundraising

Agricultural Stewardship Act (ASA)

- State law administered by the Virginia Department of Agriculture and Consumer Services (VDACS)
- Adopted by the General Assembly in 1996
- Object is to work with farmers and SWCDs to resolve water quality problems reported to VDACS concerning nutrients, sediments and toxins from agricultural activities

Agricultural Stewardship Act...

- Gives the farmer an opportunity to correct a water quality problem voluntarily before any enforcement action is taken
- Complaints are received by VDACS
- If complaint is founded, farmer is required to develop a plan to correct and then implement within a specified time period not to exceed eighteen months

Agricultural Stewardship Act

- The Act **does not** cover agricultural activities that are:
 - subject to permits from the DEQ
 - Forestry Activities
 - Air pollution
 - Odor concerns
 - Landfills
 - Waste problems that do not involve agricultural products
 - Waste problems that have no clear water quality impact

Agricultural Stewardship Act...

- Districts may assist with the investigation, provide technical assistance on correction of the problem(s), and may develop the plan, but are required by law to review the plan.
- Districts should contact landowners with founded complaints and offer assistance. Districts receive a copy of the Commissioner's decision.
 - For more information visit:
<http://www.vdacs.virginia.gov/stewardship/index.html>
or contact Darrell Marshall at (804) 786-3538

Chesapeake Bay Preservation Act...

- Agricultural land must have a Soil & Water Quality Conservation Assessment conducted and/or a Soil & Water Quality Conservation Plan in place that ensures water quality protection consistent with the Act and the Regulations.
- The findings and recommendations of such assessment and any resulting soil and water quality conservation plans will be submitted to the local SWCD Board, which is the plan-approving authority



Chesapeake Bay Preservation Act...

- Soil & Water Quality Conservation Assessment
 - Evaluates the effectiveness of existing Best Management Practices (BMPs) to protect water quality. Areas assessed include:
 - Nutrient Management
 - Erosion Control
 - Pesticide Management

Dam Safety and Maintenance Programs

Twelve SWCDs in VA own & operate 104 dams.

Blue Ridge (10)

Hanover-Caroline (1)

Lord Fairfax (2)

Peter Francisco (17)

Robert E. Lee (6)

Southside (12)

Culpeper (11)

Headwaters (11)

Mountain Castles (4)

Piedmont (14)

Shenandoah Valley (8)

Thomas Jefferson (8)

Dam Safety and Maintenance Programs

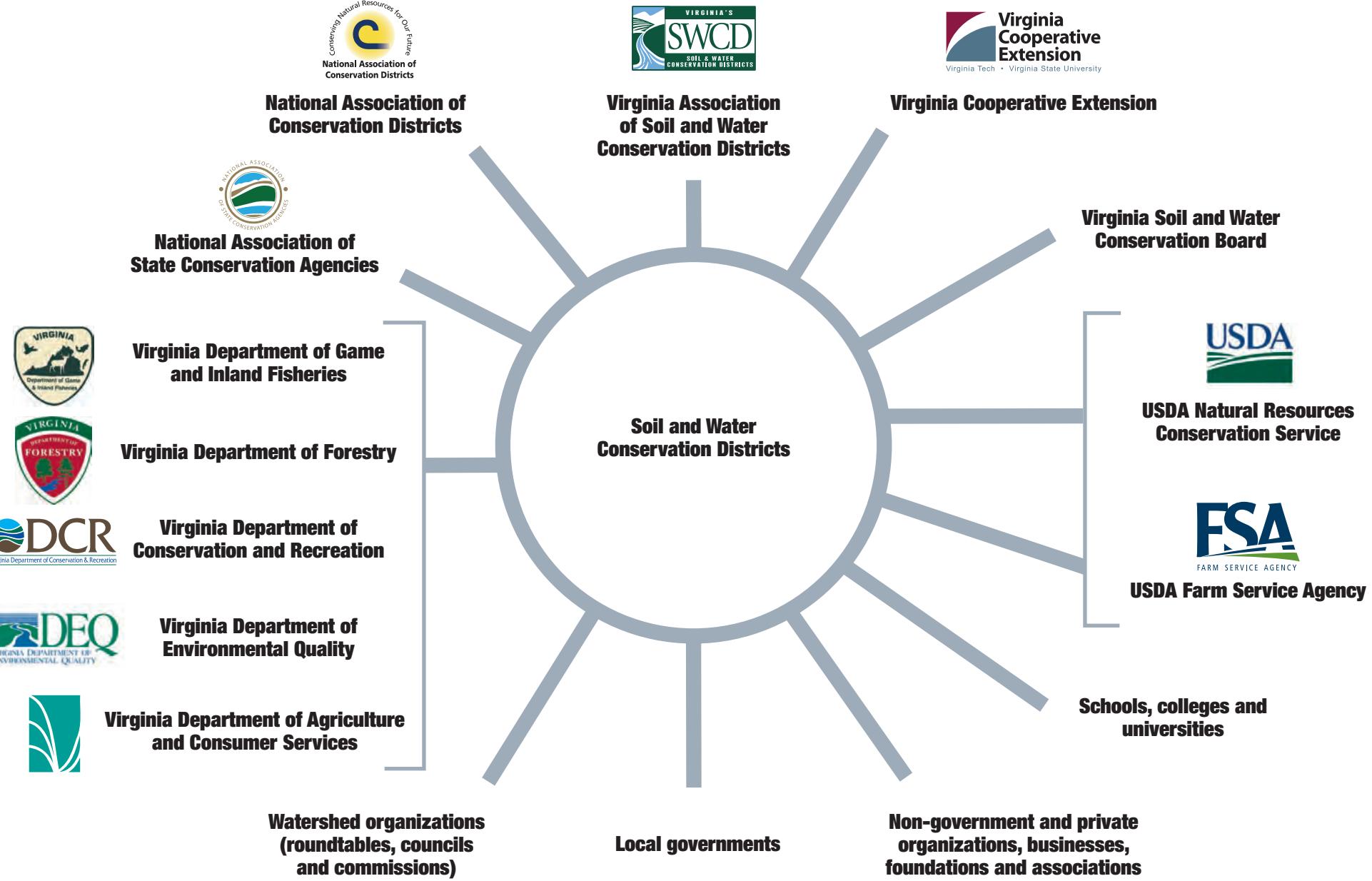
- Districts owning dams must provide for their operation and maintenance.
- Permit applications through DCR Dam Safety Division of Dam Safety.
- This may include:
 - Annual inspections
 - Mowing and fertilization program
 - Prepare and review Emergency Action Plans with county officials
 - Work with landowners, local government, and state to bring all dams in district into compliance

District Equipment & Fundraising Programs

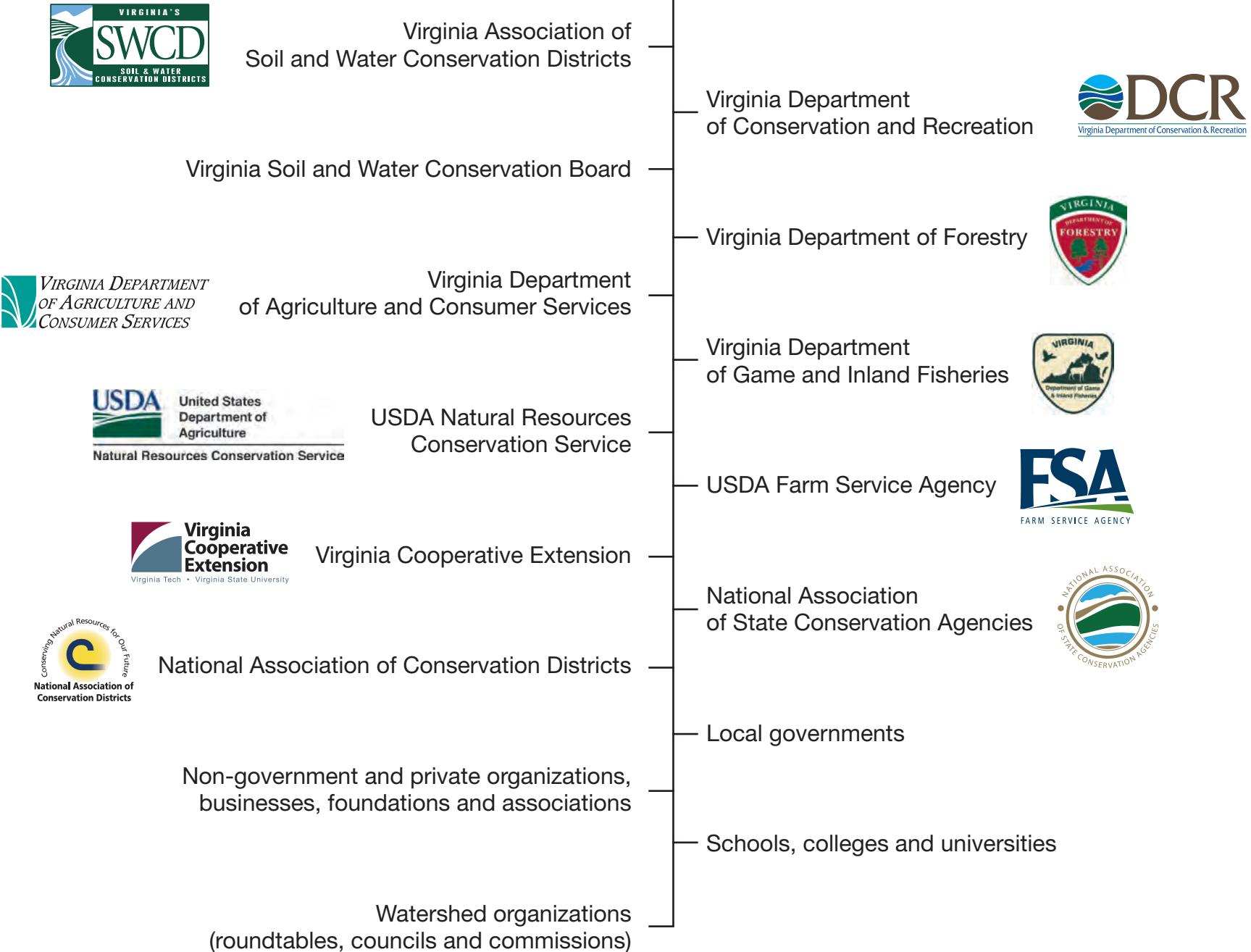
- Many districts own and lease equipment as a service to their landowners and as a revenue generator.
- Districts sell tree seedlings, birdhouses, erosion and sediment control materials, etc.
- These programs are subject to the VA Sales Tax Laws and Districts are required to collect taxes unless the landowner is exempt.

Any Questions?

Partners in Local Conservation



Partners in Local Conservation



The ‘Alphabet Soup’

Common Acronyms and Government Agencies

Common Terminology:

BMP – Best Management Practice

CB or Ches Bay – Chesapeake Bay, generally refers to the geographical area of Virginia draining to the Chesapeake Bay

CBPA - Chesapeake Bay Preservation Area, refers to a geographical area, east of I-95, mandated in Code and subject to regulations of the Chesapeake Bay Preservation Act

CDC – Conservation District Coordinator (state, within DCR assigned by region)

CREP – Conservation Reserve Enhancement Program, funding program federal and state dollars

CRP – Conservation Reserve Program, a federal funding source, FSA

CSP – Conservation Stewardship Program, a federal funding source, NRCS

DC – District Conservationist (federal, NRCS assigned by area offices)

EQIP – Environmental Quality Incentives Program, a federal funding source, NRCS

OCB – Outside the Chesapeake Bay, generally refers to the geographical area of

Virginia that does not drain to the Chesapeake Bay.

RCPP – Regional Conservation Partnership Program, a federal funding source, NRCS partnership with state and non-government organizations.

RMP – Resource Management Plan

TMDL - Total Maximum Daily Load

VACS – Virginia Agricultural Cost Share, a state funding, primarily from DCR, provided to Districts for installation of Ag BMPs

VCAP – Virginia Conservation Assistance Program, provided through the VASWCD and local SWCDs

Watershed Coordinator – state, within DEQ, assigned by watershed regions

WIP – Watershed Implementation Plan

WQIA – Water Quality Improvement Act

319 – A federal funding type for water quality grants and funds, issued by EPA to the Virginia DEQ and passed through to Districts through various grant processes

Government Agencies:

CBLAB – Chesapeake Bay Local Assistance Board (state, within DEQ)

COE, ACOE, or The Corps – United States Army Corps of Engineers (federal)

DCR – Virginia Department of Conservation and Recreation (state)

DEQ – Virginia Department of Environmental Quality (state)

The ‘Alphabet Soup’ Common Acronyms and Government Agencies

DOF – Virginia Department of Forestry (state)

DSWC or Division – DCR Division of Soil and Water Conservation

EPA – Environmental Protection Agency (federal, VA is in EPA Region 3)

FSA – Farm Service Agency (federal)

GA- General Assembly (state)

NACD – National Association of Conservation Districts (non-profit organization)

NRCS – Natural Resources Conservation Service (federal)

OAG – Office of Attorney General (state)

SEAS – Shoreline Erosion Advisory Service (state, within DCR)

SWCD – Soil and Water Conservation District (political subdivision of state government)

USDA – United States Department of Agriculture (federal)

USFS – United States Forest Service (federal)

USFWS – United States Fish and Wildlife Service (federal)

USGS – United States Geological Survey (federal)

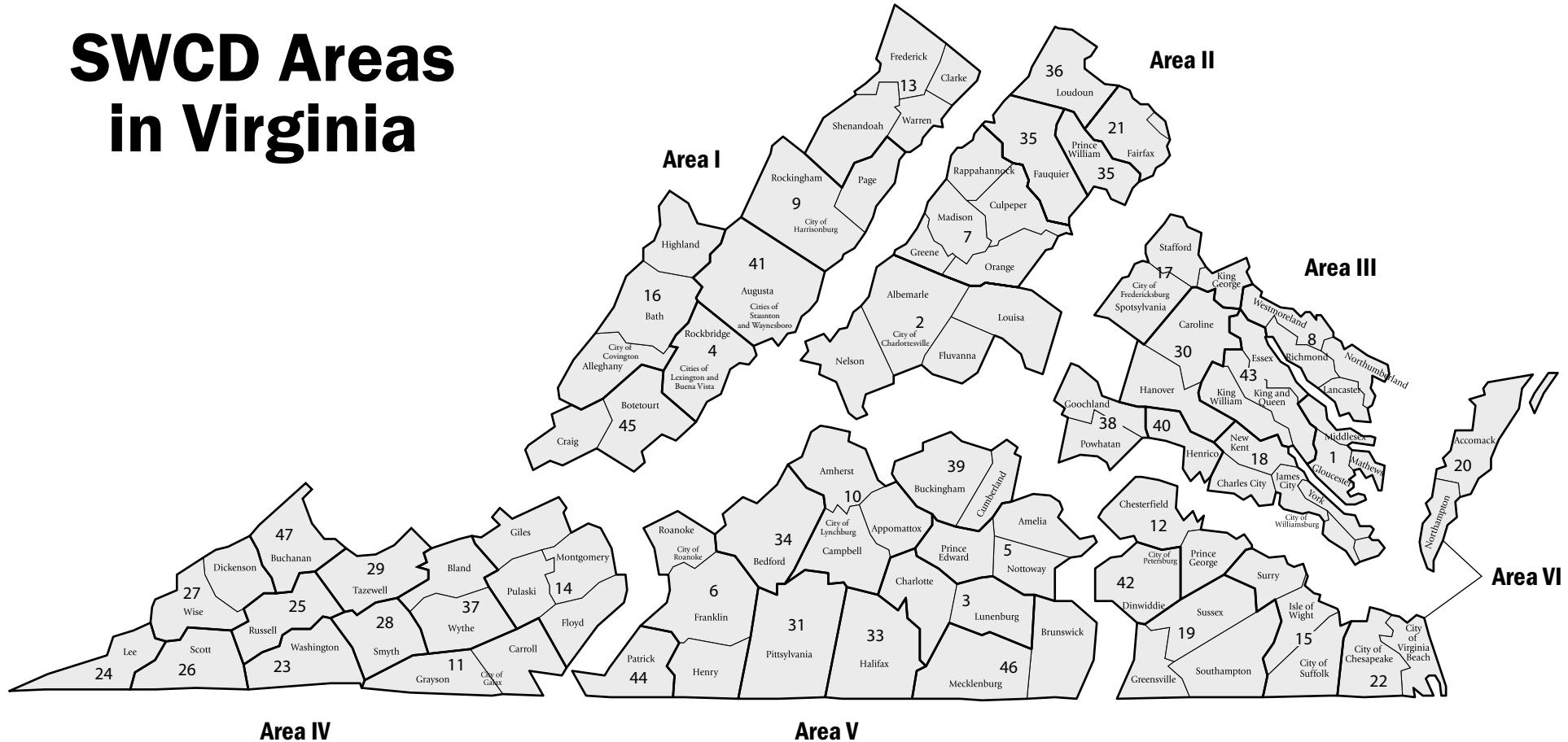
VASWCD – Virginia Association of Soil and Water Conservation Districts (non-profit organization)

VCE or Extension – Virginia Cooperative Extension (state, land grant universities)

VDACS – Virginia Department of Agriculture & Consumer Services (state)

VSWCB – Virginia Soil and Water Conservation Board (state, within DCR)

SWCD Areas in Virginia



SOIL AND WATER CONSERVATION DISTRICTS (Note: Cities within SWCDs are listed in parentheses after the appropriate district.)

Area I	Area II	Area III	Area IV	Area V	Area VI
4 Natural Bridge (Buena Vista, Lexington)	2 Thomas Jefferson (Charlottesville)	1 Tidewater	11 New River (Galax)	3 Southside	12 James River
9 Shenandoah Valley (Harrisonburg)	7 Culpepper	8 Northern Neck	14 Skyline	5 Piedmont	15 Peanut (Suffolk)
13 Lord Fairfax (Winchester)	21 Northern Virginia	17 Tri-County/City (Fredericksburg)	23 Holston River	6 Blue Ridge (Roanoke)	19 Chowan Basin
16 Mountain (Covington)	32 John Marshall	18 Colonial (Williamsburg)	24 Daniel Boone	10 Robert E. Lee (Lynchburg)	20 Eastern Shore
41 Headwaters (Staunton and Waynesboro)	35 Prince William	30 Hanover-Caroline	25 Clinch Valley	31 Pittsylvania	22 Virginia Dare (Chesapeake and Virginia Beach)
45 Mountain Castles	36 Loudoun	38 Monacan	26 Scott County	33 Halifax	42 Appomattox River (Petersburg)
		40 Henricopolis	27 Lonesome Pine	34 Peaks of Otter	
		43 Three Rivers	28 Evergreen	39 Peter Francisco	
			29 Tazewell	44 Patrick	
			37 Big Walker	46 Big Sandy	
			47 Big Sandy		

Virginia Department of Conservation and Recreation
Division of Soil and Water Conservation Staff and Conservation District Coordinator Assignments

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Mountain Castle
Natural Bridge
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Northern Neck Tri-County/City

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John Marshall Prince William
Lord Fairfax Thomas Jefferson
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Virginia Association of Soil & Water Conservation Districts

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(804) 559-0324 • Fax (804) 559-0325 • www.vaswcd.org

Articles & Bylaws

Since each Soil and Water Conservation district is “a political subdivision of this Commonwealth” under section 10.1-500 of the Soil and Water Conservation Districts Law of the Commonwealth of Virginia and “any two or more districts may cooperate in the exercise of any or all powers conferred in this chapter”, Section 10.1-549, the Soil and Water Conservation Districts of the Commonwealth of Virginia establish this Association as a means of coordinating and enhancing their efforts to fulfill their constitutional responsibilities for the preservation of the Commonwealth’s soil and water resources necessary to protect and promote health, safety, and general welfare of its people.

The Virginia Association of Soil and Water Conservation Districts was organized and the first Constitution was approved February 5, 1946 . Although no formal state association was organized until 1946, informal annual meetings of districts had been conducted since the first meeting on February 15-16, 1940, at Lynchburg, Virginia.

