

BOARD OF APPRAISERS MEETING

Dayton, Ohio

August 3, 2023

The regular meeting of the Board of Appraisers of The Miami Conservancy District (MCD) and its Subdistricts was called to order at 10:03 a.m. with David K. Galbreath, Jr., Chairman; Robert A. Harris, Member; and Adam P. Kranbuhl, Member, present. The meeting was held at MCD headquarters located at 38 East Monument Avenue in Dayton.

Members of the staff in attendance: Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Barry M. Puskas, Chief of Technical and Engineering Services; and Rhonda K. Snyder, Secretary.

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

Guests in attendance: None

COMPLIANCE WITH SUNSHINE LAW AND BYLAWS

The meeting was held in compliance with the Sunshine Law and 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 this meeting by electronic mail dated July 26, 2023.

MINUTES

The minutes of the May 30, 2023, meeting were provided to members of the Board for review and comment. The Board of Appraisers, on motion by Mr. Harris and seconded by Mr. Kranbuhl, unanimously approved the minutes for the May 30, 2023, meeting.

Next, Mr. Moyer presented information regarding MCD's capital improvement needs and risks to the flood protection system, specifically, highlighting the age of the system, the fact that the dam safety capital assessment expired in 2022 and the engineers identified needs beyond the scope of the maintenance fund.

The next items of business were requests for approval of methodology resolutions for flood protection capital improvements. Mr. Moyer reviewed the methodology resolutions for individual and unit benefits and requested the Board's approval.

The Board of Appraisers, on motion by Mr. Harris and seconded by Mr. Kranbuhl, unanimously approved the following resolution regarding the Methodology for Appraisal of Individual Benefits for Flood Protection Capital Improvements.

**RESOLUTION
METHODOLOGY FOR APPRAISAL OF INDIVIDUAL BENEFITS
FLOOD PROTECTION CAPITAL IMPROVEMENTS
AUGUST 3, 2023**

WHEREAS, The Miami Conservancy District (MCD) provides flood protection and flood risk reduction by a system of dams, levees, channel modifications, and other structural and non-structural means; and

WHEREAS, individual parcels, defined as land or property in Section 6101.01(E) Revised Code of Ohio, receive flood protection and/or experience a reduced risk of flooding due to The Miami Conservancy District flood protection system; and may have improvements including but not limited to buildings, utilities, and parking lots that receive a benefit from the flood protection system; and

WHEREAS, owners of the aforementioned properties enjoy health, safety, and quality of life benefits from the flood protection system because personal possessions and heirlooms are not regularly destroyed by river flooding; access to the properties is not regularly blocked by river flooding; businesses are not interrupted or destroyed by river flooding; emergency response and rescue are not regularly interrupted because of river flooding; water supply, electric, gas, telephone, and other utilities are not disrupted or destroyed by river flooding; and

WHEREAS, owners of the aforementioned properties further benefit from the flood protection system through increased property values and enhanced desirability for use and habitation; and

WHEREAS, the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan, together with additional work done; and

WHEREAS, the MCD Board of Consultants (BOC) has reviewed MCD flood protection infrastructure condition, analysis, and capital improvement needs for the last three decades. In that time the BOC has insisted on significant investment in capital improvements. In the most recent meetings with the BOC, they agreed that significant capital investment is necessary for the flood protection system to function as required; and

WHEREAS, MCD's Chief Engineer has developed a phased, measured, and prioritized approach based on completed and ongoing inventories, inspections, and analyses of MCD flood protection assets. Further planning, studies, and detailed designs will be necessary to refine the plan over the coming years; and

WHEREAS, the MCD Board of Directors approved a resolution on June 21, 2023, authorizing the General Manager to develop a benefit methodology and seek approval of the Board of Appraisers of said methodology for a capital assessment in accordance with Section 6101.48 Revised Code of Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of Appraisers of The Miami Conservancy District that the procedures defined in Section A of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Individual Benefits – Flood Protection Maintenance dated May 30, 2023, shall be used in the preparation of this Methodology for Appraisal of Individual Benefits for Flood Protection Capital Improvements; and

BE IT FURTHER RESOLVED by the Board of Appraisers of The Miami Conservancy District that Individual Benefits defined in Section B – Holes Creek Benefits of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Individual Benefits – Flood Protection Maintenance dated May 30, 2023, shall not be used in the preparation of this Methodology for Appraisal of Individual Benefits for Flood Protection Capital Improvements; and

BE IT FURTHER RESOLVED by the Board of Appraisers of The Miami Conservancy District that Individual Benefits defined in Section C – Owl Creek Benefits of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Unit Benefits – Flood Protection Maintenance dated May 30, 2023, shall not be used in the preparation of this Methodology for Appraisal of Individual Benefits for Flood Protection Capital Improvements.

