

This document contains the Connecticut regulations concerning Soil and Water Conservation District and Council on Soil and Water Conservation Regulations. These regulations became effective on December 24, 2002. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. This is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version.

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**concerning**

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**Soil and Water Conservation District and Council on Soil and Water Conservation Regulations**

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Sec.1. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-10:

(NEW) Sec. 22a-315-10. Definitions

As used in sections 22a-315-11 to 22a-315-19, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Alternate" means a person duly elected pursuant to section 22a-315-12 of the Regulations of Connecticut State Agencies as an alternate member of the board of directors of any soil and water conservation district;
- (2) "Board of directors" means the board of supervisors of any soil and water conservation district established pursuant to section 22a-315 of the Connecticut General Statutes and section 22a-315-12 of the Regulations of Connecticut State Agencies, including an alternate who has been duly seated;
- (3) "Commissioner" means the Commissioner of Environmental Protection;
- (4) "Council" means the Council on Soil and Water Conservation established pursuant to subsection (c) of section 22a-315 of the Connecticut General Statutes;
- (5) "Department" means the Department of Environmental Protection;
- (6) "Director" means a person duly elected pursuant section 22a-315-12 of the Regulations of Connecticut State Agencies as a member or a duly seated alternate of the board of directors of any soil and water conservation district;
- (7) "District" means any of the soil and water conservation districts established pursuant to section 22a-315 of the Connecticut General Statutes and 22a-315-11 of the Regulations of Connecticut State Agencies;
- (8) "Eligible voter" means a person over the age of eighteen (18) years who resides or owns real property within the district for which board of directors or alternates are sought;
- (9) "Executive director" means the executive director of the Council on Soil and Water Conservation authorized pursuant to section 22a-315 of the Connecticut General Statutes;
- (10) "Independent audit" means an audit of all funds received and expended by a board of directors of any district during the prior state fiscal year which is conducted in accordance with the regulations adopted pursuant to section 4-236 of the Connecticut General Statutes by an independent auditor, as defined in section 4-230 of the Connecticut General Statutes, who is not a director or alternate of such board or a representative of the Council;

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(11) "Nominating committee" means a committee appointed by a standing board of directors of any soil and water conservation district to nominate district candidates for director and alternate to such board of directors for the next term of office;

(12) "Person" means a citizen of the United States of America; and

(13) "State fiscal year" means the fiscal year commencing on July 1 of each calendar year and ending on June 30 of the following calendar year.

Sec. 2. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-11:

(NEW) Sec. 22a-315-11. Establishment of Soil and Water Conservation Districts

Ninety (90) days after the effective date of these regulations, the following soil and water conservation districts shall exist in Connecticut and shall be geographically described as follows:

(1) In southwestern Connecticut a district covering: Ansonia; Beacon Falls; Bethany; Branford; Bridgeport; Cheshire; Darien; Derby; East Haven; Easton; Fairfield; Greenwich; Guilford; Hamden; Meriden; Middlebury; Milford; Monroe; Naugatuck; New Canaan; New Haven; North Branford; North Haven; Norwalk; Orange; Oxford; Prospect; Redding; Ridgefield; Seymour; Shelton; Southington; Stamford; Stratford; Trumbull; Wallingford; Waterbury; West Haven; Weston; Westport; Wilton; Wolcott, and Woodbridge;

(2) In southcentral Connecticut a district covering: Berlin; Chester; Clinton; Colchester; Cromwell; Deep River; Durham; East Haddam; East Hampton; Essex; Haddam; Hebron; Killingworth; Lyme; Madison; Marlborough; Middlefield; Middletown; Newington; New Britain; Old Lyme; Old Saybrook; Portland; Rocky Hill; Salem; Westbrook;

