



Procedures for Nominating Conservation District Directors

Policy:

The Conservation District Law states that each conservation district board of directors shall consist of one member of the county governing body, not more than four or less than two farmer members, and not less than two or more than four public members. By law, the total number of directors shall always be 7, unless the State Conservation Commission (Commission) approves, at the request of the district board and county governing body (county commissioner board or county council) a greater or lesser number. The composition of the conservation district board (# farmers and # public directors) shall be determined by the county governing board (county commissioner board or county council) and approved by the Commission before such change shall become effective. The farmer and public members to be appointed shall be selected from a list containing **at least one eligible nominee for each director to be appointed**, and such list is to be submitted by each of the countywide organizations designated by the State Conservation Commission.

Definitions:

Farmer Director - An individual who is actively engaged in the production of an “agricultural commodity” as a part of a “normal farming operation”, as defined by the Pennsylvania Right to Farm Act (3 PA. Stat. Subsection 952). The spouse of a farmer and a retired farmer who previously met the qualifications of a farmer director shall also qualify. The definition for “normal farming operation” and “agricultural commodity” is attached.

Public Director - Any individual who does not qualify as a farmer director.

County Commissioner Director - A county commissioner or member of the county council.

County Governing Body –The board of county commissioners or the governing body of any county (ie. county council under Home Rule) that has the responsibility or authority relating to the conservation district.

Approved Nominating Organization - Any organization approved by the State Conservation Commission for the purpose of nominating district directors.

Procedures:

1. By September 15th of each year, the State Conservation Commission shall notify the chief clerk of the county board (i.e. county commissioners or county council) for each county of any additions or deletions to the list of approved nominating organizations for that county.

(Nominating organizations shall be added to or deleted from the list only in accordance with procedures established by the State Conservation Commission.)

2. The county board (i.e. county commissioners or county council), having updated its list of approved nominating organizations in accordance with notification from the State Conservation Commission, shall notify each nominating organization of the names of the district directors whose terms are expiring and if the terms are for farmer directors or public directors.
3. Each nominating organization may, within the time limits prescribed by the county board (i.e. county commissioners or county council), nominate one or more individuals to serve as conservation district director for each vacancy on the conservation district's board of directors. The nominations are to be submitted in writing to the county board (i.e. county commissioners or county council) by a qualified officer of the organization. (NOTE: Current District Directors eligible for reappointment to the Board must be nominated by an approved nominating organization.)
4. The county board (i.e. county commissioners or county council) shall place all nominations received on separate lists maintained for both farmer and public directors. The final lists of nominations shall be open for public inspection.
5. After the close of the designated nomination period, the county board (i.e. county commissioners or county council) shall make tentative selections for appointments to fill all vacant or unexpired terms on the district's board of directors and shall notify the State Conservation Commission of their selections by December 1st using the "Conservation District Director Nomination Procedures Checklist and Appointment Submissions Form." A copy of the form must be sent to the Field Representative who services the county's conservation district.
6. The State Conservation Commission will make random investigations of director appointments to ascertain their qualifications and to ensure proper process has been followed.
7. If, within 15 business days after notifying the State Conservation Commission of their appointments, the county board (i.e. county commissioners or county council) does not receive notification that a prospective director does not qualify, the appointments shall become final.
8. The county board (i.e. county commissioners or county council) shall notify the conservation district and the newly appointed directors once the appointments become final.
9. At the first conservation district board of director meeting following appointment, the new directors shall be administered an oath of office.
10. Directors wishing to terminate their services as director before the end of their appointed term shall submit written notice to the county board (i.e. county commissioners or county council) and when possible, continue to serve until the appointment of their successor becomes final.
11. Unexpired terms of directors shall be filled by appointments made using the above-prescribed procedures or from a list of the associate conservation district directors who have had two or more years of active service with the district and who meet the commission's eligibility criteria

for the unexpired term. **NOTE: Individuals appointed to replace directors unable to complete a full four-year term should be appointed to complete the remaining portion of the unexpired term, not a new four-year term.**

12. The county board (i.e. county commissioners or county council) may make appointments to fill unexpired terms from the farmer director and public director lists at any time as long as the lists are no more than 12 months old and the lists contain **at least one eligible nominee** for each vacancy to be filled.

Additional Definitions

Agricultural Commodity ⁽²⁾ – Any of the following that are transported or intended to be transported in commerce:

- 1) Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.
- 2) Livestock and the products of livestock.
- 3) Ranch-raised fur bearing animals and the products of ranch-raised fur bearing animals.
- 4) The products of poultry or bee raising.
- 5) Forestry and forestry products
- 6) Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

Normal Farming Operation ⁽³⁾ – The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities and is:

- 1) Not less than ten contiguous acres in area; or
- 2) Less than 10 contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.