

Title 14. Local Government

Chapter I. Arkansas Natural Resources Commission, Department of Agriculture

Subchapter A. Generally

Part 1. Conservation Districts

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Enabling and pertinent legislation. Ark. Code Ann. §14-125-101, et seq., Conservation District Law. Ark. Code Ann. §15-20-201, et seq., Arkansas Natural Resources Conservation Commission."

Subpart 1. General Provisions

14 CAR § 1-101. Purpose.

The purpose of this part is to outline procedures for the establishment and operation of conservation districts.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-102. Definitions.

The following definitions shall apply to this part:

- (1) "Commission" means the Arkansas Natural Resources Commission;
- (2) "Conservation district" or "district" means a district created under the Conservation Districts Law, Arkansas Code § 14-125-101 et seq.;
- (3) "Department" means the Department of Agriculture;
- (4) "District director" means a member of the governing board of a conservation district, as defined by Arkansas Code § 14-125-301 et seq.;

(5) "Local funds" means funds provided to, or earned by, the district from a source other than the state during the fiscal year of the request;

(6) "Operating funds" means state funds provided to a conservation district with an operating plan approved by the Department of Agriculture;

(7) "Operating plan" means a district's proposed budget, goals, and annual report, as defined in 14 CAR § 1-702; and

(8) "Special project" means a planned undertaking to research, demonstrate, construct, or enhance the conservation of land and water resources.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-103. District assistance.

(a) The Department of Agriculture shall assist districts in complying with this part.

(b) Guidelines may be developed to assist districts in complying with this part, but the part itself shall be controlling.

Authority. Arkansas Code § 14-125-108.

Subpart 2. Creation of a District [Reserved]

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "See Ark. Code Ann. §14-125-201 et seq."

Subpart 3. Division of a District [Reserved]

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "See Ark. Code Ann. §14-125-401 et seq."

Subpart 4. Combination of Districts [Reserved]

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "See Ark. Code Ann. §14-125-401 et seq."

Subpart 5. Discontinuance of a District [Reserved]

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "See Ark. Code Ann. §14-125-901 et seq."

Subpart 6. Changing the Name of a District [Reserved]

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "See Ark. Code Ann. §14-125-410."

Subpart 7. District Operations

14 CAR § 1-701. Operating plan required.

Each year prior to September 1, the district shall submit to the Department of Agriculture an operating plan for the fiscal year (July 1 – June 30).

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-702. Operating plan contents.

The operating plan shall contain the following:

- (1) A brief statement of existing district programs;
- (2) The district's long-term and short-term goals in regard to local resource concerns and needs;
- (3) Specific activities for the upcoming year, defined in a plan of work, to accomplish the district's goals;
- (4)(A) A budget itemizing use of district funds to accomplish the activities.

(B) Proposed annual budget due by September 1 each year.

(C) The proposed budget:

(i) Must reflect the proposed operating revenue and expenditures;

and

(ii) Will incorporate any financial goals stated in the annual operating

plan;

(5) An assessment of last year's activities and the effectiveness in accomplishing district goals (due by September 1); and

(6) An assessment of the thistle problem, if any, within the district, proposed methods of thistle control and eradication, and an assessment of the effectiveness of the last year's efforts to control and eradicate the thistle.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-703. Disqualification from state funding.

Failure to submit an operating plan acceptable to the Department of Agriculture shall result in the district being disqualified from receiving funds.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-704. District meetings.

(a) Each district must provide notice of its meetings, regular and special, in compliance with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(b) Each district shall hold at least nine (9) monthly meetings per year.

(c)(1) Each district must establish a consistent time and date for its monthly board meetings.

(2) If due to unforeseen circumstances there is need to change the time and date, the district must:

(A) Notify the public within twenty-four (24) hours of the decision to reschedule the meeting; and

(B) Provide at least twenty-four (24) hours of notice of the newly scheduled date and time.

(d) Each district must submit its minutes to the Department of Agriculture immediately following approval.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-705. Hiring practices.

(a) To avoid all appearance of impropriety, no conservation district shall hire an employee:

(1) To supervise or be supervised by a relative; and

(2) Who is a relative of a district board member.

(b)(1) A relative shall be considered someone related to a supervisory employee or director within the third degree according to civil law.

(2) To determine the degree of relationship, begin with one (1) of the individuals and count one (1) degree for each level of the genealogical chart up to the common ancestor, and then count one (1) degree for each level downward until the other individual is reached.

(3) For example, brothers or brothers-in-law would be related to each other within the second degree.

