

An aerial topographic map of a river basin. The terrain is shown in shades of green and yellow, indicating elevation. A prominent blue river flows from the top right towards the bottom left. A large, irregularly shaped reservoir is situated in the lower right quadrant, with several smaller tributaries feeding into it. The background is a dark gradient.

River Basin Development Commissions

Interim Study Committee on Fiscal Policy

2021

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Wells County Surveyor



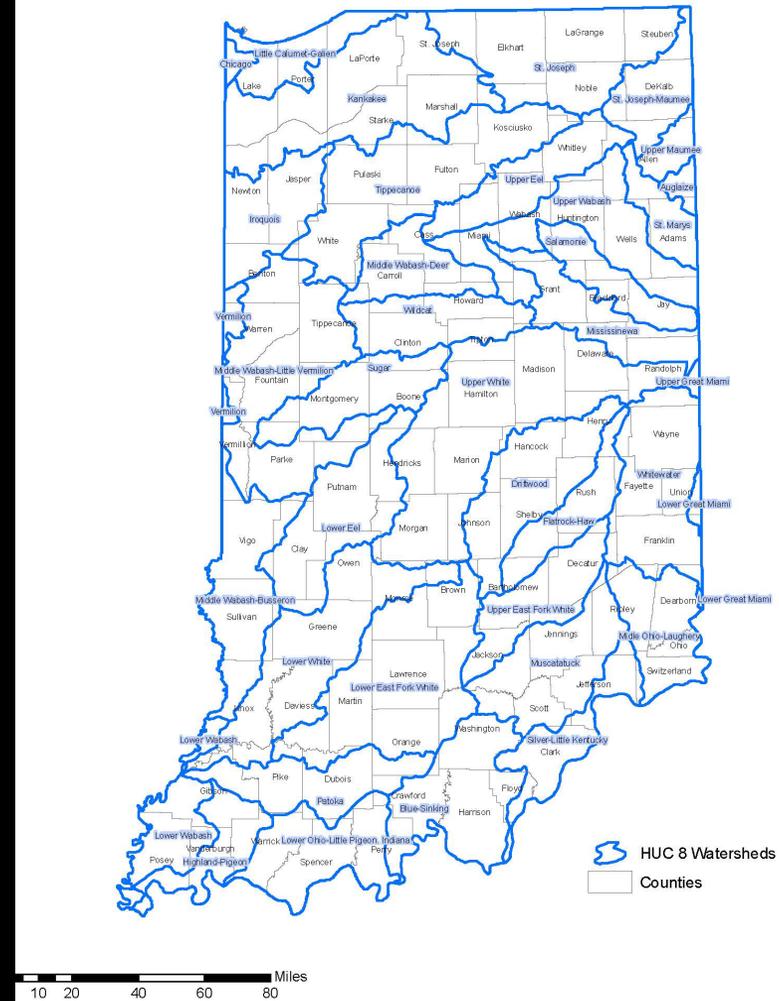
Who Takes Care of Our Drains?

- Private/Mutual Ownership
- County Drainage Board/County Surveyor
- City and Town Board of Works/Stormwater Department
- Joint County Drainage Boards
- Conservancy Districts
- River Basin Commissions
-
- Misconception that Army Corps of Engineers and/or IDNR is Maintaining Because of Permitting Authority

Minimum Size Requirement

- NRCS 8 Digit Hydrologic Unit Code (HUC) Watersheds
- Specifying just counties can cause confusion and uncertainty

Indiana's Eight-Digit Watersheds



- **IC 14-30-2-3"Maumee River basin" defined**

- Sec. 3. As used in this chapter, "Maumee River basin" means the area in Indiana drained by the Maumee River and the tributaries of the Maumee River.

- **IC 14-30-4-5"Upper Wabash River basin" defined**

- Sec. 5. As used in this chapter, "upper Wabash River basin" means the area located in Adams County, Huntington County, Jay County, or Wells County that is drained by the Wabash River, including the tributaries of the Wabash River.

