Response to the OPPAGA Performance Review

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The Seminole Soil and Water Conservation Board’s Response to the

OPPAGA Performance Review

1. Positives

The SSWCD enjoyed the initial meeting with the evaluation team. At that point the SSWCD felt that the performance review might be an accurate reflection of the district. As the weeks passed, the Performance Review Team did not hesitate to request additional information. During the process of reviewing and revising the final drafts the SSWCD came to the conclusion that the Project Leader was honorable. When he gave his word, he could be trusted to follow through.

1. Systemic Problems
2. Ex Post Facto (or the game of “Gottcha”)

A bill concerning the accountability of special districts was passed by the legislature in the 2024 session and signed into law in June, 2024. That bill required special districts to adopt a strategic plan and provide performance measures to the State of Florida beginning October 1, 2024. Prior to this legislation there were no expectations of either a strategic plan or performance measures. There was no communication regarding strategic plans or performance measures from the Florida Department of Agriculture and Consumer Services (FDACS), nor from the Association of Florida Conservation Districts (AFCD). The first available training on how to create a strategic plan or write performance measures will take place November 2, 2024 – a month after the first plan is required to be submitted to the State.

The Seminole Soil and Water Conservation District (SSWCD) has a strategic plan because the chairman was familiar with strategic plans as a result of being an Army officer and the initiative of the District Conservationist in providing a template and sample strategic plan from another state.

To hold every Soil and Water Conservation District in Florida accountable for having a strategic plan with performance measures is to apply the law signed by the governor in June, 2024 backwards to the time period evaluated by this performance review, October 2021 – April, 2024.

Remedy: All mention of strategic plans and performance measure should be stricken from this performance review.

1. Topography

When describing the lakes and rivers in each district, we believe that the best source of information would be the water atlas created by University of South Florida. This would be a consistent source of detailed information that could have accurately described all districts. By using language like “the district has many lakes.” It becomes inevitable that the report is subjective rather than objective.

The water atlas also gives accurate, detailed information about rivers. Instead of listing a handful of major rivers, it would have been more accurate and more helpful to state that there are this number of river basins in the district, including these rivers. This gives the reader a more accurate picture of the environment the conservation district is working in.

The point of including that specific information is that it leads to the final point that the reader of the report should be aware of - how many of those river basins have Basin Management Action Plans. A soil and water conservation district working in an environment with no BMAP’s vs working with five BMAP’s is both quantitatively and qualitatively different.

Information that is described to this level of specificity will give the reader an accurate understanding of the challenges faced by the SWCD’s, but also of the effectiveness of the Department of Environment Protection (DEP). Obviously, the target of this performance review is SWCD’s, but one the conclusions that was presented stated that the conservation district was redundant to the Department of Environment Protection. By accurately stating the current situation in each district the reader would have a sense of how well DEP was or was not being successful in its mission, thus allowing the reader to better assess whether the conservation district was needed or not needed.

Remedy: Include this information

1. Department of Environmental Protection (DEP) and Soil and Water Conservation Districts Are Complimentary, Not Redundant

DEP’s jurisdiction is the protection of the land and water, and to that end they can issue consent orders to polluters. Polluters sign the consent order, with the fine being applied to the solution; it is not punitive. However, if the solution is too expensive, no external funding is provided. The polluter is encouraged to do other activities to offset the pollution such as street sweeping or community outreach (to offset a 61-million-gallon wastewater spill into the St. John’s River). The remedy for the pollution situation is “solved” by projecting it farther into the future. (Thus, kicking the can down the road.)

FDACS has a Division of Ag Water Quality. The ag pollutants have been “handled” voluntarily until recently. The Natural Resource Conservation Service (NRCS), as well as FDACS, provides cost share contracts to ag producers to, among other things, improve water quality.

DEP, Water Management Districts, FDACS, and the Florida Department of Health have inter-related responsibilities. We believe that they need to improve their communication and synchronize their reporting requirements relative to how many ag producers are actively signed up with NRCS and FDACS.

