

**Ohio Soil and Water Conservation Commission
Joint SWCD Board Taskforce Meeting**

Notes

April 2, 2015

9:30 AM – 12:30 PM

ODNR Building B-3 Conf. Room

Fountain Square Complex

2045 Morse Road

Columbus OH

<http://ohiodnr.gov/contact/dnr-location>

Attendance:

Facilitator: Dorothy Farris

Deputy Chief, DSWR: Kirk Hines (not attending)

OSWCC - Fred Cash and Kris Swartz

Area 1: Kent Stucky (not attending)

Area 2: Jan Rybka, Cuyahoga SWCD

Area 3: Tracy Haney, Tuscarawas SWCD (alternate for Michelle Wood, Holmes SWCD)

Area 4: Bruce Goodwin, Warren SWCD

Area 5: Mike Sheeter, Jackson SWCD

Program Specialists: Chad Amos, Liz Cline, Clark Hutson, Rob Hamilton

Watershed Program/Notes: Greg Nageotte

By phone: Kris Swartz; Chad Amos

AGENDA ITEMS

Welcome and Introductions & Review March 6 Notes

Review March 6 Action Items

Jan and Clark: Investigate how solid waste district structure and function as multi-county units.

Jan described Geauga-Trumbull Solid Waste District organization (handout)

- Funds held by Geauga Co. Auditor
 - Local tipping fees; state tipping fees
- Board: commissioners from counties
- Policy Committee: 6 local reps; develops strategic plan
- Contract for legal representation

Clark Hutson described Ottawa-Sandusky-Seneca (OSS) Solid Waste District organization (handouts: summary, map, notes)

- Board consists of co. commissioners
- Private law firm on retainer; some questions answered by Seneca Co. Prosecutor
 - Not dealing with property law like JB's formed for ditch projects.
- Auditor manages all funds – separate account – district receives interest
- No local appropriation; receives in-kind
- 15-yr plan developed by policy committee – approved by board – reviewed every 5 yrs.

Discussion:

Enabling legislation in code

Payroll:

- Employees receive county paycheck but not county employees
 - Family Med. Leave Act – not required to comply because employees are not counted with county employees.
- Do they follow same human resources policies, e.g. leave, etc.? OSS does.

Criteria for Joint Board Formation

Dorothy distributed handouts – “Project Information Supporting District Joint Board Request,” and “OSWCC Joint Board Task Force Planning Document.”

Planning Document recommends language for ORC 1515.17 “...powers and authorities under 1515.08 and for the purpose of construction, maintenance, and operation of conservation work of improvement...”

Criteria – Paperwork/form includes:

- Purpose – Authority?
 - Conservation Works of Improvement (CWI)
 - Authority under 1515.08
 - Shared program
 - Shared project
 - Shared staff
- Duration?
- Disbursement of funds upon sunset?

Discussion:

Limit purposes of JB? Limit powers and authorities?

- Keep broad and allow SWCDs to determine purpose, e.g. education, nutrient trading, etc.
- Refer to SWCD purposes in ORC 1515.08 – specific paragraphs
 - Example: Muskingum JB set up for trading. Benefit to apply for RCPP, but not set up for that purpose.
- Criteria for expansion of JB – Resubmittal to OSWCC for approval
- 2 forms – one for CWI and a different one for other purposes.
- Checkbox – purposes and relevant authorities from 1515.08
- Duration of JB included on form
- Is OSWCC supportive of JB's? Fred: Yes, supportive of JB's for broad purposes.
- JB's result in conflict between JB and individual SWCDs? SWCD support of formation should prevent.
- Require annual renewal with report to OSWCC. Does JB need to continue?
 - Same responsibilities as SWCD – Annual Plan of Work & Annual Report
 - Fact Sheet – includes JB close-out policies/procedures; requires all individual SWCD support.
 - Can SWCDs opt-in and opt-out? Yes, with OSWCC approval - and JB approval to be accepted in.
- Form should include check-off that purpose can't be served through MOU?
 - Shared employee
- Value of JB for ditch projects
 - Define legal process and authority for end user – single board for geographic area beyond an individual county.
- JB not separate subdivision of state – does not have its own enabling legislation – authority tied to individual SWCDs and OSWCC. No intent to create entity to replace or join SWCDs. Temporary legal entity for specific purpose, authority, and duration.
- OSWCC screening criteria - guidance. Why would MOU not satisfy need?
 - CWI
 - More than few (3?) SWCDs sharing staff
 - Legal contract necessary (MOU not always considered binding)
 - Geography – size and location
 - Funding source requires single entity for geographic scope

Fiscal Administration

Fiscal Admin options for JB – outside CWI assessment process:

- Lead SWCD - Treasurer from SWCD serving as fiscal agent
- JB contracts for fiscal admin. – separate account
- County Auditor
 - Charge-back potential – con; Standard practices - pro

Discussion:

Can JB receive State Match?

Can one county fund an outside SWCD?

What do we want to know from JB applicant regarding fiscal admin?

Should OSWCC set policy that all JB's adhere to?

- JB provides fiscal management plan
- Funds must be managed by the same standard required for SWCDs
 - Good internal controls
 - Audit at least every 2 years
 - Annual financial report to OSWCC – revenue and disbursements
- Final report: dissolution; how remaining funds are dispersed; liability back to individual SWCDs

Define Conservation Works of Improvement – leave broad – 1515.01 & Admin Handbook

- “Natural resource conservation development”
- Flooding/Drainage

Code Change Recommendations

- CDTF recommended language
- Allow county auditor to serve as JB fiscal agent
- Add equipment and supplies language of 1515.08 to 1515.17

Next Steps

- Draft materials for OSWCC review by April 22 - Dorothy
 - Recommendations
 - Code Changes
 - Suggested Supplemental Guidance
- All review by email
- JBTF conference call - April 15

Final Recommendations due July 9, 2015