ARTICLES OF INCORPORATION

In order to form a non-stock corporation under Chapter 10 of Title 13.1 of the Code of Virginia, as amended, the following Articles of Incorporation are hereby adopted and set forth.

ARTICLE I – Name

The name of the corporation (hereafter the “Association”) is Virginia Association of Soil and Water Conservation Districts.

ARTICLE II – Purpose

1. Each Soil and Water Conservation District is “a political subdivision of this Commonwealth” under Section 10.1-538 of the Soil and Water Conservation Districts Law of the Commonwealth of Virginia and “any two or more districts may cooperate in the exercise of any or all powers conferred in this chapter,” under Section 10.1-549. The Soil and Water Conservation Districts of the Commonwealth of Virginia establish this Association as a means of coordinating and enhancing their efforts to fulfill their statutory responsibilities for the preservation of the Commonwealth’s soil and water resources necessary to protect and promote health, safety, and general welfare of Virginia’s citizens.
2. The Association will operate under Section 501(c)(5) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.
3. The Association shall have and shall exercise all of the corporate powers of a non-stock corporation as provided by the laws of the Commonwealth of Virginia, to the extent that such laws are not otherwise inconsistent with the provisions of these Articles of Incorporation.

ARTICLE III – Members

Each director of a district created under the provisions of the Virginia Soil and Water Conservation Districts Laws shall automatically become a voting member of this Association. All voting members shall have the right to vote on election of Officers of the Association and all matters referred to the membership for action and to hold any Association office except that they may not continue in or accept such office if they accept appointment as a member of the Virginia Soil and Water Conservation Board. All directors of the districts in a Geographic Area of Virginia, as defined by the Bylaws of this Association, shall have the right to vote on election of an Area Chair and Area Vice Chair of the Area.

ARTICLE IV – Directors

The Officers and the Area Chairs shall constitute the Board of Directors, with authority to act for the Association when it is not in regular session or between meetings of the Members. All actions taken by the Board of Directors must be ratified by the Members at the following annual meeting or at a special meeting called for the purpose of approving and ratifying specific actions previously taken by the Board of Directors. The names and addresses of the persons who are to serve as the initial Directors are:

The terms and replacement procedures for members of the Board of Directors to the extent not inconsistent with these Articles will be specified in the ByLaws of the Association.

ARTICLE V – Registered Office and Registered Agent

The initial registered agent of the corporation is **Edward T. Overton, Jr.**, who is a resident of Virginia and a Director of the Association and whose business address is the same as the address of the registered office of this Association and is in the County of Hanover, Virginia. The address of the initial registered office of this Corporation is

**7308 Hanover Green Drive, Suite 100
Mechanicsville, VA 23111**

ARTICLE VI – Indemnification

Each person now or hereafter a Director of the Association (and his/her heirs, executors, and administrators) shall be indemnified by the Association against all claims, liabilities, judgments, settlements, costs and expenses, including attorneys' fees, imposed upon reasonable expenses occurred by the director in connection with or resulting from any action suit, proceeding or claim to which the Director is or may be a party by reason of being or having been an Officer or an Area Chair of the Association (whether or not a director at the time of such costs or expenses are incurred by or imposed), except in relation to matters in which he/she shall have been fully adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct in the performance of duties as a director. In the event of a settlement, the indemnification shall be made only if the Association shall be advised by the Board of Directors of the Association, and otherwise by independent counsel to be appointed by the Board of Directors, that in its or his/her opinion the Director was not guilty of gross negligence or willful misconduct in the performance of his/her duties, and that such settlement was or is in the best interest of the Association. If the determination is to be made by the Board of Directors, it may rely as to all questions of law on the advice of independent counsel. Such right of indemnification shall not be deemed exclusive of any rights to which the Director may be entitled under any by-law, agreement, or otherwise.

ARTICLE VII – Dissolution

Upon dissolution of the Association, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Association, dispose of all of the assets of the Association exclusively for the purposes of the Association in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code, as the Board of Directors shall determine and whose purposes are not inimical to those of the Association.

ARTICLE VIII – Amendments

All provisions of these Articles of Incorporation shall be subject to amendment, consistent with the laws of the Commonwealth of Virginia and Section 501(c)(5) of the Internal Revenue Code of 194, 86, as amended, or the corresponding section of any future federal tax code, by a vote of two-thirds of the members of the Board of Directors.

Adopted 12/6/2011

VA ASSOCIATION OF SOIL & WATER CONSERVATION DISTRICTS BYLAWS

Article 1 – Name and Offices

The Corporation's name is the Virginia Association of Soil and Water Conservation Districts, and it may be referred to herein as the "Association." The Association may have offices and places of business at locations within the Commonwealth of Virginia as determined by the Association's Board of Directors.

Article 2 – Definitions

- a. "Association" shall mean Virginia Association of Soil and Water Conservation Districts.
- b. "Member" shall be all elected and appointed Directors of a District created under the provisions of the Virginia Soil and Water Conservation District Laws and who are currently serving. Members are entitled to vote with respect to all business of the Virginia Association of Soil and Water Conservation Districts.
- c. "Annual Meeting" means the multi-day educational meeting annually conducted at a central location.
- d. "Business Meeting" means the meeting of Members held for the purpose of conducting business of the Association. The "Annual Business Meeting" shall be held on the first or second day of the Annual Meeting, and Business Meetings shall be held at such times as permitted by Article 11 hereof. The Association shall give all Members at least 60 days Notice of Business Meetings.
- e. "Notice" shall mean a written notice to all Members and Districts, by e-mail. In the event the Member does not have e-mail, notice to the District shall be deemed sufficient. Such Notice shall state the time and place of the meeting, the general business to be conducted, and an Agenda listing all matters to be considered and voted on in the Meeting. Members and the Districts shall be responsible for providing the Association with correct addresses of all Directors.
- f. "Agenda" shall mean a separate listing of each item of business intended to be presented for action at forthcoming Business Meetings. It should be in sufficient detail to put all Members on notice of the matters to be considered.

Article 3 – Government

- a. The Association shall be governed by the Association's Articles of Incorporation, these Bylaws, and Robert's Rules of Order Newly Revised, when these Rules are not inconsistent with the Articles of Incorporation or the Bylaws.
- b. The Association shall be governed by a Board of Directors. The election procedure and duties of Association Directors are described in Article 6 and Article 7.

Article 4 – Association Purpose

- a. Each Soil and Water Conservation District is "a political subdivision of this Commonwealth" under Section 10.1-538 of the Soil and Water Conservation Districts Law of the Commonwealth of Virginia and "any two or more districts may cooperate in the exercise of any or all powers conferred in this chapter," under Section 10.1-549. As set forth in the Articles of Incorporation, the Soil and Water Conservation Districts of the Commonwealth of Virginia establish this Association as a means of coordinating and enhancing their efforts to fulfill their constitutional responsibilities for the preservation of the Commonwealth's soil and water resources necessary to protect and promote health, safety, and general welfare of Virginia's citizens.
- b. The Association will operate under Section 501(c)(5) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.
- c. The Association shall have and shall exercise all of the corporate powers of a non-stock corporation as provided by the laws of the Commonwealth of Virginia, to the extent that such laws are not otherwise inconsistent with the provisions of these Bylaws.
- d. The Association's purposes shall also be to serve as a central means of determining and implementing the program objectives and financial requirements as determined by its constituent districts.
- e. The Association's further purposes shall be to study and evaluate the nature and scope of the total natural resource conservation program in the Commonwealth of Virginia and to give guidance to districts in developing plans of action for accomplishing each district's conservation goals.

Article 5 – Association Authority and Responsibility

- a. The Association shall provide leadership and assistance to Districts in achieving their natural resource conservation goals, including, but not limited to, the following areas:
 - 1) Administrative activities and representing districts in relationships with profit and non-profit organizations.
 - 2) Government Relations, including, but not limited to, representing districts before the General Assembly, Governor's Office, the Natural Resources Secretariat, Virginia Department of Environmental Quality, Virginia Department of Conservation and Recreation, members of Congress, the USDA Natural Resources Conservation Service (NRCS) and other agencies or offices.
 - 3) Educational, including, but not limited to, Envirothon, Youth Conservation Camp, staff training, and director training.
- b. The Association shall represent districts in all district-related matters that come before the Virginia Soil and Water Conservation Board (VSWCB) as described in Section 10.1-505 of the Code of Virginia. The Association President will meet with the Virginia Soil and Water Conservation Board at least annually to present information on district goals and programs to enable the VSWCB to determine appropriate district operational funding and support essential to support district programs. The Association President may utilize other Association officers or staff to assist in this presentation. The Association President, or his/her designee, will also normally attend VSWCB meetings that are held throughout the year.

Article 6 – Officers and Their Election

a. Officers

The Association shall have the following elective officers: President, 1st Vice President, 2nd Vice President, Secretary/Treasurer, and National Association of Conservation Districts (NACD) Board Representative, all of whom shall be elected at the Annual Meeting of the Association, as appropriate. The immediate past president, if eligible and available to serve, shall also be an officer, with the title of Immediate Past President

b. Terms of Office

1. The President shall serve a term of one year and may be re-elected for one additional consecutive term.
2. The 1st Vice President shall serve a term of one year and may be re-elected for one additional consecutive term.

3. The 2nd Vice President shall serve a term of one year and may be re-elected for one additional consecutive term.

4. The Secretary/Treasurer shall be elected for a two-year term and may be re-elected.

5. The NACD Board Representative shall be elected for a two-year term and may be re-elected.

6. The Past President shall serve for such period of time as he/she is the immediate past president.

A VASWCD officer must resign from the officer position if he/she no longer serves as a director of a soil and water conservation district.

c. Nomination and Election of Officers

At least three months prior to the annual meeting of the Association, the President shall appoint a nominating committee consisting of no less than three members each from a different Area. At least three months prior to *that Annual Meeting* notice should be given of the upcoming elections and invite persons interested in becoming candidates to submit a resume, to the Nominating Committee, no less than 60 days prior to the Annual Meeting. The resumes of the candidates advanced by the Nominating Committee shall be circulated by the Association no less than 45 days prior to the Annual Meeting, in accordance with the notice requirements of Article 2.e. At the Annual Meeting, said committee shall present a proposed slate of qualified candidates for the offices of President, 1st Vice President, 2nd Vice President, Secretary/Treasurer and NACD Board representative. Other nominations may be made from the floor. All Officers shall be Members.

d. Duties of Officers

1. The President shall be the executive head of the Association and shall preside at its meeting and at meetings of the Board of Directors.

2. The 1st Vice President shall perform the duties of the President in his/her absence, serve as coordinator of all Standing Committees, and shall perform such other duties the President or the Board of Directors may designate.

3. The 2nd Vice President shall perform the duties of the 1st Vice President and the President in their absence, shall coordinate with the Area Chairs, as needed for their activities, and shall perform such other duties as the President or the Board of Directors may designate.

4. The Secretary/Treasurer, in accordance with proper accounting procedures, shall be responsible for receiving all funds of the Association, making all disbursements as authorized by the Board, and investing the Association's monies as directed by the Board. The Secretary/Treasurer will also be responsible for maintaining all appropriate records for the Association.

5. The NACD Board Representative shall normally attend Regional and National NACD meetings and represent and act on behalf of the Association. The Board shall reserve the right to instruct the Board Representative with regard to any particular issue or position as it may determine or limit his/her authority to act on the issue or position until the Board has reviewed the alternatives. The Alternate NACD Board Representative shall be the Association's President or his/her designee.

6. The Past President shall provide support and assistance to the President, Association staff, Executive Committee, and Board of Directors based on his/her Association experience.

e. Line of Succession

In the event of disability or resignation of the President, the 1st Vice President, or 2nd Vice President in that order, shall accede automatically to the presidency. In the event of the disability or resignation of the 1st Vice President, then the 2nd Vice President will accede automatically to the 1st vice president position. In the event of the disability or resignation of the 2nd Vice President, Secretary/Treasurer, or NACD Representative, then the remaining members of the Board shall fill the vacancy from the Board or membership-at-large or may elect to hold a special election by mail or electronic communication.

Article 7 – Association Geographic Areas

a. For appropriate representation of districts in the work of the Association, the Commonwealth of Virginia shall be divided into six geographic areas (the "Areas") generally recognized as follows:

Area I: Western Virginia (6 SWCDs): Natural Bridge SWCD, Shenandoah Valley SWCD, Lord Fairfax SWCD, Mountain SWCD, Headwaters SWCD, Mountain Castles SWCD	Area II: Northern Piedmont (6 SWCDs): Thomas Jefferson SWCD, Culpeper SWCD, Northern Virginia SWCD, John Marshall SWCD, Prince William SWCD, Loudoun SWCD
Area III: Central-Tidewater (8 SWCDs): Tidewater SWCD,	Area IV: Southwest Virginia (11 SWCDs): New River SWCD,

Northern Neck SWCD, Tri-County/City SWCD, Colonial SWCD, Hanover-Caroline SWCD, Monacan SWCD, Henricopolis SWCD, Three Rivers SWCD	Skyline SWCD, Holston River SWCD, Daniel Boone SWCD, Clinch Valley SWCD, Scott County SWCD, Lonesome Pine SWCD, Evergreen SWCD, Tazewell SWCD, Big Walker SWCD, Big Sandy SWCD
Area V: Southern Piedmont (10 SWCDs): Southside SWCD, Piedmont SWCD, Blue Ridge SWCD, Robert E. Lee SWCD, Pittsylvania SWCD, Halifax SWCD, Peaks of Otter SWCD, Peter Francisco SWCD, Patrick SWCD, Lake Country SWCD	Area VI: Southeast Virginia (6 SWCDs): Peanut SWCD, Chowan Basin SWCD, Eastern Shore SWCD, Virginia Dare SWCD, Appomattox River SWCD; James River SWCD

- b. Each of the six Association geographic Areas shall elect an Area Chair and Vice Chair.
- c. Meetings:
 - 1. The Annual Area meeting shall be held during the Annual Meeting of the Association.
 - 2. A Spring meeting of the Area shall be held at a time, and place, designated by the Area, or the Area Chair.
- d. Elections:

Area Chairs and Area Vice-Chairs shall be elected for terms of two years and each may succeed him/herself once but must vacate the office if he/she resigns or fails to gain re-election or re-appointment to a district board. Election shall be conducted by one of the following methods:

 - 1. By ballot or voice vote of Association members, of that Area, at the annual Area meeting.
 - 2. In the event of disability or resignation of an Area Chair or Vice Chair, by ballot or voice vote of Association members of that Area, at the Annual, or other, meeting of the Area or by mail ballot.

Article 8 – Board of Directors

- a. The Association Officers and the Area Chairs shall constitute the Board of Directors, with authority to act for the Association when it is not in regular session. All actions taken by the Board must be ratified by Association members at the following annual meeting or at a special meeting called for the purpose of approving or ratifying specific actions previously taken by the Board of Directors. If an Area Chair is unable to attend a Board of Directors meeting, then the Area Vice Chair may represent the Area. As a Board member, each Area Chair shall serve on at least one standing committee of the VASWCD.
- b. The President, 1st Vice President, 2nd Vice President, Secretary/Treasurer, NACD Board Representative, and the immediate Past President shall constitute the Executive Committee and shall be empowered by the Board of Directors to act on behalf of the Board when it is not in session. All actions taken by the Executive Committee must be ratified by the Board at the following Board meeting.
- c. No person shall concurrently serve in more than one position as an Association Officer or Area Chair or Vice Chair, and no person shall cast more than one vote on a question.
- d. If a member of the Board of Directors is appointed to the Virginia Soil and Water Conservation Board, then he/she must resign from the Association director position.

Article 9 – Association Committees

- a. When appropriate, the Board of Directors may establish standing committees. The Association President, with the assistance of the Executive Committee, will appoint members, including the chairperson, to these committees. Standing committee members may include, but are not limited to, District directors and associate directors, district staff, and employees of partner agencies.
- b. The initial standing committees are Agricultural, District Operations, Forestry, Marketing/Public Relations, Legislative, and Urban.
- c. When appropriate, the Association President, with the assistance of the Executive Committee, may establish ad-hoc committees, and appoint members to these ad-hoc committees.

Article 10 – Finances

- a. Each district shall be assessed an annual support services fee as determined by the Association membership.
- b. The records of the Association shall be audited annually by a certified public accountant.
- c. The Board of Directors shall provide for the execution of a surety bond for the Secretary/Treasurer in an amount determined by the Board.

d. An annual report of the actions taken by the Board of Directors during the past year and a statement of the income and expenditures of the Association since the last financial report shall be distributed to each district through its Area Chair.

Article 11 – Meetings of the Association

a. Annual Meeting

The Board of Directors shall set the date and place of the annual meeting of the Association.

b. Other Meetings

The President shall set the date and place of other meetings of the Association as needed and shall call meetings of the Board of Directors.

c. Quorum

Two-thirds of the Soil and Water District directors registered for the meeting of the Association shall constitute a quorum for annual meetings of the Association, provided however that number must represent a minimum of fifteen percent (15%) of the total membership of the Association. A majority vote of those present at the business session shall be necessary for the transaction of business. A simple majority of the Board of Directors shall constitute a quorum for its meetings and a majority vote of those present shall be necessary for the transaction of business at any meeting of the Board of Directors.

d. The rules contained in the current edition of ***Robert's Rules of Order Newly Revised*** shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the bylaws of the Association; any special rules the Association may adopt; or laws of the Commonwealth of Virginia.

Article 12 – District Responsibilities Toward the Association

a. Each district, as a part of the Association, is expected to assist all 47 districts in Virginia to achieve their natural resource conservation goals by supporting the Virginia Association of Soil and Water Conservation Districts by 1) volunteering to help the Association work toward district goals, and 2) by providing annual financial assistance to the Association in an amount determined by the entire Association membership.

b. If a district refuses to support the Association, as described above, the Association reserves the right to limit that district's participation in Association activities. The decision to limit a district's participation in Association activities shall be made by the Association's Board of Directors. The District will be notified prior to any action and given opportunity to respond in person or at a board meeting.

Article 13 – Amendments to the Bylaws

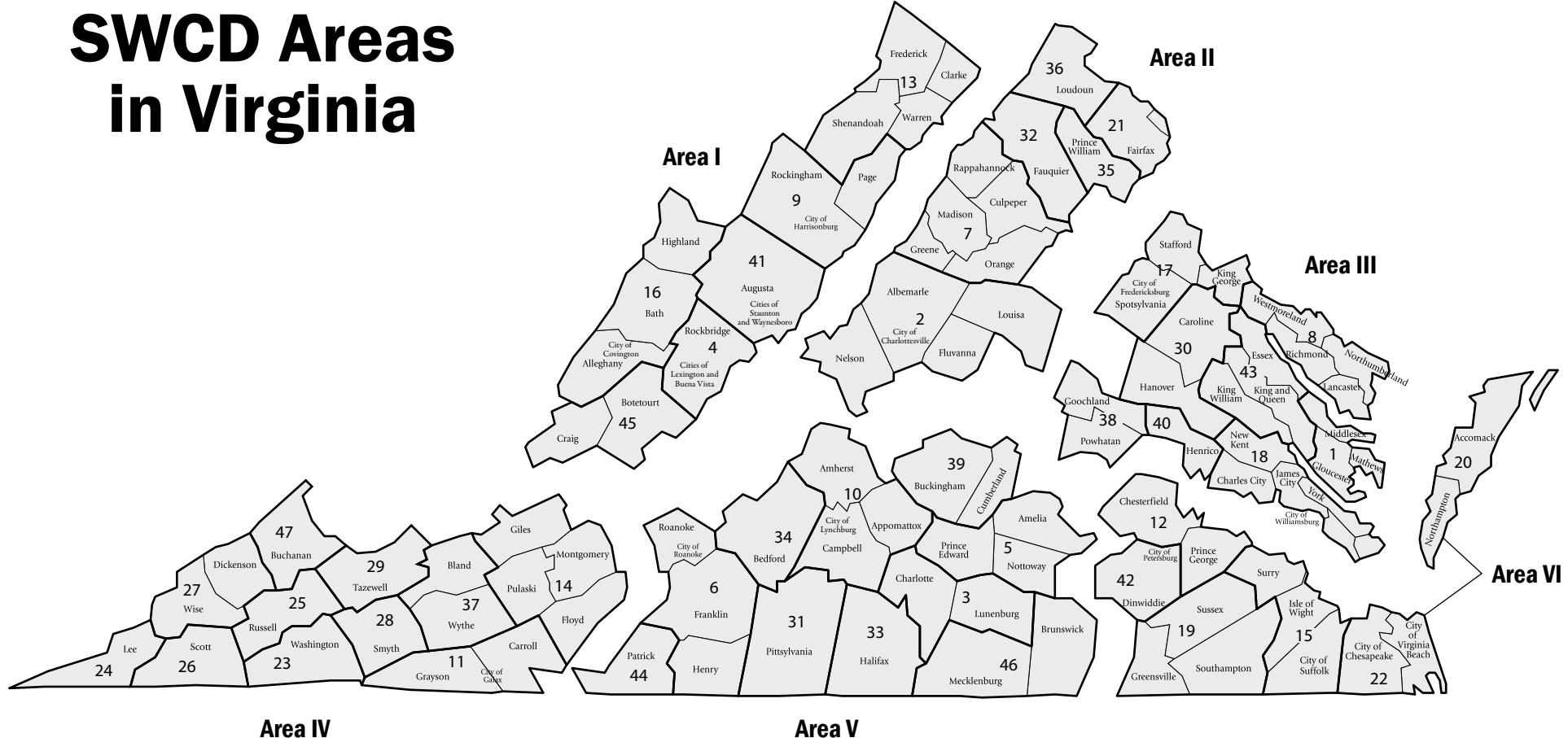
a. Proposed amendments to these Bylaws may be considered at any annual meeting of the Association, provided the proposal has been submitted in writing to the Chairperson of each district at least 60 days prior to the date of the annual meeting.

b. A two-thirds affirmative vote of those members present at the business session shall be necessary for adoption.

c. Amendments shall become effective immediately upon adoption except those that have a specified effective date.