(c) Any employee hired prior to the effective date of this section is exempt from the application of this section.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-706. District employees.

(a) Districts shall adopt employment policies addressing at least the following issues:

- (1) Rate of pay;
- (2) Pay periods;
- (3) Leave accrual, both vacation and sick leave; and
- (4) Compensation for unused leave.

(b)(1) District employees may be paid only upon completion of a timesheet for the applicable pay period signed by the employee and accounting for:

- (A) Hours worked during the pay period; and
- (B) Leave taken during the pay period.

(2) Timesheets must be reviewed and signed by at least one (1) member of the district board before an employee may be paid.

(3) District employee paychecks must be signed by two (2) bonded, unrelated persons, one (1) of whom must be a district director.

(c) Leave time records must be reviewed by district boards.

Authority. Arkansas Code § 14-125-108.

Subpart 8. State Funding

14 CAR § 1-801. State fund requests.

(a) Workers' compensation premiums and fidelity bond premiums will be withheld and paid by the Department of Agriculture from state funds prior to commitment of operating or special project funds.

(b) Application for operating funds and the corresponding operating plan will be submitted to the department's office by September 1.

(c) The department's approval of the operating plan is necessary before operating funds are distributed to the district.

(d) Following an initial election of a newly created conservation district or other election as provided by law that is administered by the department, the costs of administering the election incurred by the department shall be deducted from operating funds owed to the district.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-802. Special project fund requests.

(a) Special project fund requests may be submitted at any time after approval of the operating plan.

(b) A special project may be funded only if the district does not have sufficient reserve funds to cover the cost of the project.

(c) A request for special project funds shall include a:

(1) Narrative of the proposed project including how the project is beneficial to conservation of land and water resources; and

(2) Project budget including sources and uses of funds.

(d) Upon completion of the project, an accounting of monies spent on the project shall be submitted to the Department of Agriculture.

(e) Upon completion of the project, all remaining state funds shall be returned to the department.

(f) Failure to comply with the requirements of this subpart may result in the district being ineligible for state funds for up to three (3) years.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-803. Approval of applications.

(a) The Department of Agriculture shall report to the Arkansas Natural Resources Commission the approval or disapproval of each district's operating plan, which shall be duly noted in the commission minutes.

(b) The department shall recommend to the commission at its regular May meeting a commitment of state funds to each district that is in compliance with this part.

(c) Requests for operating funds and special project funds shall be prioritized according to the following criteria:

(1) The degree of cooperation and assistance from county and municipal government;

(2) Nature and extent of resource problems within the district;

(3) Adequacy of operating plan in addressing priority problems;

(4) Consistency with department goals;

(5) Furtherance of district's goals; and

(6) Whether the district's actual expenditures were consistent with its proposed budget during the previous fiscal year.

(d) The department shall establish the maximum amount of operating funds available for each district under this subpart.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-804. Distribution of operating funds.

(a) After approval of a conservation district's operating plan, operating funds will be distributed as often as quarterly, starting in July.

(b) The Department of Agriculture may withhold operating funds from any district that fails to submit required reports, including the annual operating plan.

(c) The department may also withhold funds from districts that fail to meet deadlines for administration of department programs, including water use reporting.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-805. Fund limitations and priority.

All funding requests are subject to the availability of state revenues, with operating funds having priority over special project funds.

Authority. Arkansas Code § 14-125-108.

Subpart 9. Financial Records

14 CAR § 1-901. Accounting.

(a)(1) A district shall use an accounting system approved by the Department of Agriculture.

(2) A district may use either the cash or accrual basis for accounting.

(b) All district checks must bear authorized signatures of two (2) bonded, unrelated persons, including at least one (1) district director.

(c) No district check may be signed with a blank payee line or amount.

(d) Signature stamps shall not be used on district checks.

(e) Debit cards shall not be obtained or used by districts.

(f) Each district shall instruct its financial institution to mail statements for all district bank accounts to a member of the district board.

(g) A current comparative balance sheet, comparative profit and loss report, bank reconciliation, and copies of the most recent bank statements for all district accounts must be:

(1) Signed by the district treasurer; and

(2) Attached to and made part of the minutes of each regular district board meeting.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-902. Financial report.

By September 1 of each year, the district shall submit to the Department of Agriculture a financial report including a comparative balance sheet and comparative income statement for the previous fiscal year signed by the:

(1) District board members; and

(2) Employee who prepared the report.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-903. Annual review of financial records.

