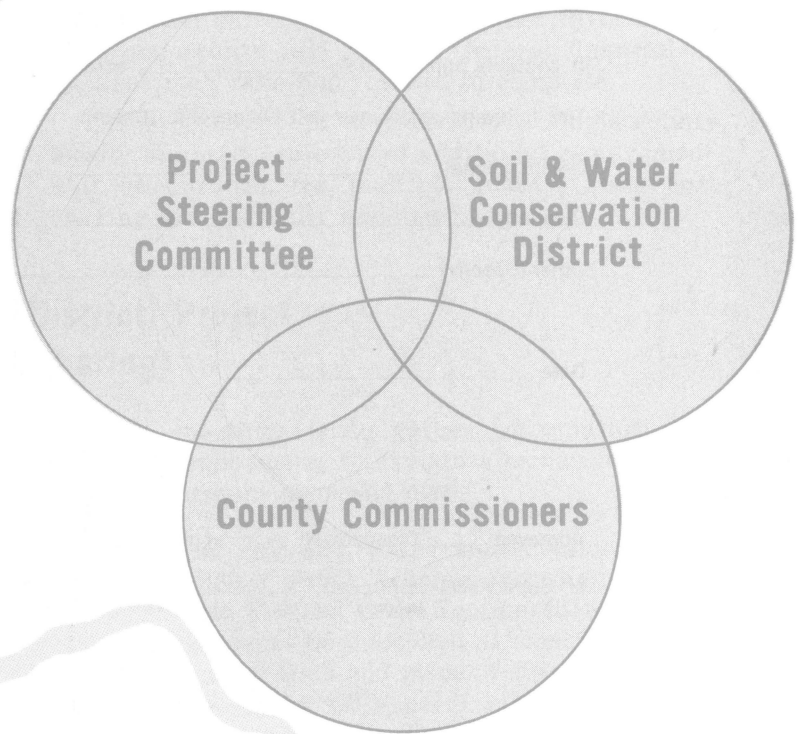


Conservation Improvement Projects

through Soil & Water Conservation Districts

Cooperative Extension Service
The Ohio State University



ADP

REQUEST FOR ASSISTANCE

Under the provisions of Sections 1515.01 to 1515.30 inclusive of the Revised Code of Ohio
(Commonly referred to as Senate Bill 160)

We request that the _____ Soil and Water Conservation District assist us in the planning and construction of the works of improvement needed to attain the following: (List those improvements you feel are needed in your project area)

We recommend the following name for our project _____

It contains approximately _____ acres and _____ people

The following assistance will be needed: (Check)

Organizational _____ Financial _____

Planning _____ Educational _____

Other (Specify) _____

Date _____

Chairman, Group or Steering Committee

Project name

Approved _____ Disapproved _____ at an official meeting of the Soil and Water Conservation District Board of Supervisors _____

Month Day Year

Chairman

Form 160-1

7/80-5M

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CONSERVATION IMPROVEMENT PROJECTS THROUGH SOIL AND WATER CONSERVATION DISTRICTS

by

Byron H. Nolte, Extension Agricultural Engineer
Cooperative Extension Service, The Ohio State University and
Eugene H. Derickson, Deputy Chief, Division of Soil and
Water Districts, Ohio Department of Natural Resources

Soil and water conservation districts and boards of county commissioners have authority to construct improvement projects. These projects may be for the purpose of (1) natural resource conservation and development, (2) flood prevention and (3) conservation, development, utilization, and disposal of water. Projects are initiated by a request from interested landowners (Form 160-1)*. (See sample form on opposite page)

The procedure has been available since 1969. Projects have involved single counties, multiple counties, local landowner financing, state cost-sharing and state loans for planning. Improvements have included dams for water storage, recreation, flood control and wildlife habitat; channel modifica-

tion for drainage and to reduce flood damage; diversions for water management; earth moving, grading and seeding for erosion control; structures for erosion control; structures for erosion control and water management; and improvements to reduce sedimentation.

Simple projects that will be financed entirely by the interested landowners may be completed in a single year, but complex projects that involve more than one county and state or federal financial assistance may take many years to complete.

The procedure will be given for a single county, locally financed project and additional requirements will be outlined for multiple county, state cost-sharing and federally assisted projects.

Single County (District) Project (no cost sharing)

- Step 1.** A formal request for assistance is submitted to the soil and water conservation district by interested landowners or a steering committee (Form 160-1)*. This request is frequently developed and agreed to at one or more meetings of interested landowners.
- Step 2.** The soil and water conservation district supervisors approve or disapprove the request and inform the applicant of their decision. In some counties the supervisors and county commissioners jointly review the project prior to the decision by the supervisors.
- Step 3.** The soil and water conservation district conducts surveys and investigations and prepares a preliminary engineering plan, including scope, feasibility, benefits and costs. Several meetings are held by most steering committees and districts during the planning process. The purpose of these

meetings is to gather information from landowners, to explain alternatives and to present proposed plans.

