



**OPERATIONAL**

**POLICY**

**MANUAL**



**MUSKINGUM  
WATERSHED**  
CONSERVANCY DISTRICT



# **PREAMBLE**

## **Preamble**

The Muskingum Watershed Conservancy District Board of Directors is desirous of assembling and updating all known internal operational policies which have been enacted or otherwise adopted in the past. This compilation is a step in what is contemplated to be an ongoing process of updating all such policies to reflect any changes or modifications that have been made by Board action or practice. The revised compilation of operational policies reflects the current titles of personnel and particulars to coincide with past Board action to date.

It is therefore recommended that the Board approve the current revision of the internal operational policies of the Muskingum Watershed Conservancy District with the understanding that their updating and revision will remain an ongoing process.



# OPERATIONAL POLICY MANUAL

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**SECTION 1000**  
**ADMINISTRATIVE**

# EMERGENCY COMMUNICATIONS PLAN

## I. PURPOSE

MWCD's Emergency Communications Plan outlines the roles, responsibilities and protocols that will guide MWCD in promptly sharing information during an emergency or disaster situation.

For the purposes of this plan the following defined terms apply:

- A. **Emergency:** A hazard impact causing adverse physical, social, psychological, economic, or political effects that challenges the ability to respond rapidly and effectively. It requires a stepped-up capacity (call back procedures, mutual aid, overtime work etc. to meet the expected outcome, and commonly requires change from routine management methods to an incident command process to achieve the expected outcome. *Reference: Assistant Secretary for Preparedness and Response (ASPR) 2017-2022 Management Glossary of Terms* (November 2016).
- B. **Disaster:** A hazard impact causing adverse physical, social, psychological, economic, or political effects that challenges the ability to respond rapidly and effectively. Despite a stepped-up capacity and capability (call-back procedures, mutual aid, etc.) and change from routine management methods to an incident command/management process, the outcome is lower than expected compared with smaller scale or lower magnitude impact. *Reference: Assistant Secretary for Preparedness and Response (ASPR) 2017-2022 Emergency Management Glossary of Terms* (November 2016).
- C. **Incident:** A term for broad use on second reference in describing either of the types of situations defined above, when conducting training, engaged in response or during after-action analysis.
- D. **Emergency Operation Center (EOC):** The physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place. *(FEMA) 2021 Emergency Management Glossary of Terms*
- E. **Incident Command System (ICS):** A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. The Incident Command System is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. ICS is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. *(FEMA) 2021 Emergency Management Glossary of Terms*
- F. **Incident Commander (IC):** The individual responsible for coordinating and directing all incident activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander collects data, briefs and coordinates with MWCD senior leaders and has overall operational authority and responsibility for an incident. *(FEMA) 2021 Emergency Management Glossary of Terms*
- G. **Public Information Officer (PIO):** A member of the Command Staff who serves as the conduit for information to internal and external stakeholders, including the media or other organizations seeking information directly from the incident or event. *(FEMA) 2021 Emergency Management Glossary of Terms*
- H. **Emergency Communications Team (ECT):** This team is made up of all executive staff members, the Safety Administrator, the Chief Ranger, and the IT Manager. Other staff may be added by the Executive Director/designee as appropriate for the specific emergency/disaster situation.

## II. SCOPE

The Emergency Communications Plan is intended to outline guidelines that can be used during an emergency or disaster incident to facilitate quick, effective communication with customers, employees, our board members, community partners, contractors and other key stakeholders as determined by the MWCD leadership whose engagement is necessary for a safe, timely and appropriate operational response . Procedures and messages communicated to audiences outside of MWCD's immediate circle of operational need will be determined by the MWCD's Executive Team. Procedures and messages communicated inside the MWCD will be developed by the Emergency Communications Team.

## III. OBJECTIVES OF THE PLAN

- A. Be Quick and Accurate and Update Regularly: Our guiding principle will be to communicate facts as quickly and accurately as possible and to update information regularly as circumstances change.
- B. Accept and Characterize the Developing Nature of Facts: Our efforts to be simultaneously accurate and quick may mean that some information is incomplete, developing or even inaccurate. We accept this, avoid sharing information internally or externally of which we are not certain and when we must do so, we are careful to characterize it accordingly. This care is taken because we know that how and what we communicate in an incident will affect public perceptions of the organization.
- C. Manage Expectations for Information: Honesty, accuracy and speed are the most effective communication tools for assisting incident responders' efforts to minimize harm to people, property and reputation, and sustain and build public confidence. We accept that outside audiences want and expect immediate and accurate information, and for incidents to be resolved as quickly as possible. We realize this can leave outside audiences susceptible to developing or believing false/alternative narratives or second-guess the incident response, which can erode incident responders' credibility and hinder operational license. We recognize that it is essential to effectively manage these outside pressures and to do our best to report information that is accurate, to avoid speculation about causes, conditions or future developments and to always report information in a truthful and timely manner with credible, accessible spokespeople and channels.
- D. Communicate Effectively: We will use all relevant and appropriate communication media and channels to reach key audiences with accurate, timely information in terms and languages that are accessible to them. This is especially important in the first hours and days of an emergency or a disaster or whenever life and property are at risk.
- E. Be Transparent, Honest and Law-Abiding: We will be open, accountable, and accessible to all audiences, while also being mindful of legal and privacy concerns.

## IV. PROCEDURES

- A. Primary Communications--Alerts in Response to an Actual or Suspected Emergency or Disaster Incident: Events that should always initiate a communication from any staff member to the Emergency Communication Team include:
  - Fires
  - Medical emergencies
  - Security emergencies
  - Natural Disasters
  - Hazardous Material Spills/releases
  - Active Aggressors—actual or reported
  - Bomb Threats
- B. Primary Emergency Communication Methods: All of the following communication methods should be utilized until an affirmative response is received:

1. Email: An email notification should always be sent to crisis@mwcd.ord as early in an Emergency/Disaster situation as possible. Any email sent to this address will automatically be sent to all members of the Emergency Communications Team (ECT).
  2. Phone: A phone call should be made to Patric Brockmeier 330-556-5098 Luke Pace 330-437-3156 James Stucin 330-260-1622 Matthew Mayer 330-401-8099 Shane Hart 330-697-5119
  3. Radio: All radio communication should be initiated on Channel MWCDTAC1 during the incident.
  4. Everbridge: Will be utilized once information is confirmed. Everbridge messages will be utilized as a internal and external communication tool.
- C. Responses to an Emergency Communication: In the event of a communication about an emergency or disaster, the Incident Commander (IC) will:
1. Partially or fully activate the Incident Command System (ICS). Within the ICS, the Incident Commander and their team will mobilize and evaluate the incident and determine the type of communication tools and platforms that are best suited for the situation (Everbridge system, radios, email and/or texting).
  2. Based on their evaluation of the urgency of rapid communications, the IC has the authority to begin acting immediately, in consultation with the Executive Director, until a broader decision can be made about how MWCD should proceed.
  3. The Executive Director or their designee may identify a potential disaster or emergency that is not an immediate crisis and assemble the Executive Communication Team to prepare a communications strategy as part of a coordinated MWCD response. Members of that Team should typically include:
    - Executive Director
    - Chief Counsel
    - Chief Financial Officer
    - Director of Human Resources
    - Director of Marketing & Communications
    - Chief of Natural Resources and Land Management
    - Chief of Recreation
- Chief of Conservation
  - Chief of Engineering
  - Safety Administrator
  - Chief Ranger
  - IT Manager
  - Deputy Chief of Recreation
  - Other staff as deemed appropriate by the Executive Director/designee for the situation.

4. The Executive Director/designee may add other team members, as appropriate under the circumstances. The Executive Director/designee will directly or via a pre-established communication protocol contact each member by phone, text, or email to convene immediately.
5. Once the ECT meets and can determine whether the organization is facing an emergency, execution of this plan can be adjusted accordingly. Meetings will be held virtually or in-person, depending on circumstances.

*\*NOTE: All regular members of the ECT shall select a regular designee to serve in their place on the team in case of their absence.*

- D. Secondary Communications—Communicating With Audiences About an Incident: After Members of the ECT have convened and outlined an initial course of action, communication to key audiences should begin as quickly as possible, in accordance with the principles outlined above in section III—*Objectives of the Plan*. Throughout an incident, the team will meet frequently to review changing facts, assess whether key messages are reaching audiences and determine whether strategies need to change.

To begin Secondary Communication, the following tasks will be completed:

1. Documentation: Designate a person on the team to record and maintain meeting notes, to-do lists, information files on the ongoing emergency.
2. Catalogue Confirmed Facts: Create and add to a list of known facts—both those that are ready and not ready for communication to key audiences. Analyze the facts to determine:
  - a. What should be saved for use in future or ongoing communication via news releases, emails, public remarks, social media posts, etc...
  - b. Should facts be communicated—does communication protect human life, property, reputation or organizational/key stakeholder/partner goals;
  - c. To which key audience(s) should a communication be made;
  - d. What media or channel should be used for the communication;
  - e. Who should make the communication—executive director, incident commander, subject matter expert, PIO?
  - f. When should a communication be made?
3. Develop Messages: Transform facts into multiple key messages based on known facts and future developments that are reasonably likely to occur. As needed but to the least degree required, vary messages by key audience—employees, partners, contractors, visitors, other key stakeholders, etc. All the messages should be monitored for revision as circumstances develop or additional facts are confirmed.
4. Determine Spokespeople: Spokespeople can vary by audience and should be assigned in advance. Spokespeople should practice their roles during training. To the greatest extent possible, spokespeople should remain unchanged throughout the arc of an incident. Spokespeople should have access to and briefed on the same information for the consistent, uniform communication of information and key messages at the same time. Suggested spokespeople assignments by audience include:
  - Employees (Human Resources)
  - Contractors (Supervisor/Designee)
  - Volunteers (Assigned supervisor)
  - Board of Directors and Conservancy Court (Executive Director/Designee)
  - Visitors (i.e., campers, dockers) (Park & Marina Managers)
  - Board of Appraisers, Development Advisory Committee, Key Policymakers/Regulators (Executive Director/Designee)
  - Cottage site lessees, camps, clubs (Chief of Natural Resources/Land Management)
  - Other Lessees/Concession Holders/Partners (i.e., restaurants, marinas) (Chief of Recreation)

- Healthcare Coalition (Safety Administrator)
- Local Emergency Management Agency (Safety Administrator)

The ECT, depending on the circumstances, may identify other audiences and assign responsibility for them.

5. Determine Briefing Location: Establish a consistent location, away from the incident, for media briefings. Ensure that the location has adequate parking, internet bandwidth for possible streaming of briefings and workspace for media.
6. Communicate Efficiently: Update MWCD website and social media pages to post known, confirmed facts and all previously released information.
7. Keep All Employees Updated: Post information under the Employee Portal headlines section, linking to other pages with detailed information. The Human Resources Director will work with the Office of Information Technology, to ensure these changes and needed updates.
8. Keep Frontline Employees Updated: Ensure employees staffing frontline areas such as reception desks and phone centers have updated information and key messages and talking points to respond to public inquiries. All staff should be made aware to forward callers with questions to these appropriate, assigned individuals. As part of this effort, a separate log will be maintained to record all calls and interview requests from members of the media.
9. Monitor Media Coverage and Social Media Comments/External Posts: Check media reporting and social media posts for accuracy to prevent misunderstandings or problems. This can be made easier via electronic monitoring tools that aggregate coverage or by assigning a staff member to monitor key outlets and social media platforms.

## **V. THE END OF THE CRISIS**

The Incident Commander will determine when an emergency has ended, and routine communications processes can resume. The decision to declare the emergency over will trigger a review of how the crisis was managed and how communications can improve.

**VI. EDUCATION AND PLAN MAINTENANCE:** Under the direction of the Executive Director, the Safety Administrator will take the lead in reminding staff of the procedures for initiating communication about, responding to and communicating to key audiences regarding an incident. Additionally, MWCD will conduct at least one training exercise or education event annually regarding crisis communication and the tools utilized in emergency and disaster situations, including Everbridge, email, text messaging, the MWCD Employee Portal, phone system, and cell phones.

*Adopted 10.27.2023*

# Check Acceptance Policy/Procedure

The following conditions apply to the acceptance of personal checks for payment of fees or services to the Muskingum Watershed Conservancy District:

- Personal checks (in state or out of state) will be accepted for fees or services purchased at the park, marina, or any MWCD locations with the following conditions:
  - Check writer's driver's license must be requested with the license number and expiration date being written on the check and initialed by the person accepting the check.
  - Verify the information on the check:
    - Writer's name
    - Address
    - Phone number
  - Check can only be written for the actual amount of the fee.
  - Check must be signed in the presence of the person accepting payment.
  - Do not accept checks with only a P.O. box for an address.
- Personal out-of-state checks, normally received through the mail, will only be accepted for seasonal camping permits, cabin reservations, seasonal marina docking, cottage site lease fees, including assignment fees, seasonal docking decals, and construction or tree removal permits.
- No personal checks are to be accepted or traded for cash.
- A \$35.00 fee will be assessed for any check returned for insufficient funds. The NSF fee and the amount of the original check must be paid by cash, credit card, money order, or cashier's check.

Any other payments received by check through the mail are not subject to verification requirements.

*Revised 8/20/99  
Formerly titled "Acceptance of Personal Checks"  
Revised 04.22.2022*

# Credit Card Security

This document explains Muskingum Watershed Conservancy District's (MWCD) credit card security requirements as required by the Payment Card Industry Data Security Standard (PCI DSS) Program. MWCD's management is committed to these security policies to protect information utilized by MWCD in attaining its business goals. All employees are required to adhere to the policies described within this document.

The PCI requirements apply to all systems that store, process or transmit cardholder data. Currently, MWCD's cardholder environment consists only of standalone dial-out terminals. The environment does not include storage of cardholder data on any computer system.

Due to the limited nature of the in-scope environment, this document is intended to meet the PCI requirements as defined in Self-Assessment Questionnaire (SAQ). Should MWCD implement additional acceptance channels, begin storing, processing, or transmitting cardholder data in electronic format, or otherwise become ineligible to validate compliance under SAQ, it will be the responsibility of MWCD to determine the appropriate compliance criteria and implement additional policies and controls as necessary.

## **Prohibited Data**

Processes must be in place to securely delete sensitive authentication data post-authorization so that the data is unrecoverable, including cross-shredding of paper documents.

Payment systems must adhere to the following requirements regarding non-storage of sensitive authentication data after authorization (even if encrypted):

- The full contents of any track data from the magnetic stripe (located on the back of a card, equivalent data contained on a chip, or elsewhere) are not stored under any circumstance.
- The card verification code or value (three-digit or four-digit number printed on the front or back of a payment card) is not stored under any circumstance.
- The personal identification number (PIN) or the encrypted PIN block are not stored under any circumstance.

MWCD will mask the display of PANs (primary account numbers), and limit viewing of PANs to only those employees who require access to the PAN in order to complete the transaction.

## **Transmission of Cardholder Data**

Sending unencrypted PANs by end-user messaging technologies is prohibited. Examples of end-user technologies include email, instant messaging and chat.

## **Limit Access to Cardholder Data**

MWCD does not permit retention of cardholder data electronically.

## **Physically Secure all Media Containing Cardholder Data**

Hard copy materials containing confidential or sensitive information (e.g. paper receipts, paper reports, faxes, etc.) are subject to the following storage guidelines:

All media must either be physically secured or in the possession of personnel performing the transaction at all times.

MWCD will not distribute any media containing cardholder data externally.

MWCD will treat media containing cardholder data as confidential so that the sensitivity of the data can be determined. Media containing cardholder data will be tracked to ensure delivery to its internal destination.

Logs must be maintained to track all media that is moved from a secured area, and management approval must be obtained prior to moving the media.

Strict control must be maintained over the storage and accessibility of media containing cardholder data.

### **Destruction of Data**

All media containing cardholder data must be destroyed when no longer needed for business or legal reasons. Hardcopy media must be destroyed by shredding so that cardholder data cannot be reconstructed. Container storing information waiting to be destroyed must be secured to prevent access to the contents.

### **Security Policy**

MWCD will publish, maintain and disseminate this security policy that addresses how the MWCD protects cardholder data. This policy will be reviewed at least annually and updated as needed to reflect changes to business objectives and risk environment.

### **Critical Technologies**

MWCD does not have plans to store sensitive credit card information within its critical technology infrastructure.

### **Security Responsibilities**

See MWCD security policy for information security responsibilities for all personnel.

### **Incident Response Policy**

The Chief Financial Officer/Treasurer (CFO/Treasurer) shall establish, document, and distribute security incident response and escalation procedures to ensure timely and effective handling of all situations.

### **Incident Identification**

Employees must be aware of their responsibilities in detecting security incidents to facilitate the incident response plan and procedures. All employees have the responsibility to assist in the incident response procedures within their particular areas of responsibility. Some examples of security incidents that an employee might recognize in their day to day activities include, but are not limited to,

- Theft, damage, or unauthorized access (e.g. papers missing from their desk or broken locks)
- Fraud – inaccurate information within databases, logs, files or paper records.

### **Reporting an Incident**

The CFO/Treasurer and IT Manager should be notified immediately of any suspected or real security incidents involving cardholder data:

- Contact the CFO/Treasurer and/or IT Manager to report any suspected or actual incidents.
- No one should communicate with anyone outside of their supervisor(s) or the CFO/Treasurer or IT Manager about any details or generalities surrounding any suspected or actual incident. All communications with law enforcement or the public will be coordinated by the CFO/Treasurer.
- Document any information you know while waiting for the CFO/Treasurer to respond to the incident. If now, this must include date, time, and nature of the incident. Any information you can provide will aid in responding in an appropriate manner.

## Incident Response

Responses can include or proceed through the following stages: identification, severity classification, containment, eradication, recovery and root cause analysis resulting in improvement of security controls.

1. Notify applicable card associations.
  - a. Visa – provide the comprised Visa accounts to Visa Fraud Control group within ten business days. For assistance, contact 1(650)432-2978. Account numbers must be securely sent to Visa as instructed by the Visa Fraud Control Group. It is critical that all potentially compromised accounts are provided. Visa will distribute the compromised Visa account numbers to issuers and ensure the confidentiality of entity and non-public information. See Visa’s “What to do if compromised” document for additional activities that must be performed. That documentation can be found at [http://usa.visa.com/download/business/accepting Visa/ops\\_risk\\_management/cisp\\_what\\_to\\_do\\_if\\_compromised.pdf](http://usa.visa.com/download/business/accepting Visa/ops_risk_management/cisp_what_to_do_if_compromised.pdf).
  - b. MasterCard – contact your merchant bank for specific details on what to do following a compromise. Details on the merchant bank can be found in the Merchant manual at [http://www.mastercard.com/us/wce/PDF/12999\\_MERC-Entire\\_Manual.pdf](http://www.mastercard.com/us/wce/PDF/12999_MERC-Entire_Manual.pdf). Your merchant bank will assist when you call MasterCard at 1-(636)722-4100.
  - c. Discover Card – Contact your relationship manager or call the support line at 1(800)347-3083 for further guidance.
2. Alert all necessary parties. Be sure to notify:
  - a. Merchant Bank
  - b. Local FBI Office
  - c. U.S. Secret Service (if Visa payment data is compromised)
  - d. Local authorities (if appropriate)
3. Perform an analysis of legal requirements for reporting compromises in every state where clients were affected. The following source of information must be used.  
<http://www.ncsl.org/programs/lis/cip/priv/breach.htm>
4. Collect and protect information associated with the intrusion. In the event that forensic investigation is required the CFO/Treasurer will work with legal and management to identify appropriate forensic specialists.
5. Eliminate the intruder’s means of access and any related vulnerabilities.
6. Research potential risks related to or damage caused by intrusion method used.

## Root Cause Analysis and Lessons Learned

Not more than one week following the incident, members of finance and IT departments and all affected parties will meet to review the results of any investigation to determine the root cause of the compromise and evaluate the effectiveness of the Incident Response Plan. Review other security controls to determine their appropriateness for the current risks. Any identified areas in which the plan, policy or security control can be made more effective or efficient, must be updated accordingly.

## **Security Awareness**

MWCD shall establish and maintain a formal security awareness program to make all personnel aware of the importance of cardholder data security.

## **Service Providers**

MWCD shall implement and maintain policies and procedures to manage service providers.

This process must include the following:

- Maintain a list of service providers
- Maintain a written agreement that includes an acknowledgement that the service providers are responsible for the security of cardholder data the service provider possess
- Implement a process to perform proper due diligence prior to engaging a service provider
  - Monitor service providers' PCI DSS compliance status

*Adopted 03/15/2013*  
*Revised 05/21/2021*

# Execution of Documents

The Board of Directors has designated officers of the Muskingum Watershed Conservancy District (MWCD) to execute certain documents on behalf of the MWCD.

1. Deeds conveying real estate, all deeds or instruments conveying rights of way or easements, all mineral leases, and all agreements obligating the MWCD to either purchase or sell real estate, shall be executed by the President or Vice-President of the Board and the Executive Director/Secretary.
2. All farm leases shall be executed by the Chief of Conservation or the Executive Director/Secretary.
3. All leases other than those designated above, and all division orders with respect to oil and gas leases, shall be executed by the Executive Director/Secretary or Chief Financial Officer/Treasurer.
4. Contracts may be executed by the President of the Board and Executive Director/Secretary in accordance with ORC 6101.16. Contracts that are not required by statute to be executed by the President may be executed on behalf of the Board: (a) by any Board member authorized by Board Resolution to execute a designated contract, or (b) by any Board member authorized by Board Resolution to execute contracts on behalf of the Board during a designated time period.
5. Cottage site leases and lease assignments may be approved weekly by the Executive Director/Secretary or Chief Financial Officer/Treasurer with a confirming report at the next regular Board of Directors meeting.

*Revised 8/20/99*  
*Revised 09/25/2015*  
*Revised 10/21/2016*

# Disposition of Property

The purpose of this policy is to provide uniform guidelines for consistent treatment of abandoned and unclaimed personal property on property owned by the Muskingum Watershed Conservancy District (MWCD).