(a) The Department of Agriculture shall provide a certified public accountant to perform agreed-upon procedures established by the department.

(b) All district books are subject to review by department staff.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-904. Report of difficulties.

(a) Districts shall immediately report any financial difficulty or irregularity to the Department of Agriculture, which shall:

(1) Investigate; and

(2) Offer assistance.

(b) The department may also require additional financial reports or request an audit of the district books and accounts by Arkansas Legislative Audit.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-905. Inventory.

(a) Districts shall maintain an inventory of district-owned equipment, listing date of purchase and serial number of each item.

(b) Each item of equipment shall be given a number and the number placed permanently upon the equipment.

(c) Prior to disposal or sale of any equipment listed in the district's inventory, the district must contact the Department of Agriculture in advance of the sale to obtain approval.

(d) Upon disposal of any equipment on the inventory, the date and method of disposal shall be noted in the inventory records.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-906. Equipment rental and sale of goods.

(a) A district shall maintain an inventory of goods owned by the district that are made available to the public for rental or sale.

(b) A district shall establish accounts as necessary to track equipment rental and sales and maintain those accounts using the method approved by the Department of Agriculture.

(c) All money received for equipment rental and the sale of goods shall be credited to the applicable accounts.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-907. Program accounting.

(a)(1) A district shall follow the standardized chart of accounts established by the Department of Agriculture.

(2) All money received by the district shall be credited to the applicable accounts.

(b) Districts shall issue all required Internal Revenue Service forms to contractors and cooperators.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-908. District travel.

Districts should substantially comply with the State of Arkansas Travel Rule as promulgated by the Chief Fiscal Officer of the State pursuant to Arkansas Code § 19-4-901 et seq.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-909. Penalty for noncompliance.

Failure to comply with requirements of this subpart may disqualify a district from operating funds for up to three (3) years pursuant to Arkansas Code § 14-125-109(d).

Authority. Arkansas Code § 14-125-108.

Subpart 10. Conservation District Beaver Control Program

14 CAR § 1-1001. Purpose.

(a) The Conservation District Beaver Control Program enables the Department of Agriculture to help control Arkansas's beaver population by reimbursing conservation districts ten dollars (\$10.00) per beaver for payments districts make to beaver harvesters under this part.

(b) Reimbursements shall be made for beaver only, though district plans may offer incentives for the control of other nuisance animals.

(c) The department shall not be liable for reimbursements requested after the money available for the program is expended.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1002. District participation.

(a) To receive money under the Conservation District Beaver Control Program, conservation districts must submit a written beaver control plan to the Department of Agriculture by January 1 of the applicable calendar year.

(b) The district plan must be approved by the department before reimbursable harvesting may begin.

(c) The department may allocate a portion of the appropriation available in the applicable fiscal year to each district that submits an approved plan.

(d) The district plan must comply with the following provisions:

(1) The district board shall designate a beaver control officer;

- (2) To receive payments, beaver harvesters shall present beaver tails to the beaver control officer, who shall cut a "V" notch in the rounded end;
- (3) The beaver control officer shall certify to the district board, at intervals to be set in the district plan, the number of beavers presented by each certified harvester;
- (4) The district may then apply to the department for reimbursements by submitting the reimbursement form to the department at reasonable intervals;
- (5) The plan shall specify the anticipated number of beavers for which reimbursement will be requested during the fiscal year; and
- (6) Each district must also provide the department with:
 - (A) Quarterly reports; and
 - (B) Proof of payment to trappers.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1003. Funding.

- (a) After expiration of the time for submission of beaver control plans, the Department of Agriculture shall:
 - (1) Review the state funds available for the program in the current fiscal year;and
 - (2) Determine the funds available for the beaver control program.
- (b)(1) The department shall allocate the available funds to each district desiring to participate in the program.
 - (2) This allocation shall be based upon the:
 - (A) District's demonstrated need for beaver control; and
 - (B) Probable success of the district's beaver control program.
 - (3) In making the allocation, the department may consider the following:
 - (A) The beaver control plan;
 - (B) The estimated number of beavers within the district;
 - (C) The type and severity of damage;

(D) The number of beavers harvested in the past under this or similar programs; and

(E) Other factors to ensure equity in allocation.

(c) After allocation, the department shall provide each participating district the amount of its allocation.

(d) Each district may request reimbursement as provided in this subpart up to the amount of its allocation.

(e)(1) The department shall review the allocation of funds:

(A) On or about April 1 of each year; or

(B) As otherwise necessary to ensure that the funds are used as effectively as possible.