Adopted 12/6/2011; Amended 12/4/2012; Amended 12/10/2013; Amended 12/8/2015

SWCD Areas in Virginia



SOIL AND WATER CONSERVATION DISTRICTS (Note: Cities within SWCDs are listed in parentheses after the appropriate district.)

Area I

- 4 Natural Bridge
(Buena Vista, Lexington)
- 9 Shenandoah Valley
(Harrisonburg)
- 13 Lord Fairfax
(Winchester)
- 16 Mountain (Covington)
- 41 Headwaters
(Staunton and Waynesboro)
- 45 Mountain Castles

Area II

- 2 Thomas Jefferson
(Charlottesville)
- 7 Culpeper
- 21 Northern Virginia
- 32 John Marshall
- 35 Prince William
- 36 Loudoun

Area III

- 1 Tidewater
- 8 Northern Neck
- 17 Tri-County/City
(Fredericksburg)
- 18 Colonial
(Williamsburg)
- 30 Hanover-Caroline
- 38 Monacan
- 40 Henricopolis
- 43 Three Rivers

Area IV

- 11 New River (Galax)
- 14 Skyline
- 23 Holston River
- 24 Daniel Boone
- 25 Clinch Valley
- 26 Scott County
- 27 Lonesome Pine
- 28 Evergreen
- 29 Tazewell
- 37 Big Walker
- 47 Big Sandy

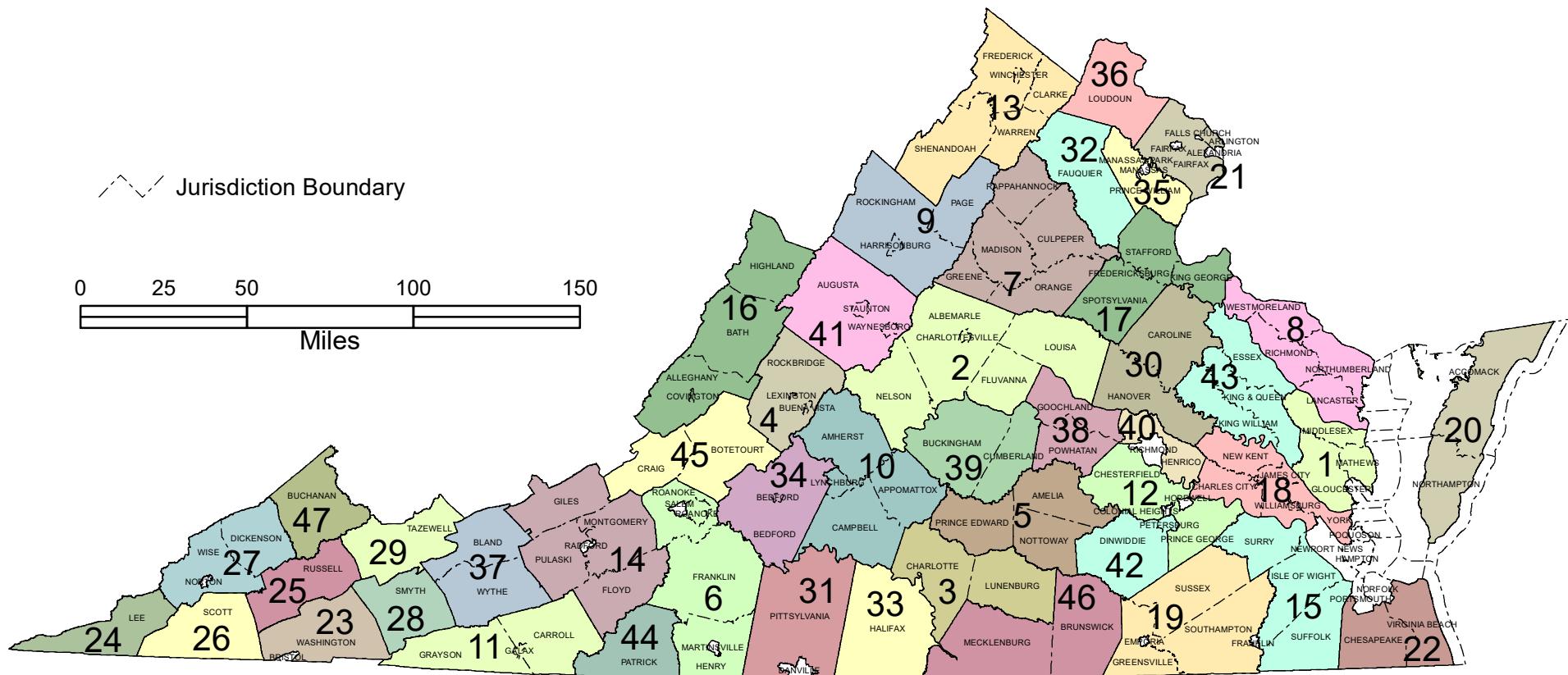
Area V

- 3 Southside
- 5 Piedmont
- 6 Blue Ridge (Roanoke)
- 10 Robert E. Lee
(Lynchburg)
- 31 Pittsylvania
- 33 Halifax
- 34 Peaks of Otter
- 39 Peter Francisco
- 44 Patrick
- 46 Lake Country

Area VI

- 12 James River
- 15 Peanut (Suffolk)
- 19 Chowan Basin
- 20 Eastern Shore
- 22 Virginia Dare
(Chesapeake and Virginia Beach)
- 42 Appomattox River
(Petersburg)

VIRGINIA'S SOIL AND WATER CONSERVATION DISTRICTS



1 TIDEWATER
2 THOMAS JEFFERSON (Charlottesville)
3 SOUTHSIDE
4 NATURAL BRIDGE (Buena Vista, Lexington)
5 PIEDMONT
6 BLUE RIDGE (Roanoke)
7 CULPEPER
8 NORTHERN NECK
9 SHENANDOAH VALLEY (Harrisonburg)
10 ROBERT E. LEE (Lynchburg)

11 NEW RIVER (Galax)
12 JAMES RIVER
13 LORD FAIRFAX (Winchester)
14 SKYLINE
15 PEANUT (Suffolk)
16 MOUNTAIN (Covington)
17 TRI-COUNTY/CITY (Fredericksburg)
18 COLONIAL (Williamsburg)
19 CHOWAN BASIN

20 EASTERN SHORE
21 NORTHERN VIRGINIA
22 VIRGINIA DARE (Chesapeake, Virginia Beach)
23 HOLSTON RIVER
24 DANIEL BOONE
25 CLINCH VALLEY
26 SCOTT COUNTY
27 LONESOME PINE
28 EVERGREEN
29 TAZEWELL
30 HANOVER-CAROLINE
31 PITTSYLVANIA
32 JOHN MARSHALL
33 HALIFAX

34 PEAKS OF OTTER
35 PRINCE WILLIAM
36 LOUDOUN
37 BIG WALKER
38 MONOCAN
39 PETER FRANCISCO
40 HENRICOPOLIS
41 HEADWATERS (Staunton, Waynesboro)
42 APPOMATTOX RIVER (Petersburg)
43 THREE RIVERS
44 PATRICK
45 MOUNTAIN CASTLES

46 LAKE COUNTRY
47 BIG SANDY

Note: Cities within SWCDs are listed in parentheses below the appropriate district.

DATA SOURCES:
SWCD BOUNDARY - VDCR
JURISDICTION BOUNDARY - VDCR



20 JAN 2016



DCR Overview

Darryl Glover, Division Director
Soil and Water Conservation
April 2020

What Is DCR?

- The Department of Conservation and Recreation (DCR) is the state's lead natural resource conservation agency
- DCR protects what Virginians care about - natural habitat, parks, clean water, dams, open space and access to the outdoors

Mission

- To provide opportunities that encourage and enable people to enjoy, protect and restore Virginia's natural and cultural treasures



Program areas

- Virginia State Parks
- Planning and Recreation Resources
- Natural Heritage
- Land Conservation
- Dam Safety and Floodplain Management
- Soil and Water Conservation *

At a glance

- 400+ full-time employees (plus seasonal summer State Park staff)
- Director Clyde E. Cristman appointed spring 2014



Virginia State Parks

- 38 state parks covering 70,000 acres.
- 500+ miles of trails.
- <https://www.dcr.virginia.gov/state-parks/find-a-park>



Planning and Recreation Resources

- State park master planning, design, and construction
- Technical assistance to local parks and recreation programs
- Trails and blueways
- State Scenic Rivers Program

Natural Heritage

- Protects biodiversity ~ 2,000 rare plants, animals and natural communities
- 9,500 mapped locations
- 2,100 conservation sites
- Manages 64 Natural Area Preserves
- Healthy Waters Program
- ConserveVirginia

Natural Habitat &
Ecosystem Diversity
(3,926,390 acres)

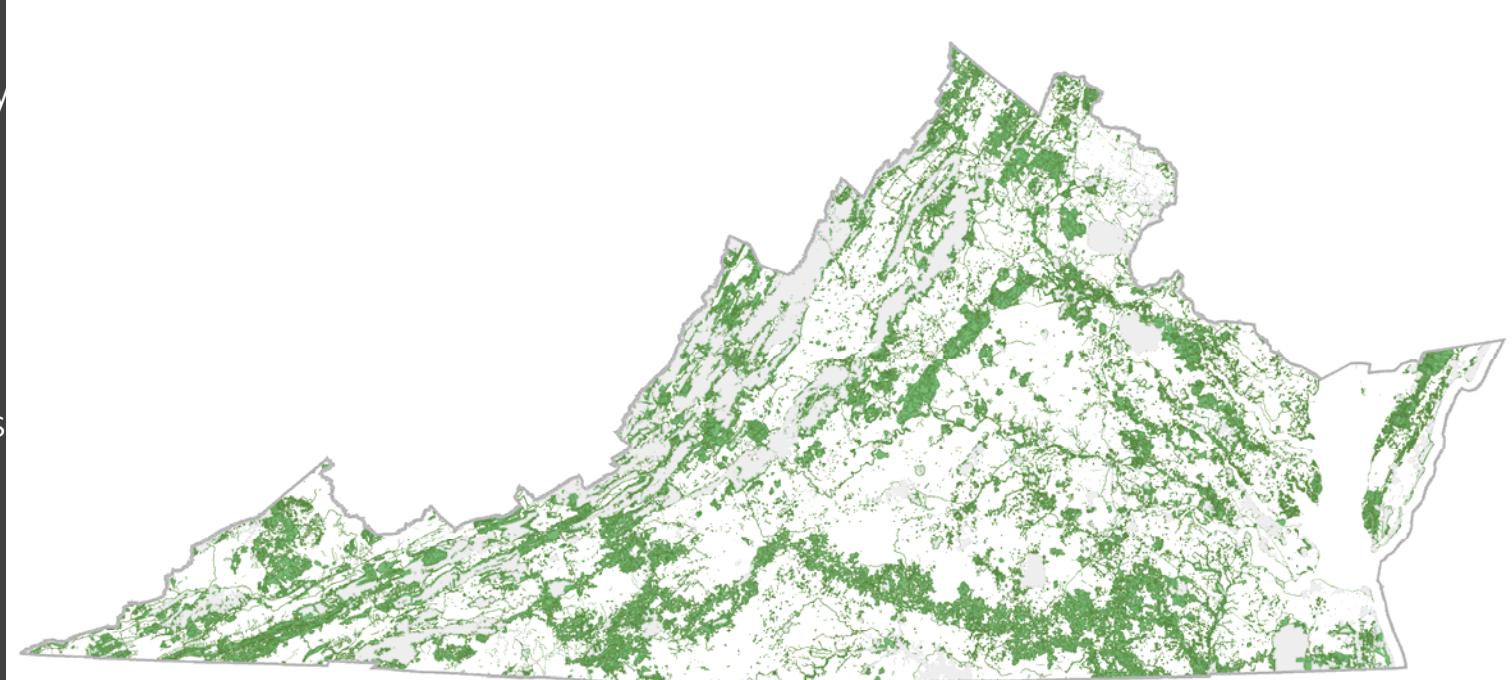
Agriculture & Forestry
(1,432,429 acres)

Cultural and Historic
Preservation
(1,147,336 acres)

Protected Landscapes
Resilience
(627,991 acres)

Floodplains &
Flooding Resilience
(545,461 acres)

Scenic Preservation
(270,870 acres)



Land Conservation

- Land Preservation Tax Credit
- Technical assistance, workshops & training to help landowners conserve their properties
- Virginia Land Conservation Foundation (grants to conserve working farms, forests, parkland, etc.)
- Virginia Land Conservation Database

Dam Safety & Floodplain Mgmt.

- Safe design, construction, operation and maintenance of dams (2,900+ regulated)
- Number of dams are still unregulated
- Work with localities on ordinances for development in floodplains
- Coordinate National Flood Insurance Program. (\$3B/yr in damage in US)

Soil and Water Conservation

- Funding support to SWCDs & VASWCD.
- Agricultural cost-share and tax credits.
- Conservation Planning Training
- Engineering Services (BMPs and Dams).
- Agricultural and Urban Nutrient Management plans, training, certification.
- Resource Management Planning.
- Shoreline Erosion Advisory Service.

Soil and Water Conservation

- Contact w/ SWCDs is through Conservation District Coordinators (CDCs) and Engineering staff.
- Regional offices in Abingdon, Christiansburg, Richmond, Staunton, Suffolk, Tappahannock, and Warrenton.

Soil and Water Conservation

- Responsible for agricultural sector coordination and consistency with Chesapeake Bay Phase 3 Total Maximum Daily Load Watershed Implementation Plan (WIP III)
- 2 year Interim Milestones to reach 2025 nutrient reduction goals

Chesapeake Bay WIP

- 2025 nutrient reduction goals
- Key Agricultural BMPs
 - Animal Waste Storage
 - Buffers (forested and grass)
 - Cover Crops
 - Nutrient Management Plans
 - Poultry Litter Transport
 - Stream Exclusion



Online

Main page:

www.dcr.virginia.gov

Soil and Water Conservation programs:

<https://www.dcr.virginia.gov/soil-and-water/>

Virginia Soil and Water Conservation Board

Charles A. “Chuck” Arnason
Chairman

Virginia Soil and Water Conservation Board

- ▶ Code of Virginia, Section 10.1-502 establishes Board
 - ▶ 9 voting members
 - ▶ 4 must be farmers at time of appointment
 - ▶ 2 must be either farmers or district directors
 - ▶ 3 at-large members with interests in natural resources
 - ▶ Director of Department of Conservation and Recreation is nonvoting ex-officio member
 - ▶ Members may serve up to two full 4-year terms

Duties of the Board

▶ Code of Virginia, Section 10.1-503

- ▶ 1. To give or loan appropriate financial and other assistance to district directors in carrying out any of their powers and programs.
- ▶ 2. To keep district directors informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between the districts.
- ▶ 3. To oversee the programs of the districts.
- ▶ 4. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of the Commonwealth, in the work of the districts.
- ▶ 5. To disseminate information throughout the Commonwealth concerning the activities and programs of the districts, and to encourage the formation of such districts in areas where their organization is desirable.
- ▶ 6. To assist persons, associations, and corporations engaged in furthering the programs of the districts; to encourage and assist in the establishment and operation of such associations and corporations, and to authorize financial assistance to the officers and members of such associations and corporations in the discharge of their duties.

Duties of the Board

► Code of Virginia, Section 10.1-503

- ▶ 7. To receive, review, approve or disapprove applications for assistance in planning and carrying out works of improvement under the Watershed Protection and Flood Prevention Act (Public Law 566 -- 83rd Congress, as amended), and to receive, review and approve or disapprove applications for any other similar soil and water conservation programs provided in federal laws which by their terms or by related executive orders require such action by a state agency.
- ▶ 8. To advise and recommend to the Governor approval or disapproval of all work plans developed under Public Law 83-566 and Public Law 78-535 and to advise and recommend to the Governor approval or disapproval of other similar soil and water conservation programs provided in federal laws which by their terms or by related executive orders require approval or comment by the Governor.
- ▶ 9. To provide for the conservation of soil and water resources, control and prevention of soil erosion, flood water and sediment damages thereby preserving the natural resources of the Commonwealth.
- ▶ 10. To adopt regulations (i) for the operation of the voluntary nutrient management training and certification program as required by § 10.1-104.1 and (ii) that amend the application rates in the Virginia Nutrient Management Standards and Criteria as required by § 10.1-104.2:1.
- ▶ 11. To provide, from such funds appropriated for districts, financial assistance for the administrative, operational and technical support of districts.

Other Regulations Adopted by the Board

- ▶ Impounding Structure Regulations (4VAC50-20 et seq.)
 - ▶ Over 3,000 dams in Virginia; nearly 2,000 regulated through these regulations
 - ▶ Includes capacity standards, inspection requirements, and public safety requirements
- ▶ Resource Management Plan Regulations (4VAC50-70 et seq.)
 - ▶ Voluntary plan an agricultural producer may implement to improve water quality
 - ▶ Includes minimum standards for various land types (cropland, hayland, and pasture land)
- ▶ Nutrient Management Training and Certification Regulations (4VAC50-80 et seq.)
 - ▶ Establishes content and minimum standards for a nutrient management plan
 - ▶ Details the requirements needed to become a nutrient management planner

Board Oversight of Districts

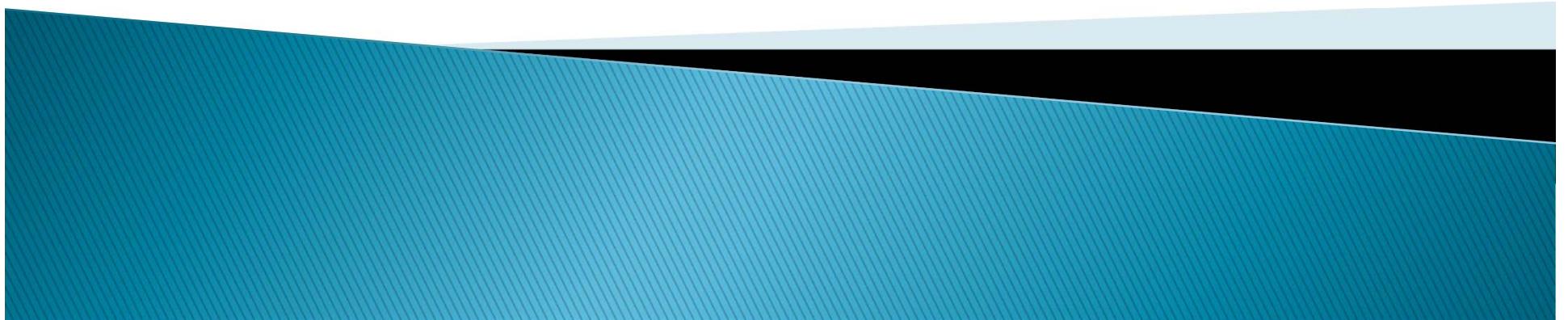
- ▶ Board approves funding policies, grant agreements, and grant deliverables for Districts
 - ▶ Administrative and Operations
 - ▶ Includes deliverables for implementing best practices for fiscal management
 - ▶ Cost-share and Technical Assistance
 - ▶ Includes deliverables for reporting and funding of practices

Board Oversight of Districts

- ▶ Board approves Virginia Agricultural Best Management Practices Cost-Share Program (VACS)
- ▶ Approves the VACS Best Management Practice (BMP) Manual each year
 - ▶ Includes administrative guidelines for Districts to follow while implementing VACS
 - ▶ Includes standards for all agricultural best management practices funded through VACS

STATE AND LOCAL GOVERNMENT CONFLICT OF INTERESTS ACT (COIA)

PRACTICAL TRAINING FOR A MEMBER OF A PUBLIC
BODY...