Section 1.11 of the MWCD Rules and Regulations states:

All personal property, including but not limited to trailers, camp shelters, camping equipment, and motor vehicles left or stored on Muskingum Watershed Conservancy District property without the written permission of the Muskingum Watershed Conservancy District shall be impounded and disposed of in accordance with Rule 1.12.

Section 1.12 of the MWCD Rules and Regulations states:

Any personal property impounded by the Muskingum Watershed Conservancy District shall be held by the Muskingum Watershed Conservancy District for a period of fourteen (14) days. Said property may be claimed by the owner during this period upon payment of a storage fee set by the Muskingum Watershed Conservancy District plus the actual cost incurred in the removal of said property the total of which shall not exceed \$1,000. If property is not claimed at the end of the fourteen (14) days, said property will be disposed of in accordance with Muskingum Watershed Conservancy District policy.

## Steps to impounding personal property for abandonment, non-payment of fees, or storage violations:

1. All steps of the MWCD Operational Policy entitled "Late Payment and Storage Violation Policy" must be completed prior to impounding property unless not applicable to the situation.
2. When all steps of the Late Payment and Storage Violation Policy have been properly completed, the Park Superintendent may initiate an Impound Request Form.
3. The Park Manager will sign and date the Impound Request Form verifying that all supporting documents have been sent to violators. Park Manager will submit signed form to Chief Ranger for review.
4. The Chief Ranger will review the Impound Request Form and may order the impoundment of personal property if appropriate under MWCD Rules and Regulations or the Ohio Revised Code (O.R.C.). The Chief Ranger shall impound the personal property according to the following provisions:
  - A. **Recreational Vehicles** ("RV") shall remain on campsite and shall be immobilized with a tongue lock or other suitable method to secure said unit until property is claimed by owner or disposed of according to O.R.C. Depending upon the location of the RV, the time of the year and the security of the area, the RV may be moved due to security concerns, flooding concerns or if deemed a nuisance. Any RV impounded by the MWCD under Section 1.12 of the MWCD Rules and Regulations shall be assessed a ten dollar (\$10.00) per day storage fee and any costs of impoundment. Recreational Vehicle shall have the same meaning under this provision as contained in O.R.C. §4501.01.
  - B. **Non-Titled Property** impounded under Section 1.12 of the MWCD Rules and Regulations shall be moved to a secure impound area immediately upon impoundment for the protection of said

property. Non-Titled Property will be disposed of in accordance with MWCD Rules and Regulations and the O.R.C. if owner cannot be located or fails to pay any applicable fees. Any miscellaneous property impounded by the MWCD under Section 1.12 shall be assessed a one dollar (\$1.00) per day storage fee and any costs of impoundment.

C. **Watercrafts and boat motors in excess of 9.9 horsepower** shall be impounded and disposed of in accordance with O.R.C. §1547.301. Any watercraft or boat motor impounded by the MWCD under Section 1.12 of the MWCD Rules and Regulations shall be assessed a ten dollar (\$10.00) per day storage fee and any costs of impoundment.

D. **Motor Vehicles** shall be impounded and disposed of in accordance with O.R.C. §4513.61, §4513.62, or §4513.63. Any Motor Vehicle impounded by the MWCD under Section 1.12 of the MWCD Rules and Regulations shall be assessed a ten dollar (\$10.00) per day storage fee and any costs of impoundment.

5. **Notwithstanding anything else in this Policy, Property Left on a Campsite** that is subject to a “Campsite Use Agreement and Permit” may be disposed of pursuant to the process and procedures set forth in R.C. 3729.13.

6. Chief Ranger shall have authority over possession and disposition of all personal property impounded under Sections 1.11 and 1.12 of the MWCD Rules and the Applicable Policies. In executing this role Chief Ranger shall follow all applicable Ohio laws and shall complete the following:

A. Upon impoundment of property, the owner of record will be sent an impound notice by certified mail.

B. Chief Ranger shall make every effort to determine owner of impounded property as required by the O.R.C.

C. Chief Ranger shall maintain a file including all correspondences, complete inventories, and photographs regarding the impounded property.

D. If the title owner does not respond to notification of impoundment or if an owner cannot be located, Chief Ranger shall dispose of impounded property at a public sale according to the O.R.C.

*Adopted 04/17/2009*

*Revised 08/19/2019 (formerly titled “Impound Policy”)*

# Permits to Sell Merchandise

The rules and regulations of the Muskingum Watershed Conservancy District prohibit the sale of merchandise on District property without the express written permission of the Conservancy District.

Upon application to the Conservancy District and after approval from the Conservancy District the applicant may be issued a "Permit to Sell Merchandise" permitting entrance upon District lands at a specific designated location for purposes stated in the application. Where such services are approved within lake park areas during the park season, waiver of the lake park service charge would be granted to the permittee.

The purpose of such permits is to allow reputable individuals or firms to supply such necessary items as firewood, newspapers, etc. to Conservancy District campgrounds, vacation cabin areas and other areas approved by the Board. Such permits shall not be required for deliveries contracted by cottage site lessees or suppliers of Conservancy District concessionaires.

The Executive Director/Secretary of the Conservancy District may approve and issue the above permits when the application is made in accordance with the above guidelines.

*Revised 8/20/99*

# Purchasing Limits and Bid Requirements

The Muskingum Watershed Conservancy District (MWCD) has internal controls which incorporate prevailing law, as guidelines for the purchasing and bidding of materials, supplies, services, construction and other items. The following are the guidelines to be used:

## LEGAL PARAMETERS

### 1. Certain Construction Contracts

- a. The “letting,” by contract, of “work relating to the improvements for which a conservancy district was established” must follow specific requirements per ORC 6101.16 for:
  - i. Advertising, and
  - ii. Bidding.
- b. The threshold is for contracts exceeding \$50,000 (as of March 31, 2021 – this threshold is changed occasionally).
- c. The above contracts are to be approved by the Board of Directors and signed by the President of the Board and Contractor as set forth in ORC 6101.16.

### 2. RFP’s for “Professional Design Services” Contracts

- a. Includes engineers, surveyors, architects and landscape architects per ORC 153.53 and following sections.
- b. Threshold is for contracts equal to or greater than \$50,000.
- c. Must follow detailed statutory scheme.
- d. “Bidding” is actually disallowed.

### 3. Prevailing Wage Requirements

- a. Prevailing wage must be paid as set forth in ORC Section 4115.034.
- b. Use of MWCD employee on prevailing wage projects must have prior approval of the Executive Director/Secretary.

## INTERNAL CONTROLS

**Any procurement under this section must also comply with the provisions of Section I (Legal Parameters)**

**4. No formal and no informal bids** required for amounts less than \$15,000

**5. Informal bids** for amounts from \$15,000 to \$30,000

- a. Three (3) quotations are required
- b. Quotations must be written
- c. Faxed/electronic quotations are allowed
- d. Quotations are to be listed on the requisition
- e. Strive for best price

6. **Formal Bids for equipment, vehicles, materials and supplies** for amounts greater than \$30,000 and less than \$50,000
  - a. Must go through Finance. Exceptions to this are construction contracts, service contracts, construction materials, and other contracts not covered by other sections of this policy
  - b. Written formal bid will be mailed
  - c. Specifications are to be provided by the appropriate group and will be assisted in preparing by Finance
  - d. Provide a list if possible of prospective bidders
  - e. **NO** faxed bids
  - f. Requires approval of the Board of Directors for purchases \$50,000 and over
  
7. **Purchasing Programs**
  - a. Where an approved purchasing program by the Board of Directors is in place, no informal or formal bids are required
  - b. A purchasing contract number is required on the requisition along with other required information as outlined by the Chief Financial Officer
  - c. If a better price is available outside of the purchasing program, then appropriate informal or formal bids are required
  - d. Purchasing program pricing is not acceptable without an appropriate purchasing contract number
  - e. A listing of approved programs is on file in the Finance Department
  
8. **Spending Limits Approvals**
  - a. Park Managers, Marina Managers, Equipment Supervisor, Utilities Supervisor, and Construction Services Manager up to \$15,000
  - b. Deputy Chiefs, IT Manager, Land Manager, Chief Ranger, and Administrators up to \$30,000.
  - c. The appropriate Executive Management Team member up to \$40,000
  - d. Executive Director/Secretary, Chief Financial Officer/Treasurer up to \$50,000
  - e. Board of Directors over \$50,000
  - f. Contracts/agreements can be signed by the appropriate executive management team as indicated in Section 8c. Anything over their spending authority **must** have the signature of an officer of the District (i.e. Secretary, Treasurer, or President of the Board of Directors)
  
9. **Exemptions to competitive bidding requirement limits**
  - a. Professional services that are not “Professional Design Services Contracts” (see above), including, but not limited to accountants, attorneys, physicians, appraisers, and consultants
  - b. Group health insurance
  - c. Liability and property insurance
  - d. Purchase of real estate and the lease of land, buildings and real property (Board of Appraisers involvement may be indicated)
  
10. **U.S. General Services Administration (GSA)**
  - a. GSA Cooperative Purchasing Program can be utilized to make purchases only under GSA Schedule 70, Information Technology and GSA Schedule 84, Total Solutions for Law Enforcement. These are the only schedules state and local governments may use.

*Revised 1/29/99 (formerly “Expenditure Approvals”)*

*Revised 7/24/2009*

*Revised 1/23/2015*

*Revised 09/25/2015*

*Revised 09/23/2016*

*Revised 05/21/2021*

# Written Change Orders

If a contractor who is awarded a contract by Muskingum Watershed Conservancy District (MWCD) must undertake additional work for which additional costs are incurred then a change order, in writing, is necessary prior to the work being undertaken by the contractor. A change order to the original contract does not require competitive bidding.

## A. FOR CONTRACTS UP TO \$50,000

1. Before authorizing a change order, approval from the appropriate Executive Management Team Member must be received.
2. Written approval of a quotation or other documentation from the contractor can be used as the written change order.
3. Change orders do not need to be reported to the Board of Directors for ratification.
4. In the event that a contract or agreement was initially let at under \$50,000 and subsequent change orders take it over \$50,000, Board approval must be requested.

## B. FOR CONTRACTS GREATER THAN \$50,000 LET UNDER ORC 6101.16

1. The appropriate Executive Management Team Member may increase the project cost by change order so long as the amount does not exceed \$100,000 for a singular change or cumulatively does not exceed ten percent (10%) of the Board approved contract price.
2. Change orders which cumulatively exceed ten percent (10%) of the Board approved contract price, or singularly exceed \$100,000, must be approved by the Executive Director/Secretary or Chief Financial Officer/Treasurer and reported to the Board of Directors for ratification at their next regularly scheduled meeting.
3. Once a change order is reported to the Board, the current total contract price resulting from the change order is now the Board approved contract price for purposes of reporting additional change orders on the project.
4. All change orders must outline the scope, the reason, and the cost implications of the change and be reported to the Board of Directors at the conclusion of the project for ratification.

*Adopted 09/25/2015*

*Revised 05.21.2021*

# Returned Checks

For checks returned to the Muskingum Watershed Conservancy District (MWCD) after being dishonored by a bank, the procedures as outlined in ORC §2307.61 shall be directed by the Chief Financial Officer/Treasurer.

A fee of thirty five dollars (\$35.00) as set by the Board of Directors shall be assessed to the person who issued the dishonored check. If restitution is not made for said dishonored check with the initial correspondence, then notice pursuant to ORC §2307.61 shall be given for purposes of recovery.

*Revised 8/20/99*

*Revised 7/24/2009*

*Revised 04.22.2022*

# Senior Citizen Discount

All persons utilizing Muskingum Watershed Conservancy District park facilities will be given a discount from the regular camping rate upon presentation of the Ohio Golden Buckeye Card, another state's senior discount card or proof of age sixty (60). This discounted rate shall be set annually by the Board of Directors.

*Revised 8/20/99*

*Revised 04/19/2013*

# Signing of Checks

The following personnel are authorized to sign checks for the Muskingum Watershed Conservancy District:

## **Voucher Checks**

Two signatures required, Executive Director/Secretary and Chief Financial Officer/Treasurer, or one member of the Board of Directors and the Executive Director/Secretary or Chief Financial Officer/Treasurer.

## **Park Receipts Checks**

One signature required. Executive Director/Secretary, Chief Financial Officer/Treasurer or Senior Staff Accountant/Assistant Treasurer.

In the absence of the Chief Financial Officer/Treasurer, the Senior Staff Accountant/Assistant Treasurer is authorized to sign those checks which require the Chief Financial Officer/Treasurer's signature.

*Revised 8/20/99*  
*Revised 05/21/2021*

# Investment Policy

## I. Introduction

The intent of the Investment Policy of the Muskingum Watershed Conservancy District (MWCD) is to define the parameters within which funds are to be managed. In methods, procedures and practices, the policy formalizes the framework for MWCD's investment activities that must be exercised to ensure effective and judicious fiscal and investment management of MWCD's funds. The guidelines are intended to be broad enough to allow the investment officer to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

## II. Governing Authority

The investment program shall be operated in conformance with applicable Ohio Revised Code Sections (Ohio Rev. Code §135.14), and federal or other legal requirements as applicable.

## III. Scope

This policy applies to activities of MWCD with regard to investing the financial assets of all funds. The covered funds, and any new funds created by MWCD, unless specifically exempted by the Board of Directors and this policy, are defined in MWCD's annual report.

Except for funds in the Assessment Fund, MWCD commingles its funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

## IV. General Objectives

The primary objectives, in priority order, of investment activities shall be:

- Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.
- Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
- Return – The investment portfolio shall be designated with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints of safety and liquidity needs.

## V. Standards of Care

### Prudence

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

### Governing Body

The Board of Directors will retain the ultimate fiduciary responsibility for the portfolio. The Board of Directors will receive monthly reports, designate investment officers and annually review the investment policy making any changes necessary by adoption.

### **Investment Officers**

Responsibility for the operation of the investment program is hereby delegated to the CFO/Treasurer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with the investment policy.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this policy and supporting procedures.

### **Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material instances in financial institutions with which they conduct business. Disclosure shall be made to the Board of Directors. They shall also disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from making any personal investment transactions with the same individual with whom business is conducted on behalf of the entity.

### **VI. Authorized Financial Institutions, Depositories, and Brokers**

A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, a list will be maintained of approved security broker/dealers selected by conducting a process of due diligence.

- A. The investment officer shall determine which financial institutions are authorized to provide investment services to MWCD. Institutions eligible to transact investment business with MWCD include:
  - a. Primary government dealers as designated by the Federal Reserve Bank
  - b. Nationally or state-chartered banks
  - c. The Federal Reserve Bank
  - d. Direct issuers of securities eligible for purchase
  
- B. Selection of financial institutions and broker/dealers authorized to engage in transactions with MWCD shall be at the sole discretion of MWCD.
  
- C. All broker/dealers who desire to become qualified for investment transactions must supply the following (as appropriate):
  - a. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
  - b. Proof of FINRA certification
  - c. Proof of state registration
  - d. Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties)
  - e. Certificate of having read and understood and agreeing to comply with the MWCD's investment policy
  - f. Evidence of adequate insurance coverage
  
- D. All financial institutions who desire to become depositories must supply the following (as appropriate):
  - a. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
  - b. Proof of state registration
  - c. Evidence of adequate insurance coverage

E. A periodic review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officer.

**VII. Safekeeping and Custody**

Securities will be held by an independent third-party safekeeping institution selected by the MWCD. All securities will be evidenced by safekeeping receipts in MWCD’s name. The safekeeping institution shall annually provide a copy of its most recent report on internal controls – Service Organization Control Reports (formerly SAS 70) prepared in accordance with the Statement on Standards for Attestation Engagements (SSAE) No. 16 (effective June 15, 2011).

Management shall establish a system of internal controls, which shall be documented in writing. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of MWCD.

**VIII. Eligible Investments**

The investment manager shall invest interim money in accordance with applicable Ohio Revised Code Sections.

**Muskingum Watershed Conservancy District**

By: \_\_\_\_\_  
Chief Financial Officer/Treasurer

**[Financial Institution]**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Revised 04.20.2012*  
*Revised 07.23.2021*

# Disposal of Equipment

The Muskingum Watershed Conservancy District owns an ever increasing number of pieces of equipment the value of which is in excess of \$100.00. This equipment must be kept on an inventory and the status tracked each year so the inventory is accurate.

To assist Conservancy District personnel in maintaining an accurate inventory of equipment, the following steps are to be followed:

- 1) Purchase of new equipment - The Finance Department shall maintain a record of all equipment purchased which has a value in excess of \$100.00. The name, serial number, model number, cost, purchase order number, vendor, and date of purchase shall be recorded on an inventory sheet for each piece of equipment purchased and a Conservancy District inventory ID tag shall be affixed to the equipment.
- 2) Equipment which is replaced - In most cases new equipment will replace old items that are worn out and/or no longer adequate for the job. Every effort should be made to trade in the old item. Every effort should be made to dispose of old equipment promptly so that only good equipment is maintained on the inventory.
- 3) Methods of disposal
  - a) Items should be traded if at all possible. Retention of old equipment for parts should be kept to a minimum.
  - b) If the equipment is completely worn out and cannot be traded in, it may have salvage or junk value. Approval from the Executive Director/Secretary is required to classify the equipment as such. A complete memo will be sent to the Finance Department so the inventory sheet may be placed in the dead file.
  - c) Any items of equipment missing or presumed stolen shall be reported to the Executive Director/Secretary immediately upon discovery of such facts. All circumstances must be fully detailed and steps taken to prevent such occurrences in the future. If, after forty-five (45) days the equipment has not been recovered, the equipment inventory sheet shall be placed in the dead file with proper notes as to the disposition.
  - d) If it is not possible or convenient to dispose of old equipment by trade-in it shall be handled in the following manner. Each department shall send a list of items it wishes to dispose of to the Finance Department each year on or about March 1. These lists shall be reviewed and a master list shall be compiled and submitted to the Executive Director/Secretary for his approval to dispose of the equipment on the list. Arrangement shall be made with a local auctioneer to hold a public auction to dispose of the items on the list. All items so disposed of shall be recorded by the Finance Department and the appropriate inventory sheet shall be removed from the inventory books and placed in the dead file with appropriate notes as to its disposition.

It shall be the responsibility of the Finance Department to make an annual inspection of equipment and to reconcile the inventory books to the equipment as it is inspected. Such inspections shall include notes as to the condition of the equipment.

*Revised 8/20/99*

# Solicitation

Non-employees may not solicit Muskingum Watershed Conservancy District employees, for any cause, on Conservancy District premises, at a time when such employees are, or are required to be engaged in the performance of job duties.

Employees may not solicit other employees, for any cause, on Conservancy District premises, at a time when any of the employees involved in such solicitations are required to be engaged in the performance of job duties.

*Revised 8/20/99*

# Public Records Request Policy

This policy establishes office procedures for responding to requests for public records.

## Defining Public Records

Public records are defined to include the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the MWCD that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Records that are exempt from disclosure include confidential attorney-client communications or attorney work product. The Public Records Act also lists a large number of exceptions to the definition of “public record”.

All records must be organized so that they are readily available for inspection and copying. The MWCD shall also have a copy of its current records retention policy at a location readily available to the public.

## Response Timeframe

The law requires MWCD to make public records available for prompt inspection during regular business hours, with the exception of published holidays. Copies of public records must be provided within a reasonable period of time. “Prompt” and “reasonable” are not specifically defined by statute, but take into account the volume of records requested, where the records are stored, and whether legal review is necessary.

Employees must evaluate each request to estimate the length of time required to gather the records. Routine requests for records should be satisfied in the same business day if feasible. Routine requests include, but are not limited to, meeting minutes, budgets, salary information, forms and applications, personnel rosters and similar records. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment and circumstances allow.

All requests for public records must either be satisfied or be acknowledged in writing within three business days following the office’s receipt of the request.

All requests for public records must be forwarded for review to the legal department using the email address [recordrequest@mwcd.org](mailto:recordrequest@mwcd.org).

Routine requests may be delegated for a response as deemed appropriate by the Executive Director or his designee. The purpose for routing requests for public records to a limited number of persons for handling is to assure consistency and legal compliance. Exceptions to the Public Records Act are voluminous and complex.

## Handling Requests

Although no specific language is required to make a request, the requester does have to be clear and specific enough to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office must contact the requester for clarification and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. However, the employee receiving the request should ask the requester for some form of contact information in the event that additional information is needed to process the request.

In processing the request, the MWCD will not create new records or perform new analysis of existing information.

In processing a request for inspection of a public record, a designated staff member must accompany the requester during inspection to make certain original records are not taken or altered.

### **Electronic Records**

Documents in electronic mail format or sent via a hand-held communications device (such as a cell phone) are public records when their content relates to the business of the MWCD. Social Media in all forms and E-mail, texts, and instant messages are to be treated in the same fashion as records in other formats.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are required to copy their e-mails that relate to public business to their business e-mail accounts and retain them in accordance with applicable records retention schedules.

### **Denial or Redaction of a Request**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the MWCD.

Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. The explanation shall not preclude the MWCD from relying upon additional reasons or legal authority in any subsequent proceedings. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. The requestor shall be notified of any redaction or the redaction shall be plainly visible. The explanation must also include the legal basis for any such redactions.

The MWCD charges requestors seeking body-worn camera footage for the time necessary to redact the footage. See R.C. 149.43(B)(1). These charges are based on the average hourly salaries of the MWCD employees responsible for video and audio redaction. The current hourly rate may be obtained from the legal department. A requester must be given an estimate of the costs of redaction within five business days of receipt of the request. The estimate must also include a notice to the requester that the actual costs of production may be up to 20% higher than the estimate, and the requester will be responsible for paying the difference.

When preparing an estimate for the costs of redactions, use the following guidelines:

- Estimate fifteen minutes of staff time per minute of raw footage for partial video and audio redaction;
- Estimate five minutes of staff time per minute of raw footage for partial audio redaction only (no video redaction);
- Estimate fifteen minutes total per video for complete screen blur or complete audio removal.

These are only guidelines and may need to be adjusted, depending on the type of media and the specific request.

Redaction charges may be waived by the MWCD for requests made by members of the news media, individuals named in the incident report associated with the body-worn camera footage requested, or for up to fifteen minutes of video footage per requester each calendar year.

