

Loan Authorization Process

SWCD written request

Oregon Revised Statutes (ORS) [Chapter 568](#) provides various powers and authorities to SWCDs subject to the written approval of the Oregon Department of Agriculture. The department grants authority to SWCDs to exercise many authorities through approval of SWCD annual work plans, budgets, contracts, and Intergovernmental Agreements.

When the department receives a request from a SWCD for written approval to secure a loan or mortgage property as provided in ORS 568.550(6), a letter of authorization is issued to the SWCD, notifying them of public notification requirements and their legal obligations.

ODA letter of authorization

The Oregon Department of Agriculture authorizes the SWCD to borrow money as provided in ORS 568.550(6), subject to the following conditions:

1. The SWCD holds a public hearing to provide an opportunity for landowners to submit comment as required under ORS 568.550(6).

These requirements are more stringent and explicit than the general notification requirements of a public meeting; therefore, the SWCD needs to issue notice and hold a hearing on the matter. To streamline the process and save time, the SWCD could consider holding a public hearing just prior to a SWCD board meeting. Unless there is an inordinate amount of public comment, the district board could consider comments and take action at its meeting directly following the hearing.

2. The SWCD board reviews and considers the comments and findings from the public hearing.
3. The SWCD must provide the department copies of hearing notices published in the newspapers, minutes from the public hearing, and minutes from the SWCD meeting(s) where official action is taken.

Public hearing requirements

The district must publish notice of the public hearing at least twice in a newspaper of general circulation, with an interval of at least seven days between the two publications.

At a minimum, the public hearing notice must include the following:

- Subject matter and purpose of the hearing
- Citations of the SWCD's statutory authority
- Statement of need (why the district is proposing this)
- Fiscal impact statement, such as amount of loan, methods of collateralization, interest rate(s), payment schedule, source of funds for repayment, etc.
- List of principal documents prepared by or relied upon by the district relating to the proposal (if any) and how the public may inspect them
- American's with Disabilities Act requirement statement
- Description of how the public can submit comment, and the time period in which the SWCD will accept comment.

In addition to publishing notices in the newspaper, the SWCD should mail a copy of the public hearing notice to those citizens and entities on its regular mailing list (the mailing list of those who receive the SWCD meeting agendas and minutes).

Sample hearing notice and request for comments

Subject: A public hearing is scheduled to receive public input on the Paradise Soil and Water Conservation District's (SWCD) proposal to purchase and mortgage real property for an office facility, authority granted under Oregon Revised Statutes 568.550(6).

Hearing time and location:

Date: July 1, 2006

Time: 8:00 AM to 12:00 Noon

Location: Paradise SWCD Office, 123 Rural Lane, Eden, OR

Comments: Comments may be submitted in writing to the address above until the close of business on July 10, 2006. Oral and written comments can be submitted at the hearing on July 1, 2006 between 8:00 AM and 12:00 Noon.

Notes: The Paradise SWCD complies with the Americans with Disabilities Act (ADA). Persons interested in or needing accommodations to participate in this hearing should contact the Paradise SWCD at (503) 508-3391 at least 72 hours prior to the meeting. Other questions may be directed to Joe Tetehomme, SWCD Manager, at the same telephone number.

Summary: This is the section where the district can provide background information that justifies the need for the loan, describe the process the board used to evaluate potential solutions, and state the board's recommendation to obtain the loan.