

**Bear River Resource Conservation and Development
Council Meeting
Thursday, March 20, 2008 at 2:00 p.m.
Conference Room of the USDA Service Center**

Attending:

Mick Atkinson	RC&D Chair, Franklin County
Scott Ferguson	Project Coordinator, RC&D
Jon Hardman	District Conservationist, Cache County
Jay Hardy	RC&D Vice Chair, Box Elder County
Cami King	Financial Assistant, RC&D
Montain Kunz	RC&D Vice Chair, Bear Lake County
Lynn Lemon	RC&D Secretary/Treasurer, Cache County
Bill McMullin	Soil Conservation District Liaison
Dallan Nalder	RC&D Vice Chair, Oneida County
Lloyd Rasmussen	RC&D Vice Chair, Caribou County
Cameron Williams	Soil Conservationist, Caribou County

Excused:

Boyd Bradford	District Conservationist, Franklin County
Jeff Schick	District Conservationist, Box Elder County

Not in Attendance:

Tom Weston	RC&D Vice Chair, Rich County
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Welcome and Project Proposal

Mick welcomed everyone in attendance and requested that the council meet in an executive session. Dallan made the motion and Jay seconded. All were in favor. Scott explained that a project proposal form needs to be in use as a way for various projects to come before the council. Scott created the form and had the council read over it. The council approved the form with a motion by Jay, a second by Montain and the motion carried.

The District Conservationists received an explanation that the new project proposal form is the means by which they can have projects considered by the Council. The goal is that anyone applying for assistance will research the details required for the project, before the council will consider it. Mick stated that he would like the Council members to meet with their county committees and look for meaningful projects. Agendas in the future will include reviewing the applications. Mick suggested that we have a couple of the DCs meet with us every meeting. Scott said that he will call ahead and let the two DCs know what is required.

Dallan has been trying to gather the information for a possible project involving weather stations for the area counties that still do not have any. He has contacted an individual who knows the requirements for the Farm Service Agency weather stations. One station has been installed at the Malad airport, but additional ones would be helpful.

Mick also mentioned that several of the area counties could benefit from a wood chipper to help alleviate the addition of wood pallets to the landfills.

Jon stated that several land owners are interested in a cooperative oil press for safflower seed. If weather conditions are not just right, this seed cannot go to market as intended. The Conservation Innovation Grants, which are due soon, may be a fund source for such a press. A new bio-diesel plant in Box Elder County could process the oil and supply each farmer with diesel fuel. Jon stated that he does not have the time to put such a grant application together, but that if the council thinks it's a worthy project, there is certainly a need. This could be looked at during the next financial cycle, since the deadline for this year is this week.

Minutes and Financial Report

The minutes of the December 13, 2007 meeting were approved by the council. Cami explained the financial report. It was also approved by the council. Cami explained that \$4000 from a Utah APHIS grant was received by the U&I Cooperative Weed Management Area, for whom we act as a fiscal agent. The funds were then sent to Panhandle Lakes RC&D in Idaho to help fund research for bio-control of dyer's woad.

Project Coordinator's Outlook

Scott stated that the Idaho Department of Lands liked our hazardous fuels reduction project in 2007 and appears to be close to approving the funds for 2008. IDL will use Mick as the contact person, since there has been a change in IDL's policy for distribution of funds. The Franklin County Commission will need to approve turning those funds over to the RC&D to administer the grant, since the RC&D wrote the proposal. The Idaho counties will have access to the funds, so Scott advised that the Idaho Council members look for areas in their counties that could benefit from hazardous fuels reduction. This information will be needed by July 2008.

Scott reported that the group interested in supplying the volunteer labor for the tree thinning project for the Youth Camp has backed out. The Forest Service has the trees marked and the volumes have been calculated. Jay suggested that the RC&D invite bids from loggers. Montain suggested that we contact Jensen Lumber (Kelly Jensen) from Ovid, and Jay suggested John Welch from Hyrum and David Tee from Brigham City.

Scott reported that the Bear River RC&D will likely no longer have Technical Service Providers (TSP) employees because Utah NRCS would like the TSPs to be employed through the Conservation Districts throughout the state. At present, we are the only RC&D supplying a payroll service for TSPs.

