

RECOMMENDATIONS

February 10, 2021 DNREC Conservation District Operations



Joint Legislative Oversight
& Sunset Committee

The following are recommendations for the DNREC Conservation District Operations approved by the Joint Legislative Oversight & Sunset Committee (“JLOSC” or “Committee”). JLOSC staff drafted these recommendations after completion of research, analysis, and following observations made during the presentation meeting. These recommendations are not final until adopted by JLOSC. JLOSC will review and discuss recommendations at a public meeting, where the Committee is free to modify, reject, or create brand new recommendations.

The Committee is statutorily authorized to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity’s functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified time period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

Under §10213(a), Title 29, the Committee must first determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select to continue or terminate the entity under review.

Adopted Recommendation 1 with Option 1: Continue

Under §10213(a), Title 29, the Committee must determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select one of the following options.

Option 1: The Conservation District Operations program of DNREC’s Division of Watershed Stewardship shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

~~Option 2: The Conservation District Operations program of DNREC’s Division of Watershed Stewardship is terminated and the Committee will sponsor legislation to implement this recommendation.~~

Adopted Recommendation 2: Drainage Program Realignment

DNREC and the Division of Watershed Stewardship shall continue the effort to realign the Drainage Program to function as two units within the Conservation Programs Section: The Tax Ditch Program and the Public Ditch Program.

Adopted Recommendation 3: Tax Ditch Working Group

The existing internal working group shall engage the necessary external stakeholders to identify and find potential solutions to address the following issues affecting the tax ditch infrastructure:

- a. Insufficient funding for maintenance.
- b. Operational issues between tax ditch organizations, counties, and DNREC Drainage Program.
- c. Changes in the environment, land use, and development.
- d. Staffing and tax ditch officer retention and turnover.

Adopted Recommendation 4: Existing Tax Ditch Organizations

The Drainage Program shall review the existing 234 tax ditch organizations and identify any that may be combined due to physical proximity or other factors.

Adopted Recommendation 5 with Option: Dissolving a Tax Ditch Organization

The Drainage Program shall engage the Tax Ditch Working Group in drafting an updated process to dissolve a tax ditch organization due to nonfeasance and other failures of statutory obligations.

Option: The Drainage Program reports to the JLOSC on the organizational and financial need required for the Tax Ditch Program to successfully take over and manage a failing tax ditch organization.

Adopted Recommendation 6: Kent and Sussex Conservation District Projects

The Drainage Program shall establish a mechanism for developing scalable and manageable projects to expand the roles of the Kent and Sussex Conservation Districts.

Adopted Recommendation 7 with Option: Reporting Updates

The Drainage Program shall submit a status report, no later than January 31, 2022 to the JLOSC. Report shall include:

- a. General findings of the Tax Ditch Working Group.
- b. Analysis of the proposal to combine any existing tax ditch organizations.
- c. Status of process to dissolve tax ditch organizations.
- d. Update on expanded partnerships between Kent and Sussex Conservation districts.
- e. Latest RC&D Project Prioritization list.

Option: Analysis related to the Option in Recommendation 5.

Adopted Recommendation 8 with Option 2: Release from Review

Option 1: The Conservation District Operations program of DNREC's Division of Watershed Stewardship is released from review upon receipt of the required reporting due to the Committee.

- OR -

~~Option 2: The Conservation District Operations program of DNREC's Division of Watershed Stewardship is held over and shall report to the Committee in January 2022.~~