

## **Chapter 3: Supervisor Requirements for Election or Appointment**

### **Sec. 1 Introduction**

The official governing body of a district consists of five supervisors. Three supervisors are elected (one each year for a three-year term) at a district annual meeting held in January, February, or March. Two are appointed (also for staggered three-year terms) by the State Soil Conservation Board based upon recommendations of the current supervisors in the district. Thus the selection of all five supervisors is based on input and election from the local people they serve. Before officially holding a position, supervisors are required to subscribe to a standard public oath of office by which they commit to support the Constitution of the United States and the Constitution of the State of Indiana, and to faithfully discharge the duties of the office of Supervisor.

### **Sec. 2 Legal Requirements for Elected Supervisor Position (Ref: IC 14-32-4-1)**

The term of office for the elected supervisor position is three years. To hold the position of elected supervisor an individual:

- (1) must be an occupier of a tract of land that is located within the district;
- (2) must maintain the individual's permanent residence within the district; and
- (3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

### **Sec. 3 Nomination, Election and Reporting Procedures for Electing Supervisor(s) at the Annual Meeting (Ref: IC 14-32-4-7 and IC 14-32-4-8)**

IC 14-324-7 (Appointment of an Election Committee)

- (a) The election held at the annual meeting of land occupiers shall be conducted by an election committee appointed under this section.
- (b) In October, the district chairman shall do the following:
  - (1) Appoint an election committee made up of a supervisor as chairman and two (2) interested citizens.
  - (2) Submit the names of the committee members to the (State Soil Conservation) board by November 1.<sup>1</sup>

An Election Committee Appointment Form is provided by the ISDA-Division of Soil Conservation for use in submitting the names of the election committee members. (The Election Committee Appointment form is to be submitted through the Division's web based program SharePoint.)

IC 14-32-4-8 (a) (Election Committee Duties)

- The election committee appointed under section 7 of this chapter shall do the following:
- (1) Select qualified individuals as prospective nominees to fill any vacancies that exist among the elected supervisors of the district.
  - (2) Contact and ascertain the willingness and ability of each individual to serve if elected.
  - (3) Submit the list of nominees with the qualifications for certification and printing of a

sample ballot to the SSCB by December 1. A form for submitting the names and qualifications of nominees to the State Soil Conservation Board is provided by ISDA-Division of Soil Conservation-See sample Nominees for Supervisor Election Form at the end of this chapter. Before submitting the Nominees it is recommended that the local SWCD Board agree at a board meeting to submit the name(s).

(4) Place the names of the prospective nominees selected under subdivisions (1) and (2) in nomination at the Annual meeting and provide an opportunity for additional nominations to be made from the floor.

(5) After nominations are closed:

(A) if only one (1) candidate is nominated, allow for the election of the sole candidate by the land occupiers by a show of hands; and

(B) if more than one (1) candidate is nominated, distribute a ballot to each land occupier present at the meeting.

(6) If a ballot is distributed, collect and count the ballots after each land occupier present at the meeting has had an opportunity to vote.

(7) Report the results of the election to the chairman.

IC 14-32-4-9(a) (What to do if a Tie Vote Occurs)

(a) If a tie vote occurs in an election held at an annual meeting under this chapter, voting shall continue until the tie is broken.

IC 14-32-4-9(b) (What if more than one Supervisor is being Elected as a result of an Unexpired Term)

(b) The individual receiving the highest number of votes is elected a supervisor for the three (3) year term. If there is also a vacancy to fill an unexpired term of an elected supervisor, the individual receiving the second highest number of votes is elected to fill the unexpired term.

IC 14-32-4-9(c) (Reporting Election Results)

(c) The chairman shall announce the individual(s) who has been elected and report the election results to the (State Soil Conservation) board. The ISDA-Division of Soil Conservation will provide a form titled "Certification of Election of Supervisors". (This form is to be submitted on the Division's web based program SharePoint.)

#### **Sec. 4 Legal Requirements for Appointed Supervisor Position (Ref: IC 14-32-4-1)**

The term of an appointed supervisor is three (3) years. To hold the position of appointed supervisor, an individual:

(1) must be of voting age;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

#### **Sec. 5 Procedure for Appointment of Supervisor (Ref: IC 14-32-4-10(b))**

Before the term of an appointed supervisor expires, the supervisor's position shall be filled as follows:

(1) Not later than November 1, the district supervisors shall recommend to the (State Soil Conservation) board in writing <sup>5</sup> one (1) or more individuals qualified to fill the position. The ISDA-Division of Soil Conservation will provide a form titled "Recommendation for Supervisor Appointment". (This form is to be submitted on the Division's web based program SharePoint.)

(2) At the first (State Soil Conservation) board meeting held after the (State Soil Conservation) board receives a recommendation under subdivision (1), the (State Soil Conservation) board shall act upon the recommendation.

(3) The (State Soil Conservation) board shall notify the supervisors of the appointment made by the (State Soil conservation) board.