(3) In northcentral Connecticut a district covering: Avon; Bloomfield; Bolton; Bristol; Burlington; Canton; East Granby; East Hartford; East Windsor; Ellington; Enfield; Farmington; Glastonbury; Granby; Hartford; Manchester; Plainville; Simsbury; Somers; South Windsor; Stafford; Suffield; Tolland; Vernon; West Hartford; Wethersfield; Willington; Windsor, and Windsor Locks;

(4) In northwestern Connecticut a district covering: Barkhamsted; Bethel; Bethlehem; Bridgewater; Brookfield; Canaan; Colebrook; Cornwall; Danbury; Goshen; Hartland; Harwinton; Kent; Litchfield; Morris; New Fairfield; New Hartford; New Milford; Newtown; Norfolk; North Canaan; Plymouth; Roxbury; Salisbury; Sharon; Sherman; Southbury; Thomaston; Torrington; Warren; Washington; Watertown; Winchester; and Woodbury; and

(5) In eastern Connecticut a district covering Andover; Ashford; Bozrah; Brooklyn; Canterbury; Chaplin; Columbia; Coventry; Eastford; East Lyme; Franklin; Griswold; Groton; Hampton; Killingly; Lebanon; Ledyard; Lisbon; Mansfield; Montville; New London; North Stonington; Norwich; Plainfield; Pomfret; Preston; Putnam; Scotland; Sprague; Sterling; Stonington; Thompson; Union; Voluntown; Waterford; Windham, and Woodstock.

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Sec. 3. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-12:

(NEW) Sec. 22a-315-12. Election of the Board of Directors

(a) Number.

Each board of directors shall consist of at least eight (8) and no more than eleven (11) directors and no more than five (5) alternates, to be specified in each district's bylaws. Each director or alternate shall reside or own land within the boundaries of such district and shall be elected pursuant to this section.

(b) Initial Election of Directors and Alternates.

- (1) Any person who, on the effective date of this section is a supervisor or alternate of an existing board of supervisors shall continue to serve as such supervisor or alternate until the election of directors and alternates for the five districts established in section 22a-315-11 of the Regulations of Connecticut State Agencies.
- (2) Not less than thirty (30) nor more than ninety (90) days after the effective date of these regulations, the executive director of the Council, in consultation with each chairman of the board of supervisors of the existing eight (8) districts, shall notice, call and conduct a special meeting in each of the five (5) districts to elect a board of directors and alternates for each district.
- (3) At the request and direction of the chairman of the Council, each chairman of the board of supervisors for each of the eight (8) districts shall form committees to nominate candidates for directors and alternates to the five (5) districts. Eligible voters who attend the special meeting may make additional nominations. Each nomination shall include the candidate's qualifications, including his or her residency or land ownership within the district, and the initial term of office to which each candidate is nominated. A person eligible to be nominated need not be present to be nominated and elected.
- (4) Directors and alternates elected at the special meeting shall serve staggered terms. Four (4) directors shall serve terms of two years and such portion of the third year until that year's annual meeting; three (3) directors shall serve terms of one year and such portion of the second year until that year's annual meeting; and any remaining director(s) shall serve terms until the next annual meeting. Alternates shall serve terms of one year. Each of these directors and alternates shall serve from the date of their election.
- (5) Any vacancies arising before term expiration among the initially elected directors shall be filled by an alternate selected pursuant to subsection (f) of this section.

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Alternates selected to fill such vacancies shall serve the balance of the unexpired term.

- (6) Not more than sixty (60) days after the special meeting and the initial election of directors and alternates, the chairman of the Council shall call a meeting of each newly elected board of directors to elect a chairman, vice-chairman, recording secretary and treasurer of each such board of directors by a majority vote of such directors.

(c) Elections and Special Meetings.

- (1) Each director and alternate to each board of directors shall be elected by a majority vote of eligible voters present at the annual meeting of each such board. A person eligible to be nominated need not be present to be nominated and elected.

(2) Special Meetings.

