

The following meetings (work session and regular meeting) were held in compliance with the Sunshine Law and The Miami Conservancy District (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 the meetings by electronic mail dated March 14, 2024. The meetings were held at MCD headquarters.

**WORK SESSION**

The work session of the Board of Directors of MCD was called to order at 10:07 a.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 work session: MaryLynn Lodor, General Manager/Interim Board Secretary; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Dan Foley, Manager of the Great Miami Riverway; 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; and Barry M. Puskas, Chief of Technical and Engineering Services.

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

Guests in attendance at the work session: None

General Manager MaryLynn Lodor gave an update on the resolutions passed by the Board of Appraisers in their meeting and presented information on the Seventh Readjustment of Appraisal of Benefits and Assessments.

**M 2024-6696**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adjourned the work session at 12:06 p.m.

**REGULAR MEETING**

The regular meeting of the Board of Directors of MCD was called to order at 12:40 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 regular meeting: MaryLynn Lodor, General Manager; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Dan Foley, Manager of the Great Miami Riverway; 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; and Barry M. Puskas, Chief of Technical and Engineering Services.

Legal counsel in attendance at the regular meeting: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

Guests in attendance at the regular meeting: None

## MINUTES

The Minutes of the Board of Directors meetings of December 13, 2023 (regular meeting), and January 11, 2024 (special meeting), were provided to members of the Board for review and comment.

### **M 2024-6697**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the meeting minutes for December 13, 2023, and January 11, 2024.

## INTERIM BUDGET REPORT

The MCD Interim Budget Report for the period ending February 29, 2024, was provided to the Board of Directors for review and acceptance.

### **M 2024-6698**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously accepted the Interim Budget Report as of February 29, 2024. In addition, the Board of Directors ordered that a copy of the report be kept on file.

Next, Mr. Moyer presented the MCD Investment Report for the period ending February 29, 2024.

## INVESTMENT REPORT

MCD has funds invested in STAR Ohio and JPMorgan Money Market fund. The interest rates as of February 29, 2024, were:

- STAR Ohio account – 5.62%.
- Money Market account with JPMorgan Bank – 5.15% (1-year historical performance as of 2/29/2024) which is consistent with a typical Government Money Market Fund Yield.
- Checking and savings accounts – 0.01%.

MCD's goal is to continue to provide the highest investment return with maximum security while meeting all liquidity and operating demands. The primary objectives of investment activities, in order of priority, will continue to be safety, liquidity, and yield.

Next, Ms. Lodor led a discussion regarding the approval by the Board of Appraisers of the Revised Appraisal Record of Benefits and communication by MCD staff to unit beneficiaries, including meetings with unit representatives, open houses, mailings, and publications.

Next, Mr. Moyer discussed assessment rates for 2025 collection and exemptions from said assessments.

**M 2024-6699**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the recommended rates for the 2025 assessments' collection and directed the Secretary to prepare the necessary Assessment Duplicates.

**M 2024-6700**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. van Haaren, unanimously approved the recommended exemptions to individual parcels for the 2025 maintenance and capital improvement assessments' collection and directed the Secretary to exclude these parcels from the Assessment Duplicates.

In addition, the Board of Directors approved the recommended \$2.00 minimum annual maintenance assessment to individual parcels with a benefit greater than or equal to \$50.00 and less than or equal to \$71.94 for the 2025 assessments' collection and directed the Secretary to prepare the Assessment Duplicates accordingly.

In addition, the Board of Directors approved the recommended exclusions of all parcels with a benefit less than \$50.00 for individual parcels for the 2025 maintenance and capital improvement assessments' collection and directed the Secretary to exclude these parcels from the Assessment Duplicates.

Next, Mr. Moyer discussed the debt service payment due during 2024 for the total amount of \$143,063. This debt is related to the loan obtained in 2023 from the Ohio Water Development Authority (OWDA) for the Lockington Dam Left Wall Phase 1 project. A transfer of funds from Flood Protection (Fund 100) to Debt Service (Fund 300) is necessary to ensure the fund balance in Debt Service does not fall below zero during 2024.

**M 2024-6701**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the requested transfer of funds from Flood Protection to Debt Service in the amount of \$143,063.

Next, Mr. Moyer presented a list of sponsors and their contributions to the 2024 Great Miami Riverway Summit.

**M 2024-6702**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously voted to accept receipt of \$16,200 collected through March 6, 2024, from sponsors for the 2024 Great Miami Riverway Summit.

Next, Mr. Moyer discussed the importance of having three authorized signers on the bank accounts and recommended that Shannon Phelps, Manager of Administration, be added as an authorized signer.

**M 2024-6703**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously authorized the addition of Shannon Phelps, Manager of Administration, as an authorized signer on MCD's bank accounts.

