

**SPECIAL MEETING JOINT BOARD HURON/SENECA COUNTIES DITCH MAINTENANCE  
TUESDAY JUNE 18, 2013**

The Board of Huron County Commissioners met this date in Special Session/Huron/Seneca Joint County Ditch meeting. Gary W. Bauer, Tom Dunlap, Joe Hintz, Holly Stacy, Fred Zoeller, Jeffrey Wagner, absent.

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COMMISSIONERS' OFFICE

June 18, 2013

**IN THE MATTER OF: RESOLUTION - MAINTENANCE ASSESSMENTS FOR COLLECTION IN 2014 FOR THE SENECA AND HURON JOINT COUNTY DITCHES MAINTAINED BY THE SENECA COUNTY DITCH MAINTENANCE PROGRAM**

**COMMISSIONERS' OFFICE**, presented and moved the adoption of the following RESOLUTION:  
**WHEREAS**, the Seneca Soil and Water Conservation District administers the Seneca County Ditch Maintenance Program by agreement with the Board of Seneca County Commissioners and the Seneca County Engineer; and

**WHEREAS**, the 2013 Ditch Maintenance Inspection Report indicates certain work needed to maintain the ditches on the maintenance program; and

**WHEREAS**, the Seneca Soil and Water Conservation District has recommended to the Joint Boards of Seneca and Huron County Commissioners that the following assessments be collected to fund maintenance work needed in 2013:

SC #11-067	15%
SC #11-110	0%
SC #11-198	1%

**NOW, THEREFORE, BE IT RESOLVED**, that the Joint Board of Seneca and Huron County Commissioners are in agreement with these provisions as detailed herein, and be it further

**RESOLVED**, that copies of this resolution shall be certified to the Seneca County Ditch Maintenance Supervisor, the Seneca County Auditor, the Seneca County Engineer, the Huron County Commissioners, the Huron County Auditor, and the Huron County Engineer, and be it

**RESOLVED**, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were so adopted in an open meeting of this Board, and that all deliberations of this Board, and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**COMMISSIONERS' OFFICE** seconded the above motion and the vote upon its adoption resulted as follows:

**SENECA COUNTY**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**HURON COUNTY**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk to the Board

I, the undersigned, Clerk to the Board, Seneca County, Ohio, do hereby certify that the foregoing is a true and correct copy from the official record of said Board of County Commissioners as recorded in Journal 89, Page 271.

\_\_\_\_\_  
Clerk to the Board

Discussion was had in regards to the Megginson Creek ditch maintenance.

**MEGGINSON CREEK  
HURON COUNTY - SENECA COUNTY JOINT COUNTY DITCH #147**

Proposed plan under consideration by the Joint Board to address errors in past assessments:

Ditch improvement assessments would be corrected according to the following parameters:

- 1) Current property owners would be charged arrears or refunded overpayments.
- 2) The amount to be charged in arrears or refunded as overpayment would be calculated based on payments for the past 6 years. Payments that should have been paid or were paid in the years 2012, 2011, 2010, 2009, 2008, and 2007.

[If the current property owner has owned the property since 2007, then the full six years of underpayment or overpayments will be reviewed for the property. If the current property owner has owned the property only since 2010, for example, then only those three years that the owner has owned the property will be reviewed.]

- 3) Property owners who both owe arrears and are entitled to refunds will have the amount of the arrears credited against the amount of refund so that only the net amount is charged or refunded.
- 4) Property owners who owe on arrears:
  - a) Shall pay the full amount of the arrears, up to a maximum of \$100 per year, until the full amount of arrears are paid.
  - b) Any balance still due in 6 years, shall be paid in full that year.
  - c) The amount to be paid will be placed on the tax duplicate and collected in the same manner as the current annual ditch assessment is collected.
- 5) Property owners who are entitled to a refund:
  - a) Shall have the full amount of the refund credited against the annual ditch assessments until the refund is 'used-up'.
  - b) Any property owner who will not have 'used-up' the refund (by crediting the refund against the annual assessment) within six consecutive years, shall be entitled to having the refund paid back over the six years. The total amount of refund shall be divided in sixths (1/6). Each year the property owner will be entitled to that amount of refund - less the annual ditch assessment - paid to the property owner directly. The balance of the refund will be paid directly to the property owner after the tax receipts are certified.