- (A) In addition to the special meeting held to elect initial directors and alternates, special meetings may be held:

- (i) By the board of directors to place an alternate into a vacant and unexpired term of any director;
- (ii) To receive nominations from the board of directors and eligible voters to fill a vacant and unexpired term of any alternate; or
- (iii) At the discretion of the district chairman, or upon written request of one-third (1/3) of the directors of such district.

- (B) The district chairman shall notify all district directors and alternates of such special meetings by written notice. Such written notice shall be mailed seven (7) days prior to such meeting via the United States Postal Service, certified or registered mail, return receipt requested. Written notice of a special meeting shall be sent to the Office of the Secretary of the State not less than twenty-four (24) hours prior to such meeting. Such written notice shall specify the date, time, place, and the business to be transacted at such meeting. No business shall be considered at a special meeting other than that which is so specified in the written notice.

(d) Terms of Office for Directors and Alternates.

After the initial terms set forth in section 22a-315-12(b) of the Regulations of Connecticut State Agencies, directors shall serve for terms of three years each. Alternates shall serve for terms of two (2) years each.

(e) Eligibility.

1. A person, eighteen (18) years of age or older, residing or owning land within the geographic boundaries of a soil and water conservation district, shall be eligible to:
- (A) Be nominated and elected as a director or alternate to the board of directors in that district; and

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(B) vote in the election of such directors and alternates.

2. Only those persons present at the annual meeting of each district shall be eligible to vote for directors and alternates.

(f) Absences and Vacancies.

In the absence of any director, the chairman of the board of directors may appoint any duly elected alternate to fill that director's position during his or her absence. Any duly elected alternate may fill a vacancy in the board by a majority vote of the remaining directors on the board. An alternate elected to fill a vacancy shall serve for the balance of the unexpired term which he or she is filling.

(g) Terms of Office for the Chairman, Vice-chairman, Recording Secretary and Treasurer.

During the annual meeting or not later than 30 days following such meeting, each board of directors shall elect a chairman, vice-chairman, recording secretary and treasurer by majority vote of the quorum of such directors.

Sect. 4. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-13:

(NEW) Sec. 22a-315-13. Operating Procedures

(a) Quorum.

A quorum shall be one (1) more than half of the number of directors, including vacancies and any official action of the board must be the result of a majority vote of the quorum.

(b) Regular Meetings.

Each district shall hold regularly scheduled meetings as necessary to perform official actions of the board.

(c) Annual Meeting.

Each district shall hold an annual meeting to conduct elections for the expiring terms of directors and alternates and to present the annual report. Such annual meeting shall be held in each district within five (5) calendar months following the close of the state fiscal year.

(d) Notice.

- (1) Each district shall cause to be published a written notice of the annual meeting and election or special meeting not more than sixty (60) days and not fewer than thirty

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(30) days before the date of such meeting. Such notice shall appear in one or more newspapers having a general circulation in each town or city for that district.

(2) Each notice shall include:

- (A) The name of the district and the name of the towns and cities within the district and the date, time and place of the meeting;
- (B) A statement of the purpose of the meeting. For an annual meeting, the purpose of the meeting shall include the election of directors and alternates to the board from and by eligible voters, and to present the annual report;
- (C) The names of any persons to be nominated by the nominating committee of each board of directors provided such nominating committee has made such nominations; and
- (D) A statement about how additional information about such meeting may be obtained.

(e) Annual Plan of Operation.

