

**HURON/SENECA JOINT BOARD MEETING      TUESDAY      AUGUST 6, 2013**

The Joint Boards of Huron/Seneca County Commissioners met this date in Special Session.

**At 11:30 a.m.** Gary W. Bauer opened the Megginson Creek Ditch Maintenance public hearing. Mr. Bauer asked Cary Brickner, Huron County Soil and Water Conservation District to present the purpose for such hearing.

Mr. Brickner stated that hearing is being held to hear testimony in favor and or against the proposal that was developed by Huron County Assistant Prosecutor along with the Seneca County Prosecutor at an early date. This proposal deals with the pay backs in regards to the fact that land ownership had changed but the real estate tax information was transferred to the Seneca County Auditor but the ditch maintenance assessments portion of it was somehow still hanging on to the old parcels. There was some communication problem between Huron County Soil and Water and Seneca Soil and Water and some how things just didn't happen so we are trying to figure out a way to resolve such problem that was brought to their attention by Mr. Thompson last year when he received his tax bill and realized that he was paying several hundred dollars more than what he should have. Over the course of years was \$7,000.00. Mr. Brickner stated that after meeting with Huron County Soil and Water Conservation board, a Commissioner and Huron County Assistant Prosecutor it was decided to hold this public hearing to review an equalization assessment and the payback for landowners that over paid. It was recommended by the prosecutor to go back six years and make adjustments based on what has happened the last six years with owners that currently still own property parcels in the Megginson Creek ditch maintenance. Basically we are down to about \$4,000.00 of overpayment and underpayment that occurred if you go back six years. Schedules have been developed and sent to all landowners along with a spreadsheet how this will happen in regards to payment or repayment and the way that it is figured right now is that every person who is owed money except for a hand fill will be paid back by not assessing them for the next few years. We have four different parcels two of them that would not be able to be paid back in the six years by just not assessing them as the amount is greater than what the assessments would be for the next six years. Mr. Brickner further explained the amounts on Mr. Thompsons parcels. The rest of them will be paid off in the two years. Mr. Brickner stated that he has authority from his board (Huron County Soil and Water Conservation District Board) to help out the situation and has a list of four landowners that would add up to a total of \$2,786.00 and such board is willing to create and in and out fund so that these people can be paid back and drag it out six years. It would just be easier to get it paid back and to move on. Mr. Brickner further explained the six years and stated that Ms. Kasper, Huron County Assistant Prosecutor felt that she could defend this in court. After this hearing today the landowners have thirty days to appeal. After explanation of the purpose for the hearing Mr. Bauer called once for testimony in favor of the proposal for the payments for the Megginson Creek ditch maintenance, hearing none Mr. Bauer called twice for testimony in favor of the proposal for the payments for the Megginson Creek ditch maintenance, hearing none Mr. Bauer called thrice for testimony in favor of the proposal for the payments for the Megginson Creek ditch maintenance, hearing none Mr. Bauer called once for testimony against the proposal for the payments for the Megginson Creek ditch maintenance. Landowner Tim Thompson spoke in this regard and stated that this may not be to optimum fix but doesn't feel that there is an optimum fix. Commissioner Jeffrey Wagner stated that he feels that the Assistant Prosecutor has come up with what she feels is the best way to resolve this situation and further stated that he wanted to apologize to Mr. Thompson for the inconvenience and having the costs that he had to bear and shouldn't have had to bear but to straighten it out this is probably the best fix that we can come up with so that is where we are at. Mr. Bauer asked if this was a discussion and a fix that both county prosecutors came up with. Mr. Brickner stated yes and for the record to keep in mind is that we would have liked to see Mr. Thompson and all get all of their money back but to do that we would have to collect that from their neighbors and we have to show how far we can go back. Mr. Thompson asked why they came up with the fact to stop at the six year point. Mr. Bauer stated that is what our assistant prosecutor with discussions with the Seneca County Prosecutor and they agreed would be the most equitable way to go. Mr. Dunlap stated that he thought that they had researched Supreme Court decisions and situations like this and that was pretty much where the courts have gone with case law and case history was with that secure number. Mr. Thompson further inquired about the appeal process which was explained. Tia Rice explained the six year updates as well at this point. Mr. Thompson stated that if he had not said something how much longer it would have gone on. Mr. Thompson stated that this is his grievance and further stated that he could not afford to appeal. Mr. Bauer stated that he would have 30 days to appeal the decision of the joint board. Mr. Bauer called twice for testimony against the proposal for the payments for the Megginson Creek ditch maintenance, hearing none called thrice for testimony against the proposal for the payments for the Megginson Creek ditch maintenance. Mr. Thompson asked if this would still stand if he would appeal. Mr. Brickner stated that an appeal would go to Common Pleas Court and the judge could agree or disagree

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with the decision of the joint board. At this point with no further discussion Mr. Bauer closed the hearing.

Mr. Brickner asked the board if they wanted to make a motion today so that the thirty days could begin for an appeal. Mr. Thompson asked how the payments would be made and Mr. Brickner explained how the process would work with detailed discussion.

Mr. Bauer called for a motion to approve the approval before them.

*Tom Dunlap moved to proceed with the ditch assessment correction that Huron County Soil and Water Conservation District has provided. Fred Zoeller seconded the motion. The roll being called upon its adoption, the vote resulted as follows:*

<i>Aye – Tom Dunlap</i>	<i>Aye – Jeffrey Wagner</i>
<i>Aye – Gary W. Bauer</i>	<i>Aye – Holly Stacy</i>
<i>Aye – Joe Hintz</i>	<i>Aye – Fred Zoeller</i>

Mr. Bauer stated that this motion will begin the thirty days.

*Fred Zoeller moved to approve the schedule formula for the repayments as long as there are no appeals within the thirty days. Joe Hintz seconded the motion. The roll being called upon its adoption, the vote resulted as follows:*

<i>Aye – Tom Dunlap</i>	<i>Aye – Jeffrey Wagner</i>
<i>Aye – Gary W. Bauer</i>	<i>Aye – Holly Stacy</i>
<i>Aye – Joe Hintz</i>	<i>Aye – Fred Zoeller</i>

**At 11:54 a.m.** Tom Dunlap moved to adjourn. Joe Hintz seconded the motion. The regular and special meetings stood adjourned.

**IN THE MATTER OF OPEN SESSION**

The joint boards Huron/Seneca County Commissioners hereby attest that all actions and deliberations of the Board legally required to be public were conducted in an open session on this date and that the foregoing minutes represent the official action of the Joint Board.

**IN THE MATTER OF CERTIFICATION**

The Clerk to the Board does hereby attest that the foregoing is a true and correct record of all actions taken by the Board of Huron County Commissioners on August 6, 2013.

**IN THE MATTER OF ADJOURNING**

The meeting was called to order at 11:30 a.m. With no further business to come before the Board, the meeting was adjourned at 11:54 a.m.

**Signatures on File**