### **Copying and Mailing Costs**

Those seeking public records may generally be charged only the actual cost of copies or electronic media, not labor (except as detailed above when responding to requests for body-worn camera footage):

- The charge for paper copies is 6 cents per page.
- The charge for downloaded electronic files is the actual cost of the flash drive or alternative media plus any

additional costs of production.

- The MWCD may also charge actual costs paid to private contractors for copying services.

A requester must pay in advance for costs involved for mailing, copying, and/or digital storage or production. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or any other medium on which the record reasonably can be duplicated.

The MWCD will provide copies of paper records up to 11" X 17" at the fees listed above; for any copies larger than that, copies in a format that MWCD is not able to produce in-house, or copies that can be made more efficiently and/or less expensively at an outside vendor, records may be sent to a secure outside vendor selected by MWCD for scanning/copying/reproducing, and the requestor shall arrange payment directly with the vendor for these services.

If a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies.

The Public Records Act itself notes that nothing in the Act requires the MWCD to allow the person seeking a copy of the public record to make the copies of the public record. MWCD personnel should always make the copies of the records.

*Adopted 10/19/2007*  
*Revised 3/21/2025*

## Public Comment – Open Meetings

The Muskingum Watershed Conservancy District (MWCD) is a public body subject to the Open Meetings Act in Ohio, which requires open sessions for all meetings with certain prescribed exceptions. The MWCD recognizes the importance of allowing members of the public to comment on matters of interest. Allowing public comment during an open meeting shall be at the discretion of the board, committee or decision-making body, subject to the following:

- 1) Public comment shall be permitted as indicated on the order of business and at the discretion of the presiding officer.
- 2) Each person must register his/her intention to comment in the public portion of the meeting prior to the opening of the meeting.
- 3) There will be a specific area/location designated from which members of the public must address the members of the public body.
- 4) Each person must be recognized by the presiding officer and will preface any comments by announcement of his/her name, address, or group affiliation, if appropriate.
- 5) Comments made by each person shall be limited to three (3) minutes duration, unless extended by the presiding officer.
- 6) Members of the public body will not respond to comments made unless it is necessary to ask a clarifying question, correct a factual error, or as otherwise directed by the presiding officer.
- 7) Any specific questions presented to the public body shall be submitted in writing and any response shall be directed by the presiding officer.

*Adopted 02/14/2008*

# Assistance to Volunteer Fire Departments

Most of the fire departments serving the various lake areas are volunteer organizations. When a drowning occurs in these areas these departments use many man hours and much equipment in the lengthy searches which are sometimes required. These situations put an abnormal drain on the finances of fire departments for food, gasoline and supplies.

The Muskingum Watershed Conservancy District may make payment to volunteer fire departments which are involved in lengthy operations on Conservancy District properties upon presentation of a request from the department which shows the need for such reimbursement. Each request must list the expenses which were incurred during the emergency action on Conservancy District property. The Executive Director/Secretary is authorized to approve payments as he deems appropriate within the limit set by the Board of Directors.

The Conservancy District may, upon request, construct dry hydrant facilities for water supply from Conservancy District lakes for fire departments. Such requests shall be processed by the Engineering Department with approval from the Executive Director/Secretary.

*Revised 8/20/99*

## Use of Credit Cards

It is the policy of the Muskingum Watershed Conservancy District (MWCD) to provide certain employees with a bank-issued company credit card to conduct MWCD business. In addition, there are certain vendor credit cards assigned to each park manager and marina manager that do not limit the types of goods purchased.

The following positions are authorized to hold and use a bank-issued credit card: Executive Director/Secretary and Chief Financial Officer/Treasurer. The Executive Director may also determine additional personnel authorized to hold a bank-issued credit card upon written request which includes justification for use. The Chief Financial Officer/Treasurer is the administrator of this policy and will authorize the use of said card(s). The Chief Financial Officer/Treasurer will be responsible for setting up the individual credit card account once approved by the Executive Director.

As indicated above, certain vendor cards are assigned to each park manager and marina manager. These cards are to be used specifically for MWCD related purposes/activities. Employees must sign out a vendor credit card from the appropriate park manager or marina manager. The employee must return the card the same business day as it is signed out. Upon return of the card, the employee must provide appropriate receipts for the purchase with the purpose of the purchase and signature. In addition, the MWCD employee must present their MWCD ID badge to the vendor when making purchases with a vendor card.

All bank-issued company credit cards and vendor company credit cards are the property of the MWCD and authorized users shall take the necessary precautions to ensure the safekeeping of the card. In the event the card is lost or stolen, the employee must immediately notify the Chief Financial Officer/Treasurer. Upon separation of employment with the MWCD, any authorized employee who has an MWCD-issued credit card must return it promptly to the Chief Financial Officer/Treasurer. The Chief Financial Officer/Treasurer will be responsible for cancellation of these accounts.

The following work-related expenditures are appropriate uses of the bank-issued credit card to the positions listed above and those purchases where the credit card is the only method of purchase:

- Meals
- Lodging
- Related travel expenses
- Purchases made on line via the internet or telephone where this is the **only method of payment accepted** (please try to first set up a credit account with the vendor or work with Finance to establish setting up a credit account)
- Vendor specific purchases for MWCD related purposes/activities
- Other items will be approved on a case-by-case basis per the discretion of the Chief Financial Officer/Treasurer

Receipts are required for any expenses and will be reviewed for validity and accuracy by the Finance Department prior to being paid. All receipts must be submitted timely for payment. The receipts must include details of what was purchased, and, in the case of meal expenses, the names of individuals for whom meals were purchased and the business purpose. All other receipts must include the business purpose on the receipt. Company cards may not be used for personal expenditures of any kind.

The maximum credit limit for the overall bank-issued credit card account is \$25,000. Each individual account has a maximum of a \$4,000 credit limit. In the event an increase in the credit limit is necessary, the Chief

Financial Officer/Treasurer must be contacted for approval and will make the appropriate increase to the account on a temporary basis. No cash advances are permitted.

The Senior Staff Accountant shall be the Compliance Officer. Monthly, the Senior Staff Accountant will review all credit card account transactions for accuracy and compliance. Quarterly, the Compliance Officer will review the number of cards, the number of active cards, the credit limits and any other pertinent information. Said report shall be provided quarterly to the Board of Directors for review and approval at the March, July, September, and December meetings. Annually, the Compliance Officer shall provide a report as to any rewards offered by the credit card company or vendor for use of the card. Said report shall be provided to the Board of Directors for review and approval at the December monthly meeting. Compliance Officer shall not be authorized to use any MWCD credit card.

If there is a misuse of the credit card by not following the above guidelines, the use of the credit card will be revoked. This determination will be made by the Executive Director upon recommendation by the Chief Financial Officer/Treasurer. The use of a credit card account for expenses beyond those authorized by political subdivision constitutes misuse of a credit card account. An officer or employee of the political subdivision or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the Political Subdivision violates section 2913.21 of the Revised Code.

*Adopted 11/18/2011*  
*Revised 09/25/2015*  
*Revised 01/18/2019*  
*Revised 5/21/2021*  
*Revised 04/22/2022*

# Grant Policy

**Introduction.** The intent of the Grant Policy of the Muskingum Watershed Conservancy District (MWCD) is to define the parameters and limitations within which funds are to be granted to counties, townships, cities, villages, political subdivisions, and 501(C)(3)s (Grant Recipients). This policy formalizes the framework for MWCD's grant activities which must be exercised to ensure effective and prudent fiscal care of MWCD's funds. Payments to a Grant Recipient may not be issued until the grant agreement is fully executed. Any grant made by the MWCD must have a grant agreement signed by the Grant Recipient that contains the following limitations placed on the use of MWCD funds.

1. **Administrative Cost Limitation.** As a condition of receiving a grant from an appropriation of MWCD funds, the Grant Recipient must agree to minimize administrative costs to no more than 10 percent of the full grant award for the purposes of administering the grant. Grant funds should not be utilized for expenses incurred or legal obligations that existed before the Grant was awarded. The Grant Recipient is responsible for negotiating appropriate limits to these costs so that the MWCD derives the optimum benefit for grant funding. Should the Grant Recipient's actual costs for overall management of the project exceed ten percent of the total grant sum, those excess costs shall be paid for by the Grant Recipient.
  - a. "Administrative costs" are the Grant Recipients' direct costs for the overall management of the project. The allowable limit of such costs is 10 percent of the total grant sum.
2. **Audit.** MWCD grant agreements must include an audit clause that provides that the books, records, documents, and accounting procedures and practices of the Grant Recipient or other party that are relevant to the grant or transaction are subject to examination by the MWCD, for a minimum of six years from the grant agreement end date, receipt and approval of all final reports, or the required period of time to satisfy all state and entity retention requirements, whichever is later.
3. **Anti-Corruption and Anti-Bribery.** Grant Recipient must agree to not offer or provide money, gifts, or any other things of value directly or indirectly to anyone in order to improperly influence any act or decision relating to the MWCD or the project, including by assisting any party to secure an improper advantage.
4. **Lobbying and Electioneering Prohibition.** Grant Recipient must agree not to use Grant Funds to influence the outcome of any election for public office or to carry on any voter registration drive. Funds must also not be used to support lobbying activities or to otherwise support attempts to influence legislation.
5. **Laws and Ethics Rules.** Grant Recipient must agree to comply with all federal, state, and local laws and ethics rules applicable to the project.
6. **Tax Status Grant Recipient.** Grant Recipient must represent and warrant that it is a tax-exempt public charity under Section 501(c)(3) or a qualifying government unit under Section 170(c) of the Internal Revenue Code. Grant Recipient will promptly notify MWCD of any changes in such status. Grant Recipient will comply with all IRC provisions applicable to it as a tax-exempt organization status.
7. **Anti-Terrorism.** Grant Recipient must agree to not: (a) engage in illegal activities; or (b) provide resources or support to, receive resources or support from, or associate in any way with any individual or entity that engages in drug trafficking or activities of terrorism.

This policy shall not be construed to limit MWCD staff, including the Executive Director, Chief Financial Officer, or Chief Legal Counsel, from adding additional requirements to any grant agreement that in their discretion are appropriate for the protection of the MWCD or the prudent management of MWCD funds.

Adopted 9.20.2024

# Fixed Asset Policy

## **CAPITALIZATION THRESHOLD**

Capital expenditures (fixed assets) are disbursements that result in the acquisition of a long-lived tangible asset whose useful life is estimated at more than one year and whose cost is greater than **\$5,000** (effective for fiscal year ending 2011). Building improvements, as defined below, will not be capitalized unless the project exceeds **\$10,000**. Infrastructure and land improvements, as defined below, will not be capitalized unless the project exceeds **\$25,000**. Purchases of multiple assets that cost less than \$5,000 each, but in total exceed \$5,000 will NOT be capitalized. Expenditures subsequent to acquisition that increase the useful life of the asset will be recognized as a capital expenditure and capitalized. Expenditures to maintain assets in good operating condition will be coded as an expense and recognized in the period incurred.

Previously the capitalization threshold of the Muskingum Watershed Conservancy District (MWCD) was \$1,500. The MWCD will not adjust the accounting records for the change in capitalization threshold.

The MWCD has determined, as a means of control and for insurance valuation, all assets greater than \$1,000 will have a MWCD property tag, and will be tracked.

## **CLASSIFICATION OF FIXED ASSETS (SYSTEM CODES)**

### **Land (100)**

Purchases of land include the purchase price; all costs of closing the transaction; all costs of surveying, clearing, draining or filling to make the property suitable for the desired use; and improvements that have an indefinite economic life.

### **Land Improvements (110)**

This class is used for permanent improvements, other than buildings, that add value to land, but do not have an indefinite useful life. A common example for MWCD is shoreline projects. Included in the cost of land improvements would be engineering/study costs, material, labor and equipment costs.

### **Buildings (200)**

All permanent structures are included in this class.

Discrete components of larger assets – in the event that a new building is purchased or acquired, components such as HVAC units, elevators, sprinkler systems, etc. that are separately identifiable and have shorter expected useful lives will be capitalized individually and included in the building improvement category.

### **Building Improvements (210)**

Building improvements consist of additions, improvements and replacements made to existing buildings. Building improvements increase the service potential of a building, expand the area, increase safety, or improve climate control. Common examples are the addition of a building wing, installation of a sprinkler system, central air conditioning or replacement of an elevator.

### **Furniture and Equipment/Vehicles (300-500)**

This classification is used for vehicles, furnishings, and similar moveable items.

### **Infrastructure (600)**

Long-lived capital assets that are normally stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples include roads, bridges, tunnels, drainage systems, water and sewer systems, dams and lighting systems.

**Construction-in-progress (700)**

Non-completed projects either self-constructed or construction under contract which results in fixed assets that will be classified as building or building improvements, land improvements, or infrastructure, as defined above.

**VALUATION**

Fixed assets are valued at the historical cost to acquire the asset.

**Donated Capital Assets**

Generally accepted accounting principles require that donated capital assets be recorded at their fair value as of the date of donation. In the event of a donated asset, the finance department will determine the fair market value of the asset, utilizing all available information.

**TAGGING FIXED ASSETS**

Tags should be placed on the inventoried items, (equipment and other moveable items) that are not easily removed or destroyed by asset use. All tags used by the MWCD shall contain both the MWCD’s name and an identification number. Tag numbers should be assigned by the Finance Department.

**DISPOSALS**

It is the responsibility of the Finance Department to ensure all fixed asset disposals have been properly accounted for; however, the Finance Department is not aware of all disposals. Therefore, it is the responsibility of the department managers to ensure the proper asset disposal form is filled out and returned to the finance department.

The Operational Handbook Disposal policy should be followed for all disposals.

**DEPRECIATION**

All assets with a definite useful life will be depreciated on the straight line basis. In the year of acquisition, ½ year depreciation will be applied.

**USEFUL LIVES**

Land Improvements .....	20-25 years
Buildings .....	30-50 years
Building Improvements .....	10-20 years
Furniture and Fixtures.....	3-15 years
Vehicles .....	3-5 years
Infrastructure.....	20-50 years

**PHYSICAL INVENTORY OF FIXED ASSETS**

Physical inventory is necessary for accountability and control. An inventory will confirm the reliability that can be placed upon the fixed asset accounting system by verifying the actual existence of the items represented by the fixed asset records. The MWCD acknowledges that it may not have the manpower or other resources needed to conduct an annual physical inventory. Therefore the following procedures will take place:

1. Compare a sample of assets selected by observation throughout the MWCD to the fixed asset record to make sure they are identified on the record and the associated information has been properly recorded.
2. Select a sample of assets from the fixed asset record and trace the records to the locations identified to verify the physical existence of the assets.

The Finance Department will establish a schedule of locations for a given year that will be audited in the manners described above for the capital assets. The areas will rotate each year, so as to obtain total coverage every three years. This audit will be completed by the Finance Department.

The physical inventory of the non-capital assets will be performed on an annual basis by the Finance Department.

*Adopted 4/20/2012*

*Revised 05/21/2021*

# Non-Discrimination

All lands owned by the Muskingum Watershed Conservancy District are public lands used and administered under the authority of the conservancy laws of the State of Ohio and in conformity with applicable national and state laws.

It is the policy of this Conservancy District that no discrimination by reason of sex, race, color, religion, national origin or handicap shall be practiced in the admission of persons to membership or use of its facilities by any club or other membership group now or hereafter leasing land for the use of its members from this Conservancy District.

A provision expressly stating the foregoing policy as a covenant to be complied with by the lessee will be made a part of all leases to such clubs and groups. Failure of the lessee to comply with this policy to the satisfaction of the Board of Directors of the Conservancy District shall be cause for cancellation of the lease.

All facilities operated by the Conservancy District shall be open to the public and no discrimination by reason of sex, race, color, religion, or national origin shall be practiced in the admission to or the use of said facilities.

*Revised 8/20/99*

# Internal Controls Over Federal Awards

## Purpose

It is the objective of the Watershed to comply with 2 CFR 200.61 and 200.303 – *Internal Controls*. The Watershed will establish and maintain effective internal controls over Federal awards that provide reasonable assurance that the Watershed is managing all awards in compliance with applicable statutes, regulations and the terms and conditions of the awards. The Watershed will have a process that provides reasonable assurance regarding the achievement of the objectives in the following categories:

- a. Effectiveness and efficiency of operations.
- b. Reliability of reporting for internal and external use.
- c. Compliance with applicable laws and regulations.

## Guidelines

- a. The Watershed will establish internal controls consistent with the guidance issued in:
  - i. Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States
  - ii. Internal Control Integrated Framework (the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission
  - iii. The Federal Compliance Supplement issued by the United States Office of Management and Budget
- b. The Watershed will comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- c. The Watershed will evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award.
- d. The Watershed will take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- e. The Watershed will identify all federal awards received and understand and comply with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance.
- f. The Watershed will take reasonable measures to safeguard protected "personally identifiable information" (PII) and other information the awarding agency or pass-through entity designated as sensitive or the Watershed considers sensitive consistent with applicable Federal, State, local, and tribal laws and Watershed policies regarding privacy and obligations of confidentiality. PII is defined at 2 C.F.R. 200.79 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual." However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

# Muskingum Watershed

## Documentation of Personnel Expenses

### **2 CFR 200.430 states:**

- (i) Standards for Documentation of Personnel Expenses (1) Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:
  - (i) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
  - (ii) Be incorporated into the official records of the non-Federal entity;
  - (iii) Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities;
  - (iv) Encompass both federally assisted and all other activities compensated by the non-Federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-Federal entity's written policy;
  - (v) Comply with the established accounting policies and practices of the non-Federal entity and
    - (vii) Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award;

### **Procedures:**

The District uses a software service, (SAAS) for payroll processing. All employees have access to the SAAS, whether through a computer terminal or accessed via telephone. All non-salaried individuals are required to clock in and clock out each day. Salaried individuals are responsible for entering their time on a weekly basis. All timecards are then approved by the supervisors. The Executive Director's time is approved by the CFO and the CFO's time is approved by the Executive Director. The Accounting Specialist will print out a Payroll Detail Report and review it to ensure full time people have the correct number of hours and that sick leave notes are in the Paycor system. The HR Generalist will review the electronic sick leave requests with the Accounting Specialist during each pay and check off each leave form once it is agreed to the Payroll Detail Report. After all time cards are approved by the supervisors and all sick leave requests are checked, the Accounting Specialist will import the entries from "time & attendance" to the payroll module. The Accounting Specialist will then verify that the amounts transferred into payroll agree with the amounts from "time & attendance". She verifies that the Payroll Detail Reports agree with the payroll report out of the SAAS.

On the Employment information form, it indicates what account the individuals are to be paid from. The Accounting Specialist enters this information into the SAAS. After payroll is processed, the SAAS will send a general ledger report. The Senior Staff Accountant will download the file bi-weekly. She reviews the report for accuracy compared with the other SAAS reports. She will convert this file to a .CSV report. This format will allow it to upload to the general ledger. After upload, she ensures everything posted correctly.

*Adopted 1.27.2023*

# Procurement with Federal Funds

## Purpose

It is the objective of the Watershed to maintain a procurement and contract administration system in accordance with the “Procurement Standards” set forth in 2 C.F.R. 200.317-.326 for the administration and management of federal grants and federal funded programs. The Watershed will maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

## Guidelines

- a. Procurement of all supplies, materials, equipment, and services paid for with federal funds or Watershed matching funds will be made in accordance with all applicable federal, state, and local statutes and/or regulations, the terms and conditions of the federal grant, and Board of Directors policy.
- b. The Watershed will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, the Watershed may enter into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.
- c. The Watershed will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. For guidance, staff members may refer to minority-owned, women-owned, and socially and economically disadvantaged businesses approved by the Ohio Department of Administrative Service (DAS) by searching the Business Certification and Compliance page on the DAS website via the following link: <https://das.ohio.gov/Divisions/Equal-Opportunity/Business-Certification>
- d. Watershed personnel responsible for procurement must be free from personal conflicts of interest as well as organizational conflicts of interest as described Watershed’s Conflict of Interest Policy.

## Competition

- a. All procurement transactions will be conducted in a manner that encourages full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, the Watershed will exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.
- b. Some of the situations considered to be restrictive of competition include, but are not limited to:
  - Placing unreasonable requirements on firms in order for them to qualify to do business;
  - Requiring unnecessary experience and excessive bonding requirements;
  - Noncompetitive contracts to consultants that are on retainer contracts;
  - Noncompetitive pricing practices between firms or between affiliated companies;
  - Organizational conflicts of interest;
  - Specifying only a ‘brand name’ product instead of allowing for an “equal” product to be offered and describing the performance or other relevant requirements of the procurement;
  - Any arbitrary action in the procurement process.

- c. The Watershed will not use statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except where an applicable federal statute expressly mandates or encourages a geographic preference. When the Watershed is contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- d. If the Watershed uses a pre-qualified list of persons, firms or products to acquire goods and services, such list will include enough qualified sources as to ensure maximum open and free competition.

### **Solicitation Language**

- a. All solicitations must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive procurements, contain features which unduly restrict competition.
- b. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, will set forth those minimum essential characteristics and standards to which it will conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.
- c. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which will be met by offers will be clearly stated; and identify all requirements which the offerors will fulfill and all other factors to be used in evaluating bids or proposals.

### **Procurement Methods**

The Watershed will utilize one of the following methods of procurement:

- a. Micro-Purchases
  - i. The aggregate dollar amount does not exceed the threshold established in 2 C.F.R. §200.67. To the extent practicable, the Watershed will distribute such purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive bids if the Board considers the price reasonable.
- b. Small Purchases
  - i. The aggregate dollar amount of the purchase is between the micro-purchase threshold and the simplified acquisition threshold of \$250,000, with the exception of contract subject to ORC 735.05 which require sealed bid procedures. Small purchase procedures require that price or rate quotations will be obtained from an adequate number of qualified sources.
- c. Sealed Bids
  - i. Sealed bids are required to be used for firm fixed price contracts over \$250,000 and is used as the preferred method for construction projects. Bids are solicited from an adequate number of known suppliers, which cannot be less than two responsible bidders.
  - ii. In order for sealed bidding to be feasible, the following conditions will be present:
    - o A complete, adequate and realistic specification or purchase description is available;

- Two or more responsible bidders are willing and able to compete effectively for the business; and
  - The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price
- iii. If sealed bids are used, the following requirements apply:
- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
  - The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
  - All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
    - A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
  - Any or all bids may be rejected if there is a sound documented reason.
- d. Competitive Proposals
- i. Procurement by competitive proposal is conducted with an adequate number of qualified sources submitting an offer and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.
- ii. If this method is used, the following requirements apply:
- Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals will be considered to the maximum extent practical.
  - Proposals will be solicited from an adequate number of sources.
  - The Watershed will use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
  - Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
  - The Watershed may use competitive proposal procedures for qualifications based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- e. Noncompetitive Proposals

- i. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
- ii. The item is available only from a single source.
- iii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- iv. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Watershed.
- v. After solicitation of a number of sources, competition is determined to be inadequate.