This presentation is for informational purposes only and is not legal advice.



COIA Overview



COIA Overview

Officially titled “State and Local Government Conflict of Interests Act” Va. Code §§ 2.2-3100 to -3131.

The General Assembly, recognizing that our system of representative government is dependent in part upon its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts COIA so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.
§ 2.2-3100.

Central to COIA – Misuse of Office

In summary, COIA prohibits accepting anything of value in exchange for influencing you in the use of your office, any opportunity where there is a reasonable likelihood that it is being offered to influence you in the use of your office, and advancing your own or your family's economic interests through the use of your office. *See § 2.2-3103* (listing prohibited conduct).

Additionally, you are prohibited from participating in a transaction being considered by the public body in which you have a personal interest. *See § 2.2-3112* (explaining this in far greater detail).

COIA – Personal Interest

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$ 5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$ 5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$ 5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

§ 2.2-3101

COIA – Personal Interest in a Contract

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

§ 2.2-3101

COIA – Personal Interest in a Transaction

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

§ 2.2-3101

COIA - Accepting Gifts

The only instances where you need to pay attention is when you or a member of your immediate family solicit, accept, or receive a gift where:

- (1) The gift is from either
 - (a) a registered lobbyist,
 - (b) a person or entity who hires registered lobbyists, or
 - (c) a person or entity who has or is seeking a contract with the local agency of which you are an officer or employee;and
- (2) The gift is valued at \$20.00 or more.

See § 2.2-3103.1(B) (prohibiting certain gifts).

COIA – Gifts from Personal Friends

Even if a gift is valued at more than \$20.00 and is from one of a lobbyist, etc., you and members of your immediate family may accept gifts without restriction from personal friends.

In determining whether a person is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

§ 2.2-3103.1(F).

COIA -Gift Restrictions

Neither you nor a member of your immediate family may solicit, accept, or receive

for yourself or a member of the immediate family

any single gift with a value in excess of \$100 or any combination of gifts within a calendar year with an aggregate value in excess of \$100 (gifts valued at less than \$20 are not aggregated)

that you or a member of your immediate family knows or has reason to know is either (i) a registered lobbyist, (ii) a person or entity who employs a registered lobbyist, or (iii) a person or entity who is or who is seeking a contract with the public body of which you are a member or with a public body over which you have the authority to direct.

§ 2.2-3103.1(B).

COIA - Gift of Travel

You or a member of your immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by either (i) a registered lobbyist, (ii) a person or entity who employs a registered lobbyist, or (iii) a person or entity who is or who is seeking a contract with the public body of which you are a member or with a public body over which you have the authority to direct.

So long as you have submitted a request for approval of such travel to the Virginia Conflict of Interest and Ethics Advisory Council and have received the approval of the Council.

Also, this must be reported on a disclosure form.

§ 2.2-3103.1(G)

COIA - Gifts of Food, Beverage, or Entertainment

You or a member of your immediate family may accept or receive a gift valued in excess of \$100

of food and beverages, entertainment, or the cost of admission

when it is accepted or received while in attendance at a “widely attended event” and is associated with the event.

And these are required to be reported on a disclosure form.

§ 2.2-3103.1(D).

COIA - Widely Attended Event

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

§ 2.2-3103.1(A).

COIA - Gift from a Foreign Dignitary

If you or a member of your immediate family are in the position of receiving a gift from a foreign dignitary, please call me to discuss it.

See § 2.2-3103.1(E) (addressing gifts from foreign dignitaries).

COIA - Filing Financial Interest Disclosure Form

An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250.

§ 2.2-3124(B)

COIA – “Knowing Violation”

Any person who knowingly violates COIA shall be guilty of a Class 1 misdemeanor, § 2.2-3120, shall be guilty of malfeasance in office, § 2.2-3122, and shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation, and the money or thing of value is forfeited. § 2.2-3124.

A knowing violation is one in which the person engages in conduct, performs an act, or refuses to perform an act when he knows that the conduct is prohibited or required by COIA. § 2.2-3120.

COIA - Contracts made in violation may be rescinded

Any contract made in violation of COIA may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract.

§ 2.2-3123

COIA - Advisory Opinion

A state officer or employee shall not be prosecuted for a knowing violation of COIA if

- (1) the alleged violation resulted from his good faith reliance on either (a) a written opinion of the Attorney General or (b) a formal opinion or written informal advice of the Council;
- (2) it was made in response to his written request for such opinion or advice; and
- (3) the opinion or advice was made after a full disclosure of the facts.
- (4) If the advice or opinion is withdrawn, it can only be relied upon for acts or omissions occurring after its issuance and before its withdrawal.

§ 2.2-3121(A).

COIA - Virginia Conflict of Interest and Ethics Advisory Council

COIA Council's Website: ethics.dls.virginia.gov

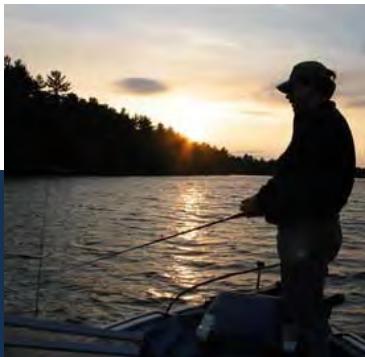
COIA Council has an attorney who you can reach out to concerning COIA questions you have, in addition to contacting me.

If you would like written informal advice from the COIA Council, I suggest you reach out to the Council's attorney about the process for obtaining such an opinion.

The COIA Council also issues formal advisory opinions, which you can request. The fastest way to receive written guidance from the COIA Council would be to seek written informal advice.

Questions?



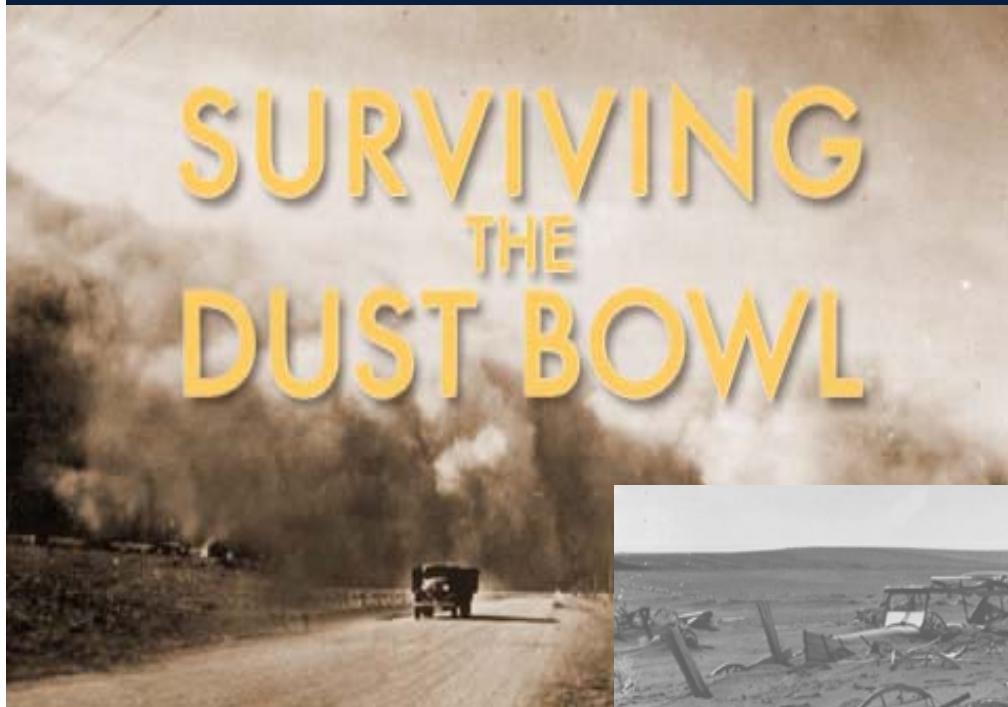


THE SOIL & WATER CONSERVATION DISTRICT NETWORK: CONSERVING NATURAL RESOURCE FOR OUR FUTURE

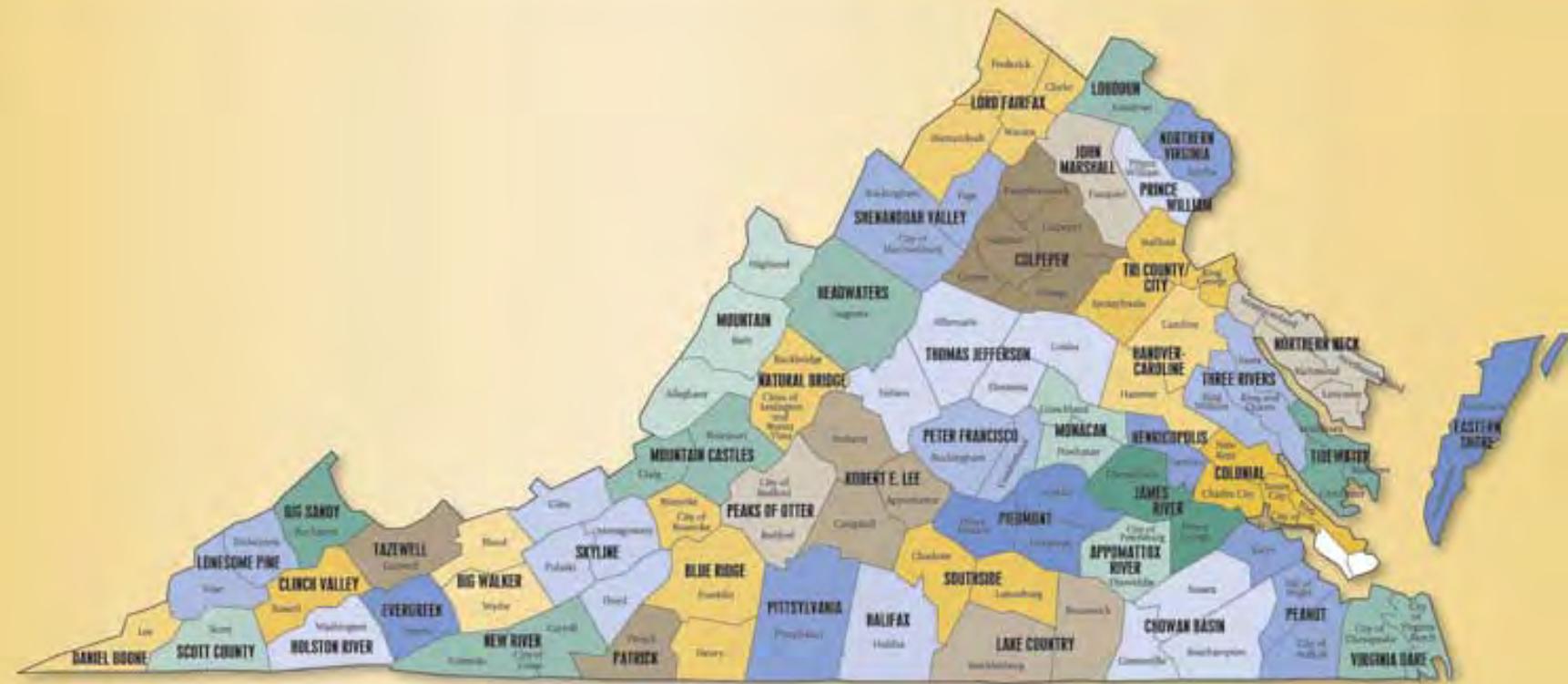
Virginia Assn of Soil & Water Conservation Districts

Kendall Tyree, PhD
VASWCD Executive Director
Email: Kendall.Tyree@vaswcd.org

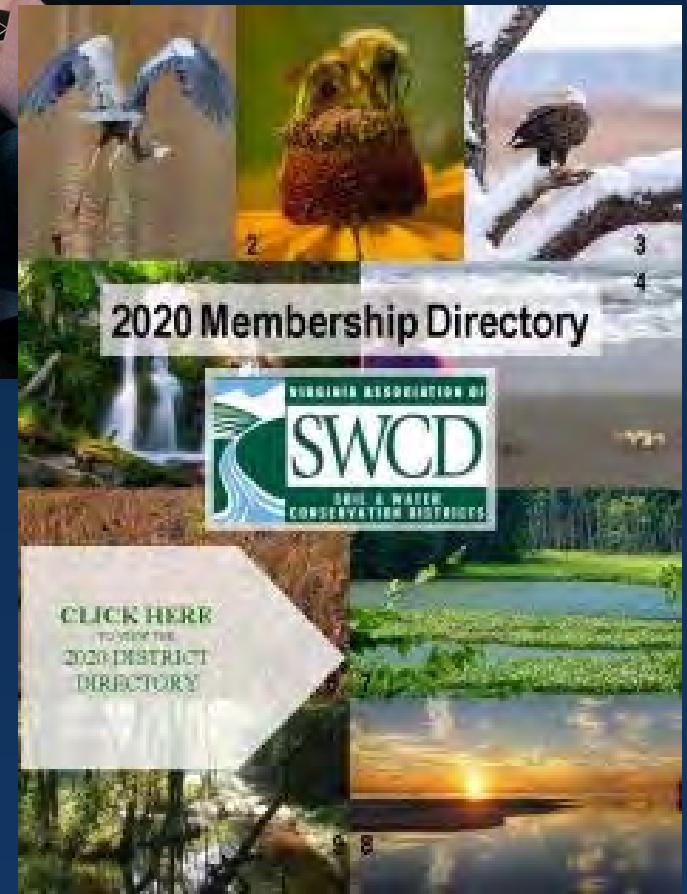
Soil & Water Conservation District Roots



VIRGINIA ASSOCIATION OF SOIL & WATER CONSERVATION DISTRICTS



Virginia Assn of SWCD Governance

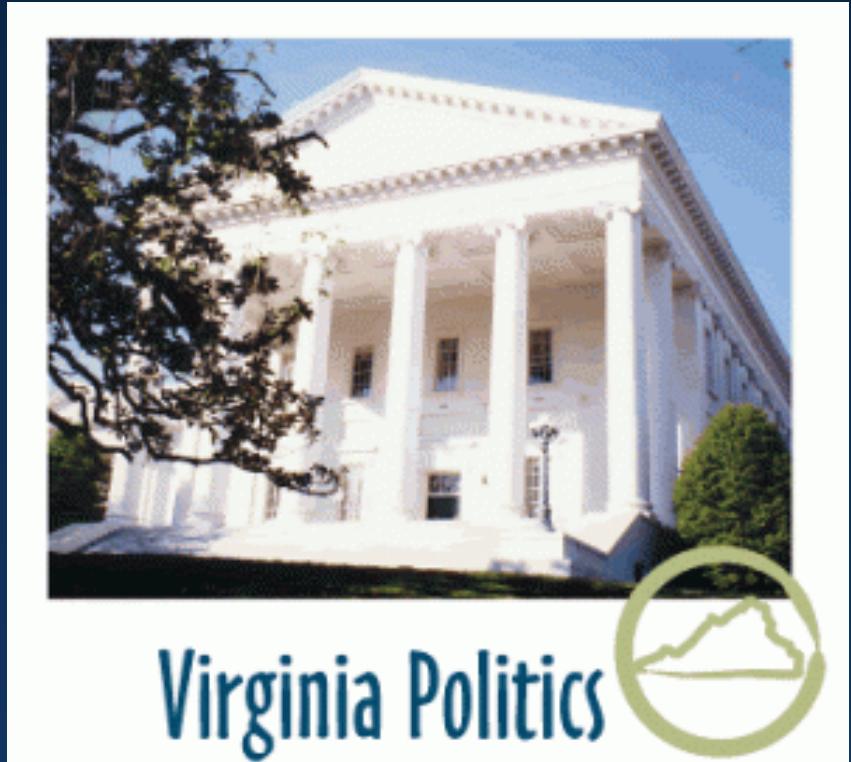


- VASWCD & Foundation Board Make-Up
- Six Geographic Areas - Area Chair Role
- Committee Operations
- District Directory Resource
- Upcoming Events



VASWCD Efforts on Behalf of SWCDs: Advocacy & Outreach

- Legislative Outreach w/
General Assembly and
Administration
- Representation on efforts
with State SWCB, DCR
TAC, Governor
Chesapeake Bay
Stakeholder Advisory
Committee, etc.



Natural Resource Players



MANY MORE...



VASWCD Efforts on Behalf of SWCDs: Training

- Director + Admin/Ops Training
- Annual Meeting – December 6-8, 2020
- Online Leadership Training Modules
- Best Management Guides

The screenshot shows the VASWCD website with a green header featuring the logo "VIRGINIA'S SWCD SOIL & WATER CONSERVATION DISTRICTS". The main navigation menu includes Home, About Us, News & Mtgs., Districts, District Services, K-12 Education, SWCD Resources, and Policy. The "Annual Meeting" link under "SWCD Resources" is highlighted. The main content area displays information about the 2020 Annual Meeting at The Hotel Roanoke from December 6-8, 2020. A sidebar on the left contains a graphic with the word "Training" and a quote: "Knowledge is the useful ability that is the backbone of success". The footer features a decorative wavy pattern.

Training

Knowledge is the useful ability that is the backbone of success

Annual Meeting

The Hotel Roanoke – December 6-8, 2020

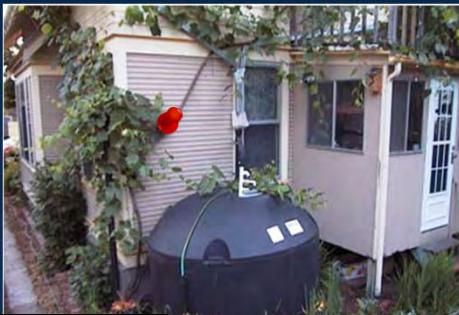
Join us for our 2020 Annual Meeting at the Hotel Roanoke & Conference Center for what will be great networking and educational sessions. If you are interested in joining the 2020 planning committee contact VASWCD staff. Planning efforts will kick off in spring 2020.

Information & Registration Items: (Items and forms will be added as finalized)

- Annual Meeting Registration Form – All late registrations are subject to \$100 late fee. Registration form with payment are due to the VASWCD with payment no later

VASWCD Efforts on Behalf of SWCDs

Virginia Conservation Assistance Program



- Impervious Surface Removal
- Conservation Landscaping
- Rain Gardens
- Bioretention
- Dry Well
- Infiltration Basin
- Rainwater Harvesting
- Vegetated Conveyance Systems
- Constructed Wetlands
- Permeable Pavement
- Green Roofs



VASWCD Efforts on Behalf of SWCDs Education Outreach: Envirothon



VASWCD Efforts on Behalf of SWCDs Education Outreach: Envirothon



Wildlife



Soils



Aquatics

Hundreds gather at Tabb High School to remember students who died in crash



Three Tabb High School students die in York County crash



Federal judge protects jurors by keeping them anonymous, then protects...