The Board of Appraisers, on motion by Mr. Harris and seconded by Mr. Kranbuhl, unanimously approved the following resolution regarding the Methodology for Appraisal of Unit Benefits for Flood Protection Capital Improvements.

**RESOLUTION
METHODOLOGY FOR APPRAISAL OF UNIT BENEFITS
FLOOD PROTECTION CAPITAL IMPROVEMENTS
AUGUST 3, 2023**

WHEREAS, The Miami Conservancy District (MCD) provides flood protection and flood risk reduction by a system of dams, levees, channel modifications, and other structural and non-structural means; and

SECTION A. PUBLIC CORPORATION UNIT BENEFITS TO MUNICIPALITIES AND COUNTIES

WHEREAS, Municipalities and Counties, defined as public corporations in Section 6101.01(C) Revised Code of Ohio, and hereinafter referred to as “Public Corporation Units,” hold title or perpetual easement on parcels that receive flood protection and/or experience a reduced risk of flooding due to The Miami Conservancy District flood protection system; and may have improvements including but not limited to buildings, streets, sewers, water lines, water and wastewater treatment facilities, parks, storage lots and parking lots that receive a benefit from the flood protection system but are exempt from individual assessments in accordance with Paragraph A(6) of the Board of Appraisers Resolution regarding the Readjustment of the Appraisal of Individual Benefits – Flood Protection Maintenance dated May 30, 2023; and

WHEREAS, communities as a whole enjoy health, safety, and quality of life benefits from the flood protection system because water supplies are not regularly disrupted and contaminated from flood waters; streets and transportation systems are not regularly blocked by river flooding; emergency response and rescue are not regularly interrupted because of river flooding; electric, gas, telephone, and other utilities are not disrupted or destroyed by river flooding; and the communities are not regularly engaged in emergency management, rescue and clean-up from flood events; and

WHEREAS, communities as a whole further benefit from the flood protection system through reduced risk of flooding, increased property values, and enhanced desirability for development and habitation; and

WHEREAS, the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan, together with additional work done; and

WHEREAS, the MCD Board of Consultants (BOC) has reviewed MCD flood protection infrastructure condition, analysis, and capital improvement needs for the last three decades. In that time the BOC has insisted on significant investment in capital improvements. In the most recent meetings with the BOC, they agreed that significant capital investment is necessary for the flood protection system to function as required; and

WHEREAS, MCD's Chief Engineer has developed a phased, measured, and prioritized approach based on completed and ongoing inventories, inspections, and analyses of MCD flood protection assets. Further planning, studies, and detailed designs will be necessary to refine the plan over the coming years; and

WHEREAS, the MCD Board of Directors approved a resolution on June 21, 2023, authorizing the General Manager to develop a benefit methodology and seek approval of the Board of Appraisers of said methodology for a capital assessment in accordance with Section 6101.48 Revised Code of Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of Appraisers of The Miami Conservancy District that the procedures defined in Section A of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Unit Benefits – Flood Protection Maintenance dated May 30, 2023, shall be used in the preparation of this Methodology for Appraisal of Public Corporation Unit Benefits – Flood Protection Capital Improvements; and

BE IT FURTHER RESOLVED by the Board of Appraisers of The Miami Conservancy District that the procedures defined in Section B – Race Street Pump Station Benefits of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Unit Benefits – Flood Protection Maintenance dated May 30, 2023, shall not be used in the preparation of this Methodology for Appraisal of Public Corporation Unit Benefits – Flood Protection Capital Improvements; and

BE IT FURTHER RESOLVED by the Board of Appraisers of The Miami Conservancy District that the procedures defined in Section C – Miller Ditch Benefits of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Unit Benefits – Flood Protection Maintenance dated May 30, 2023, shall not be used in the preparation of this Methodology for Appraisal of Public Corporation Unit Benefits – Flood Protection Capital Improvements.

SECTION B. RAILROAD UNIT BENEFITS

WHEREAS, railroad lines also benefit from the flood protection system; and

WHEREAS, data is not readily available from the county auditor for the value of individual parcels on which railroad lines are located;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Appraisers of The Miami Conservancy District that the procedures defined in Section D of the Board of Appraisers Resolution regarding Readjustment of the Appraisal of Unit Benefits – Flood Protection Maintenance dated May 30, 2023, shall be used in the preparation of this Methodology for Appraisal of Unit Benefits – Flood Protection Capital Improvements.

ADJOURN

There being no further business, the meeting was adjourned by unanimous consent.

ATTEST:

APPROVED:



MaryLynn Loflor
General Manager/Interim Board Secretary



David K. Galbreath, Jr.
Chairman