

Legislative Rule 63-01

Public Hearing – May 19, 2022

Transcript by Belinda G. Withrow, Executive Assistant, West Virginia Conservation Agency
(WVCA)

Good afternoon, my name is Brian Farkas, Executive Director for the WVCA. We have all 14 Conservation Districts (CDs) and the Guthrie Office on this call. This a formal meeting on a proposed amended rule to implement Senate Bill 264 which established procedures for the election and appointment of conservation district supervisors by the State Conservation Committee (SCC) and the state conservation improvement programs; and compliance with the West Virginia open Governmental Proceedings Act. This meeting is being recorded. Please complete all your information on the sign-in sheet. This is a public hearing for the SCC. WVCA is the administrative office for the State Conservation Committee. We will submit the minutes of this meeting to the Secretary of State's Office (SOS) when we file the rule. We will give you a presentation today of what's in the rule. The rule was developed by WVCA and CD supervisors. Do not feel you are required to make a comment today. You may go to www.wvsos.gov to review a copy of the rule. This public comment period ends at 4 p.m. on June 16.

Farkas reviewed the rule.

This public hearing requires formal questions be submitted in writing, and our responses to those questions will be submitted to the Secretary of State's office. Please send to bwithrow@wvca.us, or submit your questions to your AS. This rule, modified code section 19-21a6 dealing with the election and appointment of supervisors. In terms of the overall impact the law 264 did not change. There continues to be two non-partisan supervisors per county, with the exception of Kanawha County, which has 5 based on population. Berkeley County in the Eastern Panhandle CD has 3 based on population. All registered voters are entitled to vote. The elections of supervisors shall be held during the primary election and their terms shall be for four years. Their term shall begin July 1 following the primary election. The election of CD supervisors and the removal of supervisors is managed under chapter three of the code and the removal of CD supervisors is managed under chapter six of the code. A big change is if there are no candidates running for office, the CD shall advertise for a supervisor in the county where it occurred within 30 days and the advertisement shall include requirement of qualifications to hold the office of supervisor and instructions on how to apply at the CD. The CD then compiles a list of those candidates and makes a recommendation to the SCC within 90 days. Under 19-21a3 the definition of Agriculture is fairly broad and not limited to just farms anymore. Any vacancy must be filed by the SCC. The recommended person for appointment must reside in the county they are running for office, and they must have experience in agriculture, under 19-21a3. The current rule states a CD has 15 days, but this is not practical. They are taking 90-days plus to go through the process of appointing someone. In some cases, CDs would not even submit a candidate. If no candidate files for the unexpired term, they must provide a name to fill the position and advertise.

Expenditures of Funds by SCC, WVCA for Watershed Improvement-We added the word Improvement for programs and added the WVCA to the policy and it also now says expenditure

of funds made available by private, local, state or federal governmental sources. The original rule just said by state legislature, but we know funding comes from multiple sources and not just the federal government. In Section 3.1a we strike some language and added publication for the facilitation of planning and added the words construction, operation maintenance, repair for rehabilitation for watershed improvement projects. Local governments do sponsor watershed improvement project, not just CDs. We strike through watershed improvement districts, because there are none in the state. The last change is in open governmental proceedings-CDs are required to follow chapter 69a following the open meetings act when having public meetings.

Informal Question (not submitted in writing): Mark Myers-When a supervisor vacancy occurs for an unexpired term, and they have three years to go. Would they not serve out that person's unexpired term? This will defeat what was originally set up to have supervisors in each county staggered.

Response: Brian Farkas-They would be appointed but because of the timeline that you mentioned they would have to run for the office the next primary election in order to fill the remainder of the office. They would continue to be staggered. You would have an additional supervisor running to fill that unexpired term. In your county for example, you have a three-year term left. There was just an election. One is a four-year term, and one would have been up in two years anyway. The person that had three years left on their term, because they had more than two years and two months, you would have to have someone be appointed, but the newly appointed person would have to run in the next election for the unexpired term for that cycle. You keep that cycle of the four years.

Mark Myers: The goal was to keep them staggered so we won't change the board every two years.

Farkas: If they are less than two years, they will just fill out the remainder of the term and seek election during the next primary election. The time remaining on the term controls the situation.

I thank the Association, Heather, Wayne, and Donnie, for their help in developing the rule. It was a collaborative effort, and we had some good discussion on SB264 and what needed to be done.

Farkas reported at this point we have addressed all comments. Are there any other comments?

Farkas announced it is 12:30 p.m. This concludes the public hearing.

Wayan Conservation District

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ATTENDANCE-PLEASE SIGN IN

Name	Organization	Address	Phone Number	Home Address	Check if this person is a comment for public hearing or comment for
Heidi Stanley	GCD	Box 1858-Lopon Box 1858-Lopon Box 1858-Lopon	304-310- 4116 4116	W.H. Stanley 3794 W.H. Stanley 3794 W.H. Stanley 3794	
George Mottis	GCD	1168 GARDENVIEW 1168 GARDENVIEW 1168 GARDENVIEW	304-232- 4742 4742	0576 WARD 1552 0576 WARD 1552 0576 WARD 1552	
John Kovach	GCD	10 BOX 4822 10 BOX 4822 10 BOX 4822	304-601- 6509 6509	1084 POKACH 1084 POKACH 1084 POKACH	
Ronnie Hobbs	GCD	018200 BAC-BA-904-032 018200 BAC-BA-904-032 018200 BAC-BA-904-032	8989 8989 8989		
Ken Brown	GCD	3791 Mt. Union St. 3791 Mt. Union St. 3791 Mt. Union St.	25701 25701 25701	16171632 16171632 16171632	
David Brown	GCD	166 Brown Ave 166 Brown Ave 166 Brown Ave	304-232- 4742 4742	0576 WARD 1552 0576 WARD 1552 0576 WARD 1552	
James Michael	EPCT	175 WHEATLAND RD 175 WHEATLAND RD 175 WHEATLAND RD	304-232- 4742 4742	0576 WARD 1552 0576 WARD 1552 0576 WARD 1552	
Robert L Dunham	EPCT	69 W. Wisteria Lane 69 W. Wisteria Lane 69 W. Wisteria Lane	304-258- 4068 4068	lin - dunham@frontier.com lin - dunham@frontier.com lin - dunham@frontier.com	
Mark Myers MCD	115 Longlight Road 304 -	115 Longlight Road 304 - 115 Longlight Road 304 - 115 Longlight Road 304 -	26508 26508 26508	4013 4013 4013	

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Virtual (v)					
Name	Organization	Address	Phone Number	E-mail Address	Check if You Wish to Comment for Public Record (3 minutes)
Chris Ellison (v)	WVCA				
Kim Fisher (v)	WVCA				
Veronic Gibson (v)	WVCA				
Sue Brand (v)	WVCA				
Dennis Bailey (v)	SCD				
Sherry Duncan (v)	WVCA				
Holly Morgan (v)	WOOD				
Jessica Nichols (v)	WVCA				
Jeremy Solyer (v)	WVCA				
Jessica Nichols	WVCA				
CAPitol Conservation Dist. 304.759-0786 418 New Gt Mt Rd Baltimore, MD 21204					
Sue Brand					

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