

CHAPTER 2 - LAWS, RULES, AGREEMENTS AND RULINGS

This chapter provides links to the various enabling statues and subsequent rules establishing the soil and water conservation district (SWCD) government structure in Ohio as well as defining certain powers and authorities with regard to erosion and pollution abatement. Also included are ancillary state and federal laws and rules by which SWCD boards and supervisors must adhere to as employers, as a public entity and as public officials. Additionally, agreements are included which set working relationship between and among SWCDs and federal and state conservation agencies.

SOIL AND WATER CONSERVATION DISTRICT ENABLING LAWS AND RULES

Law creating the soil and water conservation districts in Ohio including the formation and authorities of the Ohio Soil and Water Conservation Commission:

[Chapter 940 Ohio Revised Code](#)

- **Related Rules** outlining the Ohio Soil and Water Conservation Commission public meeting process and procedures for the election of soil and water conservation district supervisors under the direction of the Ohio Soil and Water Conservation Commission:

[Chapter 1515 Ohio Administrative Code](#)

Law creating the Division of Soil and Water Conservation within the Department of Natural Resources including authority and enforcement regarding Non-Agricultural and Agricultural Pollution Abatement:

[Chapter 939 Ohio Revised Code](#)

- **Related Rules** establishing state standards to achieve a level of management and conservation practices which will control wind or water erosion of the soil and minimize the degradation of water resources by soil sediment in conjunction with soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes:
[Chapter 1501:15-1 Ohio Administrative Code - Erosion and Sediment Control](#)
- **Related Rules** pertaining to the public notice process when rules are created, amended or rescinded:
[1501:15-2-01 Ohio Administrative Code - Notice of public hearing to adopt, amend or rescind rules.](#)
- **Related Rules** establishing state standards for a level of management and conservation practices in farming, silvicultural operations and animal feeding operations on farms in order to abate excessive soil erosion or the pollution of waters of the state by soil sediment including pollutants attached to the sediment and animal manure:
[Chapter 1501:15-5 Ohio Administrative Code - Animal Waste and Agricultural Pollution](#)

OHIO ETHICS LAW

The Ohio Ethics Law was originally enacted in 1973 to promote confidence in government. The law:

- Establishes a code of conduct making it illegal for state and local public officials and employees to take official action if they have certain conflicts of interest
- Provides for the filing of financial disclosure statements by many public officials, and for public inspection of those statements
- Establishes procedures by which citizens may participate in the enforcement of the law
- Creates agencies within the three branches of government to administer the law

[Ethics Law](#)

[Ohio Ethics Commission Overview](#)

[Ohio Ethics Commission Authority](#)

[Fact Sheets: The Ethics Law and You – Public Official, Board Member, Local Government](#)

[Model Ethics Policy for Local Agencies](#)

[Compatibility of Public Offices Index](#)

[Conflict Of Interest Designation Form](#) – from DSWC Forms webpage.

OHIO SUNSHINE LAWS - PUBLIC MEETINGS & PUBLIC RECORDS LAWS AND REQUIREMENTS

The [Ohio Open Meetings Act](#) requires public officials to deliberate, discuss and conduct the people's business in open meetings. This means that if a public body is meeting to discuss and decide public business, the meeting must be open

The [Ohio Public Records Act](#) provides the public with procedures to request records from any public office in Ohio, while protecting certain specific types of records from release. It also establishes a legal process to enforce compliance when a requester feels that a public office has failed to satisfy its public records obligations. The Public Records Act ensures that documents belong to the people, and not to the government body holding them.

[Ohio Sunshine Law Manual](#)

[Required Training for Public Officials](#)

149.43 (E)(1) of the Ohio Revised Code provides to ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the

model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code.

[Model Public Records Policy](#)

[Ohio's Sunshine Law 101: What Newly Elected Officials Need to Know...and Understand about Open Meetings and Public Records](#)

[Local Government Records Retention Laws](#)

General Assembly has created “records commissions” for certain governmental entities. Through enactment of R.C. 149.38-.42, the General Assembly has established a comprehensive statutory plan for the supervision of records retention and disposition by local governmental entities. Records commissions are responsible for reviewing and approving records retention schedules and applications for one-time disposal of obsolete records submitted by public offices within the records commissions’ jurisdiction. SWCDs may establish their own records commission or become part of the county records commission as prescribed in 149.412.

[Local Government Records Program Forms](#)

[SWCD Records Commission: Ohio Attorney General Opinion](#)

[Ohio Revised Code: 149.412 Special taxing district records commission.](#)

CIVIL RIGHTS ACT OF 1964

This federal law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.

[Civil Rights Statute](#)

[U.S. Equal Employment Opportunity Commission Overview and Guidance](#)

[Prohibited Employment Policies/Practices](#)

FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA), which prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. The Act is administered by the U.S. Department of Labor, Employment Standards Administration's Wage and Hour Division.

[The Fair Labor Standards Act of 1938](#)

[Compliance Assistance Materials](#)

[Wage and Hour Division](#)

CHARITABLE CONTRIBUTIONS TO SWCDS

Charitable contributions to governmental units are tax-deductible under section 170(c) (1) of the Internal Revenue Code if made for a public purpose. As a special service to government entities, IRS will issue a “governmental information letter” free of charge.

[IRS Tax-Exempt Status - Government Information Letter](#)

MEMORANDUMS OF UNDERSTANDING

SWCD and ODNR – Division of Soil and Water Conservation and Ohio USDA Natural Resources Conservation Service: [Cooperative Working Agreement](#)

State of Ohio and USDA and SWCD: [Mutual Agreement](#)

Presentation: [Cooperative Relationships between NRCS and Districts](#)