## **Sec. 6 Procedure for Filling an Unexpired Term of an Elected Supervisor (Ref: IC 14-32-4-13(a))**

If a vacancy in the position of elected supervisor occurs during the district's operating year:

(1) The district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the (State Soil Conservation) board in writing one (1) or more individuals qualified to fill the position. The ISDA-Division of Soil Conservation will provide a form titled "Recommendation for Temporary Appointment-Elected Supervisor Vacancy": (This form is to be submitted on the Division's web based program SharePoint.)

(2) At the first (State Soil Conservation) board meeting held after the State Soil Conservation) board receives a recommendation under subdivision (1), the State Soil Conservation) board shall act upon the recommendation and appoint an individual to temporarily fill the vacancy; and

(3) The (State Soil Conservation) board shall notify the supervisors of the appointment made by the (State Soil Conservation) board.

(b) The individual appointed to temporarily fill a vacancy under subsection (a) shall serve until the district's next annual meeting.

(c) At the annual meeting immediately following the appointment of an individual to temporarily fill a vacant elected supervisor's position, the remainder of the unexpired term shall be filled through the regular election procedure as listed in section 3.

## **Sec. 7 Procedure for Filling an Unexpired Term of an Appointed Supervisor (Ref: IC 14-32-4-13.5a))**

If a vacancy in the position of appointed supervisor occurs during a district's operating year:

(1) The district supervisors shall, within thirty (30) days after the vacancy occurs, recommend to the (State Soil Conservation) board in writing <sup>7</sup> one (1) or more individuals qualified to fill the position. The ISDA-Division of Soil Conservation will provide a form titled "Recommendation for Vacant Appointed Position". (This form is to be submitted on the Division's web based program SharePoint AND notification to the District Support Specialist)

(2) At the first (State Soil Conservation) board meeting held after the (State Soil

Conservation) board receives a recommendation under subdivision (1), the (State Soil Conservation) board shall act upon the recommendation; and

(3) The (State Soil Conservation) board shall notify the supervisors of the appointment made by the (State Soil Conservation) board.

(b) The individual appointed to fill a vacant appointed supervisor position under subsection (a) shall serve the unexpired term of the individual's predecessor.

(c) At the expiration of the term of a supervisor appointed under this section, the position of appointed supervisor shall be filled through the regular appointment procedure set forth in section 10 of this chapter. (Chapter 4)

## **Sec. 8 Oath of Office Required Before Entering Position of Supervisor**

**(Ref: IC 14-32-4-11)**

Newly elected and appointed supervisors shall assume the duties of office upon signing an Oath of Office at the conclusion of the annual meeting of the district. The ISDA-Division of Soil Conservation will provide a form titled "Oath of Office".

Individuals who are appointed by the State Soil Conservation Board to fill an unexpired term of either an elected or appointed supervisor must take the Oath of Office before assuming the position. They may either take the oath in front of a notary or at a district monthly board meeting and administered by another supervisor. The Oath of Office form must be signed by a witness, either notary if using a notary, or one of the other supervisors (preferably the chairman) who witnessed the oath at the board meeting as well as the individual taking the oath. The completed form must then be kept in the district's supervisor records. (This change allowing the individual to take the oath at a board meeting in lieu of in front of a notary was adopted by the State Soil Conservation Board in August, 2005.)

## **Sec. 9 Guidance on Dual Office Holding Limitation**

Individuals who are interested in serving as an SWCD Supervisor either as an elected or appointed position and who currently holding a public office need to be fully aware of the issue of "Dual Office Holding". The Indiana Constitution places strict limits on serving in more than one "lucrative" public office at the same time. The State Attorney General has published a "Dual Office Holding Guide" which defines "lucrative" and the ramifications of holding two "lucrative" public offices at the same time. Based on the information provided in the guide the position of supervisor may well be considered "lucrative". More information on the issue is provided in Chapter 9, entitled "Legal and Liability Issues".

## **Forms**

The following fill-able forms can be found on ISDA-Division of Soil Conservation web based SharePoint Program. To view these forms go the Soil and Water Conservation District's page of SharePoint. Once on this page of SharePoint, view these forms under "Annual Meeting and Election/Appointment Forms" on the left navigation panel.

Election/Appointment Forms:

1. Election Committee Appointment
2. Nominees for Election
3. Recommendation for Supervisor Appointment
4. Recommendation for Temporary Appointment (Elected Supervisor Vacancy)
5. Recommendation for Vacant Appointed Position
6. Annual Meeting Information Form

The following forms are available by clicking on “Annual Meeting and Election Tools”.

Documents-Annual Meeting Election Tools:

1. Annual Meeting & Election Forms Checklist for SWCDs
2. Annual Meeting Checklist for New Employees
3. Notice of Annual Meeting
4. Ballot
5. Certification of Election
6. Instructions for Conducting the Election of Supervisors
7. Legal Requirements
8. Oath of Office
9. Script for Oath of Office
10. Speaker List for Annual Meetings

Dual Office Holding Guidance Document: to view and /or download this document go the Soil and Water Conservation District’s page of SharePoint. Once on this page of SharePoint click on “District Tools” listed on the left navigation panel.