### **Suspension and Debarment**

The Board of Directors will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions will be made in the best interests of the Watershed. Consideration will be given to such matters as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Executive Director will have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts.

The Watershed will not subcontract with or award subgrants to any person or company who is debarred or suspended. In accordance with 2 C.F.R. §180.300, for contracts over \$25,000, the Watershed will confirm that the vendor is not debarred or suspended by either checking the federal government's System for Award Management; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor.

### **Maintenance of Procurement Records**

The Watershed will maintain records sufficient to detail the history of all procurements. These records will include, but not be limited to rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

*Adopted 1.27.2023*

# Cash Management of Federal Grants

## Purpose

It is the objective of the Watershed to comply with 2 C.F.R. 200.305 and to minimize the time elapsing between the transfer of funds from the federal government or the pass-through entity to the Watershed.

## Guidelines

- a. The Watershed's payment methods must minimize the amount of time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and disbursement by the Watershed, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.
- b. The Watershed must use forms and procedures required by the grantor agency or pass-through entity to request payment. The Watershed will request grant fund payments in accordance with the provisions of the grant. In addition, the Watershed's financial management systems will meet the standards for fund control and accountability as established by the awarding agency.
- c. The Watershed is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

## Cash Advances

- a. When the Watershed uses a cash advance payment method, the following standards apply:
  - i. The timing and amount of the advance payments requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
  - ii. The Watershed will make timely payments to contractors in accordance with contract provisions.
  - iii. If applicable, and to the extent available, the Watershed will disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
  - iv. The Watershed will account for the receipt, obligation and expenditure of funds.
  - v. Advance payments will be deposited and maintained in insured accounts whenever possible.
  - vi. Advance payments will be maintained in interest bearing accounts unless the following apply:
    1. The Watershed receives less than \$250,000 in Federal awards per year.
    2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash

balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
4. A foreign government or banking system prohibits or precludes interest bearing accounts.

### **Interest Earned on Federal Funds & Administration Costs**

- a. Interest earned amounts up to \$500 per year may be retained by the Watershed for administrative expense. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another federal agency payment system.

*Adopted 1.27.2023*

# Program Income Related to Federal Grant Funds

## Purpose

It is the objective of the Watershed to comply with 2 CFR 200.80 while attempting to earn income to defray program costs where appropriate.

## Program Income

- a. Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance. It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds.
- b. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Proceeds from the sale of real property, equipment or supplies are not program income.
- c. Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Watershed uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the Watershed is otherwise directed by the Federal awarding agency or pass-through entity. Example, the sponsored award amount was \$200,000. \$20,000 of program income is earned. The program income is used to off-set the award amount from the grantor and reduces the award amount to \$180,000. The total available funds for the project remain at \$200,000 (\$180,000 from the grantor and \$20,000 from the program income earned.)

*Adopted 1.27.2023*

# Conflict of Interest—Federal

## Purpose

It is the objective of the Watershed to comply with 2 C.F.R. 200.318 and to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. The following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all Watershed employees including members of Watershed Board of Directors.

## Guidelines

These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all Watershed employees including members of Watershed Board of Directors.

- a. No employee, officer or agent will engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities.
- b. No employee, officer or agent may participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- c. Employees, officers and agents of the Watershed cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- d. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to Watershed Board of Directors or their designee. Upon discovery of any potential conflict of interest, the Board of Directors will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Watershed will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- e. Employees, officers and agents in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Watershed policy.

*Adopted 1.27.2023*

# Cost Principles and Spending of Federal Funds

## Purpose

It is the objective of the Watershed to comply with 2 CFR Subpart E – *Cost Principles*. The Watershed is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Federal grant funds will be administered in a manner consistent with all applicable Federal, State and local laws, in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award. The Watershed through the combination of employees, facilities and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.

## Cost Principal Guidelines

- a. While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Watershed can demonstrate that the cost addresses an existing need and can prove it.
- b. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost:
  - i. Is incurred specifically for the Federal award;
  - ii. Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and
  - iii. Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.
- c. Except where otherwise authorized by statute, costs will meet the following general criteria in order to be allowable under Federal awards:
  - i. To determine whether a cost is reasonable (2 CFR 200.404), consideration will be given to:
    1. Whether a cost is a type generally recognized as ordinary and necessary for the operation of the Watershed or the proper and efficient performance of the Federal award;
    2. The restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
    3. Market prices for comparable goods or services for the geographic area;
    4. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and

5. Whether the cost represents any significant deviation from the established practices or policy of Watershed Board which may increase the expense.
- ii. When determining whether a cost is necessary, consideration may be given whether:
    1. The cost is needed for the proper and efficient performance of the grant program;
    2. The cost is identified in the approved budget or application;
    3. There is an educational benefit associated with the cost;
    4. The cost aligns with identified needs based on results and findings from a needs assessment;
    5. The cost addresses program goals and objectives and is based on program data.
- d. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
  - e. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Watershed.
  - f. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
  - g. Be determined in accordance with generally accepted accounting principles.
  - h. Be representative of actual cost, net of all applicable credits or offsets.
  - i. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
  - j. Be adequately documented:
    - i. In the case of personal services, the Watershed will implement a system for Watershed personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated (See the Watershed's Documentation of Personnel Expenses Policy).
    - ii. In the case of other costs, all receipts and other invoice materials will be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

### **Selected Items of Cost**

- a. The Watershed will follow the rules for selected items of cost at 2 C.F.R. Part 200.420 – 200.475, Subpart E when charging these specific expenditures to a Federal grant.
- b. When applicable, Watershed staff will check costs against the selected items of cost

requirements to ensure the cost is allowable. In addition, State, Watershed and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and Watershed personnel will follow those rules as well.

### **Cost Compliance**

- a. The Watershed will require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application.
- b. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

### **Timely Obligation of Funds**

- a. Obligations are orders placed for property and services, contracts and sub awards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period (2 CFR 200.71).

### **Period of Performance**

- a. All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance.
- b. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. For direct grants, the period of performance is generally identified in the GAN.
- c. In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with the pass-through entity to reimburse for pre-approval expenses.
- d. For both State-administered and direct grants, regardless of the period of availability, the Watershed will liquidate all obligations incurred under the award not later than ninety (90) calendar days after the end of the funding period unless an extension is authorized (2 CFR 200.343). Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and will be returned to the awarding agency. Consequently, the Watershed will closely monitor grant spending throughout the grant cycle.

*Adopted 1.27.2023*



**SECTION 2000**  
**INFORMATION**  
**SYSTEMS/**  
**INFORMATION**  
**TECHNOLOGY**

**This document is to be distributed only to MWCD employees, board members, contractors, consultants, vendors, temporary and other workers at MWCD, including all personnel affiliated with third parties that are authorized by the MWCD IT Department to use MWCD Information Systems. This Document is considered an Infrastructure Record and a Security Record pursuant to R.C. Section 149.433(A). This document is not subject to release or disclosure as a Public Record under R.C. Section 149.43.**

## **Passwords**

Passwords are a critical component of information security. A poorly constructed password may result in unauthorized access and/or exploitation of the resources of the MWCD.

When the term “password” is used in this Policy, it is referring to both a password and a passphrase. A passphrase is like a password in use; however, it is constructed of multiple words, is normally longer and therefore more secure.

The purpose of this policy is to establish a standard for the creation of strong passwords, the protection of those passwords, and the guidelines for when it is necessary to change passwords.

The scope of this policy applies to all individuals who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any MWCD facility, have access to the MWCD network, or have the ability to store any MWCD information. The guidelines apply to employees, board members, contractors, consultants, vendors, temporary and other workers at MWCD, including all personnel affiliated with third parties that are authorized by the MWCD IT Department to use MWCD Information Systems.

These guidelines apply to all passwords including but not limited to user-level accounts, system-level administrator accounts, web accounts, e-mail accounts, and network hardware logins (for example, routers and switches).

### **Password Construction Minimum Standards**

All passwords must meet or exceed the following minimum standards by containing the following characteristics:

- Must contain at least 12 alphanumeric characters.
- Must contain both upper- and lower-case letters.
- Must contain at least one number (for example, 0-9).
- Must not be the same as the previous four passwords used.

#### *NOTE: Use of Passphrases*

A passphrase is like a password in use; however, it is constructed of multiple words, is normally longer and therefore more secure. A passphrase must meet the same minimum standards as above. For example: 1DogBalloonGrass (This is an example; do not use this example.)

Poor, or weak, passwords have the following characteristics:

- Contain personal information such as birthdates, addresses, phone numbers, or names of

family members, pets, friends, and fantasy characters.

- Contain work-related information such as building names, system commands, sites, companies, hardware, or software.
- Contain number or letter patterns such as aaabbb, xyzabc, or 123321.
- Contain common words spelled backward or preceded or followed by a number (for example, terces, secret1 or 1secret).
- Are some version of “Welcome123” “Password123” “Changeme123”

**You should never write down a password.** Instead, try to create passwords that can be remembered easily. One way to do this is to create passphrases (see Note: Use of passphrases). ALWAYS be sure to follow MWCD’s password construction minimum standards.

Password Management software may be provided upon request from [helpdesk@mwcd.org](mailto:helpdesk@mwcd.org).

### **Password Creation**

- New user accounts will be assigned a temporary password that must be changed upon first log-in.
- All user-level and system-level passwords must conform to Password Construction Minimum Standards (see previous section).
- Users must not use the same password for MWCD accounts as for other non-MWCD account access (for example, personal e-mail account, family business related accounts, personal shopping sites, other personal accounts personal bank accounts, and so on).
- Where possible, users must not use the same passwords for various other MWCD account access needs.

### **Password Compliance**

- All user-level passwords (for example, email, web, desktop computer, and so on) must be changed when requested by the IT Department or when the end-user is notified of a potential compromise of the user’s security credentials.
- Password cracking or guessing may be performed on a periodic or random basis by the IT Department or its designee. If a password is guessed or cracked during one of these audits, the user will be required to change their password to be in compliance with the Password construction minimum standards contained in this policy.

### **Protection of Passwords**

Passwords must not be shared with anyone for any reason. This includes co-workers, subordinates, managers, family members, IT Department personnel or anyone offering computer assistance. All passwords are to be treated as sensitive, confidential MWCD information.

- Passwords must not be inserted into email messages, or other forms of electronic communication, such as text messages.
- Passwords must not be revealed over the phone or electronically to anyone Do not reveal a password on questionnaires or security forms or any other type of written document.
- Do not hint at the format of a password (for example, "my family name").
- Do not write passwords down or keep physical copies to be stored or hidden anywhere. Do not store passwords in a file on a computer system or mobile devices (phone, tablet) without encryption. Contact the IT) Department with any questions regarding the proper storing of passwords or password list encryption.

- Do not use the "Remember Password" feature of applications (for example, web browsers).
- Network accounts will be locked out after seven (7) failed sign-on attempts. Employees should contact the IT Department to reactivate their user log on.
- Any user suspecting that their password may have been compromised must report the incident immediately to [helpdesk@mwcd.org](mailto:helpdesk@mwcd.org) and change all passwords.

Password Management software may be provided upon request from [helpdesk@mwcd.org](mailto:helpdesk@mwcd.org).

### **Use of Applications/Compliance with Passwords**

All custom, hosted, and third-party software (“Applications” or “Apps”) being considered for purchase or use on MWCD devices must contain the following security provisions unless otherwise approved by the IT Department:

- Applications must support authentication of individual users, not groups.
- Applications must not store passwords in easy to figure out format or in any easy to figure out in reverse form.
- Applications must not transmit passwords in clear text over the network.
- Applications must allow for password compliance in accordance with this policy.

Applications being evaluated for purchase or subscription must also be verified for password compliance compatibility by the IT Department. Contact [helpdesk@mwcd.org](mailto:helpdesk@mwcd.org) to request verification prior to application purchase or subscription.

### **Policy Compliance**

The IT Department will verify compliance with this policy through various methods, including but not limited to, periodic walk-throughs, business tool reports, and internal and external audits. Anyone who becomes aware of a violation of this policy should report it to his/her supervisor or the Human Resources department.

### **Exemptions**

Any exemptions to the policy must be approved by the IT Department in advance.

### **Non-Compliance**

Violations of this Policy could result in the temporary suspension of an employee/user from the use of MWCD Information Systems and the MWCD computer network. MWCD management reserves the right to take action depending upon the severity of the infraction. Employees found to have violated the MWCD’s Information Technology Policy may be subject to disciplinary action, up to and including termination of employment.

*Adopted 04.17.2015*

*Revised 01.24.2020*

# Data Backup and Recovery Verification

## Overview

This policy defines the backup procedure for computer systems within the Muskingum Watershed Conservancy District (MWCD) that are backed-up on a scheduled or manual on-demand basis and outlines the protocols for data recovery and verification testing.

## Data Backup Policy

MWCD computers are backed up per the following schedules:

**File and Application Servers (All Locations):** At minimum, an encrypted (128-bit) off-site back-up with a 60-day retention period is performed nightly. In addition, a nightly disk to disk differential backup is performed in conjunction with a weekly full backup is recommended.

### **Park and Marina Computers:**

An encrypted (128-bit) off-site backup with a 60-day retention period is performed nightly for the following systems: Point of sale servers, manager computers, assistant manager computers, administrative assistant computers, law enforcement computers including mobile data terminals, and sign shop computers.

### **Water Treatment and Scada Computers:**

An encrypted (128-bit) off-site backup with a 60-day retention period is performed nightly for water treatment files and Scada logs.

### **User Devices:**

Except as otherwise specified within this policy, data residing on user devices (e.g. desktop and laptop computers, tablets, smartphones, etc.) is not backed up.

### **Cloud Storage:**

Data saved on cloud storage such as Microsoft One Cloud, is not backed up.

## Backup Log Review and Retention

Back-up logs are to be reviewed daily for successful completion/error. When errors are identified in the log, a detailed review will take place to determine why the error occurred. If the error is determined to be systemic, a mitigation plan is to be developed and implemented.

## Scheduled Recovery and Verification Protocols

Data recovery tests shall be run and documented, at minimum, twice per calendar year. Documentation will indicate server, file/data, date, time, duration, person performing the protocol and success/failure. A mitigation plan shall be created and implemented for any recovery tests resulting in failure along with immediate subsequent runs of the test until the recovery and verification have been run successfully.

*Adopted 04.17.2015*

*Revised 01.24.2020*

# Network Security

In an effort to provide for a well secured network environment free from malware and malicious threats, the MWCD's IT Department and other MWCD staff must adhere to strict procedures to protect its Information Systems which includes the private network and all associated data stored on the network. Effective implementation of this policy will minimize the risk of network and data breaches.

This policy applies to all networking enabled equipment including but not limited to, servers, computers, peripheral devices, mobile phones and tablets utilized by employees, board members, contractors, consultants, vendors, temporary and other workers at MWCD, including all personnel affiliated with third parties that are authorized by the MWCD IT Department to use MWCD Information Systems.

All servers, computers, peripheral devices and networking equipment deployed on an MWCD private network must be owned by the MWCD, who is responsible for system administration. Approved server configuration guides must be established and maintained by the MWCD IT Department, based on business needs and approved information security guidelines. The designated MWCD network administrator will monitor configuration compliance and implement information security based on approved guidelines.

## Vendor Remote Desktop Support

In some instances, remote desktop support is required by a vendor for end user software support (Autodesk, Esri, CMI, SSI, Hyland, SCADA, etc.). For the purposes of logging third party access, if remote desktop support is required or requested by a vendor, the IT Department must be informed within 24 hours of the support session with the following information:

- 1) Name of vendor
- 2) Name of vendor employee
- 3) Software supported
- 4) Name of the MWCD employee
- 5) Computer(s) accessed
- 6) Purpose of the support
- 7) Date(s) and time(s) of access

The MWCD employee must be present at the desktop for the duration of the remote support session and must ensure that the remote session connection has been terminated at the end of the support.

## Vendor Server Support

In the event that a software vendor requires/requests remote or onsite access to MWCD Servers, the IT Department must be informed in advance so that the IT Staff may schedule and grant appropriate access. IT Staff will monitor and audit the support session to ensure disconnection and proper use of the resource.

## Physical Access

Any vendor or contractor seeking to gain physical access to existing computer systems, including Point of Sale (POS) systems, or network/telecommunications infrastructure, must have prior written authorization from the IT Department or appropriate supervisor/manager. When granting access to vendors or contractors, the IT Department must inform the appropriate supervisor/manager of details of the onsite visit. The manager must also inform the IT Department when they grant physical access to existing computer systems including Point of Sale systems or network / telecommunications infrastructure. Official photo credentials must be presented by any vendor or contractor given access and the following information should be documented and provided to IT:

- 1) Name of vendor
- 2) Name of vendor employee
- 3) Purpose for access
- 4) What equipment was accessed
- 5) Name of the manager or IT staff granting access
- 6) Date(s) and time(s) of access

For security, compliance, and maintenance purposes, authorized IT Department personnel may monitor and audit equipment, systems, processes, and network traffic for potential threats to the network.

For employees, contractors, consultants, temporary and other workers at the MWCD that require internet access in the function of their work may use established public internet access that is separate from internal MWCD networks. The IT Department is responsible for ensuring the separation of public and private networks as well as public login credentials.

### **Reporting Suspicious Equipment**

Any suspicious equipment connected to the network or computers should be reported to [helpdesk@mwcd.org](mailto:helpdesk@mwcd.org) immediately. This includes USB drives or other equipment of unknown origin.

### **Monitoring**

Security-related events will be reported to the IT Department immediately, who will review logs and report incidents to management. All traffic on the public and private networks are filtered and monitored for policy violations by the IT Department staff.

*Adopted 11.20.2015*

*Revised 02.19.2016*

*Revised 01.24.2020*



# **SECTION 3000**

# **LEASED AREAS**

## **Camps and Club Sites**

It is the intent of the Muskingum Watershed Conservancy District to maintain the number of camp and club site leases at the current level (circa 1989). No new camp or club site leases will be authorized except as an extreme need is justified, and a suitable location is available.

All camp or club site lessees must follow all Conservancy District requirements and guidelines in order to keep their leases in good standing.

The Conservancy District may continue to make available lake access to approved groups who obtain acreage adjacent to Conservancy District properties. This access may be granted provided they manage their lands in accordance with the basic land management policy of the Conservancy District and that they have sufficient acreage to operate their programs on their own property.

The rates for these types of access will be determined by the use to be made of the area.

*Revised 8/20/99*

# Cottage Areas

The Muskingum Watershed Conservancy District leases parcels of land on which private individuals construct cottages. The following policies shall apply in the establishment and administration of these recreation lease areas:

## Planning

Cottage sites will be leased only in the platted areas as shown on serially numbered drawings generally titled "Cottage and Home Sites" as prepared by the Engineering Department. There shall not be developed any individual lease sites separated from present platted areas.

The land committed to cottage sites, club sites, and similar type development is to be limited to not more than twenty percent (20%) of the land and shoreline area of the Conservancy District. The balance of the land area is to remain in a natural or undeveloped state.

All cottage sites are to be platted at least 100 feet from the permanent pool shoreline and the public is granted pedestrian access to the 100-foot strip around all Conservancy District lakes.

## Leasing

Cottage sites may be leased or assigned only to individuals. The Conservancy District will not permit the leasing or assignment of cottage sites to corporations, clubs, organizations, or similar type groups.

The Conservancy District will not permit the transfer or assignment of any unimproved cottage site. If the current lessee no longer desires to lease the lot, the lot rights will revert to the Conservancy District and it will be handled in the same manner as other vacant unleased lots.

Vacant lots in existing cottage areas will be leased on a first-come, first-served basis. All lessees holding leases which reach four (4) years with no construction on the lot will be notified that they have one more year in which to build.

The Conservancy District will not lease more than one cottage site to any family unit. A family unit is defined as consisting of those members of a family which ordinarily reside together in the same home, and would ordinarily consist of a husband, wife and unemancipated children, but could include others residing in the same household.

## Cottage Site Rental Rates

Rental rates for cottage sites shall be established by the Conservancy District Board of Directors. These rates shall be reviewed at intervals as determined by the Board of Directors. Each year the annual rate charged shall be adjusted as determined by the Board of Directors.

Rental rates shall include use of the site, the right to build and occupy a structure or structures on the lot and such other amenities and privileges as set forth in the lease.

Rental rates do not include utility services or building real estate taxes.

### **Cancellation for Non-Payment**

Any cottage site lease on which the current rental is sixty (60) days past due will be canceled in accordance with Part IV of the cottage site lease. Any exceptions to this policy require prior Board approval.

### **Cottage Sites Regulated**

Cottage sites are leased for 14-year periods and may be renewed for like periods. Lessees must abide by all the rules and regulations promulgated by the Conservancy District for the operation of its properties.

The Conservancy District controls all vegetation such as trees and shrubs on the leased premises and all other Conservancy District areas. The Conservancy District requires written permission to cut, trim, plant, spray or otherwise affect Conservancy District vegetation on all its land including leased premises.

### **Lease Approvals**

Approvals of cottage site leases, transfers, assignments, lease cancellations, mortgage consent and agreements, and cancellation of mortgage consent and agreements shall be properly numbered and a list of each number shall be entered in the Minute Book for formal approvals. The record of approvals shall be filed with the papers supporting the minutes of the Board of Directors.

The staff may approve routine assignments, cancellations of mortgage and consent agreements and issuances of mortgage and consent agreements on at least a weekly basis. A complete cottage site inspection and a cottage site conference must be held prior to any approval. New leases may be approved weekly by the staff. All such approvals will then be submitted for confirmation at the next regular Board of Directors meeting. The sale of a cottage cannot be completed until approved by the Conservancy District.

