

A special meeting of the Board of Directors was held in compliance with the Sunshine Law and The Miami Conservancy District (MCD) 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 April 25, 2024. The meeting was held at Hamilton City Hall, 345 High Street, Hamilton, Ohio.

SPECIAL MEETING

The special meeting of the Board of Directors of MCD was called to order at 4:04 p.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 special 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; Barry M. Puskas, Chief of Technical and Engineering Services; and Darion Smith, Communications Specialist.

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

The meeting was held in front of an audience made up of over 100 people.

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.

Staff members present at the Executive Session were: 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; Shannon E. Phelps, Manager of Administration; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal Counsel present at the Executive Session were: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP. MCD Lobbyist, Lori Kershner, was also in attendance.

A motion to exit the Executive Session was made and moved by Mr. van Haaren and seconded by Ms. Whelley. Upon roll call, the vote was as follows: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.

The meeting returned to open session at 5:01 p.m. with Mark G. Rentschler, President, Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present. All MCD staff, legal counsel and MCD lobbyist listed above were also present.

The special meeting was held to consider rescinding the previously filed revised appraisal record of benefits and resulting assessments, exploring hardship exemptions and an abatement process, and seeking federal and state grants and low interest loans.

Mr. Rentschler welcomed the audience with opening remarks.

M 2024-6707

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously adopted the following resolution to rescind the Revised Appraisal Record of Benefits previously filed on March 22, 2024:

R 2024-1935

A RESOLUTION TO RESCIND THE REVISED APPRAISAL RECORD OF BENEFITS PREVIOUSLY FILED ON MARCH 22, 2024

WHEREAS, On August 20, 2020, The Miami Conservancy District (“MCD”) filed a Petition for Order Directing the Board of Appraisers of The Miami Conservancy District to Perform a Readjustment of the Appraisal of Benefits (“Petition”) with the Miami Conservancy District Conservancy Court. The Petition stated that there had been a material change in the values of the property in the District, and a readjustment of the appraisal of benefits in accordance with changed property values would establish a more equitable basis for the levy of the assessments. The Petition was filed in accordance with Resolution Number R 2020-1900 passed at the July 31, 2020, meeting of the Miami Conservancy District’s Board of Directors.

WHEREAS, On August 21, 2020, the Conservancy Court held a hearing to consider the Petition;

WHEREAS, On August 26, 2020, the Entry Ordering the Miami Conservancy District’s Board of Appraisers to Conduct a Readjustment of the Appraisal of Benefits was filed on the docket of the Conservancy Court. In so ordering, the Conservancy Court found that it has jurisdiction of the parties to and the subject matter of the proceeding; that publication of the hearing was properly made; that there has been a material change in the values of the property in the District since the previous appraisal of benefits; and that a readjustment of the appraisal of the benefits is in order;

WHEREAS, Butler County, a county with property subject to the MCD’s readjustment of the Appraisal Record of Benefits, filed a tax appeal in January 2021. Due to the Butler County tax appeal, MCD delayed the readjustment. The Butler County tax appeal was resolved in September 2022;

WHEREAS, On May 30, 2023, the MCD Board of Appraisers reviewed and approved resolutions defining the methodology for readjusting the individual and unit benefits for

maintenance assessments. On August 3, 2023, the Board of Appraisers reviewed and approved resolutions defining the methodology for establishing the individual and unit benefits for capital improvement assessments;

WHEREAS, The Board of Appraisers' methodology calculates a dollar-value benefit of the MCD's flood control system on approximately 48,000 properties that flooded as a result of the Miami Valley's 1913 flood. With 1913 flood maps and current Geographic Information Systems (GIS) mapping, MCD Staff determine the extent of impact a flood, equivalent to the 1913 flood, would have on properties if they were not protected today given the MCD flood protection system of dams, levees, floodgates and other components. Then, using the Board of Appraisers methodology, up-to-date County property values, and the location, depth, and reach of flood waters to properties and how MCD flood protection infrastructure protects each property, MCD Staff calculate the present-day benefit of flood control on each property;

WHEREAS, The MCD has used the Board of Appraisers methodology for calculating the benefit since July 1917 with minor adjustments in 1968, 1980, 1988, 1996, 2004, and 2011, and such changes over time included the addition of a tall building formula, use of county tax duplicate, addition of partial protection, and other refinements for the calculation;

WHEREAS, During January and February 2024, MCD Staff prepared a Revised Appraisal Record of Benefits using the Board of Appraiser's methodology and updated property information from county auditors, including property values, locations, and other characteristics of more than 48,000 individual parcels;

WHEREAS, On March 21, 2024, the MCD Board of Appraisers approved revised methodology resolutions for unit benefits for maintenance. The resolutions were revised to update the benefits for Miller Ditch and to correct the Conservancy Court's Entry date. No other substantive changes were made;

