

The following meetings (work session and regular meeting) were held in compliance with the Sunshine Law and The Miami Conservancy District (MCD) and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of the meetings by electronic mail dated May 28, 2024. The meetings were held at Miamisburg Civic Center, 10 N. First Street, Miamisburg, Ohio.

### **WORK SESSION**

The work session of the Board of Directors of MCD was called to order at 9:06 a.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present.

Members of the staff in attendance at the work session: MaryLynn Lodor, General Manager/Interim Board Secretary; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the work session: John M. Hoopingarner, McMahan DeGulis LLP, and Lee A. Slone, McMahan DeGulis LLP.

Guests in attendance at the work session: None.

Ms. Lodor began by presenting information on the pause in the Seventh Readjustment of Appraisal of Benefits and assessment rate options.

The operating budget was discussed. Ms. Lodor provided an overview of both the personnel and non-personnel budget. MCD has been operating below minimum staffing levels since 2019 and in 2024, MCD is operating at minimum staffing levels while caring for critical infrastructure. The 2024 budget included five new positions but due to the pause, those positions are on temporary hold. For capital rehabilitation projects, MCD continues to seek grants but some federal agencies are anticipating reductions in available funding in 2024-2025.

In-house heavy maintenance work tasks were discussed. The Project Crew has 12 projects budgeted for 2024 and will complete more that will not include purchases. Many projects will have to be deferred until the assessments increase.

Next, the maintenance rate for flood protection was discussed. In March, the Board passed maintenance rates. However, based on the pause in the readjustment, those previously approved rates would result in insolvency in 2026 or require a higher rate in 2026. Mr. Moyer conducted an analysis to identify the recommended 2025 assessment rates to allow the district to remain solvent while performing critical flood protection tasks at current levels of service. The scenario of raising the assessment rate from the currently approved 2.78% to 3.35% of the 2012 appraised benefit was discussed and provided to the Board for consideration.

Next, Mr. O'Connor presented the draft 2023 Annual Report and Report of the Chief Engineer.

**M 2024-6711**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adjourned the work session at 10:06 p.m.

**REGULAR MEETING**

The regular meeting of the Board of Directors of MCD was called to order at 10:17 a.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present.

Members of the staff in attendance at the regular meeting: MaryLynn Lodor, General Manager/Interim Board Secretary; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the regular meeting: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP. MCD Lobbyist, Lori Kershner, was also in attendance.

Guests in attendance at the regular meeting: None.

**MINUTES**

The Minutes of the Board of Directors meetings of March 21, 2024 (regular meeting), May 3, 2024 (special meeting), and May 24, 2024 (special meeting) were provided to members of the Board for review and comment.

**M 2024-6712**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the meeting minutes for March 21, 2024, May 3, 2024, and May 24, 2024.

**INTERIM BUDGET REPORT**

The MCD Interim Budget Report for the period ending April 30, 2024, was provided to the Board of Directors for review and acceptance.

**M 2024-6713**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously accepted the Interim Budget Report as of April 30, 2024. In addition, the Board of Directors ordered that a copy of the report be kept on file.

Next, Mr. Moyer presented the MCD Investment Report for the period ending April 30, 2024.

**INVESTMENT REPORT**

MCD has funds invested in STAR Ohio and JPMorgan Money Market fund. The interest rates as of April 30, 2024, were:

- STAR Ohio account – 5.61%.
- Money Market account with JPMorgan Bank – 5.26% (1-year historical performance as of 4/30/2024) which is consistent with a typical Government Money Market Fund Yield.
- Checking and savings accounts – 0.01%.

MCD's goal is to continue to provide the highest investment return with maximum security while meeting all liquidity and operating demands. The primary objectives of investment activities, in order of priority, will continue to be safety, liquidity, and yield.

Amounts in each of MCD's investment accounts are shown in Exhibit C of the Interim Budget Report.

Next, Mr. Moyer discussed new recommended assessment rates for 2025 collection.