Next, Ms. Lodor presented a list of Conservancy Court entries filed since the December 13, 2022, Board of Directors meeting for 2022 and 2023.

### **CONSERVANCY COURT ENTRIES**

The following is a summary of the Conservancy Court entries that have been filed since the December 13, 2022 Board meeting for 2022 and 2023:

#### **In Case No. 36847 The Miami Conservancy District**

*December 13, 2022*

Entry and Order appointing Michael H. van Haaren to The Miami Conservancy District Board of Directors to fill the remainder of William E. Lukens' unexpired five-year term, ending June 30, 2025.

*June 26, 2023*

Notice of Filing of the Appointment of Judge Amy L. Searcy to serve on The Miami Conservancy District Conservancy Court representing Hamilton County, Ohio.

*July 11, 2023*

Entry and Order Reappointing Mark G. Rentschler to the Miami Conservancy District Board of Directors for a five-year term commencing July 1, 2023.

*July 27, 2023*

Entry and Order Setting a Meeting of the Conservancy Court for November 17, 2023.

*November 3, 2023*

Notice of Filing of the 2022 Annual Report.

*November 3, 2023*

Notice of Filing of the 2021 State Auditor's Report.

*November 3, 2023*

Notice of Filing of the 2022 State Auditor's Report for the Miami Conservancy District.

*December 1, 2023*

Notice of Filing of transcript from the Conservancy Court meeting held on November 17, 2023.

*December 8, 2023*

Entry and Order Setting a Meeting of the Conservancy Court for February 9, 2024.

*December 12, 2023*

Entry and Order accepting the appointment of Judge Amy L. Searcy to serve on the Conservancy Court representing Hamilton County, Ohio.

*December 12, 2023*

Judgment Entry Recognizing the Service of The Honorable Robert P. Ruehlman (Hamilton County), retired.

*December 12, 2023*

Entry and Order Recognizing William E. Lukens for His Service as a Member of the Board of Directors for more than 17 years.

*December 12, 2023*

Entry and Order Recognizing the Appointment of Michael H. van Haaren to The Miami Conservancy District Board of Directors.

*December 12, 2023*

Entry and Order Recognizing the Reappointment of Mark G. Rentschler to The Miami Conservancy District Board of Directors.

*December 12, 2023*

Judgment Entry accepting and approving the Board of Directors Annual Report for fiscal year 2022.

*December 12, 2023*

Judgment Entry accepting and approving the State Auditor's 2021 Report.

*December 12, 2023*

Judgment Entry accepting and approving the State Auditor's 2022 Report.

*December 12, 2023*

Entry and Order authorizing a process for filing of exceptions related to the Seventh Readjustment of the Appraisal of Benefits.

*December 12, 2023*

Entry confirming the Board of Directors authorization to increase Dam Safety Initiative spending authority.

**In Case No.105912**

**The Water Conservation Subdistrict of The Miami Conservancy District**

*November 3, 2023*

Notice of Filing of the 2022 Annual Report of the Miami Conservancy District.

*December 12, 2023*

Judgment Entry accepting and approving the Board of Directors Annual Report for fiscal year 2022.

**In Case No. 94 4414**

**The Aquifer Preservation Subdistrict of The Miami Conservancy District**

*November 3, 2023*

Notice of Filing of the 2022 Annual Report of the Miami Conservancy District.

December 12, 2023

Judgment Entry accepting and approving the Board of Directors Annual Report for fiscal year 2022.

AMENDED PAGE

**In Case No. 99 2243**

**The River Corridor Improvement Subdistrict of The Miami Conservancy District**

November 3, 2023

Notice of Filing of the 2022 Annual Report.

December 12, 2023

Judgment Entry accepting and approving the Board of Directors Annual Report for fiscal year 2022.

Next, Dr. Hippensteel Hall presented a request for ratification of the following grant funding application.

**GRANT FUNDING RATIFICATION**

The following was amended to reflect the correct year from December 2021 to December 2022.

In December 2022, the Board of Directors passed a resolution authorizing staff to submit grant funding applications for various purposes. Staff has submitted the following grant requests:

**Project Title:** *“Great Miami River Restoration near OEPA river mile 47”*

**Description:** To stabilize eroding river banks and reduce sediment loading to the Great Miami River in Butler County. The project area includes both right and left banks, and is approximately 13 acres of MCD property located downstream of SR 73, and City of Middletown property located just upstream of the MCD Levee MIDDLE4.

**Total Project Cost:** \$3,997,432.00

**Grant Amount Requested:** \$3,997,432.00

**Source:** Ohio Environmental Protection Agency, Water Resource Restoration Sponsor Program (WRRSP)

**The Miami Conservancy District Match:** \$0

**Other Participants:** N/A

The following was amended to reflect the correct year from August 15, 2022, to August 15, 2023.