- **Using HUC watersheds would add clarity and certainty to landowners and counties in assessments.**

- **In large watersheds there may be a need to use river miles or dams as delineation points**



IC 14-30-2-8 Voting members

Sec. 8. The following shall serve as voting members of the commission:

- (1) Each member of the county executive for a participating county.
- (2) The executive director or, if a county does not have an executive director, the chairman of a soil and water conservation district that:
 - (A) is subject to [IC 14-32](#);
 - (B) includes territory in a participating county; and
 - (C) includes territory in the basin.
- (3) The county surveyor of each participating county.

[Pre-1995 Recodification Citation: 36-7-6.1-7.]

As added by P.L.1-1995, SEC.23. Amended by P.L.142-1997, SEC.1.

IC 14-30-4-8 Voting members

Sec. 8. The following serve as voting members of the commission:

- (1) The three (3) county commissioners from each participating county.
- (2) The chairman of a soil and water conservation district for each participating county that:
 - (A) is subject to [IC 14-32](#);
 - (B) includes territory in a participating county; and
 - (C) includes territory in the basin.
- (3) The county surveyor of each participating county.

As added by P.L.35-2001, SEC.7.

IC 14-13-9-29 Advisory committee

Sec. 29. (a) There is established an advisory committee consisting of:

- (1) the north-northwest regional director of the Indiana Association of Soil and Water Conservation Districts; and
- (2) the county surveyor of each Indiana county within the basin.

However, a county surveyor may not be a member of the advisory committee if the county surveyor represents the county on the commission. The county executive of a county represented on the commission by the county surveyor shall appoint an individual other than the county surveyor to represent the county on the advisory committee.

(b) The commission may appoint other advisory committees consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission.

(c) A member of an advisory committee is not entitled to compensation for the member's services.

As added by P.L.282-2019, SEC.8.

Policy and spending decisions need to be made by elected officials. Board should consist of a single commissioner from each county and the county surveyor. Advisory committee could consist of SWCD and other non-elected officials (Floodplain Administrators, Plan Commission Directors, EMA Directors). Serious consideration needs to be given to having an executive director

IC 14-30-2-15 Flood control

Sec. 15. In developing the plan, the commission shall determine the best method and manner of establishing flood control, giving consideration to the following:

- (1) The reservoir method.
- (2) The channel improvement method.
- (3) The levee method.
- (4) Flood plain regulation.
- (5) All nonstructural methods.

[Pre-1995 Recodification Citation: 36-7-6.1-14.]

As added by P.L.1-1995, SEC.23.

IC 14-30-4-14 Flood control plans

Sec. 14. In developing the plan, the commission shall determine the best method and manner of establishing flood control, giving consideration to the following:

- (1) The reservoir method.
- (2) The channel improvement method.
- (3) The levee method.
- (4) Flood plain regulation.
- (5) All nonstructural methods.

As added by P.L.35-2001, SEC.7.

IC 14-13-9-18 Plan for flood control and drainage; exclusive authority; emergency

Sec. 18. (a) The commission:

- (1) shall develop a plan regarding flood control and drainage within the basin;
- (2) shall, after June 30, 2019, have exclusive authority to implement drainage and flood control activities within the channels of the Kankakee River and the Yellow River and within the area extending seventy-five (75) feet from the top of each bank of each river;
- (3) may participate in the flood control program established under [IC 5-1.2-13](#); and
- (4) may acquire interests in land, including easements, for the commission's use in:
 - (A) providing flood storage; and
 - (B) the construction of levees and other flood control improvements.

(b) The commission's exclusive authority to implement drainage and flood control activities under subsection (a)(2) includes the authority to do the following:

- (1) Bank stabilization.
- (2) Tree removal.
- (3) The construction and operation of sand traps.
- (4) Channel reconstruction.
- (5) Sediment removal.
- (6) Acquire, construct, and maintain access roads to levees and the channel of each river.
- (7) Other actions considered necessary by the commission to carry out this chapter.