Schools, foster care and abortion at center of Hampton-Poquoson...



Broadband equal rights issues i...

THE VIRGINIA GAZETTE NEWS THE VIRGINIA GAZETTE

Jamestown's Envirothon team bests all competitors

By SEAN CW KORSGAARD
STAFF WRITER | AUG 06, 2019 | 4:00 PM | JAMES CITY COUNTY



FOR IMMEDIATE RELEASE

Aug. 4, 2019

VIRGINIA TEAM NAMED 2019 NCF-ENVIROTHON CHAMPIONS

RALEIGH, N.C. – On Aug. 2, the Jamestown High School team from Williamsburg, Va., was named the champion of the 2019 National Conservation Foundation (NCF)-Envirothon, an international environmental and natural resources education competition for high schoolers.

"I'd like to congratulate the Jamestown team and all of the teams for their hard work and dedication," **NCF Chair Steve Robinson said**. "Their knowledge about environmental and natural resource issues, as well as their commitment to these areas, have shown me that the future of conservation is in good hands."

The winning NCF-Envirothon teams are awarded scholarships and prizes, with the top three scoring teams receiving \$30,000 in total, thanks to the support of Smithfield Foods, Inc. As the largest corporate sponsor of NCF-Envirothon, Smithfield donated a combined \$120,000 to support regional, statewide and international competitions throughout the year. In addition to financial support from the company, Smithfield employees donated their time and expertise to the program, serving as volunteer advisors to lead training sessions, facilitate program curriculum, and coordinate activities.

"Smithfield Foods is proud to support the NCF-Envirothon competition and award the next generation of natural resource professionals," **said Bill Gill**, assistant vice president of sustainability for Smithfield Foods. "The dedication, passion and expertise of these high-schoolers is inspiring."

Fifty-three teams across the U.S., Canada and China traveled to this year's competition, hosted by North Carolina Envirothon, at North Carolina State University in Raleigh. Throughout the week-long competition, students demonstrated their knowledge on soils and land use, aquatic ecology, forestry and wildlife management through written tests and interactive stations featuring North Carolina's natural resources. The teams also prepared oral presentations on this year's current issue,

VIRGINIA 2019 Envirothon Champions



Local high school team wins national competition

wydaily.com/local-news/2019/08/05/local-high-school-team-wins-national-competition

August 5,
2019



The Jamestown High School team won first place at the 2019 NCF-Envirothon at North Carolina State University (WYDaily/Courtesy of the Virginia Association of Soil & Water Conservation Districts)

A Jamestown High School team won first place in the 2019 National Conservation Foundation Envirothon, a high school competition Aug. 2 at North Carolina State University which focuses on environment and natural resources.

This year's topic: Agriculture and the Environment: Knowledge and Technology to Feed the World.

"I'd like to congratulate the Jamestown team and all of the teams for their hard work and dedication," said Steve Robinson, NCF's chairman. "Their knowledge about environmental and natural resource issues, as well as their commitment to these areas, have shown me that the future of conservation is in good hands."

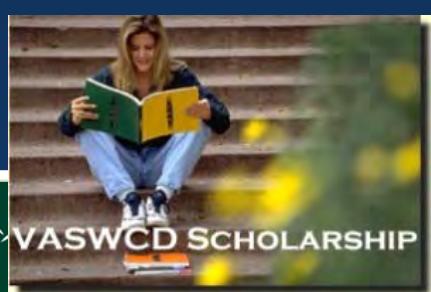
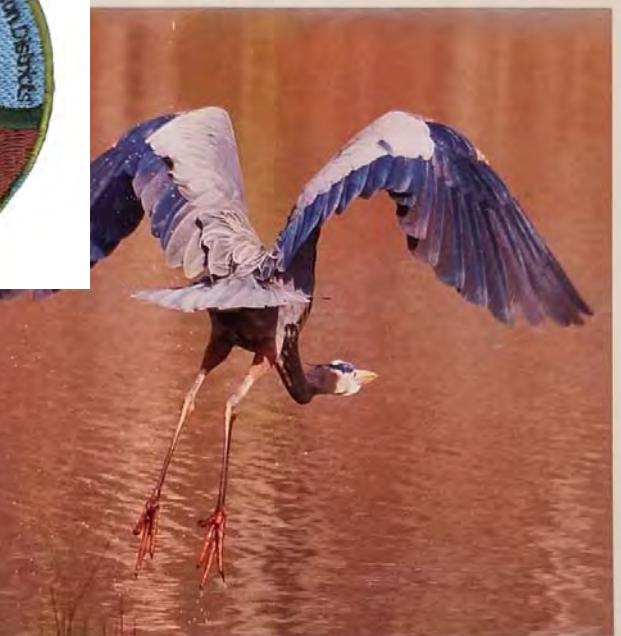
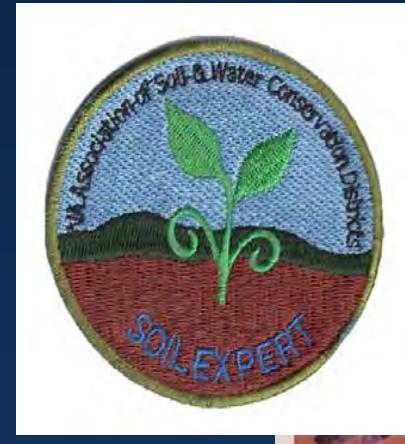
VASWCD Efforts on Behalf of SWCDs Education Outreach: Conservation Camp



VASWCD Efforts on Behalf of SWCDs Education Outreach



Check out the following online environmental education resources to help with remote learning.
Please also check out our ... [\[Read More\]](#)



**VASWCD 2020
PHOTO CONTEST**

Learn More

Home About Us News & Mtgs. Districts District Services K-12 Education SWCD Resources Policy



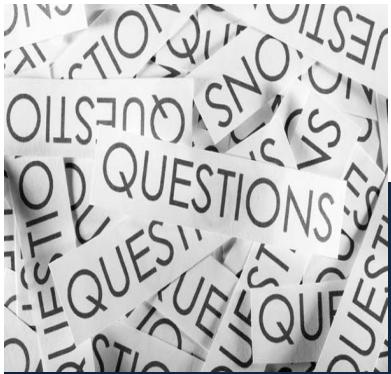
WELCOME TO THE VASWCD

The Virginia Association of Soil & Water Conservation Districts



Join All District Email, Visit our Website, Contact
Kendall.Tyree@vaswcd.org





THE SOIL & WATER CONSERVATION DISTRICT NETWORK: CONSERVING NATURAL RESOURCE FOR OUR FUTURE:

Virginia Assn of Soil & Water Conservation Districts

Kendall Tyree, PhD
VASWCD Executive Director
Email: Kendall.Tyree@vaswcd.org



United States Department of Agriculture



New District Director Orientation 2020

Natural
Resources
Conservation
Service

nrcs.usda.gov/



United States Department of Agriculture

Introduction to the USDA Natural Resources Conservation Service

Our Mission: We deliver conservation solutions so agricultural producers can protect natural resources and feed a growing world.



Our Vision: A world of clean and abundant water, healthy soils, resilient landscapes, and thriving agricultural communities through voluntary conservation.



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United States Department of Agriculture

NRCS Emphasizes ...

- **Science-based technical assistance**
- **Partnerships**
- **Voluntary, incentive-based programs**
- **Cooperative problem solving at the local level**



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Service

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United States Department of Agriculture

History of NRCS



*Hugh Hammond Bennett,
Father of Conservation*



- **Created by Congress in 1935 to help farmers fight erosion during the Dust Bowl**
- **SWCDs created by state law beginning in 1937 as the local link with landowners**

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United States Department of Agriculture

Mutual Support and Collaboration

**Formal agreement between USDA and districts
enabling NRCS staff to assist SWCDs**



Secretary Sonny Purdue

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United States Department of Agriculture

Cooperation and Supplemental Support



**Working agreements
between NRCS and
each SWCD outline
roles and responsibilities**



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United States Department of Agriculture

Working Together at the Local Level



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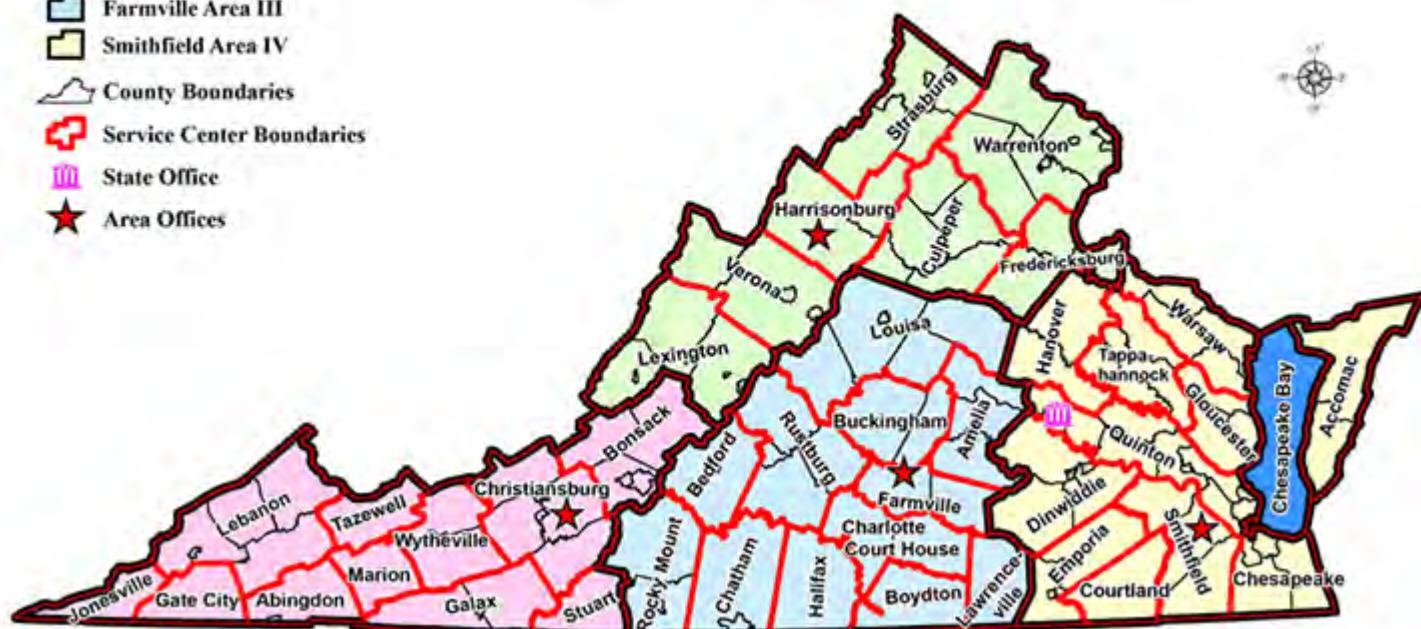
United States Department of Agriculture

Office Locations and Personnel



Virginia Service Centers

- Harrisonburg Area I
- Christiansburg Area II
- Farmville Area III
- Smithfield Area IV
- County Boundaries
- Service Center Boundaries
- State Office
- Area Offices



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United States Department of Agriculture

NRCS Conservation Planning Certification



Make

the training and certification process available to all Soil and Water Conservation District staff

Teach

the nine-step planning process to meet client objectives in solving natural resource problems

Inform

planners of Federal, State, tribal, and local laws and regulations

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Technical Standards and Guidelines



- Establishes criteria for all practices planned and installed by NRCS and the partners
- eFOTG is maintained with all technical references and guides





United States Department of Agriculture

Your Role in Quality Work



- Making sure standards and policies are followed
- Accountability for use of public funds

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Service

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United States Department of Agriculture

Training Opportunities



- **Joint Employee Development Monthly Training**
- **Engineering/ BMP Workshops**
- **Soil Health Field Days**
- **Conservation Planning Certification**

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Your Role in Staff Development



- **Develop a training plan**
- **See what's available**
- **Encourage participation with local resources**
- **Provide resources for travel and trainings**

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Program Delivery



- Comply with Civil Rights Acts VI
- Equitable disbursement of funds



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Outreach Priorities



- Equal representation on district boards
- Involve minority groups in other ways



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Farm Bill Implementation



ACEP	preserving wetlands and productive farmlands
CREP	installing riparian buffers
CSP	enhancements to take land management to a higher level
EQIP	improving soil and water quality
RCP	leveraging resources to achieve common goals
WLFW	increasing wildlife habitat



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Dam Rehabilitation



150 NRCS-built dams / 103 SWCD operated & maintained



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Soil Resources and Expertise



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United States Department of Agriculture

Volunteers: A Vital Resource



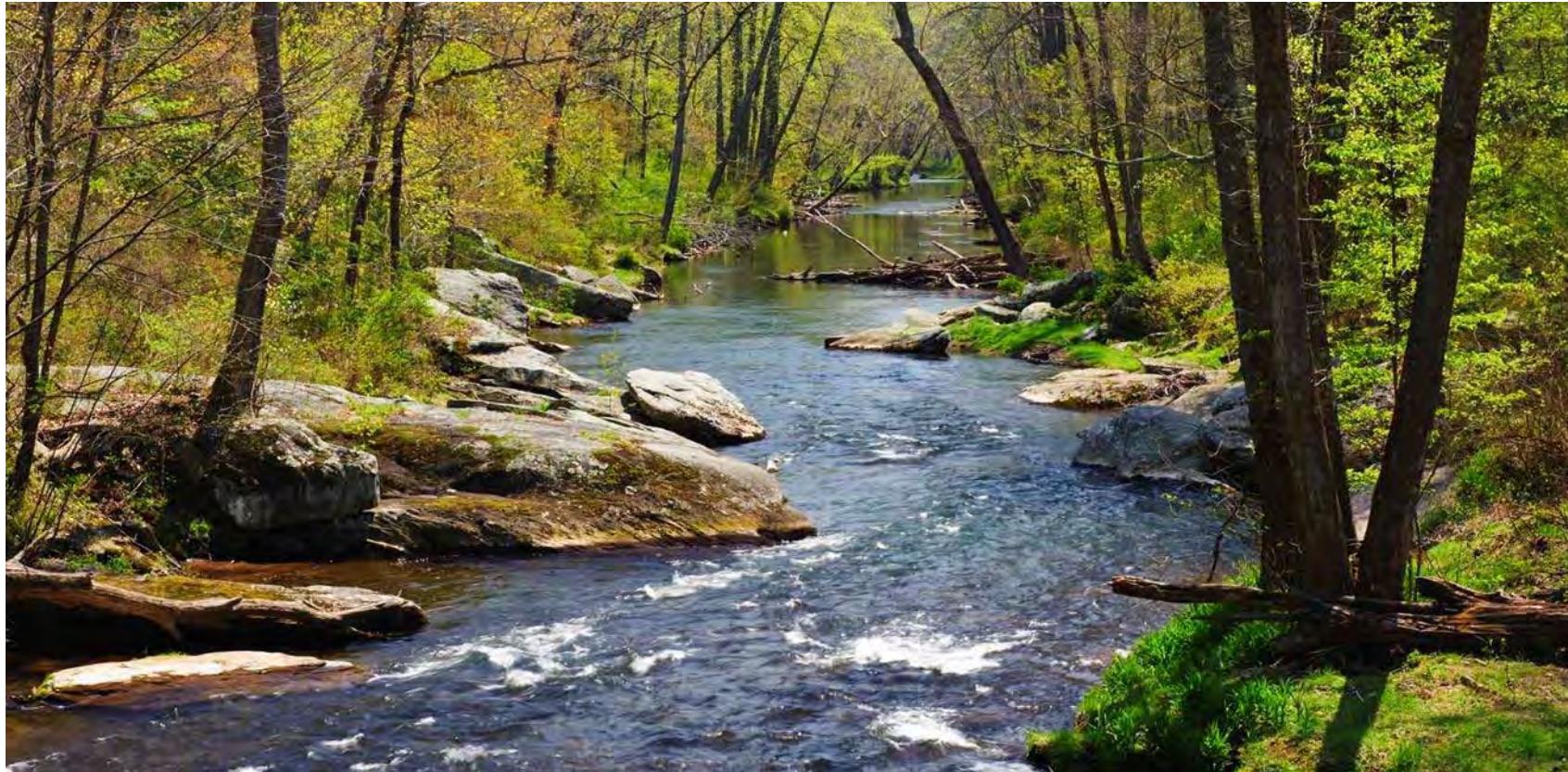
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A Common Goal



Protecting, Conserving, Enhancing Natural Resources



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VIRGINIA COOPERATIVE EXTENSION



Virginia Cooperative Extension

- Virginia Cooperative Extension helps lead the engagement mission of Virginia Tech and Virginia State University, the commonwealth's land-grant universities.
- Building local relationships and collaborative partnerships, we help people put scientific knowledge to work through learning experiences that improve economic, environmental, and social well-being.



Grayson County 4-H Career Immersion Project.

Land-Grant University System

- Morrill Acts of 1862 and 1890 created the land-grant university system. Expanded in 1994.
- Hatch Act of 1887 expanded the land-grant university mission to establish agricultural experiment stations.
- Smith-Lever Act of 1914. Formally established Cooperative Extension.



United States
Department of
Agriculture

National Institute
of Food and
Agriculture

NIFA LAND-GRANT COLLEGES AND UNIVERSITIES



Core Values

- Inclusion of all stakeholders and partners.
- Integrity of information.
- Science-based knowledge.
- Engagement.
- Partnerships.
- Individual relationships.
- Good stewardship of public trust.



VCE-Albemarle/Charlottesville In-school garden club led by Master Gardeners.



VCE-Rockingham Dairy Agent Jeremy Daubert teaching dairy judging skills.



