

<p>DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.01 ROLE AND RESPONSIBILITY OF THE LAND CONSERVATION BOARD</p>	
<p>EFFECTIVE DATE: July 26, 2022</p>	<p>REVISION DATE: 05/26/2023</p>
<p>SUMMARY: THE PURPOSE OF THIS POLICY IS TO IDENTIFY AND DEFINE THE ROLES AND RESPONSIBILITIES OF THE LAND CONSERVATION BOARD AND THE DIVISION OF CONSERVATION.</p>	

DEFINITIONS

- “Board” means the Land Conservation Board established in UCA 4-46-201.
- “Board member” means an individual appointed to the Land Conservation Board established in UCA 4-46-201.
- “Commissioner” means the Commissioner of the Utah Department of Agriculture and Food established in Title 4 of the Utah Code, including, where allowed by statute, rule, or policy, Commissioner’s designee.
- “Department” means the Utah Department of Agriculture and Food established in Title 4 of the Utah Code.
- “Director” means the director of the Division of Conservation established in UCA 4-46-401.
- “Division” means the Division of Conservation established in UCA 4-46-401.
- “Fund” means the LeRay McAllister Working Farm and Ranch Fund established in UCA 4-46-301.
- “GRAMA” means the Government Records and Management Act, Title 63G, Chapter 2 of the Utah Code.
- “OPMA” means The Open and Public Meetings Act, Title 52, Chapter 4 of the Utah Code.

RESPONSIBILITIES OF THE BOARD

- Board members are responsible to administer the LeRay McAllister Working Farm and Ranch Fund established in UCA 4-46-301 in coordination with the Division of Conservation and fulfill any other duties imposed by the Legislature, including the preparation of an annual report to the Infrastructure and General Government and Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittees in accordance with UCA 4-46-403.
 - In carrying out these duties the Board shall establish rules and policies for the operation of the Board.

- The Board may establish working groups or designate individuals to coordinate with Division staff in conducting any administrative or statutory duties.
- The Board is statutorily precluded from exercising any regulatory authority. *See* UCA 4-46-202.
- Board members shall review pre-applications, completed applications for conservation easement funding, fee purchases of real property, and other related documents necessary to effectuate those transactions. *See* UCA 4-46-302.
- Board members shall adopt ranking and other criteria for evaluating applications for conservation easement funding and land acquisition, which shall be substantially similar to the ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land Easement program, as determined by the NRCS. *See* UCA 4-46-202.
- Board members shall carefully review the materials provided to them by the Division staff in preparation for scheduled meetings.
- Board members shall devote the appropriate amount of time and energy to the Board.
- Board members shall actively participate in board meetings and shall make themselves available to participate in site visits whenever reasonable.
- Board members shall review the UCA 4-46-101 *et seq.* to understand the purpose and authority of the Board.
- Board members shall research issues and form reasonable opinions based on facts and information presented by the Division staff.
- Board members shall take into consideration the state-wide impacts of their decisions, keeping the best interests of the public in mind.
- Board members shall maintain a good working relationship with fellow board members, Division staff, and Department administration.
- Board members will receive information that is considered confidential, private, or protected under state and federal law. Board members are obligated to maintain

the protections afforded by law for each category of information to the best of their ability.

- Board members are expected to respond in a reasonable time and manner to Division staff inquiries and requests for information.
- Board members are not entitled to compensation or benefits for their service, but may be reimbursed for *per diem* and travel expenses in accordance with UCA 4-46-201(6) and Department policy.

RESPONSIBILITY OF THE DIVISION STAFF

- Division staff shall schedule Board meetings in accordance with Board members' availability to the extent possible.
- Division staff is responsible for the proper posting of the meeting, updating the Public Notice Website and contacting the media in accordance with the Utah Open and Public Meeting Act.
- Division staff shall provide the Board with all meeting material, prepared by the staff, (applications, renewals, and change requests) with a reasonable amount of time for the members no later than 5 business days prior to the hearing.
- Division staff shall respond in a reasonable time and manner to questions and requests from Board members.
- Division staff shall assist Board members with administration of the Board, including instructions on submitting *per diem* and travel expense reimbursements.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.02 MEDIA GUIDELINES FOR THE LAND CONSERVATION BOARD	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS POLICY IS TO COORDINATE COMMUNICATION BETWEEN THE DEPARTMENT, THE LAND CONSERVATION BOARD, AND THE MEDIA/PUBLIC.	