- Step 4.** The soil and water conservation district holds a public hearing according to ORC, Ohio Revised Code, Section 1515.20. A notice must be published at least twice, stating the time and place of the hearing, in a newspaper of general circulation in the appropriate area. There must be an interval of at least 13 days between the two newspaper notice publication dates. If the district supervisors find that construction of the proposed project will (1) improve water management and development to the benefit of land in the district, (2) that the cost of the improvement will be less than the benefits and (3) that the improvement will benefit the lands in the area by promoting the economical, industrial and social development of the area, they shall certify the project to the board of county commissioners. Such certification shall in-

* Form 160-1, Request for Assistance, may be obtained from the local soil and water conservation district.

clude a map of the watershed or other area benefited by the proposed improvement, a plan of the improvement, and sufficient information to implement the project as outlined in ORC Sections 1515.24 to 1515.28 inclusive.

Step 5. The board of county commissioners shall **approve or disapprove** construction of the project within 60 days of receipt of the certification. If the project is approved the commissioners **determine the procedure** to be **used to pay the cost of the project**. The funds may be secured by (a) a uniform assessment upon the benefited area, (b) a varied assessment on the benefited area, (ORC Sec. 1515.24) (c) a tax levy upon property in the project area, (ORC Sec. 1515.28) or (d) an appropriation from the general fund of the county (ORC Sec. 1515.10).

If the board of county commissioners disapproves construction of the improvement, the supervisors may revise the plan for the improvement and again proceed beginning with Step 4.

Uniform Assessment

A uniform assessment has been defined to mean that a complete appraisal must be made of each parcel of land, together with all improvements thereon within the project area and the benefits or damages brought about as a result of the project to be determined by a criteria applied equally to all parcels within the project area. The assessment then levied upon the parcels must be at a uniform rate, on the basis of the foregoing appraisal. Any other method of appraisal or assessment will be considered a varied assessment.



Rip rap and vegetation control erosion in the Dorn drainage project, Madison County.



Diversion terrace under construction for erosion control in Noble County.

Immediately following the levying of a uniform assessment the board of county commissioners shall give notice of the levy and the rate once each week for three weeks in a newspaper of general circulation in the project area. Any person who owns a property which would be subject to the assessment may within 30 days after the third publication of the notice file a petition for referendum. The petition must be signed by owners representing at least 20 per cent of the parcels subject to the assessment. The petition is filed with the clerk of the court of common pleas.

If the petition is valid the assessment will be voted on by the electors within the project area at the next succeeding primary or general election occurring 90 days after the certifying of the petition for referendum to the board of elections. Or the county commissioners may conduct a special referendum. Any person whose petition is invalid or denied by referendum may appeal to the court of common pleas.

If the majority of the electors voting in the referendum approve the levying of the assessment or if no petition for referendum is filed within the 30 day time limit, the board of county commissioners shall make an order approving the levying of the assessment.

Varied Assessment

Any assessment that does not conform to the definition for uniform assessment is considered to be varied. If the board of county commissioners levies a varied assessment it shall give notice by first class mail to every person whose property is subject to assessment. The notice shall give the amount of the assessment and advise the owner that he may file



Completed diversion terrace with well established vegetation.

an objection in writing at the office of the board of county commissioners within 30 days after the notice was mailed.

If any mailed notice is returned undelivered, the board of county commissioners shall publish the notice each week for three weeks in the newspaper of general circulation in the project area and allow objections to be filed for 30 days after the last publication of the notice.

Upon receipt of any objections, the board of county commissioners shall proceed within 30 days to hold a final hearing for objectors to the assessments. All objectors shall be given notice of the hearing by first class mail. Upon hearing the objectors the board may amend and shall approve the final schedule of assessments by journal entry. Any person whose objection is not allowed may appeal within 30 days to the court of common pleas and the county in which the property is located.

Tax Levy (Outside the ten-mill limitation)

The board of county commissioners may declare by resolution that it is necessary to levy a tax upon the property in the project area in order to pay the costs of the improvement. The resolution must specify the rate, purpose and number of years the levy will be in effect. The levy may be included upon the duplicate of the current year.

The county commissioners must certify a copy of the resolution to the board of elections prior to September 15 in any year for it to be submitted to the electors within the project area at the succeeding November election. A 50 percent favorable vote is required to approve the levy. The board may levy the tax as approved or at any less rate or for any less number of years. The board may issue bonds and notes in anticipation of the collection of taxes levied.

Tax Levy (Within the ten-mill limitation)

The board of county commissioners may levy a tax within the ten-mill limitation and may appropriate money from the proceeds of such levy or from the general fund of the county for construction and maintenance of improvements by the district and other expenses incurred in carrying out the program of the soil and water conservation district. These appropriations shall be held in a special fund for the credit of the district to be expended upon the written order of the fiscal agent for the district after authorization by a majority of the supervisors of the district.

Step 6. The board of county commissioners proceeds to **implement, construct, repair, maintain and operate the improvement.** This requires securing rights-of-way and easements (by appropriation if necessary), advertising for bids and awarding contracts. The board may designate the district as the contracting agency. The board may also contract with or authorize the supervisors of the soil and water conservation district to perform maintenance of the improvement.