Soil and Water Conservation Districts were charged last year, as a result of the funding increases under the Inflation Reduction Act, with being the public outreach for the NRCS.

For the Performance Review Team to arrive at the conclusion that any SWCD is not needed because DEP has the mission to protect the land and water is to seriously misunderstand the operations and interrelatedness of these departments and minimize the impact of the NRCS which has other aspects to its mission.

Remedy: There should be no recommendations to dissolve the SWCD’s because they are thought to be redundant to DEP. They are not. DEP does not do the public outreach for NRCS. (Interestingly enough, there are two contracts between NCRS and the Association of Florida Conservation Districts for more that $400,000 to perform exactly that function.)

1. The Role of the FDACS Contract with the Association of the Florida Conservation Districts.

The Performance Review Team was given the contract between FDACS and the Association of Florida Conservation Districts. The contract was for $534,000. The deliverables of the contract included:

1. A website that meets all the governmental requirements including the ability to upload documents and change the text
2. Conduct a quarterly survey of every SWCD
3. Assisting SWCD’s in regulatory compliance
4. Answering questions from SWCD’s
5. Updating the Supervisor’s Handbook

The Performance Review found fault with many SWCD’s for regulatory compliance, providing public records on the website, and noticing meetings on the website, yet the districts did not have the resources that AFCD was contracted to provide. Without the resources, particularly a functional website. SWCD’s are not able to comply.

This is particularly important when it comes to changes in the statutory requirements. The contract tasks AFCD with informing the SWCD’s of compliance with current law. The requirements for providing notice for meetings changed twice, yet AFCD did not fulfill their contractual obligations of informing the districts.

Under previous administrations the SWCD had a handbook, published by FDACS that conveyed the regulations to be complied with, the duties of SWCD Supervisors, a calendar of typical activities, among other information. AFCD did not fulfill the contract to update the Supervisor’s Handbook. FDACS is already paying for this handbook to be updated. Why is It not sent electronically to Supervisors?

Remedy: No SWCD should be held responsible for regulatory compliance, providing public notice, meeting minutes, or agendas on its website when they did not have the ability to do so because the Association of Florida Conservation Districts was not fulfilling its obligation to provide each district with a fully functioning website. In addition, the Performance Review Team should recommend a course of action for FDACS Office of Ag Water Policy concerning holding AFCD responsible for fulfilling the obligation or the contract or providing the funding directly to the districts.

1. Only One Area of Regulatory Compliance Was Assessed

The Performance Review Team assessed only the SWCD’s compliance with filing the annual financial report. The team learned that the individual in that office is the father of a SWCD Supervisor, yet there was no suspicion of a potential conflict of interest. Prior to the Inflation Reduction Act, Florida received about $20 million a year from the Natural Resource Conservation Service. Some districts, and some Supervisors within districts, were competing among themselves and with the other ag producers in their districts, for that money. The perception was that if some districts were dissolved, it would be advantageous to the surviving districts.

Every SWCD was also required to update the name, address, phone numbers, etc. with the Florida Ethics Commission on their dashboard. Whether or not the districts complied in a timely manner was not assessed. The perception is that the Ethics Commission employs staff that are helpful and pleasant to work with. The individual who handles the financial reports often answers questions by referring the questioner to the written directions, making compliance much more difficult.

Remedy: Compliance with the requirements of the Florida Ethics Commission should be assessed. The readers would be better able to tell if the problem lay with a particular agency or the SWCD’s by looking at the resulting patterns.

1. Emails Are Public Records

Meeting agendas and minutes are simple to store. Several years of these records can be stored in a single binder. They don’t take up much storage on a website if they can be uploaded. Emails are far more numerous.

Currently, most SWCD’s in the state use free, public email addresses. The problem is that once the Supervisor is no longer on the Board, the address becomes inactive. Then, after two years of inactivity, the email account is closed and all the emails are lost. It is prohibitive in both expense and space to print every email and store them in boxes. It is even more expensive for the District to maintain a server. The question of maintaining emails as public records begs every SWCD to have some level of basic funding. Perhaps that conclusion was a factor in deciding to ignore that subject.