**ASSESSMENT RATES FOR 2025 COLLECTION**

Section 6101.53 of the Ohio Revised Code provides that the Board of Directors of a conservancy district, on or before the thirtieth of September of each year, may levy an assessment upon each tract or parcel of land and upon each political corporation for the purpose of maintaining, operating, and preserving the works of the district. Such an assessment is to be known as a conservancy maintenance assessment. Said assessment shall not exceed one percent of the benefits without prior authorization of the Conservancy Court.

The following rates are recommended for the 2025 assessments collection.

**OPERATION & MAINTENANCE – FLOOD CONTROL**

<b>Levy No.</b>	<b>Purpose</b>	<b>Rate*</b>
107	Regular Maintenance	.0335
63	Piqua Race Street Pump Station	.0335
54	Owl Creek Addition	.0335
26	Holes Creek Watershed Addition	.0335
17	Miller Ditch	.0095

\*All rates except Miller Ditch are increasing for the 2025 assessments collection.

**SUBDISTRICTS**

<b>Levy No.</b>	<b>Purpose</b>	<b>Rate*</b>
29	The Aquifer Preservation Subdistrict	.00371
24	River Corridor Improvement Subdistrict	.0040

\*All rates are the same as 2024 assessments collection.

Section 6101.48 of the Ohio Revised Code provides that the Board of Directors of a conservancy district may levy an assessment upon each tract or parcel of land and upon each political corporation to pay for the cost of the execution of the official plan including superintendence of construction and administration.

The following rate is recommended for the 2025 assessments collection.

**CAPITAL ASSESSMENT**

<b>Levy No.</b>	<b>Purpose</b>	<b>Rate*</b>
1	Capital Assessment	.0100

\*This is the first year of assessments under the new Capital Plan.

**M 2024-6714**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, approved the recommended rates for the 2025 assessments' collection and directed the Secretary to prepare the necessary Assessment Duplicates. The motion passed with Ms. Whelley and Mr. van Haaren voting aye and Mr. Rentschler voting nay. These assessment rates shall supersede the assessment rates approved on March 21, 2024.

Next, Mr. Moyer presented the 2025 Preliminary Budget.

**2025 PRELIMINARY BUDGET**

As required per Section 5705.28 of the Ohio Revised Code, on or before the fifteenth day of July each year, MCD must adopt an operating budget for the ensuing fiscal year. The operating budget shall include an estimate of receipts from all sources, a statement of expenses that are anticipated to occur, and the amount required for debt charges during the fiscal year. The following operating budget is presented for approval and adoption. More detailed information about the 2025 budget and any necessary revisions will be presented at the December 2024 Board of Directors' meeting.

<b>FUND</b>	<b>ESTIMATED RECEIPTS</b>	<b>ESTIMATED EXPENDITURES</b>
Flood Protection	10,080,000	9,422,932
River Corridor Improvement	793,250	1,294,000
Aquifer Preservation	1,015,000	1,364,000
FEMA Assistance	-0-	-0-
Water Conservation	-0-	-0-
Debt Service	286,132	286,132
Dam Safety Initiative	100,000	100,000
FEMA Capital Projects	-0-	-0-
Capital Improvements	2,920,000	2,900,000
<b>TOTAL ALL PROGRAMS</b>	<b>15,194,382</b>	<b>15,367,064</b>

**M 2024-6715**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, approve and adopt the preliminary operating budget for 2025 which includes an estimate of receipts from all sources, a statement of expenses that are anticipated to occur, and the amount required for debt charges during the fiscal year. The motion passed with Ms. Whelley and Mr. van Haaren voting aye and Mr. Rentschler abstaining.

Next, Mr. Moyer discussed the debt service payment due during 2024.

**SUPPLEMENTAL APPROPRIATION AND REVENUE**  
**OWDA Loan – Lockington Dam Left Wall Drain System and Concrete Repair, Phase 1**

NO.	FUND NAME	REVENUE	APPROPRIATION
100	Flood Protection		\$3
300	Debt Service	\$3	\$3

MCD received a loan in 2023 from the Ohio Water Development Authority (OWDA) for the Lockington Dam Left Wall Drain System and Concrete Repair, Phase 1 project. The first debt payment on this loan is due on July 1, 2024.