Maintenance Funds

The board of county commissioners is required to maintain the improvement. Any money collected in excess of the amount needed for construction of the improvement and the first year's maintenance may be placed in a fund to be used for maintenance of the improvement. The board shall levy an assessment as needed to provide funds for maintenance. The levy shall be upon the property within the project area at a uniform percentage of the original assessment for construction.

No assessment shall be levied for maintenance in any year in which the unencumbered balance in the maintenance fund exceeds 20 per cent of the cost of construction of the improvement.



Rip rap chute for erosion control where water runs over ditch bank.

Multiple County Projects

If more than one county is involved in an improvement project it is necessary to form a joint board of soil and water conservation district supervisors and a joint board of county commissioners.

Joint Board of Supervisors

The supervisors of any two or more districts must have approval of the Ohio Soil and Water Conservation Commission to form a joint board of supervisors for the purpose of construction, maintenance and operation of an improvement. (Form 160-2). The joint district board must have an uneven number of members. When an equal number from each district would result in an even number on the joint board, the district appearing to have the highest amount of taxes or assessments names an additional supervisor to the joint board.

The joint board of supervisors has the same powers for a multiple county project that a single board of supervisors has for a single county project. The joint board of supervisors may perform the supervisors responsibilities for all projects within the joint district.

The Ohio Soil and Water Conservation Commission requires a report of organization, changes in membership and annual progress of joint boards of supervisors (Form 160-3).

The certification of a project by the joint board of supervisors shall go to the county commissioners of each county containing any of the territory included in the benefited area.

Joint Board of County Commissioners

If all the boards of county commissioners containing any of the project area approve construction of the certified project they become a joint board of county commissioners for the improvement. The joint board of county commissioners has the same powers for a multiple county project that a single board has for a single county project.

The joint board shall elect one of its number president and designate a clerk of one of the boards of county commissioners of the participating counties as clerk of the joint board. A majority of those on the joint board constitutes a quorum. All decisions of the joint board shall be made by a majority vote of the county commissioners constituting the joint board.

The joint board designates the county auditor and county treasurer of one of the counties forming the joint board to become the fiscal agent for the joint board. Fiscal agents are ex officio board members.



Flood control dam under construction, Monroe County.



Myrtle Village drainage problem in Warren County is shown above. Inadequate ditch and culvert size (above right). Improved ditch and properly sized culverts (on right).



State Financial Assistance

The Ohio legislature has established a rotary fund to help pay initial expenses, including surveys, plans and appraisals, for soil and water conservation district improvement projects and a cost-share fund to help pay construction costs.

In the period 1971 through 1979, 10 projects involving 17 counties were approved for a loan from the rotary fund. Loans varied from \$2,500 to \$50,000 and the average was \$25,204. In the same period 18 projects involving 22 counties were approved for cost sharing. The amounts approved for cost-sharing varied from \$1,500 to \$355,000 and the average

amount was \$93,645. This represents an average of 23 percent of the total construction cost of the improvements involved.

The Ohio soil and water conservation commission or the director of natural resources may place restrictions of the type of project to be assisted and may specify planning requirements.

Planning Funds Rotary

Applications for an advance of money from the rotary fund must be submitted to the Ohio soil and water conservation commission by the board of



Well constructed drainage improvement project with good stand of vegetation (Auglaize County).



Upstream end of newly constructed drainage improvement showing outlet pipes and rock chute for erosion control.

county commissioners (Form 160-5). This fund was created to enable soil and water conservation districts to pay all or part of the costs of surveys and plans, appraisals, estimates of costs, land options and other incidental expenses in constructing works of improvement.

Upon receipt of an application the Ohio soil and water conservation commission recommends the amount reasonably needed to the state controlling board. The controlling board determines the amount to be advanced.

All amounts received by soil and water conservation districts from the rotary fund shall be repaid by the board of county commissioners to the state immediately upon the receipt of funds which may be used for that purpose. Payment may be made in up to five annual installments commencing at the time specified by the soil and water conservation commission.

Cost-Share Funds

Applications (Form 160-4) for state cost-share funds are submitted by boards of county commis-

sioners to the Ohio soil and water conservation commission. The commission may recommend to the director of the Ohio department of natural resources that the state share the cost of construction of works of improvement constructed by the county for a soil and water conservation district.

The director of the Ohio department of natural resources upon recommendation of the Ohio soil and water conservation commission is authorized to enter into agreements with boards of county commissioners to provide up to 50 per cent of the non-federal cost of construction of the improvement. This state cost-share shall be paid from moneys appropriated for such purposes.

Cooperation with State or Federal Agencies

The board of county commissioners may adopt procedures that conform to the procedures and regulations of the state or federal agency when such an agency is assisting in undertaking the improvement project and their procedures conflict with those outlined for the county.

Note—This bulletin outlines the main provisions for carrying out works of improvement by soil and water conservation districts and boards of county commissioners. It is not a complete legal guide. In specific cases direct reference should be made to the Ohio Revised Code or the help of a qualified attorney may be secured.