WHEREAS, On March 21, 2024, the MCD Board of Appraisers reviewed and certified the 7th Readjustment Revised Appraisal Record of Benefits based on approved benefit calculation methodologies and the latest property values provided by the county auditors;

WHEREAS, The MCD filed the 7th Revised Appraisal Record of Benefits on March 22, 2024, in Hamilton, Butler, Warren, Montgomery, and Miami Counties;

WHEREAS, The MCD caused notice by publication of the readjustment of benefits in newspapers of general circulation in Hamilton, Butler, Warren, Montgomery, and Miami Counties. Notice ran in The Cincinnati Enquirer on March 25, 2024, and in the Dayton Daily News, Miami Valley Sunday News, and the Journal-News on March 24, 2024. All notices advised property owners of the filing of the Revised Appraisal Record and of the right to file exceptions on or before April 24, 2024. On April 16, 2024, MCD's General Manager caused an extension to be issued to allow more time for exceptions to be submitted an additional 10 days through May 3, 2024;

WHEREAS, The MCD received significant public feedback from residents, businesses of Butler County, and the City of Hamilton as a result of the 7th Readjustment of the Appraisal of Benefits. The public requests the MCD delay the Court-ordered readjustment, with the City of Hamilton Council claiming that "its current and future economic development projects would be

severely impacted by MCD's 7th Readjustment of Appraisal of Benefits and Hamilton's future will be decimated should these assessments be implemented";

WHEREAS, The MCD was formed to protect the region, its residents and business, and recent and historic property value increases may have unintended consequences to property owners, and a delay of the readjustment would provide the MCD with time necessary to work with its Board of Appraisers to re-evaluate its method of defining and calculating the benefit of the flood control system and potentially develop an alternative approach;

WHEREAS, The MCD General Manager recommends a delay of the readjustment to perform a re-evaluation; provided, however, the understanding that such a delay would mean that 2012 County property values would form the basis of current and future maintenance and capital improvement assessments until the benefit methodology re-evaluation is concluded and the Seventh Readjustment of the Appraisal of Benefits is complete; and

WHEREAS, The benefit re-evaluation process may take years of working with stakeholders and city, county and community leadership throughout the 9 counties MCD serves to find, test and gain support for a process that represents the direct and indirect benefit of flood control on our communities and our property owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Miami Conservancy District, as follows:

For the purpose of further evaluating the method of calculating the benefit of the MCD's flood control system on property and public corporations, the Board of Directors desires to rescind the 7th Revised Appraisal Record of Benefits.

The General Manager is hereby directed to seek an order from the Miami Conservancy District Conservancy Court to rescind the Revised Appraisal Record of Benefits previously filed on March 22, 2024.

The General Manager is hereby directed, using all available means at her disposal, to assist the Miami Conservancy District Board of Appraisers to work expeditiously in redefining benefits and completing a re-evaluation of the MCD's method of calculating the benefit of flood control on property and public corporations. The General Manager shall report the status of the re-evaluation to the Board of Directors quarterly at its regular meetings, beginning in June 2024.

This Board of Directors finds and determines that all formal actions of this Board of Directors concerning and relating to the adoption of this resolution were taken in an open meeting of this Board of Directors and that all deliberations of this Board of Directors and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

This resolution shall be in full force and effect immediately upon its adoption.

Next, Ms. Lodor apprised the Board of Directors of information received from Butler County property owners that the assessments resulting from the Seventh Readjustment of Appraisal of Benefits will present an inordinate financial burden for businesses and individuals in the City of Hamilton. To reduce obstacles to economic investment in the flood protection area

and to assist individual property owners to remain financially stable, The Miami Conservancy District would like to explore the possibility of providing relief in the form of an exemption for property owners who are experiencing unmanageable assessment payments and an abatement process for developers.

M 2024-6708

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously voted in favor of a motion directing the General Manager of the Miami Conservancy District to explore and report back to the Board of Directors regarding options including, but not limited to, court or legislative action to create a "Hardship Exemption" process for those property owners who are financially unable to pay the assessment.

M 2024-6709

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously voted in favor of a motion directing the General Manager of the Miami Conservancy District to explore and report back to the Board of Directors regarding options including, but not limited to, court or legislative action to create an assessment abatement process that would permit new economic developments the ability to apply for and receive an abatement from conservancy district assessments for a period of time to help continue and encourage economic development along the Great Miami River and bring new jobs to our communities.

Next, Ms. Lodor presented information on grant funding pursued and received for various Miami Conservancy District projects, and the need for future funding from state and federal grants and low-interest loans.