### **Dock Site Location and Maintenance**

The location of a proposed dock in a cottage area where cluster docking is not required is selected by the lessee. After selecting a site, the lessee must contact those persons owning a dock adjacent to the site or in the general area and the lessees whose cottage site is directly adjacent to the area of the shoreline proposed for the new dock to determine that the site chosen is not in conflict with existing use. In the event a lessee selects a dock site and in checking with adjacent dockers and cottage owners finds that the site is objectionable to some for reasons that are unjustifiable, the lessee wishing to place the dock must contact the Conservancy District. The Conservancy District reserves the right to designate each dock area as it deems necessary.

Once a dock site is selected and found to be satisfactory, the lessee may then install a Conservancy District-approved dock on the shoreline. (Dock plans must be submitted to the Conservancy District for approval prior to installation.) Once a lessee installs a dock on the shoreline, the lessee may claim that specific dock site on an annual basis, so long as the lessee's dock occupies that site from season to season. When the dock is removed from the lake for the winter season, it may be stored on the shoreline directly adjacent to the dock site above spillway elevation, or on the lessee's cottage site lot, or another designated area until it is reinstalled at the beginning of the following boating season. A lessee may maintain a dock at a specific location so long as the lessee continues to moor watercraft to the dock from season to season.

In the event a lessee does not moor a watercraft to the dock for a particular boating season, the dock shall be removed from the lake and shoreline by the lessee and stored on the lessee cottage site lot, or other approved area or off Conservancy District property. In this event, the lessee relinquishes any right or claim to that specific dock site on the shoreline.

*Revised 8/20/99*

*Revised 8/24/2012 ("Roads" moved to separate policy)*

## **Cottage Areas: Road Program**

The Muskingum Watershed Conservancy District (MWCD) will maintain cottage site roads as gravel surfaced roads at no additional cost to the lessee. Cottage site roads are to be constructed so as to allow only limited traffic and preferably with no outlet so as to further restrict traffic.

In the event a majority of the lessees in any individual cottage site area desire a road improved over a normal gravel road, the MWCD will cause the work to be done and all lessees in that area will be assessed on a pro-rata basis the cost of these improvements exclusive of ditching and drainage. This assessment will be paid in one lump sum or extended over a period not to exceed five years.

After a road has been improved, the MWCD will remain responsible for the costs of ditching, drainage, roadside mowing and minor repairs.

Due to flood control operations, the cottage areas roads may at times be impassable to automotive traffic during certain periods of time during the year.

The MWCD reserves the ability to maintain and/or improve any roadway, or roadway segment, in any manner deemed fit (including conversion) at MWCD expense without approval of any lessee.

*Approved 8.24.2012*

# Docking Policy

The Muskingum Watershed Conservancy District is committed to providing recreational opportunities for the general public in a multiple use concept, and in harmony with natural resource conservation. In compliance with MWCD Rule Section 3.0 (Public Waters), overnight docking opportunities are provided to eligible recipients, in order to enhance recreational activity, and accessibility to MWCD lakes and lands.

## Docking Policy Guidelines

The MWCD Docking Policy grants docking privileges to eligible recipients in compliance with MWCD Rule Section 3.0 (Public Waters). These privileges, at the discretion of the Board of Directors, are granted upon payment of applicable fees and provided a suitable dock location can be designated by the MWCD. Eligible recipients shall be as follows:

- A) **Marinas** - Members of the general public may obtain docking through marinas. Marinas may dock watercraft in their charge for rental, sales, safety, or maintenance purposes. They may bank dock rental craft only in shoreline areas suitably stabilized per MWCD approval. Marinas may construct and/or install docks and other structures in compliance with MWCD Docking Specifications.
  
- B) **Campgrounds** - Persons holding a valid camping permit may obtain docking privileges. Persons holding a seasonal camping permit may construct and/or install docks and other structures in compliance with MWCD Docking Specifications. Persons holding a valid camping permit may bank dock watercraft adjacent to the camping area only in shoreline areas suitably stabilized per MWCD approval. A maximum of two watercrafts can be docked through each camp lot.
  
- C) **Residential Leases** - Lessees holding a valid Cottage Site Lease or Residential Lease may obtain docking privileges for watercraft owned by themselves or members of their immediate family. They may construct and/or install docks and other structures in compliance with MWCD Docking Specifications. A maximum of three (3) watercraft (four (4) if at least two are less than sixteen (16) feet in length and non-motorized, or eleven (11) feet or less in length if motorized) can be docked through each lease.
  
- D) **Adjacent Landowners**
  - 1) No new individual docking privileges will be granted to adjacent private landowners. All existing individual docking privileges will be grandfathered for the current owner of record and his / her spouse. Any other transfer of ownership interest will result in termination of docking privileges. Until terminated, these docking privileges will be administered through a Private Dock Agreement, and docking recipients may construct and/or install docks and other structures in compliance with MWCD Docking Specifications. A maximum of two watercrafts per Private Dock Agreement may be docked.
  - 2) Existing private approved (recorded in county) residential developments adjacent to MWCD property, holding a current Docking Agreement, will continue to be eligible for docking privileges if administered by a Docking Association. Only those persons whose land within the development contains a habitable structure with approved sewage system are eligible.
  - 3) New private approved (recorded) residential developments adjacent to MWCD property will be considered for docking privileges administered by a Docking Association through a Docking Agreement on a case-by-case basis subject to final approval by the Board of Directors. If approved, only those persons whose land within the development contains a habitable structure with approved sewage system would be eligible.
  - 4) Eligible recipients may obtain docking at the discretion of the Board of Directors, for watercraft owned by themselves or members of their immediate family. They may construct and/or install

docks and other structures in compliance with MWCD Docking Specifications. The maximum number of watercraft each Association may dock is established by the MWCD.

- E) **Private Club** - Private clubs maintaining a valid Club Site Lease may obtain docking privileges for watercraft owned by their members. Clubs may construct and/or install docks and other structures and may store members' watercraft on club lease premises, in compliance with MWCD Docking Specifications. The maximum number of watercraft each club may dock or store is established by the MWCD.
- F) **Youth Camps** - Youth camps maintaining a valid Club Site Lease or Access Agreement may obtain docking privileges for watercraft owned by the lessee. Resident directors may dock a watercraft registered in their name at no charge. Camp employees using watercraft owned by them for instructional purposes may dock said watercraft upon payment of the applicable decal fee. Camps may construct and/or install docks and other structures in compliance with MWCD Docking Specifications. The maximum number of watercraft each camp may dock, including those of the resident director or employee, is established by the MWCD.
- G) **Parks** - MWCD parks may obtain docking privileges for watercraft for rental, maintenance, safety, instructional, or other purposes. Park superintendents may dock a maximum of two watercraft owned by them. Parks and superintendents may construct and/or install docks and other structures in compliance with MWCD Docking Specifications.
- H) **Atwood Resort** - Residents of Atwood Resort and Atwood Resort rental cabins may obtain docking privileges during the term of their residence. Atwood Resort may construct and/or install docks and other structures in compliance with MWCD Docking Specifications.
- I) **Guest Docking** - Any lessee or member of a Private Club or Docking Association eligible for docking privileges may obtain docking privileges for short term docking for guests in compliance with MWCD requirements.
- J) **Special Events** - The MWCD may, at its option, grant docking privileges to individuals or groups for special events or circumstances.

**Docking Volume** - When considering a request for an increase in docking volume from an existing eligible recipient, or a request for new docking privileges, MWCD staff will refer to the attached "**Criteria to Determine the Appropriateness of Increasing Docking Volume on MWCD Lakes**" in the decision to approve or deny such requests.

**Restrictions:** No docking is permitted on Beach City Reservoir. Docking on Clendening Reservoir is permitted only at the marina and youth camps. The MWCD reserves the right to deny docking privileges to any person, partnership, or corporation that is in violation of MWCD rules or regulations or the conditions of their lease or license with the MWCD.

### **Criteria to Determine the Appropriateness of Increasing Docking Volume on MWCD Lakes**

The MWCD docking policy guidelines specify eligible recipients for docking privileges on MWCD lakes. These guidelines also establish appropriate docking volumes, i.e. the number of watercraft permitted to be docked, for the following recipients: parks, campgrounds, residential leases, adjacent landowners, private clubs, and youth camps. These recipients may install docking facilities, subject to MWCD permit, and dock watercraft up to these maximum numbers, without being subject to the following criteria.

When the MWCD receives a request from an eligible recipient not listed above (i.e. marinas and Atwood Resort), or a request from another eligible recipient to increase the number of watercraft they can dock and/or add to an existing docking facility beyond the maximums listed above, or a request from a future potential docking user to establish a new docking facility location, the following criteria shall be employed to help determine if such an increase or addition is appropriate for the area and lake in question.

**NOTE:** The \* indicates docking could be denied based on that criteria alone.

- 1) **\*Access:** In establishing a new dock location, there must be satisfactory public access to the proposed dock location without having to cross private or leased land not in control of the requester.
- 2) **\*Adequate space:** There must be enough room to increase the volume without
  - a) conflicting with the minimum distance requirements between docks as specified in MWCD dock specs,
  - b) conflicting with existing facilities and legitimate water usage.
- 3) **\*Land Use:** MWCD land classification maps delineate shoreline areas for docking by specific users, and areas not suitable for any docking.
- 4) **\*Policy:** The MWCD docking policy will address docking eligibility and will include these criteria.
- 5) **\*Proximity to private development:** For private residential developments, it is intended that docking privileges be pedestrian accessible. This means that the development is close enough to the lake that residents close to the lake can easily walk to a dock location, even though residents farther away may choose to drive. For new dock locations involving private development, the development must be close enough to the lake as to be pedestrian accessible.
- 6) **\*Rights of way:** For new dock locations involving access across or through existing rights of way for utilities, roads, or other, such access, and therefore the dock location, is subject to the terms of the right of way.
- 7) **Shoreline condition:** The condition of the shoreline and its stability in the vicinity of the proposed dock location are factors in determining its appropriateness for docking facilities. It may be required that erosion and shoreline stabilization be addressed in a plan to establish a new dock location.
- 8) **Topography:** Shoreline areas consisting of extreme slopes or low, poorly drained areas may not be suitable for docking unless those conditions are satisfactorily addressed in a plan for a new docking facility.
- 9) **Water depth:** Some lake areas may not be suitable for docking because of inadequate depth. Any plan proposing docking in these areas must address this issue.
- 10) **Weather patterns:** Some shoreline areas are subject to weather patterns that can make docking there quite challenging. Prevailing winds can subject these areas to higher wave action than other areas. Any plan to establish a new dock location should consider this factor and its approval may depend on adequate facility design.

In addition to the above criteria, the following points should also be considered when determining the appropriateness of a proposed docking expansion on any lake:

- 1) The Muskingum Watershed Conservancy District is committed to providing recreational opportunities for the general public in a multiple use concept, and in harmony with natural resource conservation. In this light, the most desirable type of docking activity is that which least impacts the appearance and stability of a natural shoreline, and leaves stretches of shoreline in an “undeveloped” state; i.e. no docks.
- 2) Each lake has its own personality based on factors such as forest type and density, amount of “development”, and type of use. Some lakes are considered “fishing lakes,” while others are considered “water sports lakes.” Lake users gravitate to the lakes that most suit their recreational needs. The “needs” of these lake users must be considered.

*Adopted 4/24/96*

*Revised 8/20/99*

*Revised 8/24/01*

# Mortgage Consent and Agreement Forms

Consent and Agreement forms with such modifications, if any, as the Executive Director/Secretary or Assistant Secretary with the advice of Chief Counsel may deem necessary to fit the requirements of a particular Consent and Agreement, shall be used for the giving of the consent of the Board of Directors and the Muskingum Watershed Conservancy District for the encumbering of buildings and improvements appurtenant thereto located upon land leased. A motion adopted by the Board to the effect that a Consent and Agreement in the usual form be given with respect to the mortgage loan being obtained by a named lessee or lessees from a named lender, shall have the effect of authorizing the Executive Director/Secretary or Assistant Secretary to execute such Consent and Agreement in the name and on behalf of the Conservancy District, and will be delivered to the person or lending institution from which the loan is being obtained.

*Revised 8/20/99*

# Farm Leases

Certain Muskingum Watershed Conservancy District lands, due to their location in flood plains or for other reasons, are deemed best suited to be used for agricultural or farming purposes.

These lands are, therefore, leased to desirable tenants, who must exercise diligent care of the land, on either a share crop or cash rental basis to obtain a fair monetary return from these lands.

Lands so leased may periodically be offered for public bid.

*Revised 8/20/99*

# Leasing of Marinas

The use of the lakes in the Muskingum Watershed Conservancy District (MWCD) requires facilities for the mooring, servicing and sale of boats, motors and other items. These areas are designated recreation lease areas for the construction of marinas.

It is in the best interest of the MWCD to provide to private operators the land area on which to construct the marina facilities. The leases for these areas are for a fourteen (14) year period with an option to renew a lease in good standing. Terms of the lease will be established at intervals determined by the Board.

Docking is permitted in the areas leased by marina operators on most of the lakes in the MWCD. Docking shall be at approved docks only. Marinas may, at their option, bank dock rental craft used in the operation of their marina.

In order to insure that marina facilities are being operated in accordance with MWCD standards, a minimum of one site inspection per year shall be made. These inspections shall be conducted by the MWCD with full knowledge of the lessee. A written report of said inspections shall be filed with the Executive Director/Secretary.

Transfer of marina leases will be subject to the approval of the Board of Directors as required by the lease. A fee sufficient to cover MWCD expenses in connection with the transfer or assignment of lease will be charged, such fee to be not less than \$200.

*Revised 8/20/1999*  
*Revised 4/20/2007*

# **Cottage Site Lessee Assessment Repayment Policy**

The Muskingum Watershed Conservancy District (MWCD), in accordance with the terms and conditions of the Cottage Site Lease, may provide services or construct improvements to roads, culverts, water and/or sewer systems, etc., which may require payment by the cottage site lessee of all or a part of the cost of these projects. This policy sets forth the procedure for payment of these projects.

The MWCD will determine the amount of the assessment based upon the cost of the project per each lessee. All costs incurred by the MWCD for the project may be included in the total cost to be assessed. The cottage site lessee may elect to pay the cost of the assessment in full in one payment or according to the schedule of payments below. Whenever the payment of an assessment is not made in one payment, an interest charge equal to the prime rate plus 2% will be applied to the individual assessment. The interest rate will be determined at the time of completion of the project. If the cottage site lessee elects to pay in more than one installation, all interest will be due and payable, regardless of any early payment by the lessee.

<b>Cost of Project per Lessee</b>	<b>Number of Years for Repayment</b>
Up to \$500.00	1
\$501.00 to \$1,000.00	2
Over \$1,000.00	3

*Adopted 07/20/98  
Review revisions 08/23/2012  
Revised 07/17/2015*

# **Cottage Site Lessee Water and Sewer Utility Billings**

The Muskingum Watershed Conservancy District (MWCD), in accordance with the terms and conditions of the Cottage Site Lease, may provide operational and maintenance services or construct improvements to water and/or sewer systems, which may require payment by the cottage site lessee of all or a part of the cost of these projects.

In order to generate the funds needed for the projects and/or system operations, the MWCD will develop a flat rate billing for each water and/or sewer system it operates. The flat rate will be established utilizing the previous ten years history as a baseline, and will be compared to the most current Ohio EPA Sewer and Water Rate Survey (or other sources of current and historical water and sewer rates in the state of Ohio). Upon comparison to the rates of other water and sewer systems, the proposed rate may be adjusted with the approval of the MWCD Board of Directors, with the goal of having the established rates comparable to rates of similar water and sewer systems within the state.

The MWCD will continue to maintain an accounting for each water and/or sewer system, and will track, review and document the expenses for each system annually. At the end of five years, these rates will be reviewed and updated, as necessary, based on the actual revenues and expenditures over the five years, future projected needs of the system, and the current rates of other similar water and sewer systems in the state.

*Adopted 7.17.2015*



**SECTION 5000**  
**LAND AND WATER**  
**MANAGEMENT**

# Easements and Rights-of-Way

The Muskingum Watershed Conservancy District may grant rights-of-way, easements and permits, to the State of Ohio, the United States of America, political subdivisions of the State of Ohio, public utilities, and other entities upon receipt of just compensation when such access is for the benefit of the general public. Said access shall first receive approval of the engineering and recreation-leases groups.

Access agreements of the above types shall not be granted to private individuals or corporations except as they are performing a service authorized by the Conservancy District.

No access agreements across Conservancy District properties will be granted to private individuals for the development or use of property owned by them. This policy does not preclude the granting of licenses or temporary use of Conservancy District property for such purposes as removal of timber, etc.

*Revised 8/20/99*

# Flowage Easement Violations

The Muskingum Watershed Conservancy District is involved in flowage easements in both the Main District and Subdistricts. In the Main District, the easements are owned by the United States of America. In the Subdistricts, the easements are owned by the Subdistrict. This policy is divided into categories accordingly.

1. **Easements Owned by the United States of America** - Where a lessee, licensee, or concessionaire has constructed any structure within the easement area, enforcement is within the jurisdiction of the United States of America and not the Conservancy District. The Conservancy District will attempt to prevent violations from occurring under the provisions of its leases and agreements. When a violation becomes known, the Conservancy District will inform current and prospective lessees, licensees or concessionaires of the same.
2. **Easements Owned by the Conservancy District or Its Subdistricts** - Where a building or other structure is placed or constructed in violation of the flowage easement, the Conservancy District or Subdistrict will request the violator to remove the same within a reasonable time (within one year or less from notification). If all staff efforts fail to obtain compliance, then the legal department shall take such steps as is necessary to require compliance. Litigation shall not be instituted without Board approval.

*Revised 8/20/99*

# Land Encroachments

The following policies are established to deal with encroachments.

1. **Encroachments by Adjoining Private Land Owners** - These encroachments are in the form of roadways, buildings, and other miscellaneous structures, storage or disposal of various items, septic systems, gardens, fences, or any other uses not considered to be a public use or permitted under Muskingum Watershed Conservancy District regulations. The Conservancy District considers all such use of its lands by private individuals to be improper. It furthermore intends to identify these in due time through inspection and survey, and as they are identified the offending parties will be notified. They will be asked to remove the encroachment or to refrain from using Conservancy District property in any improper manner. Reasonable time will be granted to give the owner opportunity to comply with the Conservancy District directive.

The Conservancy District recognizes that some of these encroachments have been present for some time and some are very trivial. However, the policy shall be consistent and uniform. In all cases, efforts should be made to gain compliance by friendly persuasion. If this fails, the staff shall forward the problem to the legal department. The legal department shall take such steps, including litigation - with the Board's concurrence - as will ensure compliance.

2. **Encroachments by Lessees of the Conservancy District** - These encroachments are in the form of buildings, porches, decks, sheds, etc. that were placed outside lot lines and without permission from the Manager of Operations/Chief Engineer.

All easily movable structures, i.e. sheds, boat houses, tables, refrigerators, etc. will be moved to an acceptable location under lease requirements or will be removed entirely from Conservancy District property within a reasonable time (within one year or less from notification).

Where a structure with living quarters or other not readily movable structure encroaches, it may be placed on a license or permit basis. The permit would expire in the event of any calamity or when the structure has deteriorated and is due for replacement or rebuilding. No expansion would be permitted. Rebuilding would then be permitted in a proper location. Future encroachments occurring after the date of this policy will not be permitted to remain.

## Enforcement by the Conservancy District

The Conservancy District shall make every effort through inspection and surveillance that no encroachments will be permitted. Any and all violations discovered shall be ordered stopped and corrective measures will be promptly and vigorously applied. In all cases, efforts shall be made to gain compliance by friendly persuasion. In the case of leased land, the Conservancy District has found the withholding of lease renewal or transfer an effective tool in encroachment compliance. If all staff efforts are to no avail, then the legal department shall take such steps as it deems necessary to obtain compliance. Litigation shall not be commenced without Board approval.

The following points are to be considered in dealing with encroachments:

1. Encroachments are to be eliminated without loss of Conservancy District property.
2. Property sale is rejected as a viable solution, property trade may be considered if in the best interest of the Conservancy District.

3. The Conservancy District does not wish to inflict unnecessary harm upon encroaching people and therefore, is willing to seek solutions appropriate to particular circumstances if the solutions will lead inevitably to the elimination of the encroachment.
4. The Conservancy District may accept the encroachment for a limited period of time provided:
  - a) The encroachment will end on a specified date or on the occurrence of a specified event and
  - b) Rental is paid for the general area of the encroachment. Such payments are to be designated in a lease at such terms deemed suitable by the Conservancy District. The possibility of lease payment in the form of beneficial interest in the encroacher's property is not excluded if such an arrangement is believed best for Conservancy District.
5. A permanent boundary marking is to be erected at each point of encroachment so that the general public is immediately aware of the fact of encroachment.
6. Encroachments that cannot be resolved within these guidelines are to be presented for Court resolution.

Any possible encroachments, new or old, shall be reported to the Recreation-Leases Group. Investigation of the encroachment shall be made promptly by the Recreation-Leases Group in conjunction with other groups as appropriate.

*Revised 8/20/99*

# Marginal Lands

In order to maintain the integrity of the flood storage in the reservoirs of the Muskingum Watershed Conservancy District it is necessary to control the marginal lands around these reservoirs. The control of these lands enables the Conservancy District to use land management practices which help reduce siltation and erosion.

In keeping with these facts, the Conservancy District may purchase, in fee title, marginal lands surrounding Conservancy District reservoirs and said lands shall extend not less than 200 feet beyond the normal pool level shorelines in the reservoirs, and a greater distance where necessary to properly conserve the storage space in the reservoirs.

*Revised 8/20/99*

# Permit for Removal of Water

Upon formal request from a landowner of adjacent property, the Manager of Operations/Chief Engineer of the Muskingum Watershed Conservancy District may issue a permit for the removal of water from any of its lakes under the following conditions and terms.