The initial estimate of the semi-annual loan payment (provided by OWDA) was \$143,063. This is the amount that was included in the 2024 budget and was transferred to the Debt Service fund in March.

OWDA has informed MCD that the updated amount of the semi-annual debt payment is actually \$143,066, which is \$3 more than the original estimate. The additional amount is related to capitalized interest applied to the loan. As a result, the budgetary authority to transfer the additional \$3 as well as cover the debt payment must be approved to comply with Ohio Revised Code budgetary requirements.

The supplemental appropriation in Flood Protection (Fund 100) is related to the amount that will need to be transferred to Debt Service (Fund 300).

The supplemental revenue in Debt Service (Fund 300) is related to the receipt of transfer from Flood Protection (Fund 100). The supplemental appropriation in Debt Service (Fund 300) allows appropriate budget authority to make the debt service payment.

**M 2024-6716**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the Supplemental appropriation (\$3) for Flood Protection (Fund 100).

**M 2024-6717**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the Supplemental revenue (\$3) and appropriation (\$3) for Debt Service (Fund 300).

Next, Mr. Moyer described a necessary transfer of funds.

**TRANSFER OF FUNDS—OWDA LOAN 2023**

FUND	TITLE	DESCRIPTION	AMOUNT
100	Flood Protection	Transfer Out	\$3
300	Debt Service	Transfer In	\$3

At the March board meeting, the Board of Directors approved a transfer of \$143,063 from Flood Protection (Fund 100) to Debt Service (Fund 300) to cover the debt service payment due during 2024 for the loan obtained in 2023 from the Ohio Water Development Authority (OWDA) for the Lockington Dam Left Wall Phase 1 project.

OWDA informed us that the updated amount is actually \$143,066 due to capitalized interest since the time of their original estimate. This amount is \$3 more than the original amount transferred, so it is necessary to transfer the additional \$3 to ensure the fund balance in Debt Service (Fund 300) does not fall below zero during 2024.

**M 2024-6718**

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously approved the requested transfer of funds from Flood Protection (Fund 100) to Debt Service (Fund 300) in the amount of \$3.00.

Next, Ms. Lodor updated the Board of Directors on the status of exceptions filed prior to rescission of the Seventh Readjustment of Appraisal of Benefits. A total of 1,863 exceptions were filed prior to May 3, 2024, the date the Board of Directors voted to rescind the Seventh Readjustment of Appraisal of Benefits. At this time, all exception hearings are on hold.

Ms. Lodor and Mr. Moyer then presented an update regarding the capital assessment.

**Capital Assessment Status**

The Capital Assessment status, next steps and options are provided for the Board’s information.

With the rescission of the Revised Appraisal of Benefits, the “approved benefits” are derived from the 6th Appraisal Record. The capital assessment was not developed contingent upon the 7th Readjustment of the Appraisal of Benefits.

Following a review of Ohio Revised Code 6101, many of the action items on the capital assessment are non-discretionary now that the Court has confirmed the capital levy. Based on the completed actions, the next steps are noted below with additional actions steps in the attached table.

- The Secretary SHALL prepare an Assessment Record (using 6th Appraisal of Benefits) and upon its completion the Assessment Record SHALL be signed and certified by the president of the Board and the Secretary. (ORC 6101.48)
- MCD SHALL provide notice by publication to each property owner and public corporation assessed "that they may pay their assessments." (ORC 6101.49). Assessments may be paid to the MCD Treasurer within 30 days from time of assessment filed with the Office of the MCD [as per 6101.48]. (ORC 6101.49)

The capital assessment was approved by the Board of Directors at its March 21, 2024, meeting. A legal notice has been drafted and is anticipated to be published within the next few weeks.

Next, the final draft of the 2023 Annual Report & Report of the Chief Engineer was presented to the Board of Directors for review and comment.

