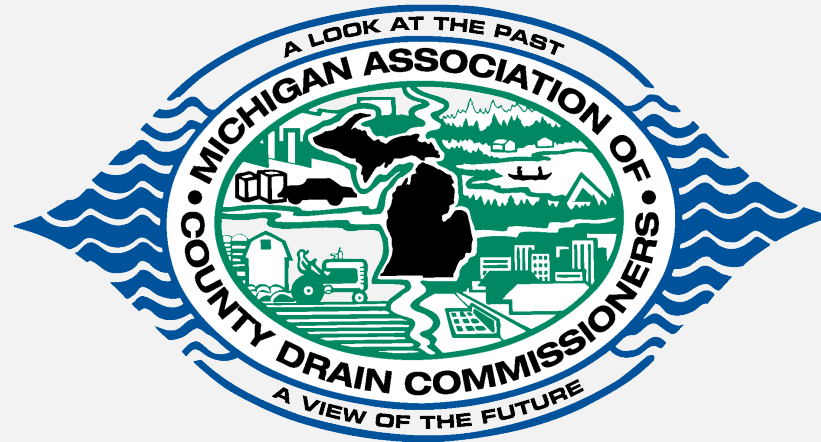


MACDC INTERCOUNTY DRAIN PROCEDURES TRAINING



Chapter 21 Drains

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CHAPTER 21 OVERVIEW

- Addresses difficult public health issues (Sec. 512)
- Costs borne by municipalities benefitting from Chapter 21 Drain
- Includes an “Augmented Drainage Board” for certain decisions during petitioned projects



DRAINAGE BOARD COMPOSITION

- **MDARD**
- **Drain Commissioners** from each county
 - *Exception in Section 514(3)-(4)*



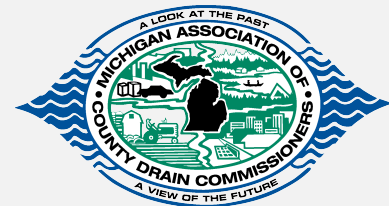
BOARD MEMBER RESPONSIBILITIES

- **Chair**
 - *MDARD*
 - *Voting member*
- **Secretary**
 - *Official Record keeper*
- **Treasurer**
 - *Responsible for funds of entire board*
 - *Section 524 requires bond*



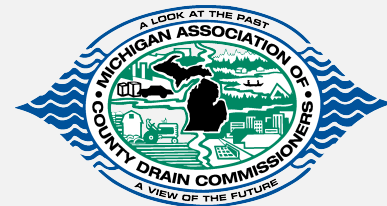
CHAPTER 21 DISTINCTIONS

- **Public corporations**
 - Pay all costs related to drain
 - Requires two public corporations to petition
- **Landowners**
 - *Cannot* petition for work on drain
 - Do *not* receive direct assessments for drain
 - Costs may be spread to landowners by public corporation



ASSESSABLE ENTITIES

- **MDOT**
 - *Benefit to state highways*
- **County**
 - *Benefit to county roads*
- **Cities, Townships, Villages, Metropolitan Districts and Authorities**
 - *Benefits of drain AND “extent to which each public corporation contributes to the conditions which make the drain necessary.”*



CHAPTER 21 MAINTENANCE

- Drainage Board sets scope
- No \$5,000/mile limitation
- Historical percentages used to pay costs



CHAPTER 21 IMPROVEMENTS

- Improvements require petition
- Two public corporations required for petition



CHAPTER 21 PETITIONED PROJECTS

- Petition by *two* Public Corporations
 - *Hearings must be held in advance in order to levy assessments to property owners*
- Section 423 Order of Determination

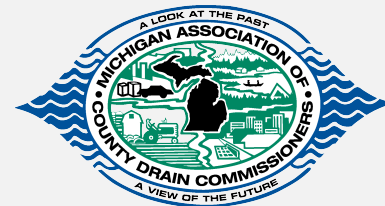


DRAINAGE BOARD RESPONSIBILITIES DURING THE PETITION PROCESS

After receiving a petition, MDARD notifies each public corporation within 20 days of filing

Preliminary finding of which counties have public corporations that should be assessed for the costs

MDARD provides notice of the time and place of the first meetings of the drainage board and the augmented drainage board



AUGMENTED DRAINAGE BOARD COMPOSITION

- **MDARD** (Chair)
- **Drain Commissioners** from each county
- **Chairs of County Board of Commissioners** from each county
- **Chairs of Finance Committee** of each county



AUGMENTED DRAINAGE BOARD RESPONSIBILITIES DURING THE PETITION PROCESS

First Meeting

- Sufficiency
- Practicality
- Public Corps to be assessed

Second Meeting

Objections to:

- Cost
- Project
- Petition
- Drain

Issues Final Order of Determination

- Sufficiency
- Practicality
- Governmental entities to be assessed
- Project Determination

After the Final Order of Determination is issued, a public corporation cannot be eliminated or added without rehearing and notice

FURTHER DRAINAGE BOARD RESPONSIBILITIES DURING THE PETITION PROCESS

Drainage Board

- Retains an engineer and other necessary consultants
- Approves final plans and specifications
- Designates area to be served, sets tentative apportionment of costs

Drainage Board

- Holds a meeting to hear objections to tentative apportionments
- Issues a Final Order of Apportionment
- Secures necessary property acquisition for the drain project

Drainage Board

- Secures financing
- Prepares computation of costs
- Prepares a special assessment roll

POINTS TO REMEMBER

- Make official record of route and course and specifications of drain and benefitting area
- Chapter 21 drains cannot be converted back to a Chapter 6 drain