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Program Areas

- ◉ Family & Consumer Sciences
 - Family Financial Management, Parenting Early Childhood Education, Nutrition and Health, and SNAP-Ed (and others)
- ◉ 4-H Youth Development
 - Citizenship, Leadership, Positive Life-Skill Development (and more)
- ◉ Agriculture & Natural Resources
 - Animal Science, Crop & Soil Science, Environmental Horticulture, Forestry & Natural Resources (and others)
- ◉ Community Viability
 - Community Leadership, Community Food Systems, Entrepreneurship, Facilitation (and others)



Apple Producers In Orchard Meeting – Organics with Specialist Greg Peck

Program Teams

- 4-H Positive Youth Development
- Animal Production
- Food, Nutrition, and Health
- Agronomic Crops and Horticulture
- Family and Community Economics
- Leadership, Volunteerism, and Civic Engagement
- Community, Local, and Regional Food Systems (CLFRS)
- Natural Resources, Environmental, and Agricultural Literacy Education
- Emerging Pest and Pesticide Management
- Human Development
- Natural Resources Management
- Agribusiness Management and Economics

- 107 Extension Unit Offices
- 6 4-H Educational Centers
- 11 Agricultural Research and Extension Centers



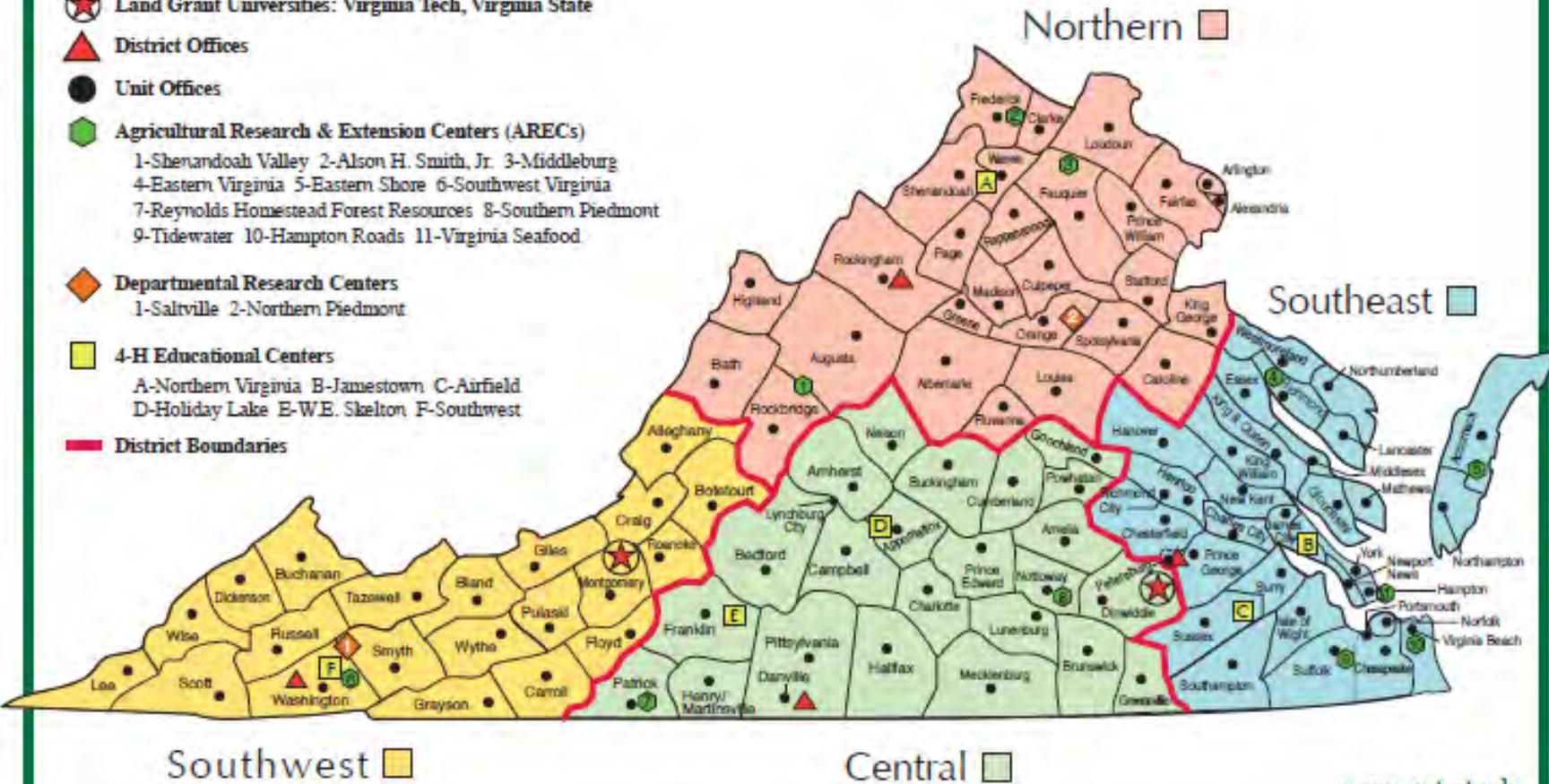


Virginia Cooperative Extension

Virginia Tech • Virginia State University

Publication VCE-231NP
Revised January 2015

- ★ Land Grant Universities: Virginia Tech, Virginia State
- ▲ District Offices
- Unit Offices
- Agricultural Research & Extension Centers (ARECs)
 - 1-Shenandoah Valley 2-Alson H. Smith, Jr. 3-Middleburg
 - 4-Eastern Virginia 5-Eastern Shore 6-Southwest Virginia
 - 7-Reynolds Homestead Forest Resources 8-Southern Piedmont
 - 9-Tidewater 10-Hampton Roads 11-Virginia Seafood
- ◆ Departmental Research Centers
 - 1-Saltville 2-Northern Piedmont
- 4-H Educational Centers
 - A-Northern Virginia B-Jamestown C-Airfield
 - D-Holiday Lake E-W.E. Skelton F-Southwest
- District Boundaries



Produced by Communications and Marketing, College of Agriculture and Life Sciences, Virginia Polytechnic Institute and State University, 2015

Virginia Cooperative Extension programs and employment are open to all, regardless of age, color, disability, gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, genetic information, veteran status, or any other basis protected by law. An equal opportunity/affirmative action employer. Issued in furtherance of Cooperative Extension work, Virginia Polytechnic Institute and State University, Virginia State University, and the U.S. Department of Agriculture cooperating. Tidwell, L. Jones, Director, Virginia Cooperative Extension, Virginia Tech, Blacksburg; Jewel T. Hairston, Administrator, 1800 Extension Program, Virginia State, Petersburg.

www.ext.vt.edu

Our Faculty and Staff are Committed, Diverse, and the Front Door to the University

- 223 Extension agents in 107 local offices (as of 4/20/2020)
- 91 ANR agents, 84 4-H agents, 48 FCS agents
- Approximately 140 faculty with specialist appointments



VCE-Chesapeake Unit faculty and staff.

AGENCY 229 is

VIRGINIA COOPERATIVE EXTENSION

Virginia Cooperative Extension is a cooperative effort among local, state, and federal governments in partnership with tens of thousands of citizens. There are 108 Extension offices located across Virginia in every county and 12 cities. Extension leads the engagement mission of Virginia Tech and Virginia State University.

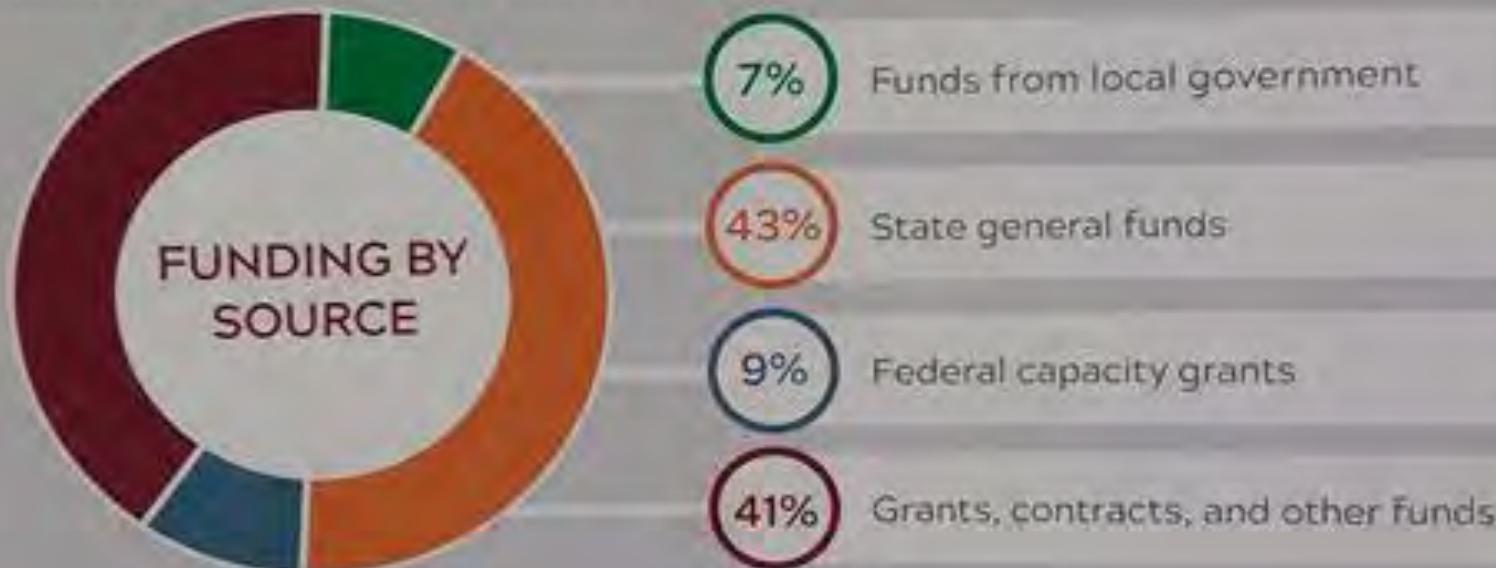
VIRGINIA AGRICULTURAL EXPERIMENT STATION

The Virginia Agricultural Experiment Station includes faculty members in three colleges: the College of Agriculture and Life Sciences, the College of Natural Resources and Environment, and the Virginia-Maryland College of Veterinary Medicine. The colleges work with the 11 Agricultural Research and Extension Centers located across the state.

EXTENSION AND RESEARCH FUNDING

(FUNDING SOURCES FOR FY2019)

Virginia Cooperative Extension and the Virginia Agricultural Experiment Station received \$170,555,924 from federal, state, and local government, as well as from grants, contracts, and other sources.





VALUE OF VOLUNTEERS

In 2018, Virginia Cooperative Extension volunteers assisted in delivering education programs. These volunteers contributed

1,072,813

hours of service
valued at

\$29,502,358*

* Based on Independent Sector 2018 Value of Volunteer Hours by State.

Extension faculty delivered > 5,000 non-conference presentations in 2018.



\$1.33

Additional amount of funding

Agency 229 generates for every \$1 the state invests

237,315 young people are participating in Virginia 4-H youth programs

How youth get involved

119,513 enrolled in school enrichment programs (coordinated by VCE & school officials)

47,352 4-H members enrolled in community, independent, and special-interest clubs

35,985 participating in special-interest, short-term programs

29,405 enrolled in 4-H camping programs

17,312 enrolled in school-age child-care education and other after-school programs

Where Virginia 4-H participants live

39.3% Suburbs and cities with a population of over 50,000

38.9% Towns/Rural with a population of less than 10,000

17.6% Towns/Cities with a population of 10,000 to 50,000

4.2% Farms

Sample Impacts



Virginia Quality Assured Feeder Cattle Program Enhances Farm Income

Results. A total 17,486 calves were marketed through the VQA program in 2018. Producers received a premium of \$87 per calf resulting in \$1,520,233 of additional income for Virginia beef producers. Since 1997, producers have marketed over 199,000 head of feeder cattle resulting in \$11.4 million in value-added income.

Eat Smart Move More at the Farmers Market – Social Marketing Campaign

Due to collaborative integrated programming efforts by Central District FNP Program Assistants and Extension agents, in 2015 farmers market managers reported that over \$12,000 in SNAP benefits were redeemed at markets during the season, with the most dollars redeemed at markets which had EBT machines for two or more years. The more successful markets planned multiple events at the market, were close to public transportation and used social media to publicize events at the market several times a week. Larger markets reported at least a 10% increase in overall sales and a significant increase in traffic, including typically slower market days. One market reported a 500% increase in SNAP sales because of the program, and another, because they had a Double Bucks program in the past, increased their current sales by 10%.

Washington County History Bowl

The state average pass rate for Virginia Studies SOL scores from 2011 through 2015 was 87%. To enhance knowledge and understanding of Virginia history, emphasize citizenship, and increase Virginia History SOL scores of Washington County 4th grade students, Washington County 4-H developed the 4-H History Bowl contest (quiz bowl format using buzzers). In 2015, the Washington County pass rate was 9% above the state average pass rate in Virginia Studies.

Tobacco Growers Utilize VCE Expertise to Effect Positive Change

95% returning surveys indicated that they use Extension programs more than once yearly and 93% rated Extension information as important or very important. Extension is effecting change in these operations with 85% reporting a management change as a direct result of Extension information. Of those that reported a management change, 52% reported greater yield, 41% reported less disease incidence, and 31% reported greater revenue.

*...this program was the start of
teaching independent living skills.*

I have lived here all my life and really didn't
think about how important my neighbor is...

**...I find within myself a greater
passion to make a difference
and know that I can...**

*I credit my 4-H experiences with my
success as a professional.*

Thank you!

Dan Goerlich

Associate Director, Economy, Community,
and Food

540-231-7610 (office)

dalego@vt.edu

The Agricultural Stewardship Act Program



DCR New SWCD Director Orientation
Training
April 27, 2020

Darrell R. Marshall
ASA Program Manager



The Virginia Agricultural Stewardship Act Program

- ▶ Agricultural Stewardship Act (ASA) passed in 1996.
- ▶ The ASA set the framework for a complaint driven, farmer friendly, commonsense, water quality program.
- ▶ Identifies water quality issues (nutrient, sediment, toxins) caused by agricultural activities.
- ▶ Gives the farmer/landowner the opportunity to correct the problem before any enforcement action is taken.
- ▶ Educates all involved parties on agriculture, best management practices, and water quality.
- ▶ Works closely with the local Soil and Water Conservation Districts.

How Does the Program Work?

- ▶ Complaint received- verbal or written- can be anonymous
- ▶ Investigation performed by SWCD, VDACS, or jointly
- ▶ Findings presented to the Commissioner
- ▶ Complaint determined to be “founded”, “unfounded”, or “dismissed”
- ▶ If “founded”, the owner or operator must submit a plan to address the water quality concerns (within 60 days).
- ▶ Plan approved
- ▶ Plan implemented
- ▶ Subsequent visits to check for implementation.
- ▶ Appeals of aggrieved parties heard by the Va. Soil and Water Conservation Board

Activities Not Covered By the Act

- ▶ Permitted operations/activities
 - Virginia Pollution Abatement permits
 - Biosolids applications
- ▶ Forestry Activities
- ▶ Air Pollution
- ▶ Odor Concerns
- ▶ Water quality problems not related to agriculture

Typical Complaints Received

- ▶ Runoff from feeding areas
- ▶ Runoff from denuded/overgrazed pastures
- ▶ Manure management issues
- ▶ Sediment runoff from land clearing operations for agriculture
- ▶ Sediment runoff from crop fields

What are we looking for during the investigation?

- Evidence of nutrients, sediment, or toxins reaching state waters



Plans Must Include:

- ▶ Stewardship measures needed to prevent pollution.
- ▶ Implementation Schedule
 - Up to 60 days to develop the plan
 - Up to 6 months to begin implementation
 - Up to 18 months to complete the plan
- ▶ Should also include:
 - Statement of the pollution problem
 - Map showing the area of concern and affected water body
 - Signature page for the owner/operator.
- ▶ Plans range from very simple, handwritten statements– to very detailed, engineered drawings with narratives

ASA Plans

- ▶ Assistance in planning may be provided by:
 - Virginia Dept. of Agriculture and Consumer Services
 - Local Soil and Water Conservation District
 - USDA-NRCS
 - Virginia Cooperative Extension
 - Private businesses (engineering, consulting firms)

Cost-Sharing/Financial Assistance

- ▶ Some operations qualify to participate in cost-share and/or financial assistance programs to implement Best Management Practices.
- ▶ Provided by:
 - Local SWCD (Va. Ag. BMP Program)
 - USDA- NRCS (EQIP)
 - DEQ (Ag. BMP Loan Program)

Before ASA Plan Implementation



After ASA Plan Implementation



Before ASA Plan Implementation



After ASA Plan Implementation



Before ASA Plan Implementation



After ASA Plan Implementation



ASA Cases since 1997

- ▶ 1136 total complaints
 - 229 Dismissed – 20%
 - 414 Founded – 37%
 - 489 Unfounded – 43%
 - 4 Awaiting a case decision
- ▶ 16 Corrective Orders
- ▶ 1 Emergency Corrective Order
- ▶ 6 Appeal Hearings

Soil and Water Conservation District Policy for Handling Agricultural Stewardship Act Complaints

District:

Name:

Primary District Contact Person (with delegated authority to make ASA decisions):

Name:	Email:	Phone:
Title:		

Secondary District Contact Person (to be cc'd on notification of complaint received), if preferred:

Name:	Email:	Phone:
Title:		

In handling ASA Complaints, the District prefers* to:

- perform the investigation to determine the validity of the complaint.
- assist VDACS by performing a joint investigation.
- not participate in the investigation process.

(*It is understood that the District reserves the right to handle ASA complaints differently than indicated on this form. Many prefer to handle on a case-by-case basis, depending on the circumstances.)

Comments:

VDACS intends to send all correspondence and associated documents (including notification and complaint tracking forms) to Districts electronically.

District boards should re-visit this policy annually to re-affirm the same individual(s) to make these decisions, or whenever there is a personnel change that would impact it. Re-affirmations and new designations of individuals should be communicated to VDACS by September 30 of each year.

Approved by: _____ Date: _____



SWCD Policy for Handling ASA Complaints

Discussing ASA Cases in SWCD Board Meetings

- ▶ Pursuant to § 3.2-103(4) of the *Code of Virginia*, the Commissioner of Agriculture and Consumer Services is required to hold records of active investigations in confidence unless otherwise directed by the Governor or the Board of Agriculture and Consumer Services, until the investigation is considered closed.
 - Discussions of cases should be limited to ASA case number, type of complaint, and locality of the complaint (no operator, landowner or specific location information) until a case decision is made.
 - No provisions to discuss ASA cases in closed session.
 - It is recommended that a District Board delegate the decision whether to investigate, perform a joint investigation with VDACS staff, or not participate in the investigation, to a single individual, Board member or staff.

Agricultural Stewardship

www.vdacs.virginia.gov/conservation-and-environmental-agricultural-stewardship.shtml

Virginia.gov Agencies | Governor Search Virginia.Gov

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

ABOUT VDACS JOBS SERVICES/FORMS MEDIA EMPLOYEE CONTACT SEARCH

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ANIMALS

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Pesticide Information

Virginia Century Farms

EDUCATION

FOOD, FOOD SAFETY & CONSUMER PROTECTION

INSPECTION & GRADING SERVICES

LOCALITIES

MARKETING & ECONOMIC DEVELOPMENT

MARKETS & FINANCE

MEDIA

PESTICIDES

AGRICULTURAL STEWARDSHIP

The Agricultural Stewardship Program works with farmers and local Soil and Water Conservation Districts to resolve water quality problems reported to the Virginia Department of Agriculture and Consumer Services (VDACS) concerning nutrients, sediment and toxins from agricultural activities.

Why is this Program Important?

Virginia's agricultural community promotes stewardship of our land and water resources. As a show of commitment to this concept, agricultural leaders supported the passage of the Agricultural Stewardship Act (ASA) in 1996. The ASA program gives the farmer an opportunity to correct a water quality problem voluntarily before any enforcement action is taken. The ASA can also be an opportunity to educate all parties involved regarding best management practices and agriculture.

How is the Program Structured?

The Agricultural Stewardship Program is administered by VDACS' Commissioner's Office, which receives all complaints. If a complaint is under the jurisdiction of the ASA, the local Soil and Water Conservation District is notified and given the opportunity to investigate, assist VDACS with the investigation or defer to VDACS to perform the investigation. After a complaint is investigated, the Commissioner's Office reviews the findings and determines if the complaint is founded and requires further action under the ASA. If so, the farmer is required to develop a plan to correct the problem and complete plan implementation within 18 months. The Commissioner's Office contacts complainants to inform them of the findings.

What's Not Covered?



- Agriculture Stewardship Annual Report (pdf)
- Agriculture Stewardship Guidelines (pdf)

Contact

For questions regarding the Agricultural Stewardship Act Program or to file a complaint, please contact your regional coordinator.