### **2023 ANNUAL REPORT/CHIEF ENGINEER'S REPORT**

Section 6101.66 of the Ohio Revised Code requires that after the close of each fiscal year, the Board of Directors shall make a report to the Conservancy Court of its proceedings and an accounting of receipts and disbursements for the year. The report shall be presented to the full Court at its annual meeting and a copy filed with the Clerk of Courts as a record of the court.

Section 6101.12 of the Ohio Revised Code requires that the Chief Engineer, as superintendent of all the works and improvements, make a full report to the Board of Directors each year.

#### **M 2024-6719**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the 2023 Annual Report of the Board of Directors to the Conservancy Court, combined with the Report of the Chief Engineer to the Board of Directors, contingent upon changes as needed, for presentation to the Conservancy Court at its annual meeting on July 26, 2024.

Next, Mr. O'Connor requested approval of a lease to West Carrollton.

### **PROPERTY LEASE TO WEST CARROLLTON FOR RIVER DISTRICT AND WHITEWATER PARK**

Staff has been coordinating with the City of West Carrollton since 2022 on their development of a plan for a river district and whitewater park. This improvement aligns with MCD's goals to increase safe river access and recreation. Staff will ensure that this project will not have a negative impact on flood protection.

Much of this park is envisioned to be on property that MCD owns, which requires West Carrollton to obtain property rights from MCD. It has been determined that a lease is the proper legal document for MCD to grant the property rights.

West Carrollton has pursued outside funding assistance to help pay for the park, some of which requires the city to have rights on the property for at least 30 years. Section 302.02 of MCD's Land Use Policy states that lease terms will not exceed 20 years without Board approval. Staff is proposing this lease be for an initial 15-year term with a lease option for one additional 15-year term, effectively making this a 30-year lease.

#### **M 2024-6720**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved a lease term of up to 30 years for the West Carrollton River District and

Whitewater Park with a right to review and renegotiate the lease terms at the conclusion of the initial 15-year term.

Next, the Board of Directors discussed the annual election of officers.

### **ELECTION OF OFFICERS**

The Miami Conservancy District Bylaws state that:

*"Officers of the Board of Directors shall be elected during the regular meeting of the Board held in the second quarter of each calendar year."*

Officers to be elected shall be:

President  
Vice President  
Secretary  
(In accordance with O.R.C. Sec. 6101.11)

The appointment of a Deputy Secretary was also discussed. It was decided by the Board of Directors that a Deputy Secretary position was not necessary at this time.

#### **M 2024-6721**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously elected Mark G. Rentschler to serve as President until the next annual election of officers.

#### **M 2024-6722**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. Van Haaren, unanimously elected Beth G. Whelley to serve as Vice President until the next annual election of officers.

#### **M 2024-6723**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously elected MaryLynn Lodor to serve as Secretary until the next annual election of officers.

Next, Ms. Lodor presented the 2<sup>nd</sup> Quarter Management Report to the Board of Directors for their information and review.

### **FUTURE BOARD MEETINGS**

The Board of Directors set July 16, 2024 as a work session in advance of the next regular meetings set for September 18, 2024 and December 18, 2024.



**EXECUTIVE SESSION**

The Board of Directors adjourned to Executive Session, on motion by Ms. Whelley and seconded by Mr. van Haaren, for the purposes of considering pending or imminent court action as allowed by Ohio Revised Code Section 121.22(G)(3). Upon roll call, the vote was as follows: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye. Executive Session began at 12:16 p.m.

Staff members present at the Executive Session were: MaryLynn Lodor, General Manager and Donald P. O'Connor, Chief Engineer.

Legal Counsel present at the Executive Session were: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

A motion to exit the Executive Session was made and moved by Ms. Whelley and seconded by Mr. van Haaren.

The meeting returned to open session at 12:29 p.m.

**ADJOURN**

There being no further business, the meeting was adjourned at 12:30 p.m.

**ATTEST:**

**APPROVED:**

  
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MaryLynn Lodor  
General Manager/Board Secretary

  
\_\_\_\_\_  
Mark G. Rentschler  
President