- 1) All such water removed will be for the exclusive use of the applicant for domestic and livestock purposes only.
- 2) Equipment shall be installed and water removed only at points authorized by the Conservancy District's Manager of Operations/Chief Engineer and where there will be no interference with established conservation or recreation programs.
- 3) Any equipment installation shall be in a manner so as to provide the minimum of interference with public use and according to standards established by the Manager of Operations/Chief Engineer.
- 4) Such installations are subject to all appropriate State and Federal laws, contracts or regulations.
- 5) A fee for the occupancy of Conservancy District property may be assessed by the Board of Directors.

*Revised 08/20/99*

# Purchase, Sale, or Transfer of Land

## Policy

To ensure the continued vitality of its resources and development of its facilities for future generations, the Muskingum Watershed Conservancy District will purchase, sell, trade, and/or transfer land when its Board of Directors determines any such action to be in the best interests of the public. The Conservancy District will retain ownership of all those lands which are contiguous to its reservoirs and seek to identify and acquire those parcels which are necessary to protect the reservoirs for public use. Those properties determined to be nonessential to the operations and/or future development of the Conservancy District shall be identified, appraised, and either sold, traded or transferred.

## Guidelines

The mechanics of the purchase, sale, trade, or transfer of any lands, buildings, and minerals for the Muskingum Watershed Conservancy District shall be a function of the Manager of Operations/Chief Engineer and in accordance with the provisions of Ohio Revised Code Chapter 6101. All such transactions shall have the prior approval of the Board of Directors. The Board of Appraisers shall establish a fair market appraisal for each parcel of land so considered for purchase, sale, trade, or transfer. The purchase, sale, trade, or transfer of buildings, minerals, and other appurtenances may be excluded from the requirement of an appraisal by the Board of Appraisers. All sales, other than those authorized by the Board of Directors, must be conducted at an advertised public sale and presented to the Board on numbered bids. Whenever appropriate, the Conservancy District will reserve unto itself no less than one-half an undivided interest in all oil, gas, and other mineral rights, including delay rentals, royalties, and any other interests of which it is the owner.

For the purpose of determining lands to be nonessential to the operations and/or future development of the Conservancy District, the following criteria shall be evaluated:

- is parcel contiguous to other holdings or isolated
- access to parcel or through parcel to adjacent holdings
- percentage of parcel above/below spillway elevation
- size, topography and location of parcel
- potential value of minerals, timber, or other resources with parcel
- unique features and/or characteristics of parcel
- presence of threatened and/or endangered species on parcel
- amount/kind of public use parcel is currently receiving
- potential for misuse that might negatively impact the public ownership nearby
- highest and/or best use of parcel
- fair market value of parcel
- can MWCD effectively manage parcel
- is it feasible to increase holdings adjacent to non-contiguous parcels, thereby creating contiguous units
- can parcel be traded for a parcel of higher value to MWCD or for a conservation easement of higher value to MWCD
- potential for donating parcel to a non-profit organization
- if sale is appropriate, should any easements be retained

The proceeds from all land, building, and mineral sales shall be designated for the acquisition of additional, critically-situated lands.

*Adopted 10/20/2000*

# Sale of Minerals

The Muskingum Watershed Conservancy District may mine, remove, sell or dispose of any minerals it owns which may include coal, sand, gravel, stone, oil, gas, or any other materials which underlie its properties.

Such mining, removal, sale or disposal of minerals and oil and gas shall be in strict accordance with all applicable laws regarding reclamation and protection from potential pollution. Great care will also be taken to protect all basic Conservancy District assets including water, soil, forests, recreation, wildlife, etc.

Locations of all well sites, tank battery facilities, mine openings, roads, excavations, etc. shall be approved by the Conservancy District's Engineering and Conservation groups. All pipe lines, electric lines, phone lines, etc. shall be buried at a depth and in a location approved by the Conservancy District's Engineering and Conservation groups.

*Revised 8/20/99*

# Forest Management

## **POLICY**

The Muskingum Watershed Conservancy District (MWCD) shall manage its forestlands to promote the overall health, vigor, and sustainability of its forest natural resources. MWCD lands will be managed under a multiple use concept, focused on forest product utilization, wildlife habitat, flood reduction through watershed protection, recreation and aesthetics. These goals will be attained through accepted silvicultural practices, woodland improvement projects, forest protection, and reforestation.

## **GUIDELINES**

The Forestry Program shall be administered by the Conservation Group.

Periodic inventories will be conducted on all forested lands to ascertain condition and other attributes necessary for planning and implementing management programs.

A primary goal of management activities shall be to promote the regeneration and establishment of native species. However, when native species fail to fulfill management criteria for special projects non-invasive, non-native species may be used.

A woods improvement program shall be maintained with the overall aim to produce healthy, vigorous, high quality stands based upon site characteristics and management goals.

Invasive species will be targeted for removal/control using an Integrated Pest Management (IPM) approach. This approach will be accomplished through silvicultural, biological, chemical and other controls that do not negatively affect non-target species, when practical.

Wood and other forest products shall be utilized by the MWCD and offered for sale to the public by contracting with certified producers or on a bid basis when forest conditions warrant as identified by the Conservation Group.

Silvicultural work will be performed in a compatible manner with other associated MWCD activities when practical.

All forestry related activities shall be conducted with a commitment toward best management practices (BMP's).

*Revised 8/20/1999*

*Revised 9/20/2013*

# Water Structures Prohibited

The construction or placement of structures on the waters of the Muskingum Watershed Conservancy District is prohibited except where approved by the Board of Directors.

Approved structures include:

- a. Floating docks and swim platforms at approved locations.
- b. Conservancy District owned structures such as swim floats.
- c. Fish habitat structures placed in conjunction with the Division of Wildlife and the Conservancy District.

Any other structures must receive prior approval from the Board of Directors.

*Revised 8/20/99*

# Landfills

The Muskingum Watershed Conservancy District has an interest in the impact that construction, operation, or abandonment of a landfill can have on adjacent property, surface water and ground water. Though the Conservancy District has no regulatory authority with regard to siting landfills in the state of Ohio, the Ohio EPA provides opportunities through public meetings and comment periods to express concerns or opposition to proposed landfills, and District staff should be prepared to comment when appropriate.

## Landfill Policy Guidelines

- It shall be the function of the Conservation Group to monitor and respond to a proposed installation, expansion, or abandonment of a landfill as described below.
- When a landfill is proposed within the watershed of the Muskingum River, the location of the site in relation to District operations, and the threat to those operations, will determine the degree of District involvement. If a landfill is proposed within the watershed of a District lake, a District representative will, when practical, attend Ohio EPA sponsored public meetings, and review plans to become familiar with the geology of the area and landfill design.
- Higher priority will be placed on sites proposed adjacent to District lands, or streams that flow into District lakes, but comments may be prepared for any landfill within the Muskingum River watershed.
- When the District staff opposes the installation or expansion of a landfill, a recommendation will be made to the Board of Directors of the District to adopt a resolution in the form of a letter to the Ohio EPA, stating the District's position.
- Due to the Ohio EPA required public comment period, landfills can become an opportune target for expressing environmental concerns to the possible exclusion of less obvious but equally serious threats to the environment. The ease of response should not dictate District policy.

*Adopted 01/17/2003*

# Partition Fence Policy/Guidelines

## Policy

MWCD participation in partition fences will be in compliance with Chapter 971 of the Ohio Revised Code.

## Guidelines

- A) When the land adjacent to MWCD's land is **not** used to graze livestock, MWCD is not required to participate in partition fences, but may choose to do so and enter into an agreement as described under the guidelines set forth Section B (1).
- B) When the land adjacent to MWCD's land **is** used to graze livestock:
- 1) MWCD will endeavor to reach an agreement with the landowner as described in the following guidelines:
    - a) Following contact from someone requesting fence participation, the MWCD will verify that they are an adjacent landowner. MWCD personnel will schedule an inspection of the shared property line to determine the location and condition of any existing fence, boundary markers, and any encroachments. MWCD personnel will verify that the fence has deteriorated to the point that it needs replaced, and if any survey work is necessary. The presence of encroachments by adjacent landowners onto MWCD land could inhibit MWCD participation in the partition fence.
    - b) MWCD and the landowner will agree upon the materials to be used in construction of the fence. Generally, MWCD considers the cost of the materials necessary for construction of the fence and the cost of the labor for fence construction to be equal. Customarily, MWCD will agree to provide the necessary materials to construct the fence, if the landowner agrees to provide the necessary labor. Other options however may be considered depending on the circumstances.
    - c) MWCD will inform the landowner of the requirements for the construction of fences on MWCD property lines, including:
      1. Under no circumstances will fencing contact any MWCD boundary post.
      2. Any boundary monuments such as stones or pins are not to be disturbed. If any boundary monuments are encountered, fence placement shall be adjusted at that point toward the landowner's property to avoid disturbance of the monument, then returning the fence to the property line, if the fence continues.
      3. If there are any remnants of a previous partition fence along the shared property line that are removed to make way for the new fence, these remnants should be properly disposed of. Under no circumstances should any of these fence remnants be placed on MWCD land.
      4. To facilitate fence construction, landowner may clear brush and small trees (up to 4-inches in diameter) up to ten feet onto MWCD land, and may remove any larger dead trees. Living trees larger than 4-inches in diameter will be left intact.
      5. If there is evidence that a previous fence was attached to a property line tree, landowner may attach the new fence if they so choose. Otherwise, do not attach the fence to trees on the property line.

6. The fence will be built on the property line.

If the landowner has any additional requirements, or is in disagreement with any MWCD requirements, the landowner and MWCD will discuss and agree to any changes. The fence will be built in accordance with these requirements.

- a) MWCD and the adjacent landowner will determine the fair market value for the proposed fence materials through contact of three suppliers for pricing information (except locust fence posts) and will determine which supplier provides the best value. Should the landowner choose to use locust fence posts, it will be their responsibility to locate and obtain them.
  - b) MWCD and landowner may choose to have the entire fence contracted, with the contractor supplying the labor and materials, or to just have the labor contracted. MWCD and landowner will attempt to obtain two bids, either including materials and labor or just labor, for the fence.
  - c) Once verbal agreement is obtained between MWCD and the landowner on equal shares for the cost of the fence and labor, MWCD will prepare three copies of a Fencing Agreement in the name of the adjacent landowner to establish fence location, materials, costs, and construction and maintenance requirements. Both the landowner and MWCD will sign the agreements, with both signatures witnessed and notarized, and the landowner and MWCD will each receive a copy. The agreement shall also be filed with the applicable county recorder and placed in the partition fence record established under section 971.15 of the Revised Code. The landowner and the MWCD shall share recording fees equally.
  - d) In the event the landowner or contractor, while in the process of building the fence, encounters unforeseen circumstances necessitating the reasonable changing or addition of fence materials, they shall notify the MWCD and, if the changes are determined to be reasonable, MWCD will adjust the equal shares amount accordingly.
- 2) If an agreement cannot be reached between MWCD and the landowner, the provisions of Ohio Revised Code Chapter 971 shall control the MWCD's participation in the partition fence.

*Adopted 12/19/2008*

# Aquatic Plant Management and Guidelines

## Aquatic Plant Management Policy

Aquatic plants in Muskingum Watershed Conservancy District reservoirs are natural components of the reservoir environment, and when properly managed provide food and cover for waterfowl, fish, and smaller aquatic organisms, help protect shorelines from erosion by reducing the effects of wave action, filter sediments suspended in the water, and add oxygen which is critical to a healthy environment. A diverse colony of native plants is a necessary component of a healthy aquatic ecosystem.

The Muskingum Watershed Conservancy District will inventory and assess its reservoirs for excessive levels of aquatic plants which could interfere with swimming, boating and angling, and annually establish priorities for budgeting and scheduling the removal of nuisance aquatic plants. Large colonies of one species, whether native or exotic, can decrease native plant diversity, and have a negative aesthetic impact on the lake.

A lessee, an individual, or a group of property holders from a Conservancy District lease area or a private residential development adjacent to a Conservancy District reservoir may make application to the Conservancy District for an aquatic plant management project.

## Aquatic Plant Management Guidelines

- The Conservation Group will review all requests, evaluating the multiple use aspect of the lake and the health of the aquatic environment, and make a recommendation to the group managers for final determination.
- Removal of aquatic plants by hand cutting, pulling, raking, etc. or with power-operated cutters that do not significantly alter the cross-section of the lake bottom may be permitted in designated and defined areas. Aquatic plants that are cut or pulled must immediately and permanently be removed from the water. The method and location of disposal will be determined based on the species of the plant and the characteristics of the site.
- When physical removal of the plants is not practical, a licensed professional applicator may be hired to apply aquatic herbicides at a rate that selectively treats the nuisance species, but does not remove all native aquatic plants from the treated area. More extensive removal may be approved in designated swimming areas. The Conservancy District is to be directly involved in all such management plans and corrective measures proposed.
- When a plant removal request cannot be funded by the Conservancy District, the individual or group requesting the removal may elect to complete the project at their cost with Conservancy District approval.
- A letter of authorization or denial will be provided to document details of the project. All active projects will be reviewed annually for effectiveness of the management method.

*Adopted 9/19/2003*

# Changes in Conservation Pool Levels

The Muskingum Watershed Conservancy District (MWCD) receives requests from time to time to change the level of the conservation pool in its reservoirs for many reasons. Any change in the conservation pool level must be approved by MWCD and the U. S. Army Corps of Engineers (USACE) and must be in accordance with the MWCD Official Plan and the USACE Operations Manual.

*Revised 8/20/99*

# Dredging

## **Policy**

The Muskingum Watershed Conservancy District is committed to the improvement of its natural resources, believing that it is a fundamental responsibility of its operations. Local dredging projects can improve lake bottom conditions to enhance recreational activity and facilitate better natural resource management. MWCD will inventory its lakes, assess their condition, and establish management priorities for dredging projects. Furthermore, it will administer a perpetual program that will dedicate the resources necessary for ongoing protection and improvement of reservoir conditions.

## **Definition**

**Dredging** – To remove material from the substrate of a body of water in order to increase its depth and/or to allow for the passage of boats.

## **Guidelines – MWCD Generated Project**

The Conservancy District will inventory and assess its reservoirs and annually establish priorities for budgeting and scheduling dredging projects.

Upon consensus from the group managers, the Shoreline Coordinator will work with the conservation and engineering groups for plan development, the Manager of Operations/ Chief Engineer for approval, and the appropriate management group for contracting the project work.

## **Guidelines – Residential Generated Project**

An individual or group of property holders from a MWCD lease area or a private residential development adjacent to a MWCD reservoir may make application to the Conservancy District for a dredging project to be done in accordance with MWCD standards. In addition to dredging, consideration must also be given to appropriate shoreline stabilization methods, which may be required.

Such application will be made in writing to the Manager of Engineering who will forward it to the Shoreline Coordinator for review and recommendation. The Shoreline Coordinator will meet with the applicant(s) and discuss the proposed project, and then work with the conservation and engineering groups to evaluate the request.

Upon the Shoreline Coordinator's forwarding of an application to, and initial approval by the group managers, the residential applicant(s) will be informed that they may complete final plans for submission to the Manager of Engineering and the U. S. Army Corps of Engineers. If all is determined to be in order, the Manager of Operations/Chief Engineer will approve the project and the Recreation-Leases Manager will issue the necessary construction permit for dredging. When a project is approved, the applicant(s) will be responsible for the costs involved in the planning, approval, and construction of the project. MWCD will assist with application to the U. S. Army Corps of Engineers for the appropriate permits. The applicant is responsible for any costs associated with permits required by the Environmental Protection Agency.

When a dredging project is completed, the applicant(s) will so inform the Manager of Engineering. The Shoreline Coordinator will then inspect the project for conformance with the approved plans.

### **Guidelines – Commercial Lessee Generated Project**

A commercial lessee may make application for a shoreline stabilization project to be done in accordance with MWCD standards.

Such application will be made in writing to the Manager of Engineering who will forward it to the Shoreline Coordinator for review and recommendation. The Shoreline Coordinator will meet with the applicant and discuss the proposed project, and then work with the conservation and engineering groups to evaluate the request.

Upon the Shoreline Coordinator's forwarding of an application to, and initial approval by the group managers, the commercial applicant will be informed that he/she may complete final plans for submission to the Manager of Engineering and the U. S. Army Corps of Engineers. If all is determined to be in order, the Manager of Operations/Chief Engineer will approve the project and the Recreation-Leases Manager will issue the necessary construction permit for dredging. When a project is approved, the applicant(s) will be responsible for the costs involved in the planning, approval, and construction of the project.

When the dredging project is completed, the applicant will so inform the Manager of Engineering. The Shoreline Coordinator will then inspect the project for conformance with the approved plans.

*Adopted 04/28/2000*

# Shoreline Stabilization

## **Policy**

The Muskingum Watershed Conservancy District is committed to the protection of its natural resources, believing that it is a fundamental responsibility of its operations. The Conservancy District will inventory its shorelines, assess their condition, and establish management priorities. Furthermore, it will administer a perpetual program that will dedicate the resources necessary to protect and improve its reservoir shorelines.

## **Definition**

**Shoreline** – A zone encompassing the interface where land and water meet, the width of which varies depending on existing land use, topography, prevailing wind and wave action, soil type, vegetative cover and expected pool fluctuations.

## **Guidelines – MWCD Generated Project**

The Muskingum Watershed Conservancy District will inventory and assess its reservoir shorelines, and annually establish priorities for budgeting and scheduling shoreline stabilization projects.

Upon consensus from the group managers, a shoreline coordinator will work with the conservation and engineering groups for plan development, the Manager of Operations/Chief Engineer for approval, and the appropriate management group for contracting the project work.

## **Guidelines – Residential Area Generated Project**

An individual or group of property holders from a MWCD lease area or a private residential development adjacent to a MWCD reservoir may make application to the Conservancy District for a shoreline stabilization project to be done in accordance with MWCD standards.

Such application will be made in writing to the Manager of Engineering who will forward it to the shoreline coordinator for review and recommendation. The shoreline coordinator will meet with the applicant(s) and discuss the proposed project, and then work with the conservation and engineering Groups to evaluate the request.

Upon the shoreline coordinator's forwarding of an application to, and initial approval by the group managers, the residential applicant(s) will be informed that they may complete final plans for submission to the Manager of Engineering and the U. S. Army Corps of Engineers. If all is determined to be in order, the MWCD Manager of Operations/Chief Engineer will approve the project and the Recreation-Leases Manager will issue the necessary construction permit for shoreline stabilization. When a project is approved, the applicant will be responsible for the costs involved in the planning, approval, and construction of the project.

When a stabilization project is completed, the applicant(s) will so inform the Manager of Engineering. The shoreline coordinator will then inspect the project for conformance with the approved plans.

## **Guidelines – Commercial Lessee Generated Project**

A commercial lessee may make application for a shoreline stabilization project to be done in accordance with MWCD standards.

Such application will be made in writing to the Manager of Engineering who will forward it to the shoreline coordinator for review and recommendation. The shoreline coordinator will meet with the applicant and discuss the proposed project, and then work with the conservation and engineering groups to evaluate the request.

Upon the shoreline coordinator's forwarding of an application to, and initial approval by the group managers, the commercial applicant will be informed that he/she may complete final plans for submission to the

Manager of Engineering and the U. S. Army Corps of Engineers. If all is determined to be in order, the MWCD Manager of Operations/Chief Engineer will approve the project and the Recreation-Leases Manager will issue the necessary construction permit for shoreline stabilization. When a project is approved, the applicant will be responsible for the costs involved in the planning, approval, and construction of the project.

When such a stabilization project is completed, the applicant will so inform the Manager of Engineering. The shoreline coordinator will then inspect the project for conformance with the approved plans.

*Adopted 8/21/98  
Revised 03/24/2000*

# Water Supply Policy General Guidelines

(R.C. §6101.24)

1. Upon request, the Muskingum Watershed Conservancy District will provide copies of these guidelines for water supply policy to any interested party.
2. The method of allocation will be by formal application to the Board of Directors on an Annual Reserve basis. Applications shall be accompanied by a non-refundable application fee (at the rate currently set by the Board). The Board, in its discretion, may waive the fee for applications submitted by private persons for home and farmyard use, or for watering stock.
3. Where it is not possible or reasonable to grant all applications, preference shall be given to the greatest need and to the most reasonable use as is determined by the Board, subject to the approval of the court.
4. The volume requested will be in units of Million-Gallons-per-Day (MGD).
5. All applications must document the applicant's need for the volume requested for reserve, on the basis of generally accepted engineering guidelines. Pursuant to the criteria set forth in R.C. §6101.24 and these guidelines, the Board will not consider any applications for water to be used for residential lawn sprinkling.
6. The maximum allowable withdrawal from each reservoir under the jurisdiction of the Muskingum Watershed Conservancy District will be determined by the Board of Directors. The criteria to be considered will include available studies by the U.S. Army Corps of Engineers with respect to water level, quality and availability under drought conditions. The impact of the maximum allowable withdrawal on recreational activities, the Official Plan and the MWCD's contractual and statutory duties shall be considered. The Board may direct such additional studies to be undertaken as deemed advisable by the Board.
7. The applicant must begin construction, i.e. intake structure, transmission line, etc. at the specific reservoir within 18 months of the execution of a signed contract, after which time the Board of Directors reserves the right to cancel the agreement. The responsibility for obtaining all necessary permits, licenses, etc. so as to be able to proceed timely shall be that of the applicant.
8. Rate structure will be set by the MWCD based on operation and maintenance costs of each reservoir and external costs, i.e. Corps, ODNR, etc.
9. Rate structure will be uniform for total volume allocated at each reservoir (as adjusted pursuant to changes in the Consumer Price Index).\*
10. Rates will be adjusted annually pursuant to changes in the Consumer Price Index for the Cleveland-Akron-Lorain, Ohio metropolitan reporting area.\*\*
11. The MWCD will not guarantee water quality or quantity nor be responsible for catastrophic conditions. Each applicant must establish and maintain an emergency contingency plan acceptable to the Board.
12. These guidelines and R.C. §6101.24 shall be exhibits to and incorporated by reference into all water supply agreements entered into by the MWCD.
13. All rates for water supply are subject to review by the Conservancy Court, pursuant to R.C. §6101.24.
14. At the termination of any water supply contract, the Board shall review all water supply applications on file and determine whether any such application would result in filling a greater need or in a more reasonable use than the terminating agreement. If so, such application shall have preference.
15. Indicia to be considered in evaluating "more reasonable use" (whether at the beginning or renewal of a water supply agreement) shall include:
  - a) whether the application is for a primary (vs. secondary or lower) source of water,
  - b) whether the applicant is located within the watershed;
  - c) whether the application promotes the welfare of the Conservancy District and the inhabitants of the District.
16. The Board shall endeavor to maintain an appropriate balance between and among its various roles regarding flood control, water supply, conservation and recreation; policy decisions in this regard shall be within the sole discretion of the Board.