**Status:** Application was submitted on August 15, 2023. Staff were notified on February 15, 2024, that the grant request is approved for funding.

**M 2024-6704**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously ratified staff action regarding the grant funding request.

Next, Ms. Lodor requested approval of a resolution honoring Daniel K. Foley, Riverway Manager. Mr. Foley announced his retirement effective November 30, 2023, after more than four years of employment as the Riverway Manager. He was rehired as Riverway Manager on

December 18, 2023, after the Board of Directors approved his reemployment through April 30, 2024, at the December 2023 meeting.

**M 2024-6705**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adopted the following resolution honoring Daniel K. Foley.

**R 2024-1934**

**RESOLUTION HONORING  
DANIEL K. FOLEY**

**WHEREAS**, The Miami Conservancy District protects lives and property through a comprehensive flood protection system, encourages water stewardship, and promotes recreation and enjoyment of our waterways in southwest Ohio; and

**WHEREAS**, Daniel K. Foley has been employed by The Miami Conservancy District for more than four years beginning on November 4, 2019; and

**WHEREAS**, Daniel K. Foley in his years with The Miami Conservancy District has served The Miami Conservancy District and the residents of the Miami Valley well; and

**WHEREAS**, the Board of Directors would like to take special notice of the dedicated and loyal service Daniel K. Foley provided to The Miami Conservancy District while working as the Riverway Manager; and

**WHEREAS**, the Board of Directors further recognizes the dedicated and professional manner in which Daniel K. Foley carried out his duties; and

**WHEREAS**, Daniel K. Foley has announced his intention to retire from The Miami Conservancy District on April 26, 2024.

**THEREFORE, BE IT RESOLVED** that the Board of Directors of The Miami Conservancy District do hereby commend Daniel K. Foley for his many years of valuable service to The Miami Conservancy District and the citizens of the Miami Valley.

Next, the First Quarter 2024 Management Report was provided to the Board and several items were discussed.

**Communications & Outreach - Seventh Readjustment of the Appraisal of Benefits**

Outreach to jurisdictions continued. Throughout this quarter several meetings were held and presentations given to community leaders, city councils, county commissioners and community organizations.

An MCD open house was held in Hamilton, Ohio, at Miami University Hamilton on February 27, 2024. Nine members of the public attended. The Leadership Team participated with several information boards to help explain what MCD is, does and how it's funded. Several city council members and large property owners attended the 2-hour listening session. Two more open

houses are planned sessions to highlight MCD's financial needs for the flood protection system. Open Houses in Troy and Dayton are planned for April 2 and April 4, respectively.

### **Communications & Outreach - Events**

MCD hosted a Tabletop Exercise on Source Water Protection and Emergency Number Response on January 24 from 8 a.m. to 12 p.m. at the Engineers Club of Dayton. More than 40 people attended.

### **Flood Protection Dam Project Highlights - Taylorsville Dam Access Road Paving**

Staff applied for grant funding in 2023 through the State of Ohio's Conservancy District Roads funding program to pave a portion of the existing gravel access drive on the upstream slope of Taylorsville Dam. \$200,000 of grant money was awarded with no local match required. Mr. O'Connor reported that the construction contract must be awarded before July 1, 2025. A project kick-off meeting was held with ODOT on March 6, 2024.

### **Operations & Maintenance - Features' Maintenance Highlights**

MCD staff cleared out brush and problem trees that were impeding maintenance in West Carrollton, Dayton, Tipp, Troy, and Middletown.

Mr. Rentschler shared that high water had deposited drift and trash along the Riverway trail in Hamilton. Staff discussed the current policy regarding removal of such items and Mr. Rentschler requested that large trash items be removed as quickly as can safely be done.

## **FUTURE BOARD MEETINGS**

At the December 13, 2023 meeting, the Board members set the following dates for their 2024 regular meetings of the Board of Directors of The Miami Conservancy District: February 29, June 5, September 18, and December 18, 2024.

## **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).

Staff members present at the Executive Session were: MaryLynn Lodor, General Manager and Donald P. O'Connor, Chief Engineer.

Legal Counsel present at the Executive Session were: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

A motion to exit Executive Session was made and moved by Mr. van Haaren and seconded by Ms. Whelley. Ms. Whelley left the meeting at this time.

The meeting returned to open session at 2:15 p.m.



**M 2024-6706**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. van Haaren, unanimously approved a motion to authorize the General Manager and Legal Counsel to engage in settlement discussions as discussed in executive session in the Sunesis litigation matter.

**ADJOURN**

There being no further business, the meeting was adjourned on motion by Mr. van Haaren and seconded by Mr. Rentschler at 2:20 p.m.

**ATTEST:**

**APPROVED:**

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**MaryLynn Lodor**  
**General Manager/Interim Board Secretary**

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**Mark G. Rentschler**  
**President**