Remedy: The Performance Review Team should recommend a plan for emails as public records. Asking another agency to house them is not a viable option. No other governmental entity in several counties will do that because of the liability.

1. Youth Programs Are Not Interchangeable

Districts that support Future Farmers of America or hold regional Envirothons to allow local high school students to progress to the state Envirothon competition were found by the Performance Review Team to be providing redundant services because the District had a 4-H Club. There was no understanding that each group has a specific audience and mission.

Remedy: The Performance Review Team should not recommend the dissolution of any SWCD because they believe youth programs are interchangeable.

1. The Degree to Which Districts Took Advantage of Training Opportunities Was Not Assessed.

Several SWCD’s were surprised that after the Performance Review Team identified areas of weakness in their district, opportunities presented themselves for training and remediation. Florida State University offered training in public records and meeting notices. Then the Association of Special Districts provided their handbook to us – which was very informative. Neither of those entities, nor any other, offered their opportunities for training before the Performance Review.

Several SWCD’s as well as the Seminole SWCD attended every AFCD annual meeting and every Area meeting. There was always a speaker listed on the agenda from FDACS. Only once, when the annual meeting was held in Daytona Beach, did the FDACS speaker show up and present information to the Supervisors – once in six years.

We are all familiar with the concept of “teach, practice, test”. I think the Performance Review Team should have assessed what training was offered and which SWCD’s took advantage of the opportunities. With only a dearth of training offered, it should surprise no one that many SWCD’s were found wanting.

Remedy: The Performance Review Team could make a public records request of the current and past chairmen of each SWCD for all emails about training opportunities. Thus, with the results of all the districts in hand, an assessment of how well each district took advantage of training opportunities would be possible. The ensuing recommendations could then, accurately, discern where the system failed.

1. Secondary Sources Were Used Instead of Primary Sources

When listing the agricultural activity in each district, the most consistent method would be to make a public records request of each property appraiser for the excel spreadsheet of land with ag exemptions. It would take only minutes to sort the spreadsheet to determine the correct terminology as well as the number of acres in each category.

Remedy: Make the public records requests and provide accurate, detailed information.

1. Thoughts on Funding
2. The Performance Review Team recommends trying to get an FDACS contract. However, there is no understanding of the RFP process for the Ag Water Quality section of FDACS. The perception is that only the District chosen in advance is given access to the RFP to apply.
3. The other recommendation is to ask for funding from the county government. In a rural county, that is a possibility. However, in a county with a population of 489,000, that has fewer than 600 owners of agricultural parcels, funding projects that have an effect on larger segments of the population are the priority.
4. About 30% of SWCD’s do not receive any governmental funding. The community is, literally, getting something for nothing. Where is the savings in dissolving those districts?
5. The SSWCD believes that every district that has a five year strategic plan should receive a basic amount of funding – to contract for their own website and email server, as well as, paying for the required advertisement in the newspaper and training, perhaps $7,000. Then, if the annual plan with performance measures is translated into a budget, that budget should be funded up to $20,000. The possibility should exist to request and additional $20,000 for specific projects. Thus accountability is maintained.
6. Problems of Execution
7. Double Paragraphs

The Performance Review Team included sets of paragraphs that contradicted each other. Example: The district has a top-of-the-line strategic plan. Followed by a paragraph recommending that the district create a strategic plan.

This would allow the Supervisors in the District to feel like their accomplishments were recognized while, at the same time, allowing inaccurate quotes that were detrimental to the district to be available

1. Takeaways Do Not Match What Is Inside

Obviously, the Key Takeaways listed on the front page needed to be short. But at times their brevity lead to inaccuracy. For example: Inside the report fourteen programs and activities are listed, while on the key takeaways, only two are listed. A more accurate phrasing would be, “Of the fourteen programs, this and that are included.