Scott reviewed with the council action items recommended by the NRCS review team. A position description is needed for Cami. The council suggested that Scott and Cami write the description and then they will approve it. There are also several recommended items that Scott suggested the council read through and then we will discuss which ones to take action on in the next meeting. The recommendations were given to the Council. The

review showed approval for the Council members' commitment to attending meetings and participating in state associations.

Update on Grants from the Idaho Department of Agriculture

Mick reported that he, Montain, Lloyd, and Dallan paid a visit to Celia Gould in Boise at the Department of Agriculture, to follow up on a letter requesting that the RC&D continue as the fiscal agent for the Utah-Idaho Cooperative Weed Management Area (CWMA.) Idaho's governor no longer allow grants to be managed by out-of-state agencies, but Celia has allowed an exception for our RC&D, if we will establish a satellite office and banking account in Idaho. Franklin County has offered desk and storage space in the extension service building in Preston. Cami will travel there as needed to do the work for the U&I CWMA grant. The council approved the establishment of the satellite office and a separate bank account with Wells Fargo.

Mick read letters that will be sent to Celia Gould and Governor Otter thanking them for this allowance. Mick signed the letters, with the Council's approval.

Tax Report 990

Cami explained that the 990 form is a yearly report that reports in detail our income and expenses to the IRS. Mick has reviewed the form and recommended to the Council that it was ready to be sent. Mick signed the report.

Civil Rights Training

Since federal money goes into this program through Scott's wages as an employee of NRCS, the Council cannot discriminate on the basis of race, color, national origin, religion, sex, age, disability, political beliefs, sexual orientation, or marital or family status.

Project for Review

A private culinary line in Spring Hollow supplying 8 homes between Garden City and Laketown has fallen into disrepair. A representative from the NRCS office in Rich County applied for our assistance on March 19, 2008, using our new project application form. The Council suggested that they get engineering costs estimated, as well as request help from their water board. Lynn suggested that Rich County would also be a viable source, and suggested that the project application form be forwarded to Thomas Weston, the Rich County RC&D board member.

Financial Assistant

The Council proposed and approved a raise for Cami from a step 4 to a step 6.

Next Meeting

The next meeting will be on Thursday, May 8, 2008 at the Satellite office in Preston, Idaho. The address is 561 W. Oneida, Preston, ID. The phone number is 208-852-1097.

For Your Information

The council discussed whether the open meeting laws apply to the RC&D. Cami explained that the open meeting laws of both Idaho and Utah apply only to public agencies and that the Bear River RC&D is a public charity and has the IRS designation as a 501(c) 3. The by-laws state, "The council is an *independent*, non-profit, non-partisan, incorporated organization" (see section 4.) The use of federal grants does not factor in to the question. The following e-mail received at the Bear River RC&D on May 1, 2007 may help clarify any lingering concerns:

The Civil Review Committee of the Utah Attorney General's Office received your email regarding the Utah OPMA. While our office cannot give you legal advice, it does not appear that your organization is subject to OPMA. "Public Bodies" are defined in Utah Code Ann section 52-4-103 (7) (a) and (b).

Typically, public bodies are administrative, advisory, executive, or legislative bodies of the State, or political subdivisions of the State i.e. cities, counties, special districts etc. And these bodies are created by the State or political subdivision in some manner, usually by the State Constitution, a statute, rule, local ordinance or some type of resolution.

One of the key attributes of a "Public Body" is that it is vested with or has the authority to make decisions that affect the public.

Non-profit organizations, even those receiving assistance from government resources are typically not created by the State or a political subdivision, do not have authority to make decisions affecting the public, and are not subject to OPMA.

Thank you for your interest and efforts to comply with the laws of Utah. If you have any questions please feel free to call me at 801-366-0157.

V/r
Ed Lombard
Paralegal,
State Agency Counsel

Cami has also asked Idaho's Attorney General if the council needs to observe open meeting laws. A letter dated July 31, 2007 refers the council to the Idaho Code section 67-2341(4), where it states, "All meetings of a governing body of a public agency shall be open to the public" and "The governing bodies of public agencies which are created by or pursuant to statute as well as public agencies which are created by the Idaho Constitution."

Additionally, to the best of our knowledge, the other 375 RC&D Councils in the United States are not being advised to observe open meeting laws, nor are other non-profits.