M 2024-6710

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously adopted the following resolution to seek federal and state grants and low-interest loans:

R 2024-1936

A RESOLUTION TO SEEK FEDERAL AND STATE GRANTS AND LOW INTEREST LOANS

WHEREAS, The Miami Conservancy District ("MCD"), constructed a flood protection system using local funding to design, construct and maintain the system; relying on annual assessments, starting in 1921 and the system was almost 100 percent locally funded;

WHEREAS, Between 1999 and 2022, MCD sought several federal and state grants and was awarded approximately \$2.4M from FEMA/OEMA, Economic Development Agency for planning, design or construction of special projects and partnered with various agencies to receive planning technical assistance through the U.S. Army Corp of Engineers ("USACE"), Planning Assistance to States; and

WHEREAS, Since August 2022, MCD has submitted requests for \$29.6M in federal and state grants as follows: \$11M for Levee Improvements were requested through Bi-partisan Infrastructure Bill, of which \$200K was awarded; \$9.6M requested for Dam Wall Repairs to the State Capital Bill, which is pending; \$6M requested for flood protection improvements from OEMA/FEMA, and \$4M from Ohio EPA's Water Resource Restoration Sponsorship Program that was recently awarded for a levee system that is threatened in Middletown near the City's WWTP. MCD has sought low interest loans, securing a low interest loan from OWDA for \$4.6M in 2023 that it used to reimburse the cost of its Lockington Left Dam Wall Replacement. In 2024, MCD has also received technical planning assistance to complete 3 new studies valued at \$480K from the USACE and have two other study requests pending with the USACE.

WHEREAS, in February 2024, MCD learned that the Germantown, Englewood and Taylorsville Upstream Dam walls were selected as a regional priority by PDAC and MCD submitted the project for consideration of a State Capital Bill request, as the replacement is determined to be urgently needed as documented by MCD and Ohio Department of Natural Resources Dam Safety inspections;

WHEREAS, the ability to secure federal and state loan and grant opportunities will be affected by MCD's financial forecast and projected revenues and many of the state and federal grants or low interest loans including some of those mentioned above, if awarded are distributed on a reimbursement basis, which means the MCD would still need to cover project costs upfront and then seek reimbursement from the sources, including the State Capital Bill which is under consideration; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Miami Conservancy District, as follows:

For the purpose of reducing the impact of conservancy district assessments on communities and property owners as the age of the MCD's flood control system is over 102 years old and is working harder to hold back floodwaters, the Board of Directors desires to seek, where practicable, federal and state resources for the recapitalization of the system.

The Miami Conservancy District General Manager is hereby directed to use all available means at her disposal to continue to seek out State and Federal grants and low interest loans that may be applied for to help offset the planning needs and rehabilitation and repair costs of The Miami Conservancy District's flood protection system. The General Manager shall report her findings and the status of any pending application to the Board of Directors quarterly at its regular meetings, beginning in June 2024;

This Board of Directors finds and determines that all formal actions of this Board of Directors concerning and relating to the adoption of this resolution were taken in an open meeting of this Board of Directors and that all deliberations of this Board of Directors and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

This resolution shall be in full force and effect immediately upon its adoption.

Next, the meeting was opened to public comment, limited to two minutes per speaker. The following attendees chose to speak:

1. Mayor Pat Moeller, 223 South Front Street, Hamilton, OH
2. City Councilman Tim Naab, 717 Hermay Drive, Hamilton, OH
3. City Councilman Michael Ryan, 663 Orient way, Hamilton, OH
4. City Councilman W. Joel Lauer, 1430 Alexander Drive, Hamilton, OH
5. City Councilwoman Susan Vaughn, 716 Maplewood Road, Hamilton, OH
6. Vice Mayor Eric Pohlman, 4 Sutherland Court, Hamilton, OH
7. City Councilwoman Carla Fiehrer, 610 Hermay Drive, Hamilton, OH
8. Mark Welch, 5879 Owl Nest Drive, West Chester, OH
9. Vanessa R. Cummings, 300 S. Front Street, Hamilton, OH
10. Sherry Hoskins, 119 Main Street, Hamilton, OH
11. Steve West, 1 Donham Place, Middletown, OH
12. Bob Harris, no address given, Hamilton, OH
13. Carrie Pate, 401 N. Second Street, Hamilton, OH
14. Dan Acton, 410 Columbia Road, Hamilton, OH
15. David Stark, 222 High Street, Hamilton, OH
16. Sam Beiler, 601 N. B Street, Hamilton, OH
17. Jennifer Albinus, 806 Dayton Street, Hamilton, OH
18. Senator George Lang, 7277 Saint Ives Place, West Chester, OH

ADJOURN

There being no further business, the meeting was adjourned on motion by Mr. van Haaren and seconded by Ms. Whelley at 5:57 p.m.

ATTEST:

APPROVED:



MaryLynn Lodof
General Manager/Interim Board Secretary



Mark G. Rentschler
President