12/18/2012

Megginson Creek, Huron/Seneca counties joint ditch #147 explanation



**SPECIAL MEETING JOINT BOARD HURON/SENECA COUNTIES DITCH MAINTENANCE  
TUESDAY JUNE 18, 2013**

**HURON COUNTY  
BOARD OF COMMISSIONERS**

June 18, 2013  
\*Gary W. Bauer \*Tom Dunlap \* Joe Hintz  
Cheryl Nohrn, Administrator/Clerk

Dear Landowner:

The Megginson Creek is a Joint County Ditch involving land in both Seneca and Huron Counties, with Huron County being the Lead County for the project. This means that any maintenance that may need to be performed is completed by the Huron County Soil and Water Ditch Maintenance Department and paid for through special assessments on all the lands that drain to or benefit from the drainage system.

During a recent review of the land / parcels that drain to and are benefited by the County maintained Megginson Creek, we found that information regarding this special ditch maintenance assessments was never updated after you purchased your land. This means that several parcel owners have been paying assessments on land that they no longer own and several others have not been paying assessments for land that they do own.

To resolve these inequities, the Joint Board of Commissioners is considering "equalization assessments" to bring current those who should have been paying and to give credit to those who have over paid. Please find enclosed guidelines on how this will work and also a spreadsheet showing the amount that each parcel / owner owes to will be reimbursed.

A public hearing for all those affected by this action will be held at 11:30 am on August 19, 2013 at Norwich Twp Hall.  
If you have any questions regarding this notice, Please Contact Huron County District Manager Cary Brickner at 419-668-4113 ext.3.

Sincerely,

HURON SENECA COUNTIES JOINT BOARD

*Gary W. Bauer*  
Gary W. Bauer  
*Tom Dunlap*  
Tom Dunlap  
*Joe Hintz*  
Joe Hintz  
*Holly M. Stuey*  
Holly M. Stuey  
*Jeffrey D. Wagner*  
Jeffrey D. Wagner  
*Fred Zoeller*  
Fred Zoeller

180 Milan Avenue, Suite 7, Norwalk, Ohio 44857-1185  
419-668-5092 • 800-808-5092 • Fax: 419-668-3370  
Email: [info@huroncommissioners.com](mailto:info@huroncommissioners.com)  
[www.huroncommissioners.com](http://www.huroncommissioners.com)

The following resolution was approved by the joint board.

HS13-01

**IN THE MATTER OF MAINTENANCE ASSESSMENT FOR 2014 FOR THE HURON AND SENECA JOINT COUNTY DITCHES MAINTAINED BY THE HURON COUNTY DITCH MAINTENANCE PROGRAM**

Commissioner Zoeller moved the adoption of the following resolution:

**WHEREAS**, the Huron Soil and Water Conservation District administers the Huron County Ditch Maintenance Program by agreement with the Board of Huron County Commissioners and the Huron County Engineer; and

**WHEREAS**, the 2013 Ditch Maintenance Inspection Report indicates certain work needed to maintain the ditches on the maintenance program; and

**WHEREAS**, the Huron Soil and Water Conservation District has recommended to the Joint Board of Huron County and Seneca County Commissioners that the following assessments be collected to fund maintenance work needed in 2013:

Setchel-Turner #104 (11-920) .....	0%	
Stacklin-Stockmaster #108 (11-780) .....	0%	
Megginson Creek #147 (11-970) .....	10%	now therefore

**BE IT RESOLVED**, that the Joint Board of Huron and Seneca County Commissioners are in agreement with these provisions and that these assessments be certified to the Huron and Seneca County Auditors to be collected on the 2014 property taxes; and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Joint Boards of Commissioners of the Counties of Huron and Seneca, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Commissioner Bauer seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

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Aye - Gary W. Bauer  
Aye - Tom Dunlap  
Aye - Joe Hintz

Aye - Holly M. Stacy  
Absent - Jeffrey D. Wagner  
Aye - Fred Zoeller

**IN THE MATTER OF OPEN SESSION**

The Huron 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 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 Joint Board of Huron and Seneca County Commissioners on June 18, 2013.

**Signatures on File**