



Texas State
Soil & Water
Conservation
Board



Texas State Soil and Water Conservation Board

General Powers & Duties of Soil and Water Conservation Districts





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Corporate Powers

- Sue and be sued
- Judicially noticed seal
- Execute contracts
- Adopt rules
- No taxation



A conservation district is a governmental subdivision of this state and is a public body corporate and politic.

A conservation district may:

- Sue and be sued.
- Have a seal which shall be judicially noticed.
- Make and execute contracts and other instruments.
- Adopt rules to carry out purposes and powers.
- May not levy taxes.



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Preventative and Control Conservation Measures

- On land within SWCDs boundaries
- On land owned by the state
- On private land with owner's consent





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Carrying out Control Measures

- A SWCD may carry out preventive and control measures within its boundaries, including:
 - engineering operations
 - methods of cultivation,
 - growing of vegetation, and
 - changes in the use of land.



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Carrying out Control Measures

- The conservation district may carry out the measures on any land that is owned by the state or a state agency with the cooperation of the agency administering and having jurisdiction of the land.
- If the land is owned by another person, the conservation district may carry out the measures on obtaining the consent of the owner, occupier or the necessary rights or interest in the land.



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Cooperation/Agreement with Other Entities

- Between any state or federal agency or owner or occupier of land
- Directors of different SWCDs may cooperate with one another
- May consult a county or municipality representative





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Cooperation/Agreement with Other Entities

- A SWCD may cooperate or enter into an agreement with any state or federal agency or an owner or occupier of land within the SWCD to carry out erosion control and prevention operations in the SWCD.
- The SWCD may furnish financial or other aid in accordance with the cooperative program of agreement.



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Cooperation/Agreement with Other Entities

- Directors of two or more conservation districts may cooperate with one another in the exercise of any power given by law.
- Directors of a conservation district may invite the legislative body of a municipality or county located within or near the SWCD to designate a representative to advise and consult with the directors on all questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.



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Cooperation/Agreement with Other Entities

- State agencies shall cooperate with the directors of SWCDs in regards to publicly owned lands
- A state agency that has jurisdiction over or administers state-owned land in a conservation district shall cooperate with the directors of the SWCD in the effectuation of programs and operations undertaken by the conservation district.



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Cooperation/Agreement with Other Entities

- A county or other subdivision of this state that has jurisdiction over or administers other publicly owned land in a conservation district shall cooperate with the directors of the SWCD in the effectuation of programs and operations undertaken by the conservation district.
- The state agency, county, or subdivision shall provide SWCD directors free access to enter and perform work on that land, and a land use regulation adopted has the force and effect of law over that land and shall be observed by the entity administering the land.



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Acquisition, Administration, and Sale of Real or Personal Property

- Maintain, administer or improve the property
- Receive income from the property
- Sell, lease or dispose of the property
- A SWCD may obtain options on or acquire in any manner, including purchase, exchange, lease, gift, grant bequest, or devise, any real or personal property or rights or interests in real or personal property.



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Acquisition, Administration, and Sale of Real or Personal Property

- In addition, the SWCD may:
 - Maintain, administer, or improve the property.
 - Receive income from the property and expend that income in carrying out its legal responsibilities.
 - Sell, lease or otherwise dispose of the property or interests in the property in furtherance of the law.



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Acquisition, Administration, and Sale of Materials and Equipment

- SWCDs may purchase machinery, equipment, supplies
- Charge a fee for the use of district equipment
- ATSWCD may make any purchase of equipment
- SWCDs may sell on open bids any obsolete equipment
- Proceeds are to reimburse the district





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Acquisition, Administration, and Sale of Materials and Equipment

- A SWCD may purchase machinery, equipment, seed, seedlings, fertilizer, fish for stocking farm ponds, or other supplies or conservation materials essential for the purposes of a conservation district program and make them available to owners and occupiers of land in the SWCD.
- The SWCD shall provide for maintaining, insuring, storing, and repairing the machinery and equipment.





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Acquisition, Administration, and Sale of Materials and Equipment

- The SWCD may charge a fee for the use of machinery and equipment owned by the district, calculated to pay the costs of deterioration and replacement of the machinery and equipment.
- The Association of Texas Soil and Water Conservation Districts may make any purchase of machinery or equipment through the State Purchasing and General Services commission under the terms and rules provided by law for purchases by state or political subdivisions.



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Acquisition, Administration, and Sale of Materials and Equipment

- A SWCD may charge persons who own or occupy small amounts of land nominal amounts for projects benefiting them if the directors determine it to be in the interest of the general welfare.
- A SWCD may sell on open bids any machinery or equipment considered obsolete or having served its purpose.



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Acquisition, Administration, and Sale of Materials and Equipment

- Funds earned or acquired from the above from a source other than the state shall be deposited in a trust fund account and used in the best interests of the SWCD.
- A conservation district shall use proceeds from the sale of any fertilizer, seed, seedlings, fish for stocking farm ponds, or other supplies or conservation materials to reimburse the conservation district for the costs of the materials and administration of the program and may fix the sale prices accordingly.



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Construction and Maintenance of Structures

- A conservation district may construct, improve, and maintain any structure necessary or convenient for the performance of an operation authorized by law.

- Construct
- Improve
- Maintain





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Conservation Plans and Information

- A SWCD may develop comprehensive plans for conservation of soil resources and for the control and prevention of soil erosion within the SWCD.
- A SWCD may publish the comprehensive plans and may demonstrate, publish, or otherwise make available to landowners and occupiers, any pertinent information relating to legumes, cover crops, seedlings, tillage, land preparation, and management of grasses, seed, legumes and cover crops, and the eradication of noxious growth under good conservation practices.





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Assumption of Government Projects, Acceptance of Government Grants

- SWCDs may administer conservation projects undertaken by federal or state agencies
- SWCDs may act as an agent for the federal government
- SWCDs may accept donations