(2) No reduction in any participating district's allocation shall occur without prior notification to the district.

Authority. Arkansas Code § 14-125-108.

Subpart 11. Conservation District Grant Program

14 CAR § 1-1101. Purposes.

(a) The purpose of this program is to enhance the capability of conservation districts to carry out conservation within their respective districts.

(b) The purpose of this subpart is to establish a procedure to administer the program.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1102. Availability of funds.

(a) Upon review of the Department of Agriculture's annual appropriation for conservation districts and other funds available for the district program, the department may allocate a portion of available funds for the grant program.

(b)(1) Funds provided under this subpart are limited to those funds actually made available by the department for this purpose.

(2) The department is not required to provide funds under this subpart if the funds are:

- (A) Not appropriated; or
- (B) Otherwise not available.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1103. Application period and notification of application period.

(a)(1) Upon allocation of funds for this program by the Department of Agriculture, the department shall establish a period in which applications for funds available under this program shall be accepted.

(2) The application period shall be at least thirty (30) days.

(b) The department shall notify each conservation district:

- (1) That applications are being accepted for the program; and
- (2) Of the last day that applications will be accepted.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1104. Projects for which grants may be obtained and applicants.

(a) Projects eligible for grant funds must:

- (1) Carry out resource enhancement, restoration, or protection; and
- (2) Be new or in addition to those in which a district is currently involved.

(b) Projects intended to replace existing programs are not eligible for grant funding.

(c) Only conservation districts may make application for assistance under this subpart.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1105. Application procedure.

(a) Applications shall be in writing and submitted in a form acceptable to the Department of Agriculture.

(b) The following information shall be submitted:

(1) The name, address, telephone number, and facsimile number of the conservation district making application;

(2) The name, address, and telephone number of a contact person with knowledge of the application;

(3) A brief narrative of the project including benefits to be gained for the project;

(4)(A) Project budget, including:

(i) Funds requested under this subpart; and

(ii) Amounts and sources of other funds.

(B) Budget shall be of such detail to allow review of application for financial feasibility;

(5)(A) List of other governmental agencies, groups, associations, corporations, or individuals that have agreed to assist with the project, including any in-kind resources that they will provide.

(B) Monetary contributions should be listed in subdivision (b)(4) of this section;

(6) Any additional information requested by the department; and

(7) Application shall be authorized by the district board and signed by the district chair.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1106. Review of applications.

(a) All applications received during application period shall be reviewed by the Department of Agriculture.

(b) The department shall:

(1) Review the applications for feasibility, practicability, and potential benefits to the applying district;

(2) Rank the applications; and

(3) Make recommendations to the department as to award of grants.

(c) After review of the rankings and recommendations, the department shall make a recommendation of projects to be funded to the Arkansas Natural Resources Commission based upon the review and the project's potential to further the goals of the:

(1) Arkansas Water Plan;

(2) Nonpoint Source Pollution Management Program;

(3) Arkansas Conservation Partnership Strategic Plan; or

(4) Other identifiable conservation goal.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1107. Award of grants.

After review of the applications and the recommendations of the Department of Agriculture, the Arkansas Natural Resources Commission may grant awards based upon the potential benefits to conservation in the applying district, region, or the state as a whole.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1108. Grant agreement and reports.

(a) Prior to providing funds, the Department of Agriculture and conservation districts awarded a grant under this subpart shall enter into a grant agreement.

(b)(1) The grant agreement shall incorporate the application by reference and establish the terms and conditions of the grant.

(2) No funds shall be disbursed prior to execution of the grant agreement.

(c) At the completion of the project for which grant funds have been provided, the conservation district shall provide to the department a review of the project including, but not limited to, the following:

(1) Actual benefits of the project;

(2) How actual benefits differed from what was expected; and

(3) Summary of project receipts and project expenditures.

(d) On multiple-year projects, this review shall be done annually.

(e)(1) Funds provided for under this subpart shall be accounted for as part of a conservation district's financial operation as contained in 14 CAR § 1-901 et seq.

(2) The department may require additional accounting of funds as the department deems necessary.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1109. Additional conditions.

The following conditions shall apply to grants provided under this subpart:

(1)(A) Maximum total grant available per district is twenty-five thousand dollars (\$25,000) per year.

(B) For multiple-district applications, grants of up to twenty-five thousand dollars (\$25,000) per project per district per year may be approved;

(2) Grants shall be awarded for only two (2) years for the same or similar projects;

(3)(A) Grant funds must be matched by local cash funds or cash equivalents on a ratio of one dollar (\$1.00) local to two dollars (\$2.00) grant.

