Rules of
Department of Natural Resources
Division 70—Soil and Water Districts Commission
Chapter 3—Formation of Subdistrict

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NATURAL RESOURCES
Division 70—Soil and Water Districts
Commission
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10 CSR 70-3.010 Formation of Soil and
Water Conservation Subdistricts

PURPOSE: This rule sets forth the basic
procedures for the organization of a
subdistrict of a soil and water conservation
district.

(1) Petitions are to be filed with the board of
supervisors of the soil and water conservation
district by the landowners within the proposed
subdistrict. The petition shall set forth and
meet the following qualifications:
(A) Request a hearing and referendum on
the formation of the subdistrict;
(B) Shall include the entire hydrologic area
on which a proposed plan of work is to be
developed and the area included must be
t contiguous and;
(C) Shall provide a legal description of the
land suggested for inclusion in the subdistrict
(incorporated areas may be excluded by
description);
(D) Contain a brief statement of the reason
for organization;
(E) Be signed by one (1) or more owners of
at least fifty percent (50%) of the lands within
the proposed subdistrict; and
(F) Request that the proposed area be
organized as a subdistrict.

(2) Petition forms may be secured from the
local soil and water conservation district board
of supervisors or from the state commission
office in Jefferson City, Missouri.

(3) The petitions shall be reviewed by the
supervisors of the local soil and water conservation
district, and if found adequate, they
shall arrange for a hearing. The soil and water
conservation districts' supervisors should
require certification by an elected county
official that the signatures on the petition are
those of bona fide landowners.

(4) Within thirty (30) days after petitions have
been filed, the board of soil and water
conservation district supervisors shall fix a
date, hour and place for a hearing.

(5) The board directs the chairman to cause
notice to be given to the owners of each tract of
land within the proposed subdistrict. The
notice to be by publication once each week for
two (2) consecutive weeks in one (1) newspaper
of general circulation in the county, the last
publication of which shall not be less than ten
(10) days prior to the date set for the hearing
on the petition. Proof of this service shall be
by affidavit of the publisher and be on file with
the Soil and Water Districts Commission office
in Jefferson City at the time the hearing
begins.

(6) The soil and water conservation districts' supervisors shall consider and determine
whether the operation of the subdistrict is
desirable, practicable, feasible and of necessity
in the interest of public health, safety and the
general welfare.

(7) All objections to establishment of a
subdistrict for any reason must be made in
writing and filed with the secretary of the
board of supervisors (or combined boards, if
applicable) at, or before, the time set for the
hearing.

(8) All interested parties shall have the right
to attend the hearing and to be heard.

(9) The supervisors may divide a subdistrict
into three (3) areas to nominate trustees.

(10) Landowners present at the hearing will
nominate at least two (2) landowners from
each of the three (3) designated areas, whose
names will be placed on the ballot for election
to serve as trustees of the subdistrict.

(11) Landowners present at the hearing will
name the polling places and select the judges
of the polls for the referendum.

(12) The soil and water conservation districts' supervisors, for good cause, may adjourn the
hearing to a day certain which shall be
announced at the time of adjournment and
made a matter of record.

(13) A copy of the official notice of hearing
shall be filed with the Soil and Water Districts
Commission in Jefferson City.

(14) After the hearings, upon reaching a
favorable conclusion, the soil and water
conservation district supervisors shall call for
and conduct, or cause to be conducted, a
referendum.

(15) The referendum shall be by ballot of
landowners within the area of the proposed
subdistrict. Any landowner may be
represented by notarized proxy not more than one
(1) year old.

(16) The voting will be on the question of
establishing the proposed area as a subdistrict.
The ballot shall be so worded as to clearly state
that a tax, not to exceed forty cents (40¢) on
one hundred dollars ($100) valuation of all real
estate within the subdistrict, will be authorized
if the subdistrict is formed.

(17) Notice of the referendum shall be made
in the same manner as the notice of the hearing
and a copy of the notice shall be filed with
the Soil and Water Districts Commission in
Jefferson City.

(18) If sixty-five percent (65%) or more of all
landowners voting in a referendum vote in
favor of the establishment of a soil and water
conservation subdistrict, the soil and water
conservation district supervisors shall declare
that the subdistrict is duly organized and the
action shall be recorded in their official
minutes together with an appropriate official
name or designation of the subdistrict.

(19) After the entry in the official minutes of
the board of soil and water conservation
district supervisors of the creation of the
subdistrict, the soil and water conservation
districts' supervisors shall certify this fact on
a separate form and record authentic copies
by filing it with the recorder of deeds of each
county in which any portion of the subdistrict
lies. The certification form shall also be filed
with the Soil and Water Districts Commission
in Jefferson City.

(20) Three (3) landowners representing the
three (3) designated areas within the proposed
subdistrict shall be elected to serve as trustees
of the subdistrict. One (1) trustee shall be
elected for a period of two (2) years; one (1)
trustee shall be elected for a period of four (4)
years; and one (1) trustee shall be elected for
a period of six (6) years. Each of their
successors shall be elected for a period of six
(6) years. Elections shall not fall upon the date
of any regular political election held in the
county and a simple majority vote is needed
to elect a trustee. The trustees shall be
responsible for the administration of the
subdistrict. Each trustee shall be reimbursed
for any expenses incurred in carrying out
his/her responsibilities for the subdistrict.

(21) The board of supervisors of a subdistrict
shall submit to the Soil and Water Districts
Commission copies of any rules, forms or other
documents used in pursuance of their duties
and other information concerning their activ-
ities as the commission may require.

(22) Subdistricts may be formed lying in more
than one (1) soil and water conservation
district. In this case, the wording of all forms
and documents used in this formation will be
changed to read in the plural as necessary.
If the proposed subdistrict lies in more than
one (1) soil and water conservation district,
the petition may be presented to the board of
any one (1) of the districts and the supervisors
of all districts shall act jointly as a board with
respect to all matters concerning the subdis-
strict, including its formation. They shall organize a single board and designate the chairman, vice-chairman, secretary and treasurer. The treasurer shall be the duly elected and bonded treasurer of one (1) of the component boards of supervisors.

(23) If the boundary of a subdistrict intersects a property, no less than a legally described one-quarter of a quarter section of land (40 acres) shall be considered for tax assessment purposes.

Auth: section 278.210, RSMo (1986).

Section 278.290, RSMo (1969) which requires a waiting period of more than five years for disestablishment of watershed protection and flood prevention subdistricts has no application to the disestablishment of soil and water conservation districts; disestablishment of such districts is governed solely by section 278.150, RSMo (1969) which permits disestablishment at any time.

Op. Atty. Gen. No. 465, Norbury, 12-29-66. The appointment of a member of the state Soil and Water Districts Commission, or a member of the board of supervisors of a soil and water conservation subdistrict or a member of the trustees to the governing body of a subdistrict as the contracting officer for a soil and water conservation subdistrict is against public policy and void.