

**Chronological Procedure required in connection with the Special Assessment financing of a water project (ORC 6103) or sewer project (ORC 6117)**

compiled by Jim Shaw, P.E., Lucas County Sanitary Engineer

Applies to a county in which the Board of County Commissioners has established the sewer district and describes the area included therein and adopted general plans with respect thereto. If any portion of the improvement is to be constructed within the territory of a municipality then the legislative authority needs to authorize the Board to proceed with the construction.

**\*Steps to proceed with a given project as noted above**

1. **Order of Plans Reso** (portion of work being constructed and ordering preparation of plans, specs, estimates & tentative assessments)

2. Prepare plans, specs, estimates, tentative assessments and submit to Board

3. Letter to Clerk for CAUV determination (need response to determine next step)

4a. If CAUV, letters to property owners (allowing approx. 30 days to put in an Ag Dist) – At least 24 days prior to Necessity reso, a notice of intent to adopt Necessity reso is sent 1<sup>st</sup> class or cert mail to each property listed as current agricultural use value (ORC 5713.31) and not located in an agricultural district (ORC 929.02). Notice will note date of reso and that improvement will be financed in whole or part by special assessments and that all property not in an ag district will be assessed and they may put CAUV parcel in Ag Dist. A 10 day notice is required to be published in a newspaper of general circulation if an owner cannot be found or is not served by mail notice. Ag Dist assessments may be financed with surplus revenues or Ohio Water and Sewer Rotary Commission.

- Necessity Reso after approx. 30 days allowing CAUV parcels to put in Ag Dist –

- Plan approval reso (2nd) (w/ Estimate, Tent Assessment)

or

4b. If no CAUV, no notification letters to property owners (save approx. 30 days of time in process)

- Necessity Reso (1st) same date as Plan approval reso (2nd) (w/ Estimate, Tent Assessment)

\*The **Necessity Reso** sets Public Hearing date & directs SE to sent out Tentative Assessments (frontage & acreage, as applicable)

5. Notice of Public Hearing – published once a week for 2 consecutive weeks in a paper of general circulation

On or before the date of 2<sup>nd</sup> publication of PH, a notice shall be sent to all property owners with an assessment. Notices shall go to Clerk of Council of municipalities involved in such a project.

6. **Plan approval reso** (w/ Estimate, Tent Assessment)

7. Public Hearing & Tentative Assessments mailed out and Advertised in the paper

8. Public Hearing held – minutes prepared. There is a 5 calendar day period for written objections/endorsements/deferments

9a. If there is an intent to appeal, a **reso to establish filing fee** shall be approved

or

9b. If there is NO intent to appeal, proceed

10. **Ratification of Plans reso** (note modification of plans, objections/endorsements, deferments...)

11. **Improvement resolution** (aka Determination to Proceed) and authorizing advertising for construction bids

- Within 15 days after the improvement reso, a copy must be filed with the County Auditor

- During 10 days following improvement reso, no action is to be taken by the Board, and an appeal to the Probate Court must be filed during that period. No appeal is permitted unless written notice of intent to appeal is given to the Board on or before date of reso to proceed.

- After 10 day period and no appeal or at conclusion of appeal process, the notice for bids is to be published once a week not less than 2 consecutive weeks in a paper of general circulation.

12. Bids opened a tabulated and Board may adopt **reso to award contract** to lowest and best bidder

- Sanitary Engineer prepares a revised estimate of cost based on bid

- Arrangements for short term financing (notes) can be made at this time.

11. EPA submittal – Can seek approval earlier in process, but remember that approval is subject to an appeal to the Board of Environmental Review for a period of 30 days

12. Declaration Intent – if county funds are advanced to pay costs of improvement prior to issuance of notes

- County Auditor executes and presents to the Board a certificate setting forth the estimates life of improvement and max maturity of bonds to finance improvement

- **Note resolution** is adopted by the Board based on revised estimate if short term financing is needed

- Copy of note reso if provided to County Auditor

13. When construction is completed, the final costs are determined and final assessments prepared

- **Assessing reso** adopted and within 20 days a copy must be filed with the County Auditor

- County accepts payments of assessments

- County Auditor executes and presents to the Board a certificate setting forth the estimates life of improvement and max maturity of bonds to be issued.

14. Board adopts **resolution authorizing issuance of bonds** based on unpaid assessments with copy of reso to County Auditor

15. Based on rate at which bonds are sold, interest is added to unpaid assessments and delivered to County Auditor to place on taxes

- Bond proceeds retire the remaining portion of the project costs and pay any remaining note amounts

*\*Consult Bond Counsel for specific language related to Proceedings above*