SPOKESPERSON

- Land conservation and the state of Utah’s acquisition and management of property is an area of significant public interest and concern. The Board has a responsibility to set and meet high standards of professionalism when working with the media and public figures.
- If press or other public inquiries are received the Board member should reach out to the Department’s Public Information Officer (PIO) and Division Director for guidance prior to responding.
- The PIO and Division Director should be notified as soon as reasonably possible of any such contact.
- Board members shall coordinate with the Department’s PIO and Division Director in responding to any press or public inquiries. Board members may also seek guidance from the Attorney General’s Office in formulating their response.
- The Department and the Board will respond promptly to all requests and inquiries.
- The PIO and Division Director will designate spokespersons as needed on specific issues. Such spokespersons will be designated based upon their knowledge and ability to communicate effectively and efficiently.
- Board members shall not respond to media representatives or the public on Board matters independently without consulting the Department.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.03 RECORD MANAGEMENT (GRAMA)	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THE RECORD MANAGEMENT POLICY IS TO ESTABLISH PROCEDURES FOR THE BOARD IN MAINTAINING RECORDS.	

REFERENCES

- UCA 63G, CHAPTER 2, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

RELEASING INFORMATION

- The Board has access to information that is confidential, private, and protected under state and federal law. Any request for records should be directed to the Division’s Records Officer.
- Board members should not release any record information to any individual or entity. Instead, Board members should immediately direct any requests to the Division’s Records Officer to fulfill the appropriate requests.
- Should the Board member receive a request, they should also immediately notify the Division Director of the request.
- Record requests will be dealt with in accordance with GRAMA, as set forth in Utah Code Title 63, Chapter 2. The Board may seek counsel from the Attorney General’s Office in responding to any request.

MANAGING RECORDS AND INFORMATION

- Board members shall respect and protect the confidentiality of information, and shall not use information contained in a private, controlled, or protected record (whether state or federal) for any purposes, whether personal or professional.
- Board members shall take reasonable steps to ensure confidential information is kept secure. Board members shall not access, use, or reproduce confidential information for any purpose other than the performance of their duties.
- Board members shall promptly provide Division staff with a copy of any record they create as part of their official service and any record received from outside the agency in the course of their official service. This does not include material

provided to Board staff by the Division in preparation for a public meeting or site visit.

- Board members shall promptly respond to the Division's request for documents.
- Prior to completion of their term on the Board, each Board member shall deliver or grant access to the Department any documents, materials, correspondence, and equipment received from the Department or originating from their activities with the Board.
- Board members shall not disclose or improperly use controlled, private, or protected information acquired by reason of their official position or in the course of their official duties and shall exercise appropriate judgment to prevent disclosure to others.
- Board members shall provide contact information to the Division for purposes of conducting Board business, including a valid email address, telephone number, and physical address. It is each Board member's responsibility to keep this information updated, to check these accounts for Board communications and to update the information with the Division within three business days of any change. The Board member may designate one type of contact (e.g. email) as preferred for Board business.

DIVISION RESPONSIBILITIES

- Division staff shall ensure that GRAMA requests are handled in accordance with state and federal law.
- Division staff shall collect and maintain all records created by the Board in accordance with the record retention policies established with State Archives. Unless otherwise adopted or required by law, the Board shall adopt the records retention policies used by the Division of Conservation.
- Within a month of the completion of a Board member's term, Division staff will contact the Board member to gather any records they may have in their possession for record retention purposes.
- Division staff shall keep a list of each Board member's contact information and shall provide the information to the Department on an annual basis, or upon any material change.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.04 APPOINTMENT TO THE LAND CONSERVATION BOARD	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS POLICY IS TO OUTLINE THE DEPARTMENT'S PROCEDURE FOR RECRUITING AND FILLING BOARD SEATS.	