17. The use of the waters of the Conservancy District without formal application therefore, may be treated by the Board as a conversion and the Board may proceed to enforce and protect the rights of the Conservancy District, according to law.

\*The “Index of Change in Prices of Goods and Services Purchased by City-Wage Earner and Clerical Worker Families to Maintain Their Level of Living” (issued monthly by the U.S. Bureau of Labor Statistics, which index is commonly called the “BLS Cost-of-Living Index or Consumers Price Index”).

\*\*Statistics on the Cleveland-Akron-Lorain, Ohio metropolitan reporting area are published semiannually in the Index, beginning with the Index for January 1998, those statistics will be published bimonthly.

*Adopted by Board of Directors, 08/16/95*

*Revised 8/20/99*

*Revised 4/20/2001*

# Short-Term Water Supply

## Policy

One of the original purposes of creating the Muskingum Watershed Conservancy District was for the conservation of water for public benefit. The system of ten reservoirs with permanent pools of water was precedent-setting and highlights the importance placed on having a supply of water for multiple purposes.

The authority for MWCD to sell water is grounded in common law and statutory law. As fee simple owners of the land under and surrounding the reservoirs, MWCD has the rights and responsibilities as a riparian rights owner to reasonable use of the water on MWCD land. The specific statutory authority for short-term water supply agreements is found in Ohio Revised Code sections 6101.53.

It is the objective of MWCD to balance the multiple purposes of conserving waters in our reservoirs for recreation and water supply. The implementation of this short-term water supply policy should respect a hierarchical purpose of water withdrawals from MWCD reservoirs with public drinking water being the primary and overriding use. Therefore, no agreements under this policy should interfere with present or future water supply for public drinking water systems.

The first category of this policy is *Construction and Other Small Withdrawals* which is to be utilized for the traditional type of requests such as for construction projects and other forms of temporary needs. Consumptive uses, such as the need for a temporary concrete plant for a major public highway project, are appropriate for this category.

The second category of this policy, *Mineral Production and Other Large Consumptive Uses*, is to acknowledge that large bodies of surface water are more appropriate than groundwater or tributaries to reservoirs to meet a portion of the unprecedented demand for raw water in the production of unconventional oil and gas formations. Even though such withdrawals must only be a small fraction of a particular reservoir's total volume, due to a lack of Ohio law to provide a more accurate and timely reporting system of upstream withdrawals, extreme caution should be exercised. Therefore, many aspects are to be carefully weighed to determine if large volumes of this consumptive use is appropriate for a particular reservoir.

## Guidelines

### CATEGORY A: Construction and Other Small Withdrawals

#### Fee and Rate Schedule:

Application/Permit fee .....	\$250.00
Plus, for the first 250,000 gallons .....	\$1.00/1,000 gallons
Plus, from 250,000 gallons to 1 million gallons .....	\$0.50/1,000 gallons
Plus, from 1 million gallons to 3 million gallons.....	\$0.25/1,000 gallons
Plus, for greater than 3 million gallons.....	\$0.15/1,000 gallons

Withdrawal Site Security Deposit: \$1,000.00

Should a post-withdrawal inspection by MWCD staff reveal site damage, the applicant agrees to cover the cost of site remediation plus 10 percent (10%) for overhead costs.

## **CATEGORY B: Mineral Production and Other Large Consumptive Uses**

**Eligible Applicants:** Lessees of MWCD minerals of the subject reservoir and/or direct supply to wells located on pads that could include future wells capable of producing MWCD minerals, subject to the availability of an appropriate withdrawal location on reservoir shoreline.

**Rate:** Market or near-market

**Non-refundable Contract Security Deposit:** \$10,000.00 (to be credited toward actual withdrawals)

**Refundable Withdrawal Site Security Deposit:** \$10,000.00

Should a post-withdrawal inspection by MWCD staff reveal site damage, the applicant agrees to cover the cost of site remediation plus 10 percent (10%) for overhead costs.

**Note:** All agreements shall require the purchaser to expressly agree that the Chief Engineer has complete autonomy, with reasonable notice, to suspend or terminate short-term supply agreement for any purpose.

**Agreement Term:** Based on following withdrawal periods

- 1) No withdrawals during the months of February, March and April, unless Chief Engineer waives this prohibition.
- 2) Months of May, June and July
- 3) Months of August, September and October
- 4) Months of November, December and January
- 5) Or any variation the Chief Engineer deems appropriate

Each period requires a new agreement. If all requirements of the current/previous agreement are met then the Chief Engineer has the authority to sign a subsequent agreement for the next withdrawal period without prior Board of Directors approval. However, Board approval is required for renewals beyond twelve consecutive months.

**Siting of Withdrawal Location:** The Chief Engineer, Chief of Conservation and Chief of Recreation should be fully consulted with sufficient input as to minimize any and all impacts of withdrawal activities. Huntington District, U.S. Army Corps of Engineers may also be consulted in making such a determination and other key partners.

The following points should be considered in dealing with short-term water supply agreements:

- Recreational boating or other outdoor recreational activities are not to be negatively impacted;
- Present or future drinking water allocations are not be disrupted;
- Reservoir's flood storage capacity should always be protected;
- Minimum downstream environmental flows must not be impacted;
- Tanker-truck delivery of raw water should be eliminated to the greatest extent possible;
- Empirical data to develop appropriate reservoir elevations for curtailment or cessation conditions should be used;
- Supply line routes should be the least disruptive as possible;
- Withdrawal equipment and associated distribution infrastructure, if previously used, must only have been used for fresh-water purposes;

- Multiple engineering components shall be used to prevent backflow of fresh water as well as noise attenuation;
- Flow meter calibration should be certified;
- Invasive species transfer prevention is required;
- An integrated, intermediate system of storage and distribution of raw water for mineral development and its possible re-purpose for public drinking water is preferred;
- Applicant's interest to use innovation to reduce, reuse or recycle flow-back and/or production water.

**Accounting of Proceeds:** Proceeds shall be deposited in a separate maintenance account and expended for the maintenance, protection and improvements of reservoirs including water quality protection and improvements in reservoir drainage basins.

*Adopted 05.17.2013*

# Sites Lake Policy

The Muskingum Watershed Conservancy District (MWCD) owns a small lake wholly within the perimeters of a cottage site area at Charles Mill Lake. This small body of water has been named "Sites Lake" for many years, even long before the MWCD acquired the property. It has been a favorite fishing spot for many years and also has attracted some waterfowl in season.

Some people in the area want to know exactly what they may or may not do on the lake. The Ohio Department of Natural Resources has concurred with the following recommendations for regulations on Sites Lake:

- 1) The Sites Lake area should remain as a public fishing area and the 100-foot border around it be considered a public-use area as are the shorelines of the other lakes (and identified as such by placing of boundary signs at select areas, if necessary).
- 2) The small public parking area for fishermen be retained and utilized for the purpose for which it was established (posting of signs to identify the parking area as a public access site).
- 3) That no gas motors of any size or type be allowed on boats on Sites Lake, and that only sail, row, and/or electric motor boats be permitted thereon.
- 4) That no hunting, either game or waterfowl, be permitted on or adjacent to Sites Lake because of the residential development in the vicinity thereof (but allow public trapping if practical).
- 5) The MWCD may allow the construction and installation of a limited number of cluster docks on Sites Lake. The approval of the adjacent cottage lessee and an approved building permit is required prior to installation of the cluster dock.

*Board approved 07/21/1982  
Revised 03/15/1995*



**SECTION 7000**  
**PARKS AND**  
**RECREATION**

# Seasonal Campsite Reservations

Many of the Muskingum Watershed Conservancy District parks have numerous seasonal campers utilizing the park camp areas. These campers usually wish to return to the same campsite each year.

Seasonal campers who occupy their site on Labor Day may request a reservation of that site for the following season. A list will be maintained at each park of the campers who have requested their site for the following year. These persons will be notified by letter during March of each year stating the number of the campsite which is reserved in their name and the current rates for the site. Payment will be due by April 1 to maintain the reservation. If payment for a reserved lot is not received by 4:00 p.m. on April 1, the site will be available for rental to other parties. No reservation deposit will be required.

*Revised 8/20/99*

# Volunteer Program

The Muskingum Watershed Conservancy District has a long, proud tradition of quality service to residents of and visitors to Conservancy District lands, lakes and parks. Many persons who utilize Conservancy District facilities and properties are interested in donating their services to help continue this quality service.

The MWCD Volunteer Program enables interested citizens to donate their services to the Conservancy District. The program includes individuals, organized groups and students.

The program is operated under the guidelines established by the Board of Directors on all Conservancy District properties. The program is administered and coordinated by group managers or their designees.

*Revised 8/20/99*

# Waiver of Park Fees

The Manager of Recreation-Parks may approve the waiver or reduction of fees to various public service, non-profit, or government groups who utilize Muskingum Watershed Conservancy District facilities. These groups may include, but are not limited to, youth groups, senior citizen groups, cooperating state or federal agencies, etc. All such waivers shall also be approved by the Executive Director/Secretary.

The Manager of Recreation-Parks will report to the Board of Directors at their December meeting all such reduction or waivers.

*Revised 8/20/99*

# Use of Lake and Park Areas

1. No agency other than the Muskingum Watershed Conservancy District shall be permitted to collect service charges or admission fees at any Lake Park, unless otherwise permitted by the Board of Directors.
2. No rights or privileges of any kind shall be granted to individuals, partnerships, corporations or organizations to conduct any operation for profit, except as may be permitted by the Board of Directors.

*Revised 8/20/99*

# Late Payments and Storage Violations

## (MWCD Park Facilities)

### Late Payments (Payment Plan)

It shall be the policy of the Muskingum Watershed Conservancy District (MWCD) to handle late payments in the following manner relative to the number of days the payment is past due. Those customers who frequently make late payments may be excluded from the Payment Plan Option in the future with advance notification.

- **1 day late** – Send payment notification reminder by card or email. Document on the permit in the reservation system.
- **1-3 days late** – Grace period for payments to be made without penalty.
- **4-15 days late** – Send payment letter informing the customer that they are being charged a \$50.00 late payment fee.
- **Over 15 days late** – Send to the Legal department for final removal notice and notice of revocation of seasonal status. Include prior late payment notices, VIN#, make, and model of any vehicle/watercraft, photos of the lot, and lot #. The guest shall have 10 days to make full payment or remove items from MWCD property.
- **10 days after final removal notice** – Send to Chief Ranger for impound notice.

### Late Payments (Winter Storage)

It shall be the policy of the MWCD to handle late storage payments in the following manner relative to the number of days the payment is past due. Winter storage payments are due on November 1.

- **November 2-4** – Send payment notification reminder by email or card.
- **November 5** – Mail storage late payment letter informing the customer that they are being charged a late payment fee of \$50.00.
- **November 15** – Send to the Legal department for final removal notice. Include prior late payment notices, VIN#, make, and model of any vehicle/watercraft, photos of the lot, and lot #. The customer shall have 10 days to make full payment or remove items from MWCD property.
- **10 days after final removal notice** – Send to Chief Ranger for impound notice.

### Winter Storage Violations

It shall be the policy of the MWCD to allow winter storage of camping units provided that the customer complies with the provisions of the MWCD Campground Rules pertaining to the Winter Season and personal property storage/impoundment. Furthermore, it shall be the policy to conduct winter storage inspections after November 1 of each year. When it is determined that a campsite does not meet the criteria as outlined in their storage agreement or MWCD rules, non-compliance will be handled as outlined below:

- **November 2-4** – Conduct storage compliance inspection and send storage non-compliance reminder notification (via card or email) to those customers who are not in compliance with the terms of the winter storage agreement.
- **November 5** – Send storage non-compliance letter no. 1, which requests correction of non-compliance issues within ten (10) days.

- **November 15** – Send to the Legal department for final notice. Include prior non-compliance notices, VIN#, photos of vehicle/watercraft, and lot #. The customer shall have 10 days to remedy violations or remove items from MWCD property

*Adopted 5/19/2006*  
*Revised 3/21/2025*

# User Fee Refunds

## Policy Overview

MWCD may issue refunds to guests in the form of a credit card refund, check, cash, or gift card upon request, subject to approval by the Executive Director/Secretary or an authorized designee, at their discretion. Refunds will be processed in accordance with the Finance Department's accounting procedures.

Our goal is to maintain a guest-friendly refund policy that encourages return visits while ensuring fair and consistent practices.

## General Refund Guidelines

- Reservation service fees are non-refundable.
- Date/location changes are allowed once before check-in at no charge. Additional changes incur a \$10 service fee per transaction. If the rescheduled reservation results in a higher rate, the customer will be responsible for the difference.
- No refunds are issued for weather, no-shows, or early departures (whether voluntary or involuntary). Refunds may be issued at the discretion of the Executive Director or appointed designee for extraordinary weather events or other emergencies.
- Credit card refunds will be issued to the original payment method.
- Check & Cash Payments: Refunds will be issued as a gift card (if available) or via refund request form.

## Refund Policies by Category

### 1. Entrance Fees

- No refunds if the guest has been in the park for more than 15 minutes.
- Refund requests require a receipt and approval from the Park Manager or Assistant Park Manager.

### 2. Camping, Patio/Camper Cabin & RV Rental Reservation Refunds

- **30+ days before arrival** → Full refund minus reservation service fee.
- **14–30 days before arrival** → Refund minus reservation service fee and \$10 processing fee.
- **Less than 14 days before arrival** → Refund minus reservation service fee, \$10 processing fee, and first night's stay at the daily rate.

### 3. Vacation Cabin Refunds

- **30+ days before arrival** → Full refund minus reservation service fee minus a \$50 fee
- **14–30 days before arrival** → Refund minus reservation service fee, \$10 processing fee, and \$100 deposit
- **Less than 14 days before arrival** → Refund minus reservation service fee, \$10 processing fee, \$100 deposit, and first night's stay at the daily rate.

### 4. Walk-in campers

- May request a refund only for issues occurring on the day of registration.

## 5. Shelters & Activity Centers

- **30+ days before reservation** → 50% refund.
- **Less than 30 days before reservation** → No refund.

## 6. Boat Rental Refunds

- **30+ days before reservation** → Full refund minus \$10 processing fee.
- **2–30 days before reservation** → Refund minus \$10 processing fee and \$50 fee.
- **Less than 2 days before reservation** → No refund.

## 7. Marina Dock Refunds

- **30+ days before reservation** → Full refund minus \$10 processing fee.
- **2–30 days before reservation** → Refund minus \$10 processing fee and \$50 fee.
- **Less than 2 days before reservation** → No refund.

## 8. Seasonal & Monthly Permits

- **Seasonal Camping & Docking Permits** → **Non-refundable.**
- **Monthly Camping Permits:**
  - **14–30 days before reservation** → Refund minus reservation service fee and \$10 processing fee
  - **Less than 14 days before reservation** → Refund minus reservation service fee, \$10 processing fee, and first night's stay at the daily rate.
  - **Early departure:** No refund for early departures.

*Revised 10/11/94*

*Revised 8/20/99*

*Revised 12/21/2012*

*Revised 12/13/2024*

*Revised 2/21/2025*

# Target Ranges

The Muskingum Watershed Conservancy District may permit target ranges on Conservancy District MWCD lands provided they are operated under a clause within an approved lease and provided that sufficient precautions are taken so that the activity is safe for the participants and for all others on Conservancy District properties.

Under this policy, permission for these ranges will be limited. Ranges are intended to be used on Conservancy District property only where the individual organization requesting permission does not own land in the immediate vicinity where such activities could be conducted, and the use is intended for those youth groups desiring to conduct a training or educational program designed to train young people in the safe and proper use of firearms and related devices.

All target ranges must be Board approved. Organizations which receive Board approval for target ranges must obtain a liability insurance policy in a sufficient amount as determined by the Conservancy District which names the Conservancy District as additional insured. A valid certificate of insurance must be on file at the Conservancy District office.

*Revised 8/20/99*

# Marine Event Policy

Muskingum Watershed Conservancy District (MWCD) recognizes the importance of providing opportunities for marine events to take place at MWCD owned and operated lakes. It shall be the policy of the MWCD to permit and manage marine events (“Events”) in such a way as to protect the natural resources of the MWCD and the rights of all its users. Management will include establishing certain guidelines and limits, which can include allowable time periods, maximum numbers of events, boats, and participants, guidelines defining organizer’s responsibilities, and appropriate permit fees. The MWCD shall administer these guidelines as they apply to each Event, including the issuance of permits.

## **Guidelines for Fishing Tournaments:**

### I. Tournament Limits

- A. Only one open tournament per day, per location.
- B. Two club tournaments may be permitted on the same day, at the same location. Only one club tournament at a time will be scheduled at Leesville South Fork.
- C. No tournaments may be held on holiday weekends.
- D. MWCD reserves the right, at MWCD’s discretion, to reject tournaments to be held during any special events.
- E. No tournaments may be held before May 1 or after October 1 at marina ramps.
- F. Maximum number of boats per tournament location due to parking limitations are Monday-Thursday Events up to 90% of ramp parking capacity, Friday-Sunday Events up to 75% of ramp parking capacity, or at MWCD discretion.

### II. Communication

- A. Fishing Tournament applications are to be completed using the Ohio Department of Natural Resources online system.
- B. Events may be scheduled up to 365 days in advance and no less than 7 days prior to Event.

### III. Operational Guidelines

- A. Any tournaments of 50 boats or more will require parking attendant and traffic control.
- B. One full hour will be scheduled between tournament starts and three full hours between weigh-ins.
- C. Staging and weigh-ins must be located so as not to interfere with use of boat launch ramps by others.
- D. Trash clean-up is required.
- E. All MWCD and Ohio Department of Natural Resources rules and regulations must be observed.
- F. The approved permit must be available on site and produced when requested.
- G. Participants may not tie up to private docks or marina docks without permission of the dock owner.

### IV. Fees

- A. Fees to be established by MWCD.

## **Guidelines for Boat Races and Regattas:**

### I. Communication

- A. All organizers of races or regattas must apply for an Event permit from MWCD.
- B. So that a permit request might be given appropriate consideration, applications should be submitted to the MWCD at least six (6) weeks in advance of the scheduled Event. Approval of Events requested where a scheduling conflict might exist will be based on first in, first approved, so requests should be submitted early.

### II. Fees

- A. Fees to be established by MWCD.

### III. Operational Guidelines

- A. Participating boats should be clearly marked with ribbon, etc., indicating the boat is a race entrant.
- B. When out-of-state boats are expected, arrangements should be made for those boats to be inspected and identified prior to the start of the race. This should eliminate such boats from being stopped for absence of Ohio numbers.

#### **Miscellaneous Event Guidelines:**

The Miscellaneous Event Guidelines will cover all Events not covered by Fishing Tournament Guidelines or Boat Race and Regatta Guidelines. These guidelines will be as follows:

- A. All Miscellaneous Events will be administered on a case-by-case basis, based on the nature of the Event and local conditions.
- B. An applicant desiring to hold an Event under these guidelines will be required to contact the MWCD to discuss the nature of their Event and the potential disruption to the use of MWCD facilities.
- C. Fee to be established by MWCD.
- D. Additionally, any Miscellaneous Event that will require the MWCD to expend resources, and/or those Events which would exclude the visiting, non-participating public from normal access to MWCD facilities, will be assessed a negotiated fee based on the impact of that Event on Conservancy District operations and the public.
- E. So that a permit request might be given appropriate consideration, applications should be submitted to the MWCD at least six (6) weeks in advance of the scheduled Event. Approval of Events requested, where a scheduling conflict might exist, will be based on first in, first approved, so requests should be submitted early.
- F. Upon receipt of an Event permit, the permittee will hold the MWCD harmless from all claims, liabilities and costs arising out of action of the permittee or his agents under that permit.

*Adopted 2/19/92*

*Revised 1/23/95*

*Revised 8/20/99*

*Revised 12/16/2005*

*Revised 10/20/2006*

*Revised 10/18/2013*

*Revised 4/19/2024*

# Swimming

It shall be the policy of the Muskingum Watershed Conservancy District to designate areas for public and non-public swimming. Public beaches and public boater swim areas may be designated by the Conservancy District.

Non-public swimming areas may be designated for adjacent private property owners, and for cottage lessees, educational camps, and private clubs on Conservancy District.

# Vacation Cabin Reservation Policy

It shall be the policy of the Muskingum Watershed Conservancy District to permit and manage a reservation system for individual vacation cabins and multiple vacation cabin rentals. Vacation cabins can be reserved in advance for a minimum of:

- One (1) week rentals, Saturday to Saturday during peak season, the first full week of June until the last full week of August.
- Two (2) night minimum required on any stay.
- Three (3) nights for holiday (Memorial Day and Labor Day) – Friday, Saturday and Sunday.
- Note: Guests will only be able to reserve a maximum of two (2) cabins for the Atwood Area Fall Festival

## Guidelines

### **Making Reservations (all locations except Pleasant Hill)**

Reservations can be taken: 1) over the telephone when paying with a credit card; 2) in person with cash, check or credit card; or 3) online. Reservations can be made up to one (1) year in advance.

*\*At the time of the reservation, the current year's rate structure will be applied. Any new rate changes become effective January 1 of each year.*

### **Payment Due**

**Weekly Rentals:** Payment of \$100.00 deposit for each weekly reservation must be made in full at the time of the reservation. The remaining balance must be paid by April 15 of the year of the reservation. If a cancellation made more than thirty (30) days prior to the reservation, the guest will receive a full refund, minus fifty percent (50%) of the deposit, with the balance credited back to the guest's credit card. If the cancellation is made between thirty (30) days and four (4) days prior to the reservation, the guest will receive a full refund, minus the \$100.00 deposit, with the balance credited back to the guest's credit card. If the cancellation is made less than four (4) days prior to the reservation, the guest will receive a full refund, minus the \$100.00 deposit and the equivalent value of one (1) night's stay, with the balance credited back to the guest's credit card.

