



**VIRGINIA SOIL AND WATER
CONSERVATION BOARD
POLICY ON SOIL AND
WATER CONSERVATION
DISTRICT ADMINISTRATION
AND OPERATIONS FUNDING
ALLOCATIONS FOR FISCAL
YEAR 2023**

(Approved by Board on June 24, 2022)

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 2023. A separate Policy shall govern the Fiscal Year 2023 distribution of cost-share and technical assistance funds to Districts.

2. Authority:

This funding distribution Policy is required in accordance with Item 374 A. 1 of Chapter 2 of the 2022 Special Session I Acts of Assembly (the 2022 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 374:

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$11,347,091 the first year and \$10,947,091 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. Of this amount, \$9,965,091 the first year and \$9,565,091 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; \$468,000 the first year and \$468,000 the second year from the general fund shall be distributed at a rate of \$4,500 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 first year from the general fund for the purchase and installation of remote monitoring equipment for District-owned 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 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 2022 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 2023, \$11,347,091 (Item 374 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 374 A. 1.).

SWCD (Column 1)

For Fiscal Year 2023, 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 2023 Policy allocations, District allocations have been based on the budget templates submitted by each District as part of the FY2021 end-of-year reporting requirements. The Board has fully funded Districts based on their needs as demonstrated in the budget template. Districts shall ensure that funds provided in Fiscal Year 2023 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.

DAM MAINTENANCE (\$3000/dam) (Column 3)

For Fiscal Year 2023, \$468,000 is provided for out of the amounts appropriated in Item 374 A.1. of the 2022 Appropriation Act (Sub-program 50320) for the maintenance of the Districts' 104 impounding structures. This represents a total of \$4,500 per dam.

NUMBER 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 2023 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 2023, this total amount (the Sum of Columns 2 and 3) is \$11,347,091.

SMALL DAM REPAIR Item 357 A.1. (Column 6)

For Fiscal Year 2023, \$500,000 for small dam repairs is appropriated in Item 374 A.1. of the 2022 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 (\$112,500)

Twenty –three audits (at up to \$4,600 per audit) will be budgeted for during Fiscal Year 2023 for the Fiscal Year 2021 and 2022 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 DISTRICTS (ASSOCIATION) CONTRACT (\$51,000):

For Fiscal Year 2023, \$51,000 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
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
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 (\$43,300)
 - Minimum of four statewide partner meetings during the grant period
This item supports forums for discussion of issues relevant to Districts and the Department and their partners.
 - Provide assistance and support to Districts
 - This item includes costs associated with assisting District committees, including the Executive Board meetings.

- District Director Trainings
This item supports the Association conducting statewide director trainings throughout the year in varying locations across the state or electronically, including at the annual meeting. As schedules permit, staff will also provide training to individual districts on topics at their request.
- District Staff Trainings
This item supports the Association conducting statewide trainings throughout the year in varying locations across the state or electronically, including at the annual meeting. Training opportunities will be provided for both administrative and technical staff and will be coordinated with the Department to address any identified training needs. As schedules permit, staff will also provide training to individual districts on topics at their request.
- Annual Meeting of Soil & Water Conservation Districts
This item supports the expenses associated with planning, promoting, and implementing a statewide annual meeting event for Virginia's 47 districts.
- Additional Professional Services for Districts
This item supports the Association providing additional professional services for Districts. Professional services may include services within the practice of accounting, human resources, information technology, or other needed resource. Any service should include a training component, in addition to being a continuing resource for Districts.

c. District Development & Outreach (\$3,200)

- Area Meetings
This item supports the Association in their support and assistance in work related to hosting six Area meetings. Each Area will be provided up to \$200 per Area meeting.
- Compile, revise, post on the Association web site, print (limited quantity) the SWCD Directory, assist with printed copy distribution and maintain an online directory.
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 (\$6,500):

- 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 or limited printings of the *Virginia Agricultural Cost-share Manual*, *Desktop Procedures for District Fiscal Operations*, the SWCD Director Handbook and Director Orientation materials.

- Printing of educational and marketing brochures.
- 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	07/01/22 thru 09/30/22
Second Quarter	10/01/22 thru 12/31/22
Third Quarter	01/01/23 thru 03/31/23
Fourth Quarter	04/01/23 thru 06/30/23

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 2022 report has been submitted (including the District’s End of Year Cash Balance Report, and Carry Over Report) 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 2023 Grant Agreement template shall be approved by the Board.

The Department is directed by the Board to assess at the end of Fiscal Year 2023 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 2023, 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 this Policy and 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.