(B) Local funds may be used only once for any matching requirement;

(4)(A) At the time the grant application is submitted under 14 CAR § 1-1105, the conservation district must ask the Department of Agriculture for a determination that its proposed cash equivalents be eligible for the matching requirement.

(B) The request must concisely describe the type and the source of the proposed noncash matching.

(C) Prior to or at the time of grant award, the department will notify the requesting district of the acceptability of noncash matching as cash equivalents for the requirements of subdivisions (3)(A) and (B) of this section; and

(5) In cases where the grant is used to fund personnel, it must be used for:

(A) Newly hired personnel; or

(B) Additional hours of existing employees.

Authority. Arkansas Code § 14-125-108.

Subpart 12. Rules Governing the Delegation and Operation of the Water Conservation Education and Information Program by Conservation Districts

14 CAR § 1-1201. Purpose.

(a)(1) The Arkansas Natural Resources Commission pursuant to Arkansas Code § 15-22-907 is required to develop and implement an education and information program to encourage water conservation.

(2) This program should increase the public's awareness of the need for and techniques available for water conservation.

(b)(1) The commission has determined that for this program to be most effective, a portion of the effort should be on a local basis.

(2) Conservation districts are well qualified to undertake the local water conservation education and information program and are the most logical organizations to operate the program on a local basis.

(3) This subpart establishes the procedure for delegation and operation of a local water conservation education information program by a conservation district.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1202. Request for delegation of local program.

Upon request by a conservation district and determination by the Department of Agriculture that the district has the ability to successfully undertake the program, the local portion of the education and information program may be delegated to the requesting district under the terms of this part.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1203. Memorandum of understanding.

Any district wishing to obtain delegation of the local portion of the education and information program within its boundaries shall enter into a memorandum of understanding with the Department of Agriculture agreeing to abide by the rules of the Arkansas Natural Resources Commission.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1204. Available funding.

(a) The Department of Agriculture will from time to time make funds available for the education and information program to the districts operating the local program.

(b) The source of the funds may be, but is not limited to, water use reporting fees collected pursuant to Arkansas Code § 15-22-913 and 15 CAR pts. 20 and 21.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1205. Local program contents.

Each local program shall contain the following elements:

- (1) Education;

- (2) Training;
- (3) Technology transfer;
- (4) Technical assistance; and
- (5) Demonstration projects.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1206. Specific local program activities.

(a) The scope of the program must be tailored to meet local water conservation needs and available funding.

(b) It may consist of any or all of the following activities:

- (1) Making presentations to:
 - (A) Civic groups;
 - (B) Schools; and
 - (C) Professional organizations;
- (2) Producing newsletters to be sent to all water users and other interested groups;
- (3) Setting up displays at:
 - (A) Meetings;
 - (B) Symposiums; and
 - (C) The county fair;
- (4) Attending water conservation training provided by the Department of Agriculture, United States Department of Agriculture, United States Natural Resources Conservation Service, or other agency or group and utilizing that information within the district;
- (5) Conducting or making presentations at irrigation or conservation field days;
- (6) Assisting volunteer groups in developing water education programs;
- (7) Establishing a one-on-one training program for the water user;
- (8) Utilizing the local media, including radio and television, to inform residents of water use reporting and water conservation information;

(9) Using educational videos dealing with water use reporting and water resources conservation information; or

(10) Any other activity that the Department of Agriculture may approve.

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1207. Specific local plan and review.

(a) As a part of the district's operating plan submitted pursuant to 14 CAR § 1-702(3), the district shall outline the specific goals and activities that it will undertake to accomplish these goals as part of its local water conservation education and information plan.

(b) A budget for the education and information plan shall be prepared and submitted as part of the district's proposed budget within the operating plan prepared pursuant to 14 CAR § 1-702(4).

(c) An assessment of last year's water conservation education and information activities and its effectiveness in obtaining those goals shall be included in the operating plan assessment required under 14 CAR § 1-702(5).

Authority. Arkansas Code § 14-125-108.

14 CAR § 1-1208. District transfer of funds.

(a) A district obtaining delegation of the local water conservation education and information program under this subpart may, by appropriate resolution of the district board, transfer funds held for use under this part to the Arkansas Water Resource Agricultural Cost-Share Program fund created under 15 CAR pt. 24.

(b) Notice of this transfer shall be properly noted in the district's permanent records and accounting records.

Authority. Arkansas Code § 14-125-108.