- (1) By April 30 of each calendar year the board of directors of each district shall prepare a draft annual plan of operation. Such draft plan of operation shall:
  - (A) Be consistent with the district's responsibilities pursuant to section 22a-315 of the Connecticut General Statutes and sections 22a-315-10 to 22a-315-19, inclusive, of the Regulations of Connecticut State Agencies;
  - (B) Set forth and describe the district's goals and objectives for the upcoming year, the requisite actions and resources necessary for achieving such goals and objectives, the performance measures to be used in determining the effectiveness of a course of action, and any potential constraints to achieving such goals and objectives; and
  - (C) Include the annual budget necessary to implement such annual plan of operation.
- (2) The board of directors shall submit such draft plan of operation to the commissioner and the chairman of the Council by May 5<sup>th</sup> of each year.
- (3) The commissioner, or designee, and the chairman of the Council, or designee, shall review the draft annual plan of operation and budget and may provide comments to the district board of directors
- (4) By June 30 of each calendar year the board of directors of each district shall consider such comments, if any, and adopt the annual plan of operation and annual budget in final form with appropriate revisions by majority vote.
- (5) By July 31 of each calendar year the board of directors of each district shall submit the approved annual plan of operation to the commissioner and the chairman of the Council.

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(f) Annual Report.

- (1) By September 1<sup>st</sup> of each calendar year the board of directors of each district shall prepare a draft annual report consistent with the annual plan of operation. Each board of directors shall submit such draft annual report to the commissioner and the chairman of the Council by September 15<sup>th</sup> of each year.
- (2) The commissioner and the chairman of the Council, or designees, shall review the draft annual report and may provide comments to each board of directors. By October 1<sup>st</sup> of each calendar year the board of directors for each district shall consider the comments received from the commissioner and chairman of the Council, if any, and vote to approve the annual report with appropriate revisions.
- (3) A copy of the approved report signed by the chairman of the board of directors shall be provided to the commissioner and to the chairman of the Council prior to the annual meeting of that district. Such report shall be presented to the public at the annual meeting of each district.
- (4) The annual report shall contain the following information:
  - (A) An introduction by the chairman that includes a listing of the current members and alternates of the board of directors; and
  - (B) A description of actions taken to achieve the objectives identified in the prior year's annual plan of operation.

(g) Annual Audit.

By December 31 of each calendar year, each board of directors shall cause to be conducted and submitted to the commissioner and the chairman of the Council an independent audit of all funds received and expended by such board in the prior state fiscal year in accordance with sections 4-230 to 4-236 of the Connecticut General Statutes.

(h) Committees.

Each board of directors may provide for the creation of committees and the appointment of board members thereto to assist such board in carrying out its responsibilities.

(i) Representatives to the Council.

Each board of directors shall select directors from that district to the Council pursuant to section 22a-315-16 of the Regulations of Connecticut State Agencies.

(j) Conflict of Interest.

No director or alternate shall be an employee or contractor of any soil and water conservation district.

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## (k) Bonding.

Each officer and each bookkeeper of each district shall be bonded to the amount of the annual budget of that district

## (l) Other Procedures.

- (1) The board of directors for each district may adopt by-laws, provided such by-laws are not inconsistent with these regulations and Chapter 446h of the Connecticut General Statutes.
- (2) Not later than one (1) year after the effective date of these regulations, each board of directors shall submit any by-laws adopted by such board to the commissioner and to the chairman of the Council. If any changes to the by-laws are subsequently made, they shall be submitted to the commissioner and the chairman of the Council within 30 days of their adoption
- (3) Robert's Rules of Order, as amended, shall be followed for procedures not covered by these regulations, chapter 446h of the Connecticut General Statutes or the by-laws adopted for any district or the Council.

Sec. 5. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-14.

(NEW) Sec. 22a-315-14. Authorized Activities

## (a) The board of directors of each district shall:

- (1) Advise the commissioner on matters of soil and water conservation, erosion and sedimentation;
- (2) At the request of the commissioner, assist the Department in the implementation of Departmental programs, projects and policies including, but not limited to, those related to land treatment measures for watershed protection, flood prevention programs, and resource conservation;
- (3) Develop annual reports;
- (4) Develop long-range goals, objectives and priorities for soil and water conservation, erosion and sedimentation control, and storm water management including water quality and quantity;
- (5) Develop written annual plans of operation to implement such objectives and priorities;
- (6) Set priorities for activities in each district that are consistent with the approved annual plan of operation;