COMPOSITION OF THE BOARD:

- The Board is composed of the following members:
 - Director of the Division of Conservation or the Director's designee;
 - Commissioner of the Department of Agriculture and Food or the Commissioner's designee;
 - Executive Director of the Governor's Office of Planning and Budget, or the Executive Director's designee;
 - Four elected officials at the local government level, two of whom may not be residents of a county of the first or second class;
 - Seven persons from the profit and nonprofit private sector, two of whom may not be residents of a county of the first or second class:
 - One nominated by an association representing Utah home builders;
 - One nominated by an association representing Utah realtors;
 - One representative selected from a list of nominees submitted by at least one association representing farmers;
 - One representative selected from a list of nominees submitted by at least one association representing cattlemen;
 - One representative selected from a list of nominees submitted by at least one association representing wool growers;
 - One representative of land trusts; and
 - One representative of an association representing conservation districts.

- Board members shall elect a chair from their number. The Board member who is chair may not vote except in the event of a tie.

SELECTION OF BOARD MEMBERS

- The Governor shall follow the procedures set forth in UCA 4-46-201(2) in selecting Board members.

- If requested, the Division may establish policies governing the procedures the Division shall follow in providing recommendations to the Governor to aid in the selection of Board members.
- The Division shall send notice not later than 45 days prior to the expiration of each Board member's term to the Governor advising him of the need to seek applicants to fill the position.

APPOINTMENT

- Upon approval by the Governor, the Division will send out an appointment letter with the date of appointment.
- The Division shall also send a conflict form that the board member will need to have filled out and returned to the Department prior to or at the first board meeting. Conflict forms will be required to be updated annually.
- The Division shall require each Board member to take the Oath of Office upon being appointed or re-appointed to the Board for a specific term. The Oath of Office should be completed at the first meeting of the Board after the date of appointment.
- The Division will provide a copy of UCA Title 4, Chapter 46 (Utah's Conservation Coordination Act) and other training materials to familiarize the board member with the laws, rules, and policies for the Program.
- The Division will provide annual ethics, GRAMA, and OPMA training to the Board. The training may be provided by the Attorney General's Office.

EXPIRATION AND RENEWAL OF TERMS

- No less than 45 days prior to the expiration of a member's term, the Department may ask the Board member if they would be willing to continue for another term.
- If the Board member indicates their willingness to continue, the Department will advise the Governor accordingly.
- A Board member may not serve more than two consecutive terms on the Board.

VACANCY

- If a Board member resigns or is no longer able to continue in their role, the Board member shall advise the Division immediately. The Division will coordinate with the Governor to fill mid-term vacancies as set forth in UCA 4-46-201(4).

**DEPARTMENT OF AGRICULTURE AND FOOD
DIVISION OF CONSERVATION
01.05 PURCHASING AUTHORITY OF THE LAND CONSERVATION BOARD**

EFFECTIVE DATE:
July 26, 2022

REVISION DATE:

SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE PURCHASING POLICY FOR THE LAND CONSERVATION BOARD.

PURCHASING POLICY

- The Division and Board members shall work together to the best of their ability to ensure that the Board has sufficient resources to function effectively and efficiently.
- All purchases requested by the Board shall be processed through the Department.
- Purchasing limits and procedures shall be in accordance with Department and Utah Division of Finance policies.
- Purchase requests must be made in advance, in writing, and submitted to the designated Division staff member.
- Board members should be aware that any expenditures without prior authorization from the Department may not be reimbursed.
- Reimbursements for each fiscal year (which ends on June 30th) must be submitted no later than July 10th of the following fiscal year to be eligible for reimbursement.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.06 RULE-MAKING AUTHORITY OF THE LAND CONSERVATION BOARD	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE RULE MAKING AUTHORITY FOR THE LAND CONSERVATION BOARD.	

STATUTORY AUTHORITY

- The Board is empowered to make rules for the necessary organization and operation of the Board. UCA 4-46-201(5)(a).
- The Board shall follow the rule making procedures outlined in Title 63, Chapter 46a.
- Division staff shall make themselves available, as requested, to assist the Board in drafting and submitting rules for approval.
- The Board may adopt any Division or Department rules it considers necessary or helpful in fulfilling its statutory directives.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.07 PARLIAMENTARY PROCEDURES FOR THE LAND CONSERVATION BOARD	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE RULES OF ORDER FOR THE LAND CONSERVATION BOARD.	