(c) A county must first obtain authorization of the commission before performing any work within the area described in subsection (a)(2), unless the county must perform the work in response to an emergency.

As added by P.L.282-2019, SEC.8.

Current Funding Methods

Local Property Tax Dollar Appropriation

State General Fund Appropriation

Soil and Water Conservation District Contributions

State and Federal Grants

Assessments to Affected Landowners

Combination

IC 14-13-9-21 Special assessments imposed; alternatives to imposition of special assessments

Sec. 21. (a) The commission is authorized to provide special benefits to taxpayers in the basin by promoting public safety and economic development that is of public use and benefit through public funds provided by the fiscal bodies of the Indiana counties located in the basin and the special assessments imposed under this chapter.

(b) Except as provided by subsection (c), there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel of real property that is located within any part of the basin within an Indiana county as follows:

- (1) For a residential parcel of real property, seven dollars (\$7).
- (2) For an agricultural parcel of real property, the product of:
 - (A) one dollar (\$1); multiplied by
 - (B) the number of acres in the parcel.
- (3) For a commercial parcel of real property on which no structures are situated, the product of:
 - (A) two dollars (\$2); multiplied by
 - (B) the number of acres in the parcel.
- (4) For a commercial parcel of real property on which at least one (1) structure is situated, fifty dollars (\$50).
- (5) For an industrial or public utility parcel of real property, three hundred sixty dollars (\$360).

(c) A county is not subject to the special assessment imposed by subsection (b) if the county fiscal body adopts a resolution opting to implement one (1) of the following methods of supporting the commission instead:

- (1) The county may pay direct support to the commission in lieu of special assessments imposed under subsection (b) from any resources available to the county. Payments of direct support must be made in an amount equal to at least ninety percent (90%) of the amount that the county could raise through special assessments imposed under subsection (b).
- (2) The county may:
 - (A) impose a special assessment for one (1) or more classes of property listed in subsection (b), that is less than the special assessment provided for the class or classes of property under subsection (b); and
 - (B) supplement the special assessments by paying direct support to the commission from any resources available to the county;as long as the total amount raised by the county under this subdivision is at least equal to the amount the county could raise through special assessments imposed under subsection (b).
- (3) The county may impose a schedule of special assessments in which:
 - (A) a special assessment for one (1) or more classes of property listed in subsection (b) is greater than the special assessment provided for the class or classes of property under subsection (b); and
 - (B) the total amount raised by the county under this subdivision is greater than the amount that could be raised by the county through special assessments imposed under subsection (b).

(d) Payments of direct support under subsection (c)(1):

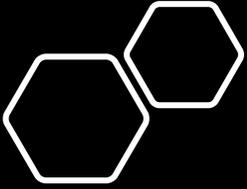
- (1) must be paid in calendar years beginning after December 31, 2020; and
- (2) are due at the same time special assessments are paid to the commission under section 22(e) of this chapter.

As added by P.L.282-2019, SEC.8.

An aerial photograph showing a winding river or stream flowing through a vast, flat, marshy landscape. The vegetation is a mix of brown and green, suggesting a wetland environment. The river meanders from the upper right towards the lower left of the frame.

Interaction with other agencies

- May need guidelines to transition from existing commission to new structure
- Will need to coordinate with drainage boards on tributary drains
- Coordinate building regulations with Zoning/Building Departments
- Will require more interaction with IDEM, IDNR, ACOE, and FEMA



Recommendations

- Set out statutory guidelines for formation and operation, but not require statutory approval for formation
- Focus on flood damage reduction, not flood control. Each basin may need different methods to achieve this.
- Provisions to require an executive director with specific qualifications
- Consider 2 members from each county (Commissioner and Surveyor)
- Consider a minimum size requirement
- Assessment based funding would be the most stable
- Consider a ceiling and floor on assessments (one size does not fit all)
- Need a transitional process to go from current river basin to development commission if that change is desired
- Be careful to not allow assessments to “stack up”
- Be cautious of overlapping with county regulated drains (prohibition or change of jurisdiction)