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- (7) Implement annual plans of operation and establish, by written policy, written agreement, or written memoranda of understanding programs that may involve technical or other assistance provided by the Council, or any local, regional, state, federal or not for profit organization. Copies of such policies, agreements or memoranda shall be delivered to the commissioner upon request;
  - (8) Appoint representatives to serve on Department committees as may be required by statute, regulation or written agreement; and
  - (9) Cooperate with the Connecticut State Forester, the Connecticut Commissioner of Agriculture, the Commissioner of Environmental Protection and other soil and water conservation districts as may be appropriate to carry out the responsibilities authorized in section 22a-315 of the Connecticut General Statutes and sections 22a-315-10 to 22a-315-19 of the Regulations of Connecticut State Agencies.
- (b) The board of directors of each district may:
- (1) Review and comment upon local and regional projects affecting soil and water resources;
  - (2) Develop written policies or enter into written agreements with municipalities to perform soil and water conservation, erosion and sedimentation control, and storm water management;
  - (3) Provide technical assistance, information and education to the public on soil and water conservation, erosion and sediment control, and storm water management including water quality and quantity;
  - (4) Use or provide for the use of state equipment made available pursuant to section 22a-316 of the Connecticut General Statutes;
  - (5) Enter into written contracts and employ staff and consultants and other assistants on a contract basis in accordance with section 22a-315(b) of the Connecticut General Statutes;
  - (6) Acquire property by purchase, lease, gift, or otherwise and to hold such property in the name of the district; and
  - (7) Receive funds, by transfer, grant or otherwise from the commissioner, including grants pursuant to section 22a-317 of the Connecticut General Statutes, or by donation or subscription from other sources and expend such funds in accordance with the Connecticut General Statutes and the Regulations of Connecticut State Agencies.

Sec.6. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-15:

(NEW) Sec. 22a-315-15. Establishment of the Council on Soil and Water Conservation

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(a) The commissioner hereby establishes a Council, as authorized by subsection 22a-315(c) of the Connecticut General Statutes, that shall be known as the Council on Soil and Water Conservation.

(b) The Council shall have the powers and duties as set forth in Section 22a-315 of the Connecticut General Statutes.

Sec.7. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-16:

(NEW) Sec. 22a-315-16. Membership

(a) The Council shall consist of nine (9) members. Members shall be selected in accordance with subsection 22a-315(c) of the Connecticut General Statutes. Each member shall have one vote.

(b) Five directors elected by their respective soil and water conservation districts shall serve for a term of two (2) years, except members selected following the initial election of each district's board of directors may serve a portion of the third year until that year's annual meeting. Each term of office shall begin on the first day of the calendar month next succeeding the election of each representative for membership on the Council. The initial selection of directors to a Council shall be elected as follows: within thirty (30) days after the initial election of each district's board of directors, each board shall elect a director as its representative member to the Council. Another director shall be similarly selected as such board's alternate representative.

(c) The Council shall include ex-officio members as set forth in subsection 22a-315(c) of the Connecticut General Statutes.

(d) In the event a Council member representing a district is absent, an alternate Council member from such district shall be seated by majority vote of the Council members present.

Sec.8. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-17:

(NEW) Sec. 22a-315-17. Council Officers and their Duties

(a) The officers of the Council shall be a chairman, vice-chairman, secretary and treasurer, each of whom shall be elected.

(b) Members of the Council shall elect officers each year during the regular meeting held in April of each calendar year. Officers shall serve for a term of one (1) year commencing July 1 next following their election. In the event elections are delayed, a Council member shall continue to serve until a successor is elected. A vacancy in the offices of the Council shall be filled by a vote of the Council at the next regular or special meeting.