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. 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.

13. 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 2022 adopted May 20, 2021 and will remain in effect until rescinded or superseded.

Attachment A: Fiscal Year 2023 Virginia Soil and Water Conservation District Administration and Operations Funding Allocations

District	FY2023 Administration and Operations Core Funding	# of dams	Dam Maintenance (\$4,500 per dam)	Subtotal Administration and Operations Allocations	Small Dam Repair Funds	DCR Managed Funds for District Support	Remote monitoring for District owned dams	Total
APPOMATTOX RIVER	\$126,532		\$0	\$126,532				\$126,532
BIG SANDY	\$175,690		\$0	\$175,690				\$175,690
BIG WALKER	\$209,531		\$0	\$209,531				\$209,531
BLUE RIDGE	\$193,845	10	\$45,000	\$238,845				\$238,845
CHOWAN BASIN	\$172,887		\$0	\$172,887				\$172,887
CLINCH VALLEY	\$166,528		\$0	\$166,528				\$166,528
COLONIAL	\$208,840		\$0	\$208,840				\$208,840
CULPEPER	\$439,153	11	\$49,500	\$488,653				\$488,653
DANIEL BOONE	\$196,409		\$0	\$196,409				\$196,409
EASTERN SHORE	\$196,040		\$0	\$196,040				\$196,040
EVERGREEN	\$119,103		\$0	\$119,103				\$119,103
HALIFAX	\$128,680		\$0	\$128,680				\$128,680
HANOVER-CAROLINE	\$322,866	1	\$4,500	\$327,366				\$327,366
HEADWATERS	\$424,090	11	\$49,500	\$473,590				\$473,590
HENRICOPOLIS	\$186,492		\$0	\$186,492				\$186,492
HOLSTON RIVER	\$152,323		\$0	\$152,323				\$152,323
JAMES RIVER	\$155,600		\$0	\$155,600				\$155,600
JOHN MARSHALL	\$228,030		\$0	\$228,030				\$228,030
LAKE COUNTRY	\$192,331		\$0	\$192,331				\$192,331
LONESOME PINE	\$144,610		\$0	\$144,610				\$144,610
LORD FAIRFAX	\$315,810	2	\$9,000	\$324,810				\$324,810
LOUDOUN	\$119,590		\$0	\$119,590				\$119,590
MONACAN	\$182,032		\$0	\$182,032				\$182,032
MOUNTAIN	\$150,700		\$0	\$150,700				\$150,700
MOUNTAIN CASTLES	\$129,820	4	\$18,000	\$147,820				\$147,820
NATURAL BRIDGE	\$189,408		\$0	\$189,408				\$189,408
NEW RIVER	\$216,206		\$0	\$216,206				\$216,206
NORTHERN NECK	\$270,475		\$0	\$270,475				\$270,475
NORTHERN VA	\$277,061		\$0	\$277,061				\$277,061
PATRICK	\$116,235		\$0	\$116,235				\$116,235
PEAKS OF OTTER	\$124,050		\$0	\$124,050				\$124,050
PEANUT	\$148,098		\$0	\$148,098				\$148,098
PETER FRANCISCO	\$156,443	17	\$76,500	\$232,943				\$232,943
PIEDMONT	\$216,888	14	\$63,000	\$279,888				\$279,888
PITTSYLVANIA	\$173,368		\$0	\$173,368				\$173,368
PRINCE WILLIAM	\$182,830		\$0	\$182,830				\$182,830
ROBERT E. LEE	\$197,675	6	\$27,000	\$224,675				\$224,675
SCOTT COUNTY	\$202,149		\$0	\$202,149				\$202,149
SHENANDOAH VALLEY	\$422,718	8	\$36,000	\$458,718				\$458,718
SKYLINE	\$169,825		\$0	\$169,825				\$169,825
SOUTHSIDE	\$122,695	12	\$54,000	\$176,695				\$176,695
TAZEWELL	\$174,208		\$0	\$174,208				\$174,208
THOMAS JEFFERSON	\$459,920	8	\$36,000	\$495,920				\$495,920
THREE RIVERS	\$256,248		\$0	\$256,248				\$256,248
TIDEWATER	\$224,528		\$0	\$224,528				\$224,528
Tri-County/City	\$212,980		\$0	\$212,980				\$212,980
Virginia Dare	\$257,551		\$0	\$257,551				\$257,551
TOTAL	\$9,809,091	104	\$468,000	\$10,277,091	\$500,000	\$170,000	\$400,000	\$11,347,091