

# Notes

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

February 18, 2018

1:30 PM to 4:00 PM

ODNR Assembly Center Bldg E

Fountain Square Complex

2045 Morse Road

Columbus OH

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

### Attendance:

Facilitator: Dorothy Farris

OSWCC - Fred Cash and Kris Swartz;

Area 1: Kent Stuckey, Crawford; [kentstuckey@ofswcd.org](mailto:kentstuckey@ofswcd.org)

Area 2: Jan Rybka, Cuyahoga; [jrybka@cuyahogaswcd.org](mailto:jrybka@cuyahogaswcd.org)

Area 3: Area 4: Bruce Goodwin, Warren; [bruce.goodwin@plantpioneer.com](mailto:bruce.goodwin@plantpioneer.com)

Area 5: Mike Sheeter, Jackson; [cfcsheeter@yahoo.com](mailto:cfcsheeter@yahoo.com)

Program Specialists: Chad Amos, Liz Cline

Guest: Ed Everman, Montgomery SWCD

Watershed Program/Notes: Greg Nageotte

### Agenda topics

Charter and Ground Rules

Dorothy Farris

Discussion: Dorothy distributed charter and SWCD Task Force recommendations related to Joint Board (JB) formation. She proposed using consensus-based process, and there were no objections.

Conclusions: Consensus-based process; Not considering using JB's as means to consolidate SWCDs.

## Joint Board Authority and History

### Discussion:

- Ed Everman, Montgomery SWCD, provided history and background on JB formation and general categories of JB purposes: e.g. drainage projects, special multi-district employees, watershed projects/grants; water quality trading programs. Fact sheet provided.
- Observed that the JB application form does not easily accommodate purposes such as education, trading, etc.
- Much discussion focused on issues related to employment, legal representation and fiscal administration.

### Questions:

Legal definition of “Conservation Works of Improvement? How do JB’s fit with purposes removed from “on the ground” works of improvement, e.g. education, water quality trading?

Who provides legal representation to JB’s; and how do JB’s cover financial liability for legal fees if represented by Atty. General?

What are the implications of “All powers and authorities” ... does this include power/authority to obtain Tax ID, set up Public Employee Retirement System, and/or independently receive “state match, etc.?”

Should a lead SWCD always be designated for legal representation/fiscal administration?

Quorum issues – Can an executive board (representing large JB) be designated? Can JB’s use electronic voting/decision-making?

Organization issues - What is the lifespan of JB’s? Should all JB’s have a sunset clause in their formation? What happens to JB assets after reorganization/dissolution? Can a SWCD legally opt out of an existing JB? Can the OSWCC disband a JB? Is the OSWCC liable for actions of a JB?

Are there other multi-county units of government that have similar issues?

Conclusions: Explore development of guidance/policy to include but not limited to:

- Advantages/disadvantages of forming a JB
- When to form a JB vs. MOU, or other means of collaboration
- Minimum employment requirements for JB – (formalize trial and error experience)
- Clarify legal/fiscal representation requirements and options for JB’s.
- Clarify JB formation, reorganization, dissolution policies

Guidance may be provided by: fact sheet, OSWCC policy, application materials, chapter in SWCD handbook, statute/ORC... others?

Next Agenda Priorities:

1. Legal Representation (this is a threshold issue)
2. Dissolution/Sunset/Longevity of JB's
3. Criteria for JB formation – pros/cons, when to use MOU or other mechanism
4. Fiscal Administration
5. Guidance/Requirements – OSWCC policy – define “Conservation Works of Improvement

Next Meeting: **9:30-Noon, Friday, March 6, 2015**

ODNR – meeting room TBD

*Final Recommendations due July 9, 2015*

## **HISTORICAL OVERVIEW OF THE JOINT BOARD OF SOIL & WATER CONSERVATION DISTRICT SUPERVISORS**

- Authorities - Section 1515 of The Ohio Revised Code
- Construction, maintenance and operation of a conservation work of improvement
- 1515.08 - Powers of single county SWCD Supervisors
- A joint board has similar powers

### **Types of Joint Board Projects**

- Local sponsors for Public Law 566 Watershed Projects - 1970's & 1980's
- Assist in land rights (easements) for drainage projects
- Darke, Preble, Allen, Van Wert & NE Ohio
- Multi-county conservation works of improvement, primarily drainage projects
- Watershed projects - multi-county employees
- Manure nutrient Mgmt Employees
- Education Specialists
- Technicians?
- 2 or more SWCD's involved
- Log jam projects - multi-county nutrient credit trading programs - Great Miami River, Cheese Plant, Conservancy District

### **Shortcomings of the Law**

- Need to be more specific so the above-mentioned scenarios can occur
- Legal representation
- A joint Board must be represented by the Ohio Attorney General
- The County Prosecuting Attorney will only represent a single-county Soil and Water Conservation District
- The Attorney General's Office will charge for their services, SWCD's involved have to pay their fair share
- Classic case - Mohler Drainage Project in Montgomery, Miami & Darke SWCD's - Questions on easements for construction & maintenance, removing brush/trees on ditch banks, farm bridges, etc. \$25,000-plus in legal costs.

### **QUESTIONS AND DISCUSSION**