VALLEY REGION:

Tim Higgs
Agricultural Stewardship
Program Coordinator
261 Mount Clinton Pike
Harrisonburg, VA 22802
Office: 540.209.9135
Mobile: 804.837.9312
Fax: 804.371.7679
tim.higgs@vdacs.virginia.gov

SOUTHWEST REGION:

Joseph Maloskey
Agricultural Stewardship Program
Coordinator
250 Cassell Road
Wytheville, VA 24382
Office: 276.228.5501
Mobile: 804.837.9311
Fax: 804.371.7679
joenseh.maloskey@vdacs.virginia.gov

CENTRAL/EASTERN RE

Darrell Marshall
Agricultural Stewardship Pro
Manager
P.O. Box 1163
Richmond, VA 23218
Office: 804.786.2658
Mobile: 804.382.0904
Fax: 804.371.7679
darrell_marshall@vdacs.virginia.gov

In Response to COVID-19

- ▶ If performing a joint investigation, VDACS and SWCD staff travel to sites in separate vehicles
- ▶ We have asked that SWCD personnel participating in the investigation be limited to one individual
- ▶ All “social distancing” and biosecurity protocols apply

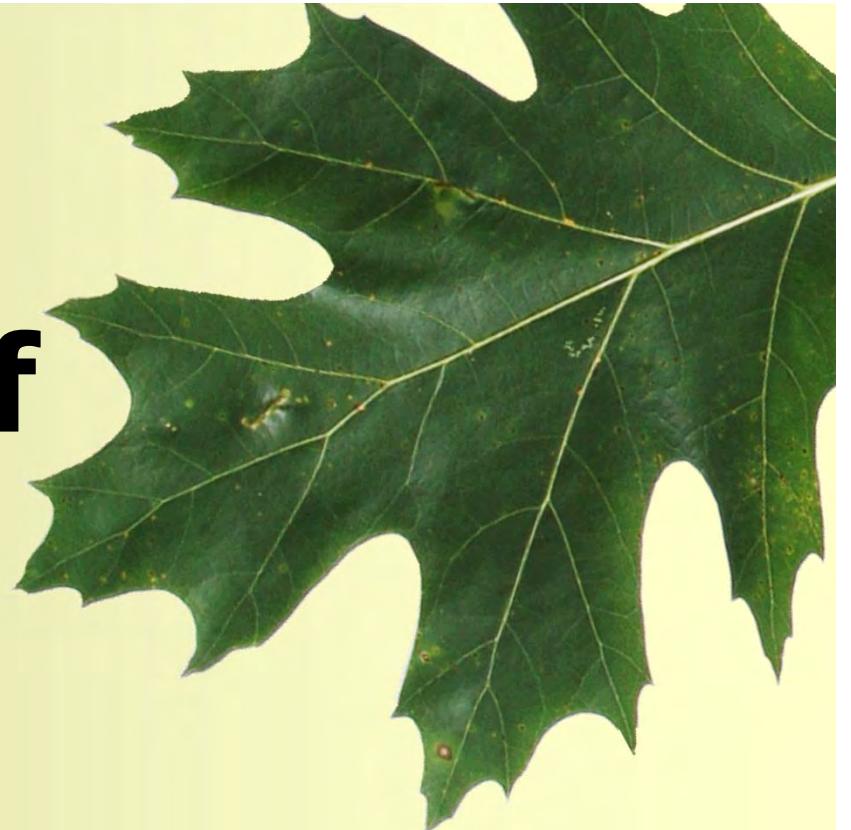
Any Questions?



VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES

Darrell Marshall (804) 786-2658
darrell_marshall@vdacs.virginia.gov

Virginia Department of Forestry



“Forestry in Virginia”

Presented to: SWCD New Director Training Sessions -
2020

4/29/2020



Our Mission for Forestry in Virginia



**“We protect and
develop healthy,
sustainable
forest resources
for Virginians”**



4/29/2020



Our Goals for Forestry in Virginia

DOF has 235 employees (approximately half of those are field employees) to meet the following goals:

- ❖ Protect the Forest Resource from Wildfire, Insect and Disease, and other Natural Disaster
- ❖ Conserve the Forest Land Base
- ❖ Protect Water Quality
- ❖ Improve and Renew Forest Resources





Forest Benefits



- ❖ \$21 billion annually to Virginia's economy – primary producers
- ❖ Employ 107,000 Virginians in the forest products industry
- ❖ \$388 million to forest landowners in stumpage
- ❖ \$2.4 billion annually for recreational spending
- ❖ Virginia receives approximately \$6.686 billion in estimated air and water environmental benefits each year from forestland.

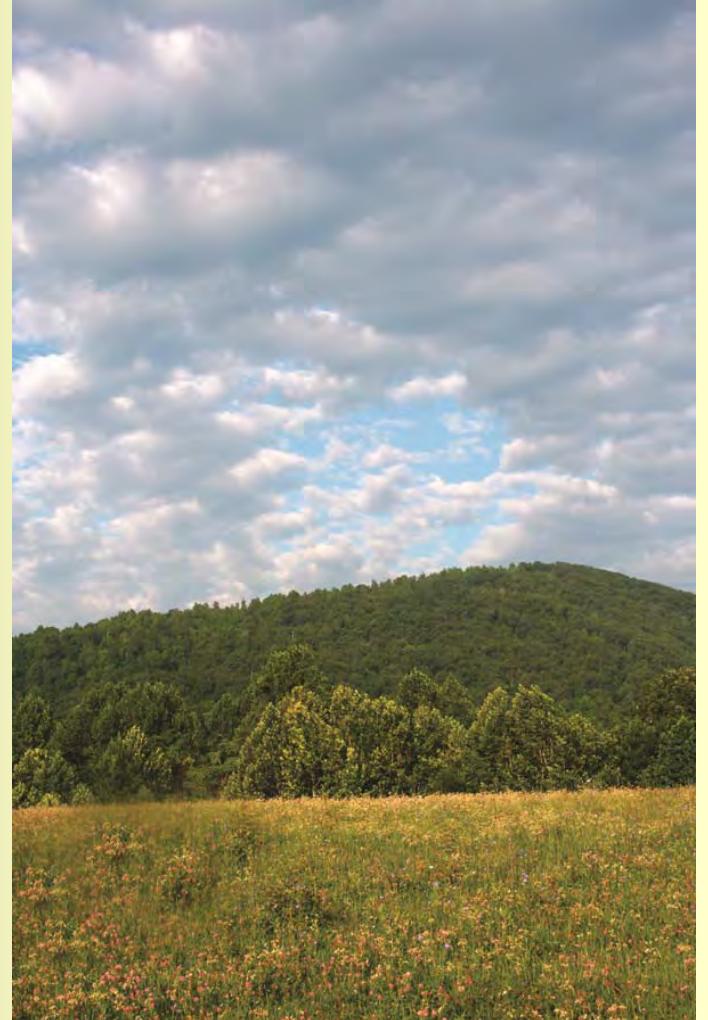


4/29/2020



Forest Ecological Benefits

- ❖ Water Quality
- ❖ Air Quality
- ❖ Aesthetic Quality
- ❖ Habitat
- ❖ Carbon sequestration





Virginia Forest Cover

Virginia Forest Cover

62 % Forest



From year 2000 Landsat satellite imagery, classified by the Virginia Department of Forestry



4/29/2020

DOF Administrative Regions

**Virginia Department of Forestry
State Forests, Forestry Centers,
Regions, and Primary Offices**

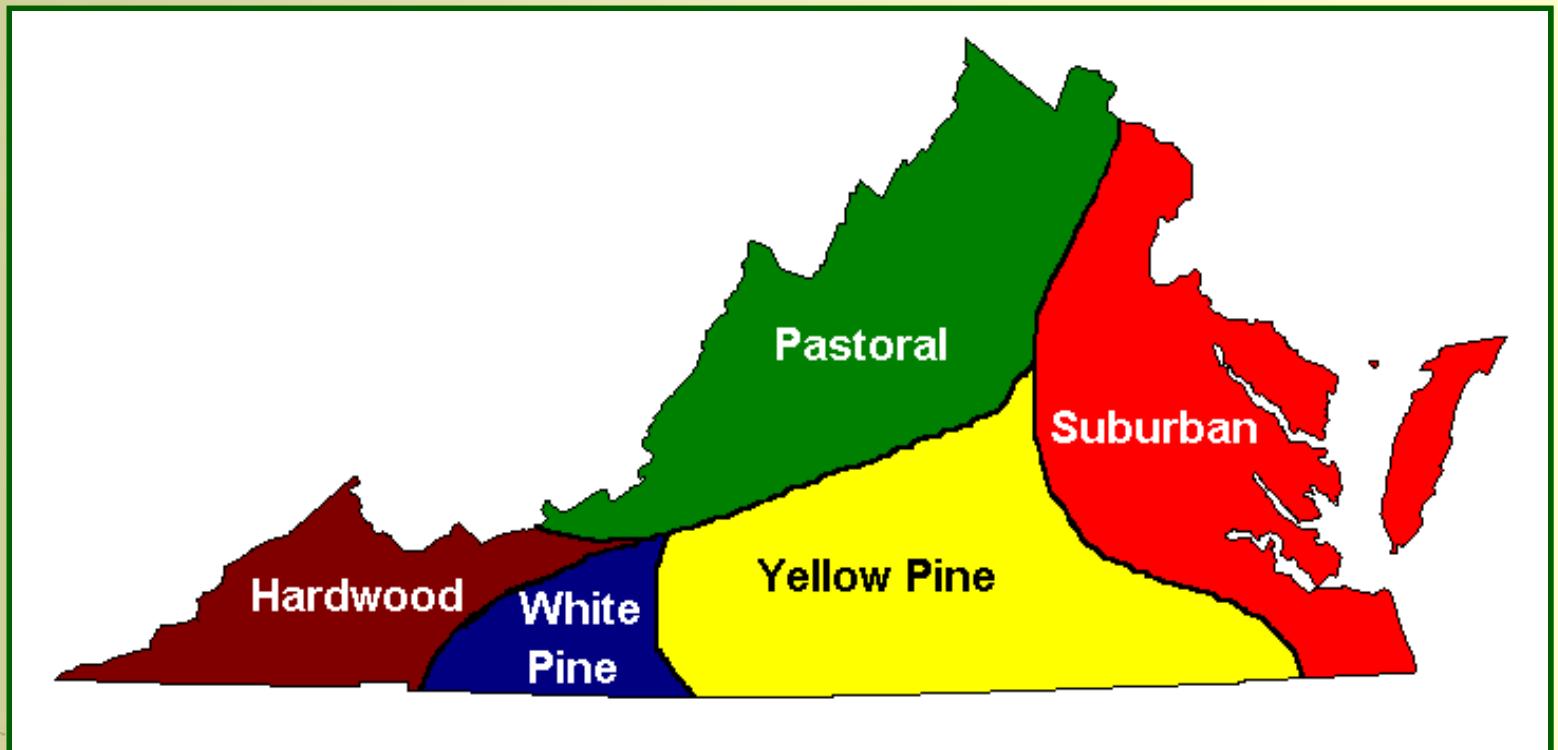


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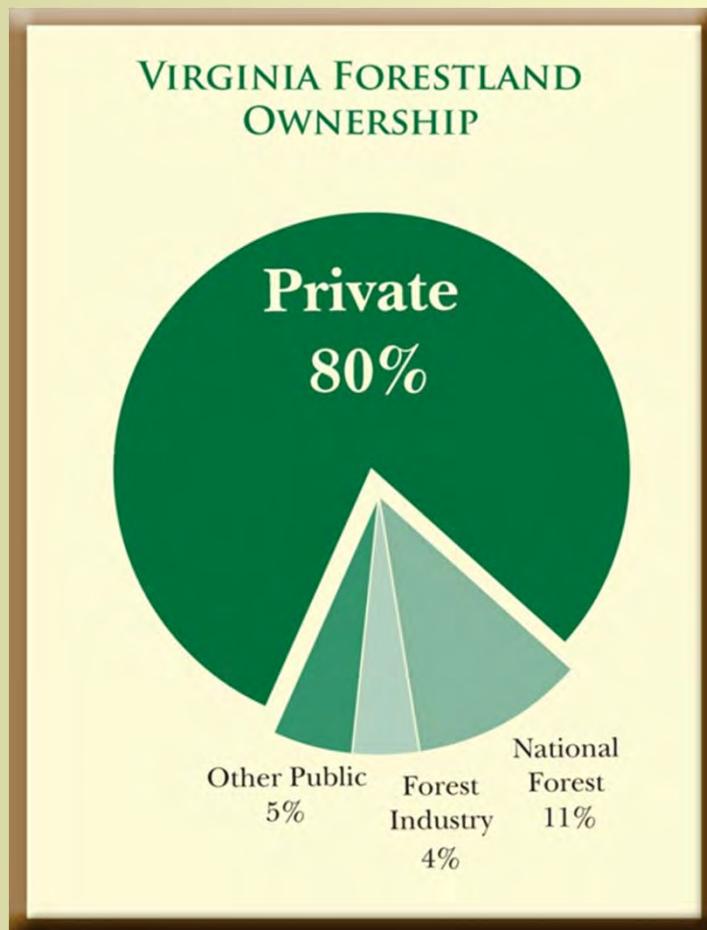
Landscape of Virginia



4/29/2020



Virginia Timberland Ownership



- ❖ 405,000 Landowners hold a total of 10.6 million acres or more



4/29/2020



Virginia's Forestland

- ❖ Hardwood and Hardwood-Pine forest types make up more than 12.7 million acres – more than 79%
- ❖ Hardwood forests of Virginia are maturing, with more than half the hardwood acreage in stands 60 years of age and older
- ❖ Pine forests represent approximately 3.2 million acres (21% of Virginia's forestland) with pine plantations constituting more than 65% of the pine acreage





Protecting Our Forests

Wildfire FY 2019

- ❖ 247 fires burned a total of 11,396 acres of forest land.
- ❖ Almost \$833,000 in timber was damaged.
- ❖ Damages to homes and other buildings was amounted to \$332,800.
- ❖ An astounding 688 homes, worth more than \$21.5 million were protected.
- ❖ 155 other structures, worth an estimated \$2.4 million were protected.





Protecting Our Forests

Wildfire

- ❖ Agency relies on a fleet of:
 - ◆ 160 – 4X4 Pickup truck-based engines
 - ◆ 10 – Custom designed wildland brush trucks
 - ◆ 89 bulldozer/wildland fire plow suppression units
 - ◆ 2 – Incident Command Vehicles



4/29/2020



Conserving the Forest Land-Base

- ❖ Identifying forest lands that provide the greatest benefits
- ❖ Conducting education and outreach to landowners on forest land conservation
- ❖ Training agency staff to assist landowners in land conservation
- ❖ Concentrate on “Working Forests”
- ❖ Accepting Conservation Easement Donations
- ❖ Building Partnerships

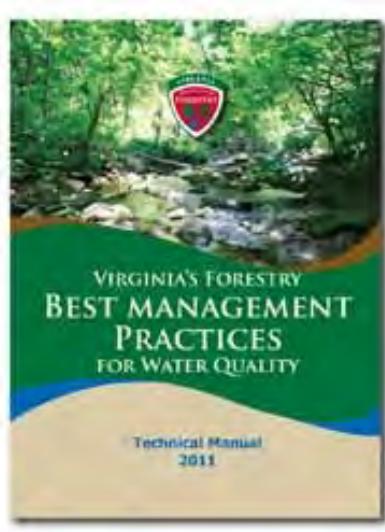


4/29/2020



Protecting Virginia's Water Quality

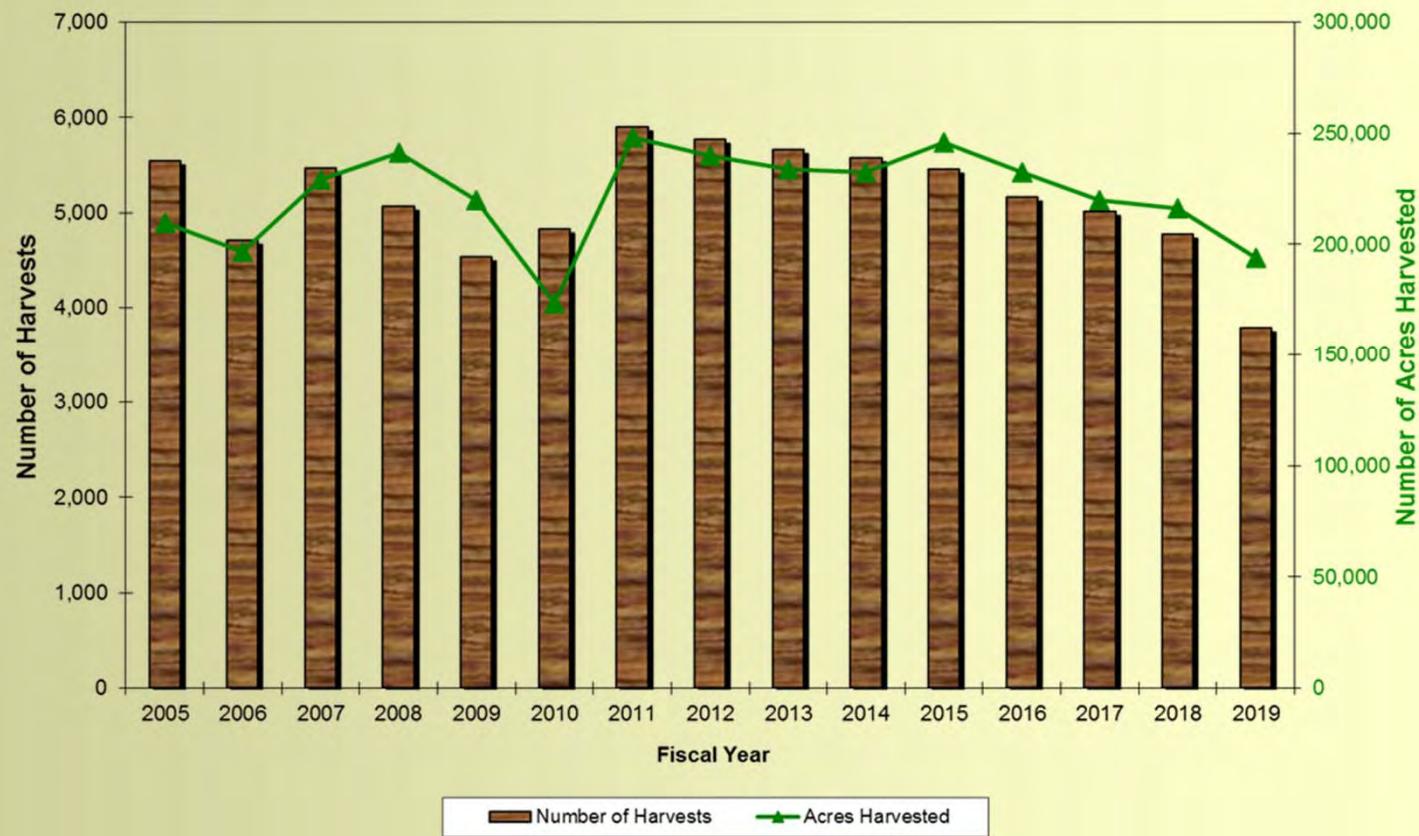
- ❖ Harvest Inspection Program
- ❖ Law Enforcement
 - ◆ Silvicultural Water Quality Law
 - ◆ Debris In Stream Law
- ❖ Education
- ❖ Research



4/29/2020

Protecting Virginia's Water Quality

Timber Harvests in Virginia
(2005-2019)



DOF inspects approximately 5,000 harvests annually with an average size of 45 acres



4/29/2020



Protecting Virginia's Water Quality

- ❖ Riparian Forest Buffer Program
- ❖ Riparian Forest Buffer Tax Credit
- ❖ WQIF Funding of WQ Projects
 - ◆ Logger BMP Cost-Share Program
 - ◆ Virginia Trees for Virginia Program
 - ⑦ RFB Cost-Share Program
 - ⑦ Small Grant Program
 - Rain Garden Demonstrations
 - Trees for Storm Water Projects



4/29/2020



Forest Land Management Services and Education

- ❖ Work with landowners to encourage Forest Planning with emphasis on the landowner's objectives and sustainability of the resource.
- ❖ Assist landowners with implementation of their Plan.
- ❖ Manage one cost-share program, Reforestation of Timberlands, and coordinate with other state and federal agencies to provide technical assistance and approval for three other programs.
- ❖ Work with VPI&SU Extension Service in landowner and logger training for water quality and other forestry topics.





Harvest Assistance

When a landowner's plan indicates thinning or harvest, or the landowner comes to us, DOF can assist...

- ❖ If areas need to be thinned, DOF works with the landowner to contact thinning contractors.
- ❖ If areas are ready to harvest, DOF provides a list of private consulting foresters (who cruise and sell timber), and identify timber buyers.





Reforestation Assistance

If the landowner agrees to reforest, DOF can coordinate reforestation from start to finish...

- ❖ Assist with prescribed burning for site preparation, if necessary.
- ❖ Assist with application for cost-share assistance.
 - ◆ Reforestation of Timberlands, EQIP, CREP, CRP
- ❖ Contact contractors to do site preparation and planting.
- ❖ Help order seedlings.
- ❖ Check quality of site preparation and planting.