Any reservation made within fifteen (15) days or less of the reservation date must be paid in full. If a cancellation is made, the \$100.00 deposit is non-refundable and the balance will be credited back to the guest's credit card.

**Daily Rentals:** Payment in full is due at the time the reservation is made for any two (2) or more nights.

### **Payment Due - Pleasant Hill**

**Weekly Rentals:** Payment of \$500.00 deposit for each weekly reservation must be made in full at the time of the reservation. The remaining balance must be paid thirty (30) days prior to the start of the reservation. If a cancellation is made more than thirty (30) days prior to the reservation, the guest will receive a full refund, minus the reservation fee and fifty percent (50%) of the deposit, with the balance credited back to the guest's credit card. If the cancellation is made between thirty (30) days and four (4) days prior to the reservation, the guest will receive a full refund, minus the \$500.00 deposit and the equivalent value of (1) one night's stay, with the balance credited back to the guest's credit card. If the cancellation is made less than four (4) days prior to the reservation, the guest will receive no refund.

Any reservation made within fifteen (15) days or less of the reservation date must be paid in full. If a cancellation is made, the \$500.00 deposit is non-refundable, and the balance will be credited back to the guest's credit card.

**Daily Rentals:** Payment in full is due at the time the reservation is made for any two (2) or more nights. If a cancellation is made more than thirty (30) days prior to the reservation, the guest will receive a full refund minus the reservation fee and a \$150.00 cancellation fee, with the balance credited back to the guest's credit card. If the cancellation is made less than thirty (30) days prior to the reservation, the guest will receive no refund.

### **Procedure to Follow Upon Arrival at Park**

Upon arrival, the guest with the reservation must check-in at the registration or park office. A verification of the reservation must be presented and car passes will be issued at that time for the cabin(s). Once the registration office has confirmed the reservation, the office will direct the guest to the reserved cabin. The guest may then proceed to their cabin at the designated check-in time.

### **Extension of Vacation Cabin Rentals**

Extension of a cabin reservation is possible if there are no pending reservations for that cabin. Renewals shall be completed prior to the expiration of the original reservation, and completed at the registration office or park office.

*Approved 05/20/2011*

*Revised 12/21/2012*

*Revised 01/24/2020*

# Use of Golf Carts

## Policy

The Muskingum Watershed Conservancy District (MWCD) will allow the use of golf carts on MWCD public roadways and other approved areas within its landholdings, in compliance with the direction of the Ohio Department of Public Safety, Bureau of Motor Vehicles (BMV), the Ohio Revised Code (R.C.), the Ohio Administrative Code (A.C.), and MWCD rules.

For this policy, MWCD public roadways include roads designated for public use in MWCD parks and campgrounds, MWCD cottage site residential areas and MWCD marinas– For this policy, MWCD public roadways do not include dedicated Township, County, State, or Federal roadways and/or highways, because use of golf carts on these roads is under the jurisdiction of the Township, County, State, or Federal governments.

## Guidelines

### Introduction

Ohio Revised Code §4511.215 permits Local authorization for operation of low-speed, under-speed, or utility vehicle, or a mini-truck. Ohio Revised Code §4501.01(XX) defines an under-speed vehicle “USV” as: “a three or four wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour with a gross vehicle weight rating less than three thousand pounds.” Under-speed vehicle and USV hereinafter referred to as “Golf Cart”.

A local authority that authorizes the operation of under-speed or utility vehicles or mini-trucks shall do all of the following:

- Limit the operation of those vehicles to streets and highways having an established speed limit not greater than thirty-five miles per hour;

- Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the department of public safety under R.C. §4513.02; Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with Chapter 4503 of the Revised Code and are titled in accordance with Chapter 4505 of the Revised Code;

- Notify the director of public safety, in a manner the director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

There are other types of vehicles similar to Golf Carts such as Low-speed vehicles, Utility Vehicles and Mini Trucks designed to reach speeds of between twenty to twenty-five miles per hour that are manufactured to meet FMVSS and may be licensed licensable from the factory without need for further modification. A local authority may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.

**This Policy is intended to regulate the use of Golf Carts on MWCD land. These guidelines do not regulate such vehicles and MWCD does not permit Low-Speed Vehicles, Utility Vehicles or Mini Trucks to operate on MWCD land.**

### **MWCD Public Roadways**

The operation of Golf Carts on public roadways within MWCD landholdings is a privilege and not a right. The MWCD reserves the right to change the requirements contained herein or eliminate the Policy in its entirety at any time, based on the discretion of the Board of Directors. Operators of Golf Carts on an MWCD public roadway must comply with the following:

1. The MWCD Chief Ranger or a Park Ranger, shall conduct a vehicle inspection and provide the applicant with a DPS 1373, that certifies the vehicle complies with the inspection requirements established by the Ohio Department of Public Safety under R.C. §4513.02. The officer will also provide an inspection sticker indicating that the Golf Cart passed the inspection. The sticker shall be placed on the lower right side of the Golf Cart's windshield and should identify the month and year the vehicle was inspected. The Golf Cart must have:
  - a. Brakes (R.C. §4513.20)
  - b. Two or more stop lights (R.C. §4513.071)
  - c. Two headlights as defined in (R.C. §4513.04)
  - d. Rear taillight (R.C. §4513.05)
  - e. Warning Devices -Directional signals and Horn (R.C. §4513.261 & §4513.21)
  - f. Steering Mechanism – Operates normally, no excessive play (OAC §4501:2-1-05)
  - g. A windshield (glass or safety glass) (R.C. §4513.24)
  - h. A rear-view mirror (R.C. §4513.23)
  - i. Tires (OAC §4501:2-1-06)
  - j. License plate as required (R.C. §4503.21)
  - k. Proof of Insurance (R.C. §4513.022 & §4509.101)
  - l. Valid Driver's License (R.C. §4507.02 A1)
  - m. Signed MWCD Waiver
2. The Ranger will initiate a call record with a Nature Code of "Golf Cart Inspection". Complete the DPS 1373 Vehicle Inspection form and the waiver and give it to the applicant. A photo of the waiver and the DPS 1373 with the Inspection decal number recorded in the upper right-hand corner shall be uploaded to the call record. The owner of the Golf Cart will be listed as the caller on the call record. If the Golf Cart passes the inspection the Ranger will place the Inspection decal in the lower right-hand corner of the Golf Cart's windshield.
3. The applicant takes the completed DPS 1373 Form to the Clerk of Court's title office in one of the 10 counties MWCD permits Golf Cart operation. The clerk will verify that the inspection certificate accompanies the title evidence and the vehicle inspection requirements per R.C. Chapter 4513. The title agencies will require the applicant to sign the BMV 3722 Affidavit for titling the vehicle. If verified and everything else is in order, the clerk should issue the title.
4. The applicant provides proof of insurance for the cart as ~~Proof of insurance~~ is required per R.C. §4509.101.
5. The applicant will take the title to a deputy registrar in any county. If all is in order, the deputy registrar will issue license plate.

6. A valid drivers license is required for any operation of a motor vehicle on any public or private property used by the public (R.C. §4507.02(A)(1)).
7. The cart may then be operated on MWCD public roadways and other approved areas within MWCD landholdings in accordance with R.C. Chapter 4511, MWCD rules, and with the equipment required by R.C. Chapter 4513.

### **Off-Road**

The granting of a special-use off-road permit to operate a Golf Cart off public roadways within MWCD landholdings is a privilege and not a right. The MWCD reserves the right to change the requirements contained herein or eliminate the Policy in its entirety at any time, based on the discretion of the Board of Directors. All persons requesting a permit must execute a release/waiver document.

Any permit may be revoked for:

1. Failure to follow the limitations prescribed for the permit;
2. Reckless or negligent operation of an off-road permitted vehicle;
3. The loss of viability of the underlying disability placard that is required for permits issued in MWCD parks or campgrounds; or
4. Any other reason for cause, in the discretion of management of the MWCD.

A valid driver's license is required for any operation of a motor vehicle on any public or private property used by the public (R.C. §4507.02(A)(1)).

In order for someone to operate a Golf Cart **off of a public roadway** within MWCD landholdings, the following requirements must be met:

### **MWCD Parks/Campgrounds**

1. A special-use off-road permit may be issued by the park manager, or his or her designee, to MWCD campground guest/permit holder who qualify for and have obtained a disability placard from the BMV. This permit will allow the applicant to take the Golf Cart off, an MWCD public roadway to specific locations and under certain conditions, as detailed on the permit. The applicant's permit must be kept with the cart and presented when requested by a law enforcement officer or MWCD agent. Only one active permit per campsite is allowed.
2. In the event the MWCD determines off-road Golf Cart traffic is detrimental to ground conditions, for example, by increasing erosion, it may require the applicant to cease cart operation, relocate cart operation, or make necessary improvements to remedy the problem.
3. There are non-public roadways, typically "service roads", in MWCD parks and campgrounds, accessible only to authorized MWCD personnel.

### **MWCD Leased Cottage Site Residential Areas**

1. A special-use off-road permit may be issued by the MWCD to the current lessee(s) of record, to allow them to take a cart on to MWCD public land not involving a public roadway, at specific locations and for certain situations, and these conditions will be explained on the permit. The permit must be kept with the cart and presented when requested by a law enforcement officer or MWCD agent. Only one active permit per lease is allowed. The lessee will ensure only legitimate use of their cart and will take action to deter unauthorized cart use.

2. In the event the MWCD determines off-road cart traffic is detrimental to ground conditions, for example, by increasing erosion, it may require the applicant to cease cart operation, relocate cart operation, or make necessary improvements to remedy the problem.
3. Construction projects on public land to facilitate cart operation or improve cart access may require an MWCD construction permit. Recognizing the public usage of this land, certain construction permits (for example: a bridge) cannot be issued to individual lessees. In such cases, a lessee association must exist or be established, and this association must agree to accept responsibility for such projects. Construction permits may then be issued to the association.

### **Docking Associations and Private Clubs**

1. Except as noted in paragraph number 3 directly below, a special-use off-road permit may be issued by the MWCD to the association or club to allow association or club members to take carts on to MWCD public land not involving a public roadway, at specific locations and for certain situations, and these conditions will be explained on the permit. The association or club will ensure only legitimate use of carts by its members and will take action to deter unauthorized cart use.
2. In the event the MWCD determines off-road cart traffic is detrimental to ground conditions, for example, by increasing erosion, it may require the association or club to cease cart operation, relocate cart operation, or make necessary improvements to remedy the problem. A construction permit may be required.
3. Members of private clubs may operate Golf Carts within club lease boundaries for purposes of club operations, in compliance with the terms of their Club Site lease and MWCD rules.

### **Youth Camps**

1. Except as noted in paragraph number 3 directly below, a special-use off-road permit may be issued by the MWCD to the camp to allow camp personnel to take carts on to MWCD public land not involving a public roadway, at specific locations and for certain situations, and these conditions will be explained on the permit. The camp will ensure only legitimate use of carts by its personnel and will take action to deter unauthorized cart use.
2. In the event the MWCD determines off-road cart traffic is detrimental to ground conditions, for example, by increasing erosion, it may require the camp to cease cart operation, relocate cart operation, or make necessary improvements to remedy the problem. A construction permit may be required.
3. Youth camp personnel may operate Golf Carts within camp lease boundaries for purposes of camp operations, in compliance with the terms of their Club Site Lease and MWCD rules.

### **Private Dock Licensees**

1. A special-use off-road permit may be issued by the MWCD to the current licensee of record to allow them to take a cart on to MWCD public land not involving a public roadway, at specific locations and for certain situations, and these conditions will be explained on the permit. The permit must be kept with the Golf Cart and presented when requested by a law enforcement officer or MWCD agent. The licensee will ensure only legitimate use of their cart and will take action to deter unauthorized cart use.
2. In the event the MWCD determines off-road cart traffic is detrimental to ground conditions, for example, by increasing erosion, it may require the licensee to cease cart operation, relocate cart operation, or make necessary improvements to remedy the problem. A construction permit may be required.

3. Construction projects on public land to remedy cart operation problems or improve cart access may require an MWCD construction permit. Given the public accessibility of this land, certain construction permits (for example: a bridge) cannot be issued to individual licensees.

### **Marinas**

1. Marinas may operate Golf Carts off of a public roadway within marina lease boundaries for purposes of marina operations, in compliance with the terms of their marina lease and MWCD rules.

*Adopted 3/20/2009*

*Effective 4/1/2010*

*Revised 3.26.2021*

# Unmanned Aerial Vehicles (UAV)

The Muskingum Watershed Conservancy District (MWCD) may issue permits to fly UAVs or drones over MWCD property. Permitted users will be divided into two (2) groups: Commercial and Hobbyist.

## **Commercial**

UAVs may be used in conjunction with MWCD projects. Commercial organizations must apply for a permit with MWCD point of contact. UAV operators must possess a Remote Pilot Certificate under Part 107 or a Section 333 exemption as issued by the Federal Aviation Administration (FAA), follow all FAA laws when operating UAV, and be insured. A valid certificate of insurance must be provided to MWCD, displaying \$1,000,000 minimum coverage limits and including MWCD as an Additional Insured on the policy.

## **Hobbyist**

UAV permits will be granted to Hobbyist for recreational use in designated UAV or non-restricted use areas only. Hobbyists must apply for a permit with MWCD at the Park Office where flying will occur. UAV operators are required to follow all FAA's recreational model aircraft rules including but not limited to registration of their UAV. Membership in the Academy of Model Aeronautics ("AMA") or alternate insurance coverage equivalent to that provided through AMA membership is required.

It is not the MWCD's responsibility to inform, train or educate the public about Federal Aviation Administration (FAA) regulations.

To ensure privacy, the minimum elevation for flight in MWCD leased areas such as cottage areas or youth camps is 100 feet above ground level (AGL) unless Lessee grants written permission for lower altitude flights.

MWCD owns and operates a UAV for its own projects. Only MWCD employees that are licensed UAV pilots may operate the MWCD UAV. At least one additional MWCD employee must be present during operation for maintaining line of sight.

The MWCD reserves the right to grant temporary permits for sanctioned or approved recreational events. In an emergency or other operational necessity, the Executive Director can waive the need to obtain a permit. The Executive Director will have the authority to designate UAV operational areas on MWCD properties based on public interest, safety considerations, and other land use priorities. The Executive Director shall also approve rates for permit fees for Hobbyist and Commercial operators.

This Policy is not in any way intended to limit the operation of any fire, rescue, EMS, law enforcement or any other local, state, or federal agency in the implementation or execution of its operational mandate and in compliance with relevant legal requirements.

*Adopted 10.23.2020*

# Rangers

The Board of Directors has the authority to employ persons to act as peace officers within and adjacent to the properties owned or controlled by the Muskingum Watershed Conservancy District. These people have all of the powers of police officers in the State of Ohio (O.R.C. 6101.75) and are responsible for the enforcement program on Conservancy District properties.

The nature of the work of peace officers in recreation areas such as those in the Conservancy District lends itself more closely to the title of Ranger rather than Police. Therefore, all peace officers employed by the Conservancy District will be known as Rangers.

The full title of a ranger may include such other words for the purpose of designating rank, additional duties or responsibilities as may from time to time be directed by the Executive Director/Secretary.

All rangers are required to complete the Ohio Peace Officer's Training Council's required curriculum for Ohio Peace Officers prior to serving as a Ranger.

*Revised 8/20/99*

# Termination of Privileges

## POLICY

The MWCD provides recreational opportunities for persons interested in camping, fishing, hiking, hunting, boating and swimming, to name a few of the activities available. In order to promote the safety and well-being of those who make use of these opportunities, the MWCD has established rules and regulations, as well as operational policies. Additionally, the Ohio Revised Code applies to MWCD customers and users. Users of the parks, campgrounds, land and water of the MWCD rely on these rules and expect them to be evenly applied.

Occasionally, a user of MWCD properties and amenities behaves in a way that impinges on the safety or enjoyment of other users. The MWCD wishes to protect the thoughtful and reasonable users of its facilities in their enjoyment of its recreational opportunities.

When the inappropriate behavior of a user reaches a level of concern, either in seriousness or frequency, then staff should intervene with warnings and, when justified, termination of privileges.

When the situation allows, the offending user should be warned before any sanctions are imposed. The due process rights of MWCD users should be protected.

Separate and apart from this process, MWCD law enforcement officers are charged with enforcing the law and protecting the public and staff. Citations and/or arrests may be needed when appropriate.

## PROCESS

When verbal and written warnings are not effective or the behavior is egregious, MWCD staff should give notice to the offending user of the date and time of a hearing to review whether privileges should be terminated. The right to appeal the decision reached at the hearing should also be afforded. Depending on the situation, staff may determine that the best approach is to move directly to the Notice of a hearing on the termination of privileges.

Staff may use the attached or similar forms to implement a stepped approach to this policy:

- Verbal Warning
- Letter: Notice of Violations; Possible Sanctions;
- Official Warning;
- Notice of Hearing

There is no appeal to the Board of Directors.

Management should prepare internal guidelines for staff that fit within this structure.

*Adopted 04.17.2020*



# Notice of Removal/Revocation – Hearing – Appeal Rights

## REMOVAL

Because of your Behavior, you are being given notice that, for the time period beginning \_\_\_\_\_ and ending \_\_\_\_\_ **you are not to enter** \_\_\_\_\_. If you do enter the described property during that time period, you will be cited for **Criminal Trespass**.

## REVOCACTION

Your Camping Permit (Lot \_\_\_\_\_) is being revoked beginning \_\_\_\_\_.  
Behavior: \_\_\_\_\_  
\_\_\_\_\_ MWCD Rule or ORC Violation: \_\_\_\_\_  
Date and time of behavior: \_\_\_\_\_ Date of this notice: \_\_\_\_\_  
Your Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Other contact information: \_\_\_\_\_

**IF YOU WISH TO CONTEST THIS NOTICE**, you may appear and be heard at the **Review Hearing** that will be conducted at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the **MWCD Annex Building** located at 2050 Reiser Avenue SE, New Philadelphia, Ohio 44663. If you do not appear, the **Removal/Revocation** will be sustained and there will not be any opportunity for an appeal.

## APPEAL

If you appear at the Review Hearing and disagree with the decision of the Hearing Panel, you may appeal that decision by completing and signing a **NOTICE OF APPEAL** form at that time. Failure to do so will waive any further review. Any Appeal will be determined, based on the hearing record, your written appeal and any response by MWCD staff.

**Signed by** Park Manager: \_\_\_\_\_ **Printed name:** \_\_\_\_\_

**MWCD Rules and Regulations. Rule 1.01** Any person who enters upon Muskingum Watershed Conservancy District property shall remain upon such property only so long as he abides by all Rules and Regulations of the Conservancy District and only so long as he abides by the lawful directions and orders of all duly authorized agents of the Muskingum Watershed Conservancy District, and he shall peaceably leave said property if so directed by such an agent. Any of the permits herein provided may be revoked by a duly authorized agent upon violation of any law or ordinance, including these Rules and Regulations, or any rule stated on the permit.

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## RETURN ON SERVICE OF NOTICE

I personally served the above Notice on the above-named Person on (date) \_\_\_\_\_.

Signed: \_\_\_\_\_ Printed name: \_\_\_\_\_



# OFFICIAL WARNING

Because of your behavior, you are being given notice that, for any additional misbehavior you will be given a **Notice of Removal** from Muskingum Watershed Conservancy District (MWCD) property.

If you are given a Notice of Removal you will be directed not to enter the designated property of the MWCD for a stated time period and your camping permit may be revoked. If you do enter the described property during that time period you will be cited for **Criminal Trespass**.

**Description of Behavior:** \_\_\_\_\_

**MWCD Rule or ORC Violation:** \_\_\_\_\_ **Date of this notice:** \_\_\_\_\_

**Date, time and place of violation:** \_\_\_\_\_

**Violator's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

If you are given a Notice of Removal, you will be given an opportunity to contest the Removal at a Review Hearing that will be scheduled as stated in the Notice of Removal. The Hearing will be conducted at the **MWCD Annex Building located at 2050 Reiser Avenue SE, New Philadelphia, Ohio 44663**. If you do not appear at the hearing, the Notice of Removal will be sustained and there would not be any opportunity for an appeal.

If you appear at the Review Hearing and disagree with the decision of the Hearing Panel, you will have the right to make a written appeal at that time. Any Appeal will be determined, based on the hearing record, your written appeal and any response by MWCD staff.

**Signed by** Park Manager: \_\_\_\_\_ **Printed name:** \_\_\_\_\_

**MWCD Rules and Regulations. Rule 1.01** Any person who enters upon Muskingum Watershed Conservancy District property shall remain upon such property only so long as he abides by all Rules and Regulations of the Conservancy District and only so long as he abides by the lawful directions and orders of all duly authorized agents of the Muskingum Watershed Conservancy District, and he shall peaceably leave said property if so directed by such an agent. Any of the permits herein provided may be revoked by a duly authorized agent upon violation of any law or ordinance, including these Rules and Regulations, or any rule stated on the permit.

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## RETURN ON SERVICE OF NOTICE

I personally served the above Notice on the above-named Person on (date) \_\_\_\_\_.

**Signed:** \_\_\_\_\_ **Printed name:** \_\_\_\_\_

## LOCAL PARK LETTERHEAD

>Date<

>Name and address of violator (Lot number if appropriate)<

### **NOTICE OF VIOLATION(S); SANCTIONS**

Dear X:

The Rules and Regulations of the Muskingum Watershed Conservancy District (including Campground Rules and the Ohio Revised Code) are intended to enhance the experience of those who use the recreational opportunities provided by the MWCD and to protect MWCD staff and the public.

It has been brought to my attention that \_\_\_\_\_. Continued misbehavior will result in action to remove you from MWCD property.

Sincerely,

(Park Manager Signature)

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### **Return on transmittal of letter notice:**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I transmitted the above letter to the addressee by:

[ ] USPS regular mail delivery; or

[ ] Personal delivery; or

[ ] Certified mail delivery

Signed: \_\_\_\_\_ Printed name: \_\_\_\_\_



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