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(c) The chairman shall prepare for the approval and adoption of the Council at the regular October meeting of the Council: a draft annual plan and budget; and an annual report for the time period corresponding to the state fiscal year that just ended. The chairman shall also be responsible for preparation of agendas and for presiding over meetings. The chairman may exercise other duties, consistent with chapter 446h of the Connecticut General Statutes and sections 22a-315-10 through 22a-315-19 of the Regulations of Connecticut State Agencies, as voted upon by the Council.

(d) The vice-chairman shall, in the absence of the chair perform the duties of the chairman and may exercise other duties, consistent with chapter 446h of the Connecticut General Statutes and sections 22a-315-10 through 22a-315-19 of the Regulations of Connecticut State Agencies, as voted upon by the Council.

(e) The recording secretary shall be responsible for notice of all meetings, taking of minutes and certifying official actions taken by the Council. The recording secretary may exercise other duties, consistent with chapter 446h of the Connecticut General Statutes and sections 22a-315-10 through 22a-315-19 of the Regulations of Connecticut State Agencies, as voted upon by the Council.

(f) The treasurer shall be responsible for maintaining financial records for the Council, preparing an annual financial report and preparation of financial reports as may be requested by the Council.

(g) A member shall excuse himself or herself from discussions and voting on any matter before the Council in which he or she, or his or her spouse, children, or employer has a direct or indirect personal financial interest.

Sec.9. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-18:

(NEW) Sec. 22a-315-18. Council Meetings

(a) Regular meetings.

The Council shall meet at least quarterly. Such meetings shall occur on the third Thursday of January, April, July and October of each calendar year or as the Council may decide. The Council shall notify the Secretary of the State of the date, time and place of each regular meeting as required by the Connecticut General Statutes.

(b) Notice of Regular Meeting

Written notice of each regular meeting, including an agenda, shall be sent to the members and the ex-officio members at least two weeks prior to such meeting. The agenda shall be posted at least twenty-four hours prior to the meeting in the office of the Secretary of the State or at the regular office of the Council.

(c) Action on Items not Included in the Regular Agenda.

The Council may vote to consider and act upon any business not included in such filed agenda.

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## (d) Special meetings.

A special meeting may be called by the Council chairman or commissioner, at the Council chairman's or commissioner's discretion, or upon the written request of one-third (1/3) of the members of the Council. The chairman or commissioner, as appropriate, shall notify all Council members and ex-officio members of such special meeting by written notice. Such written notice shall be mailed seven (7) days prior to such meeting via the United States Postal Service, certified or registered mail, return receipt requested. Written notice of a special meeting shall be sent to the office of the Secretary of the State not less than twenty-four (24) hours prior to such meeting. Such written notice shall specify the time, place, and the business to be transacted at such meeting. No business shall be considered at a special meeting other than that which is so specified in the written notice.

## (e) Annual Report, Annual Plan and Budget.

An annual report and an annual plan and budget shall be prepared in accordance with section 22a-315-17(c) of the Regulations of Connecticut State Agencies to support the goals and objectives of the Council.

## (f) Quorum.

Five (5) members of the Council shall constitute a quorum and any official action of the Council must be the result of a majority vote of the quorum.

Sec.10. The Regulations of Connecticut State Agencies are amended by adding Section 22a-315-19:

(NEW) Sec. 22a-315-19. Additional procedures

(a) The Council may adopt by-laws, provided such by-laws are not inconsistent with these regulations and Chapter 446h of the Connecticut General Statutes.

(b) Not later than one (1) year after the effective date of these regulations, each board of directors shall submit any by-laws adopted by such board to the commissioner. If any changes to the by-laws are subsequently made, they shall be submitted to the commissioner within 30 days of their adoption.

(c) Robert's Rules of Order, as amended, shall be followed for procedures not covered by section 22a-315-10 to 22a-315-19 of the Regulations of Connecticut State Agencies, chapter 446h of the Connecticut General Statutes or the by-laws adopted by the Council.

Section 11: The Regulations of Connecticut State Agencies Sections 22a-315-1 through 22a-315-9, inclusive are repealed.