Forest Research

- ❖ Pine Silviculture
 - ◆ Tree Improvement and Restoration
 - ⑦ Superior Seedlings
 - ⑦ Longleaf and Shortleaf Restoration Efforts
 - ⑦ Atlantic White Cedar
 - ◆ Forest Fertilization
 - ◆ Growth and Yield Studies
- ❖ Hardwood Silviculture
 - ◆ Crop tree release
 - ◆ Growth and Yield Studies
 - ◆ Restoration Work
 - ⑦ American Chestnut Research



4/29/2020



Urban and Community Forestry

The DOF provides technical assistance to communities on:

- ❖ Tree selection
- ❖ Tree maintenance
- ❖ Tree inventorying
- ❖ Community forest planning





– VDOF –

Serving the Commonwealth Since 1914

Duties and Responsibilities for 15.7 Million Acres:

- ❖ Wildland Fire Suppression
- ❖ Forest Fire Law Enforcement
- ❖ Timber Harvest Inspections
- ❖ Water Quality Law Enforcement
- ❖ Wildland Fire Training for Local Fire Depts.
- ❖ Firewise Education for Homeowners
- ❖ Land Conservation
- ❖ Riparian Buffers
- ❖ Forest Management for 477,000 Virginia Landowners
- ❖ Tree Improvement and Research
- ❖ Forest Health
- ❖ Chesapeake Bay
- ❖ Reforestation of Timberlands
- ❖ Reforestation of Mining Lands
- ❖ Tree Nurseries (self-supporting)
- ❖ 25 State Forests (self-supporting)
- ❖ Conservation Education for Landowners and Students
- ❖ Forestry Camp for Youth (self-supporting)
- ❖ Project Learning Tree (K-12 science education)
- ❖ Tree Planting on Private Lands
- ❖ Aerial Spraying on Private Lands
- ❖ Stewardship Plans for Private Lands
- ❖ Urban and Community Forestry
- ❖ Maintain 500+ Emergency Vehicles
- ❖ Arson and timber theft Investigations
- ❖ All-weather Hazard Response Teams
- ❖ GIS Mapping for Landowners
- ❖ Wood Product Utilization and Marketing
- ❖ Forest Inventory Analysis



4/29/2020



Working Together

Private Landowners

General Public

Loggers
& Forest Industry

Local Governments

Conservation Groups
& Agencies

www.dof.virginia.gov
brochures
workshops & training
news articles
Contact as a result of harvest inspection

4/29/2020





The End – Questions?



4/29/2020



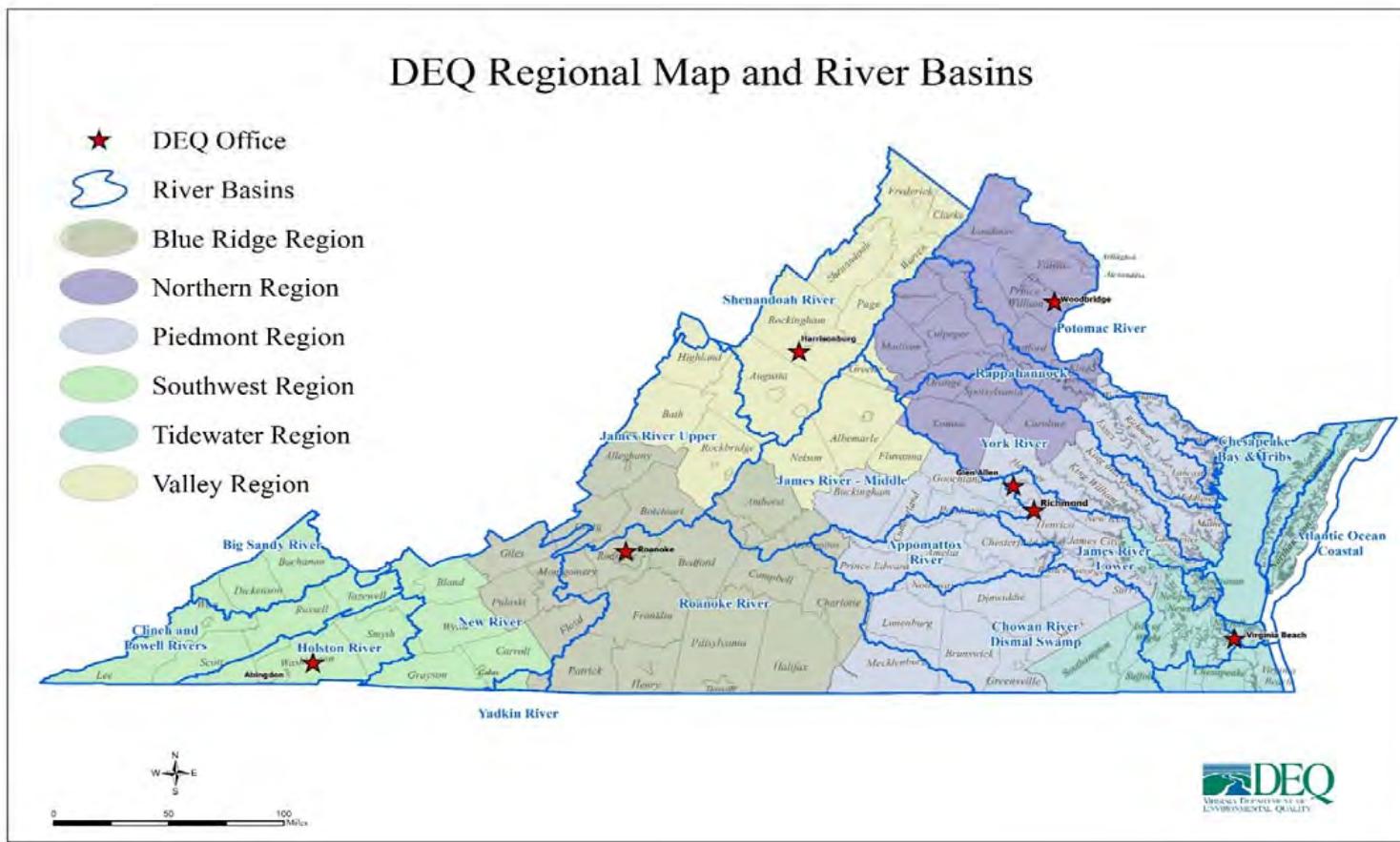
New District Director Training: VA DEQ Nonpoint Source Implementation

Nicole Sandberg, NPS Program Coordinator
Watershed Programs
Virginia Department of Environmental Quality
Delivered April 2020

VA DEQ and NPS Implementation

- VA DEQ At A Glance: VA DEQ Organizational Overview and Mission
- Clean Water Continuing Planning Process
- Virginia NPS Program
- NPS Implementation Plans
- NPS Implementation Projects
- Other Training and Resources

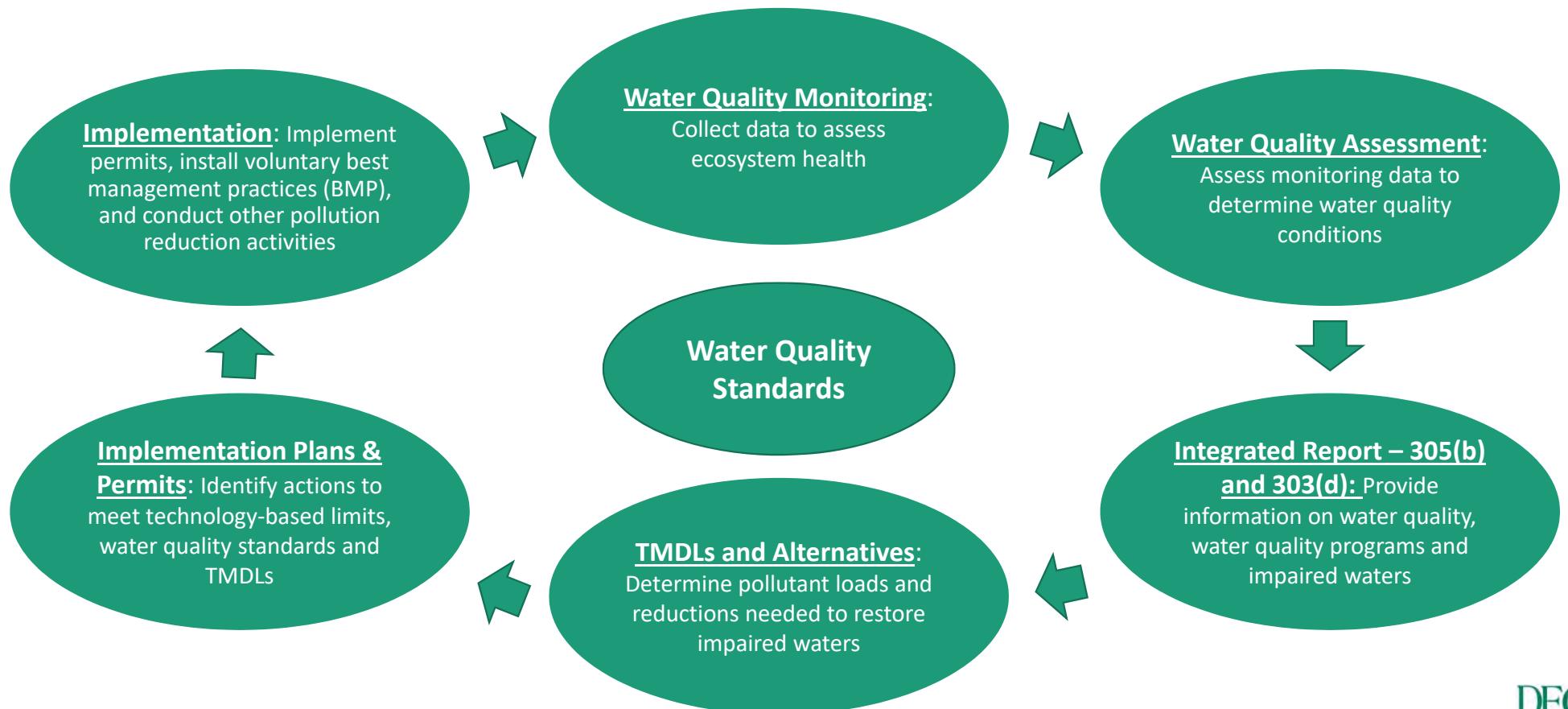
VA DEQ At A Glance



VA DEQ At A Glance – Divisions and Offices

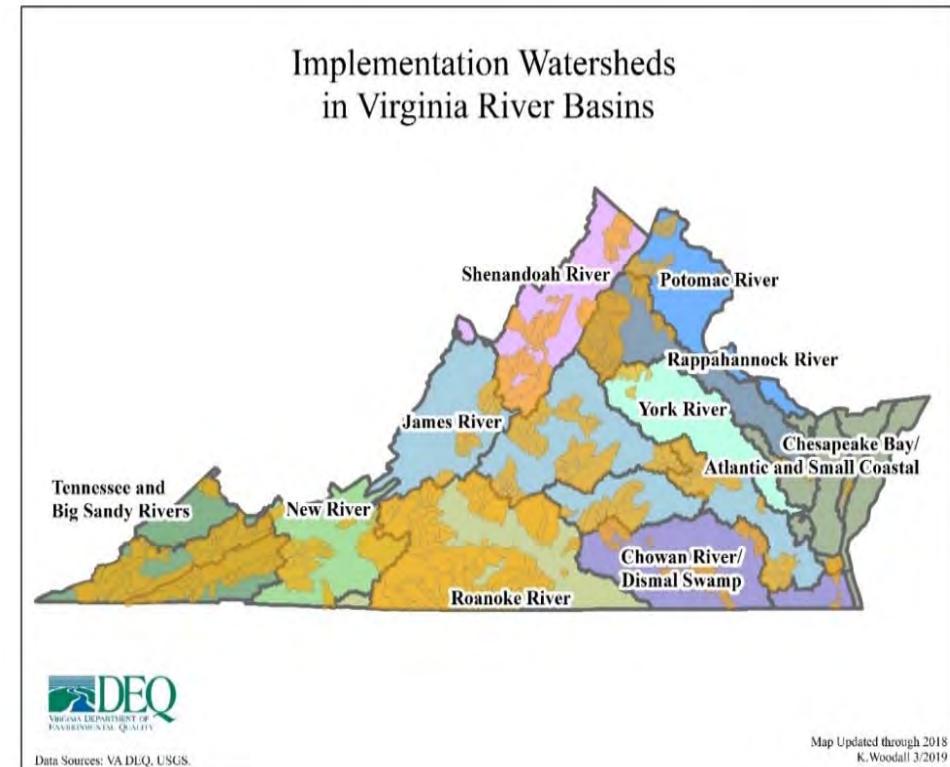
- Administration
- Air
- Communications
- Enforcement
- Environmental Enhancement
- Land Protection and Revitalization
- Pollution Response and Emergency Preparedness
- Water Planning
 - Office of Ecology
 - Office of Watershed and Local Government Assistance Programs (OWLGAP)
 - Office of Water Supply
- Water Permitting
 - Office of VPDES Permits
 - Office of Stormwater Management
 - Office of Wetlands and Stream Protection
 - Office of Water Compliance
 - Office of Land Application Programs

Clean Water Continuing Planning Process



Nonpoint Source Program

- Addresses source of nonpoint source pollution
- Multi-agency program with DEQ as lead
- Implementation projects after approved Implementation Plan
- Local participation is key



What is an Implementation Plan?

A structured road map to water quality improvements based on informed methods for restoring impaired waters.

- Post TMDL development
- Addresses TMDL load allocation (NPS)
- Not necessarily pollutant-specific
- BMP Goals identified
- Implemented in stages

TMDL Implementation Plan Guidance Manual

GUIDANCE MANUAL FOR
TOTAL MAXIMUM DAILY LOAD
IMPLEMENTATION PLANS



The Commonwealth of Virginia:
Department of Environmental Quality

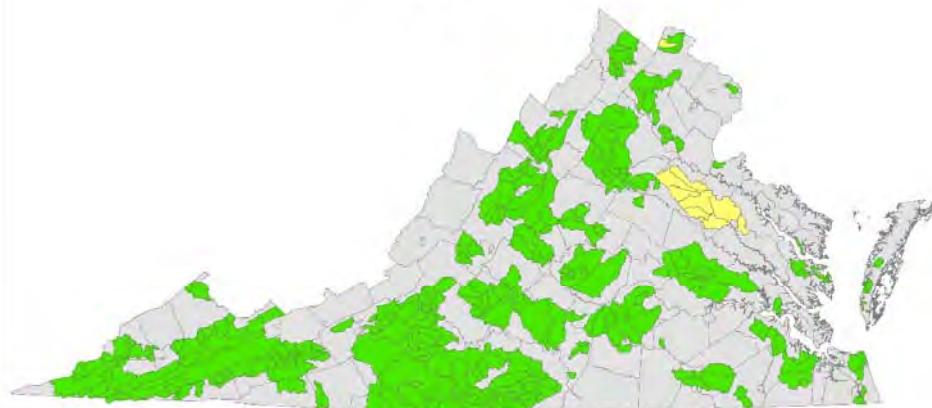
June 2017



DEQ

TMDL Implementation Watersheds in Virginia

TMDL Implementation Plans



Implementation Report Status

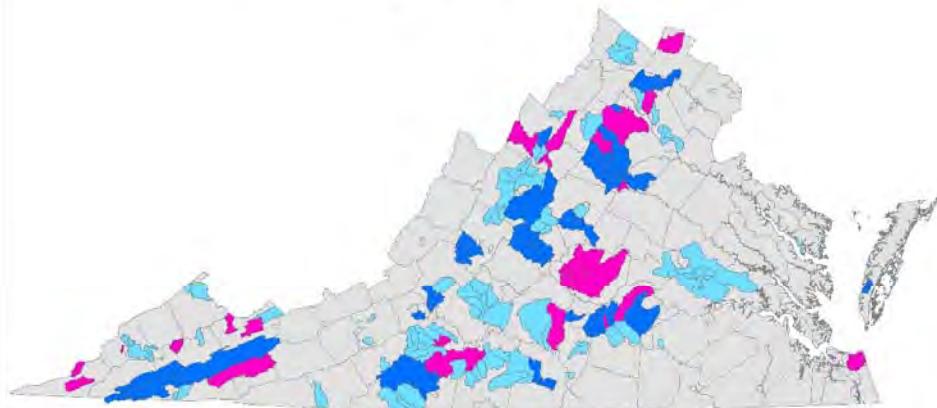
- Implementation Plan Completed/Approved
- Implementation Plan Under Development



Map Updated November, 2019.

Data Source: VADCR, VADISQ 2019.

TMDL Implementation Projects



- Past Implementation Project
- Current Implementation Project
- Virginia Success Story



Map Updated November, 2019.
Document Path: U:\GIS\TMDL\Key\Projects\2019\IP\Statewide\IP_Projects_statewide_11-2019.mxd



Funding for Implementation

- Two funding sources from DEQ
 - 319(h): Funding to DEQ from EPA
 - Available every year
 - Must be in an IP area
 - WQIF: Funding to DEQ from budget surplus
 - Available sporadically
- DCR VACS funding has been critical
- DEQ Implementation Projects funded:
 - Agriculture-focused: livestock exclusion, vegetative cover, watering systems, etc.
 - Septic-focused: failing systems, straight pipes, pumpouts, replacements, etc.
 - Urban BMPs

Why is This Relevant?

- TMDLs and IPs often identify and address pollutant loads and reductions for the agricultural sector
- District staff are frequently best positioned to interact with landowners
- Districts may want to apply for NPS grant opportunities
- Districts with 319(h)/WQIF grants will need to approve BMP Cost-share
- Districts are a key partner in a successful NPS implementation program as they represent local conditions and concerns

Other Training: DCR Conservation Planner Training: DEQ Virginia Water Concerns

- Clean Water Continuing Planning Process
 - Module 1 – Water Quality Standards, Monitoring and Assessment
 - Module 2 – Total Maximum Daily Loads
 - Module 3 – TMDL Implementation Plans and BMP Implementation for Unregulated Sources
 - Module 4 – Land Application Permitting
 - Module 5 – Stormwater Permitting
- Other Permitting Programs
 - Module 6 – Permitting for Wetlands and Streams Impacts
 - Module 7 – Water Withdrawal Reporting and Permitting
 - Module 8 - Chesapeake Bay Preservation Act

NPS Website Resources

- TMDL Program Priorities (2016-2022)
<https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/TMDLProgramPriorities.aspx>
- TMDL Implementation Plans
<https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationPlans.aspx>
- Funding:
<https://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/NonpointSourceFunding.aspx>
- NPS Resources
<https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/NonpointSourcePollutionManagement/NPSImplementationProjectResources.aspx>
- Projects:
<https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationProjects.aspx>
- Success Stories
<https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualitySuccessStories.aspx>
- Story Map:
<http://vadeq.maps.arcgis.com/apps/MapTour/index.html?appid=21f6256776284f5392e9f833c41d39a1#>

Who are your NPS Specialists?

Regional Offices				
	Blue Ridge Regional Office, Salem	James Moneymaker	(540) 562-6738	James.Moneymaker@DEQ.Virginia.gov
	Northern Regional Office, Woodbridge	Dave Evans	(703) 583-3835	David.Evans@DEQ.Virginia.gov
	Piedmont Regional Office, Glen Allen	Jen Palmore	(804) 527-5058	Jennifer.Palmore@DEQ.Virginia.gov
	Southwest Regional Office, Abingdon	Stephanie Kreps	(276) 676-4803	Stephanie.Kreps@DEQ.Virginia.gov
	Tidewater Regional Office, VA Beach	Kristie Britt	(757) 518-2153	Kristie.Britt@DEQ.Virginia.gov
	Valley Regional Office, Harrisonburg	Sara Bottenfield	(540) 574-7872	Sara.Bottenfield@DEQ.Virginia.gov

Central Office

	NPS Impl. Projects	Lauren Linville	(804) 698-4096	Lauren.Linville@DEQ.Virginia.gov
	NPS Program	Nicole Sandberg	(804) 698-4043	Nicole.Sandberg@DEQ.Virginia.gov
	IP Development	Ashley Wendt	(804) 698-4042	Ashley.Wendt@DEQ.Virginia.gov

Frequent Acronyms

- BMP – Best Management Practice
- CWA – Clean Water Act
- EPA – Environmental Protection Agency
- IP – Implementation Plan or Watershed Implementation Plan
- NPS – Nonpoint Source
- OWLGAP – Office of Watershed and Local Government Assistance Programs
- TMDL – Total Maximum Daily Load
- WQMIRA – Water Quality Monitoring, Information, and Restoration Act