GENERAL PRINCIPLES

- The Board shall familiarize itself with the principles of parliamentary law (Roberts Rules) in order to develop a consistent protocol for conduct of their meetings.
- The Board shall prioritize:
 - Respecting the wishes of the majority of Board members;
 - Protecting the interests of the minority of Board members while recognizing that the will of the majority governs; and
 - Making decisions that are fair and reasonable.
- Board members shall respect the opinions of other Board members, and shall conduct themselves accordingly, even in the event of a disagreement between Board members on any proposed action.
- Board members shall consider only one motion at a time, shall adhere to the decision of the majority vote on a motion, and shall refrain from raising the same issue in a single meeting unless a motion to reconsider is raised.
- The Division shall provide the Board with a summary of parliamentary procedures to assist the Board, if requested.

DUTIES OF THE CHAIR

- The elected Chair of the Board has the responsibility to ensure that Board meetings are orderly, and conducted fairly and in accordance with the general principles of parliamentary procedure.
- The Chair's general duties to administer the meeting are to:
 - Ensure a quorum (simple majority) is present;
 - Recognize motions presented by Board members;
 - Restate motions when seconded and call for any discussion on the motion;
 - Put motions to a Board vote; and

- Provide a forum for public comment, when required, as the Board determines would be helpful in deciding a motion, or as appropriate to the issues presented in a motion.

DEPARTMENT OF AGRICULTURE AND FOOD
DIVISION OF CONSERVATION
01.08 GOVERNMENTAL IMMUNITY FOR BOARD MEMBERS

EFFECTIVE DATE:
July 26, 2022

REVISION DATE:

SUMMARY: THE PURPOSE OF THIS POLICY IS TO DELINEATE GOVERNMENTAL IMMUNITY PROTECTIONS FOR BOARD MEMBERS

GOVERNMENTAL IMMUNITY

- Board members are entitled to the legal protections of Utah’s Governmental Immunity Act, Title 63G, Chapter 7 of the Utah Code and are considered State employees for this purpose.

- Generally, Board members “are immune from suit for any injury that results from the exercise of a governmental function.” UCA 63G-7-201.
 - However, immunity may be waived or may be inapplicable in certain situations, for example where a Board member acts fraudulently, maliciously, or otherwise outside the color of the law or their authority as a Board member.
 - These situations are extremely rare.
 - The Board may seek guidance from the Department, the Division, and/or the Attorney General’s Office in any situation where a Board member feels that a Board member or the Board’s decision may result in a waiver of immunity.

DEPARTMENT OF AGRICULTURE AND FOOD DIVISION OF CONSERVATION 01.09 DUE PROCESS/APPEALS TO THE LAND CONSERVATION BOARD	
EFFECTIVE DATE: July 26, 2022	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE DUE PROCESS REQUIREMENTS AND APPEAL PROCESS FOR DECISIONS TAKEN BY THE BOARD.	

SUMMARY

- Due process is centered around the core belief that a party who feels aggrieved by a Board decision may challenge that decision in a fair and equitable manner before an impartial party.

PROCEDURE

- All appeals for boards and commissions administered by the Department are conducted informally, in accordance with Utah’s Administrative Procedures Act, Title 63G, Chapter 4 of the Utah Code (UAPA).
- Any party wishing to challenge an action by the Board may do so by following the procedures set forth for agency appeals in UAPA.
- The Attorney General’s Office shall represent the Board during any appeal conducted under UAPA.

BOARD DUTIES

- Board members shall immediately forward any correspondence challenging a Board action or requesting a hearing to Division staff and shall respond promptly to any requests by Division staff or the Attorney General’s Office for information pertinent to the appeal.
- Board members shall not discuss the appeal with third parties, the aggrieved party, or Board members outside of a Board meeting unless the Board member receives guidance from its assigned attorney or Division staff to do so.
- Board members shall comply with any litigation holds or other administrative directives necessary to effectively and expeditiously address the appeal.

DIVISION DUTIES

- Division staff shall ensure that the Board is kept apprised of any relevant information related to the appeal.
- Division staff shall provide resources to the Board to guide Board members through the informal administrative appeals process.
- Division staff shall coordinate with the Attorney General’s Office to determine how to appropriately respond to any request for appeal, whether filed under UAPA or to a court of competent jurisdiction.

