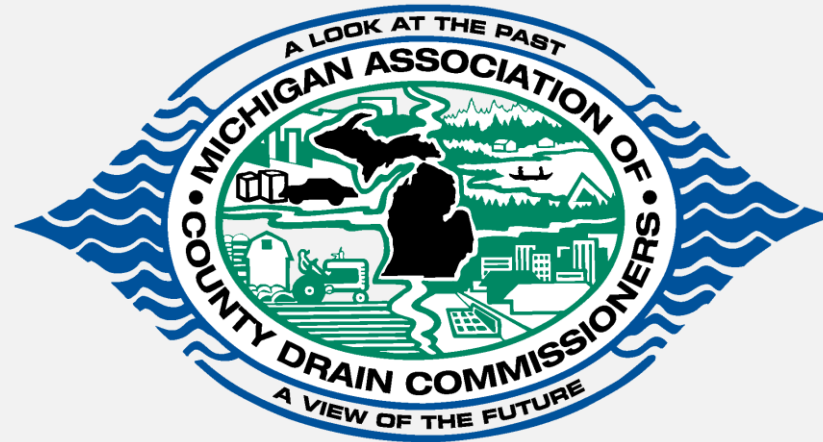


MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONERS



Drain Code Amendments

Local Government & Municipal Finance Committee
May 22, 2024

macdc.us

OVERVIEW

1. Intro to the Drain Code
2. Drain Maintenance Limit (**HB 5188**)
3. Adding or Removing a County to a Drainage District (**HB 5189**)
4. Compensation for Drain-Related Boards (**HB 5190**)

INTRO TO THE DRAIN CODE

- Last major re-codification in 1956 with over 200 amendments since
- Sets forth requirements for establishment, maintenance, and improvement of county and intercounty drains
- All costs are paid from special assessments of property owners and public corporations benefited by the drain/drain project



HOUSE BILL 5188



DRAIN MAINTENANCE (HB 5188)

Maintenance is critical for drains to **function properly and prevent flooding**



DRAIN MAINTENANCE (HB 5188)



Drain maintenance may **include:**

- Erosion control
- Bank stabilization
- Sediment removal
- Vegetation removal
- Debris and obstruction removal
- Culvert cleaning

DRAIN MAINTENANCE LIMIT (HB 5188)



Annual expenditure for drain maintenance is currently limited to **\$5,000 per mile**

- Last increase was in 2008 (\$2,500 → \$5,000)
- Before that, last increase was in 1989 (\$800 → \$2,500)

DRAIN MAINTENANCE LIMIT (HB 5188)

Given current economic conditions, \$5,000 per mile is often **insufficient** to properly maintain drains



McCLAUGHREY DRAIN (WAYNE)

- **Type:** open
- **Length:** 7+/- miles
- **Annual Maintenance Limit:** \$35,000
- **Estimated Cost of Needed Maintenance:** \$207,000



DENSLOW DRAIN (SAGINAW)

- **Type:** open channel
- **Length:** 3+/- miles
- **Annual Maintenance Limit:** \$15,000
- **Estimated Cost of Needed Maintenance:** \$25,650



INDIAN MILL CREEK DRAIN (KENT)

- **Type:** open channel
- **Length:** 5+/- miles
- **Annual Maintenance Limit:** \$25,000
- **Estimated Cost of Needed Maintenance:** \$56,195



GOOSE CREEK DRAIN (KENT)

- **Type:** open channel
- **Length:** 2+/- miles
- **Annual Maintenance Limit:** \$10,000
- **Estimated Cost of Needed Maintenance:** \$18,410



PROPOSED AMENDMENT: INCREASED MAINTENANCE LIMIT

HB 5188

- Proposes annual maintenance limit increase to **\$10,000 per mile**
- Includes **annual adjustment for inflation** based on Consumer Price Index

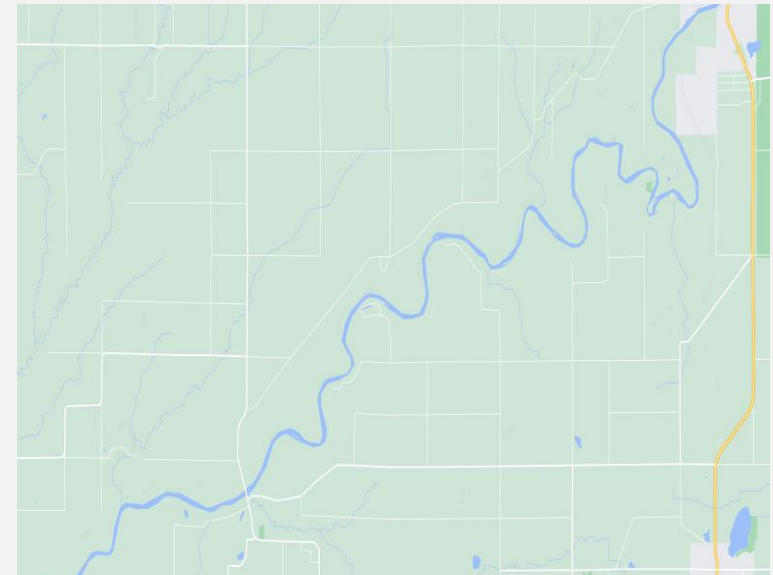


HOUSE BILL 5189



ADDING OR REMOVING A COUNTY TO A DRAINAGE DISTRICT (HB 5189)

- Sections 135 and 197 describe the **process to add or remove a county** to a drainage district
- Both sections have been **amended in recent years**
- Clarifications in the language of these sections is needed to **create consistency** throughout the Drain Code



DRAINAGE DISTRICTS (HB 5189)

- **Drainage district** = land area that contributes water to a drain
- Serves as the **special assessment district** to fund drain maintenance and drain projects
- Accuracy of drainage district boundaries is important to ensure that **assessments are proportional to benefits received** by landowners and public corporations



PROPOSED AMENDMENT: CONSISTENT REQUIREMENTS

HB 5189

Proposes requirements related to adding or removing a county to a drainage district that are **consistent with similar Drain code processes**, including:

- Notice requirements
- Appeal/review process



HOUSE BILL 5190



COMPENSATION FOR DRAIN-RELATED BOARDS (HB 5190)

- Drain Code currently provides for various, **inconsistent forms of compensation and expense reimbursement**
- Current use of “**per diem**” has two inconsistent meanings:
 1. Reimbursement for expenses only
 2. Compensation for service



COMPENSATION FOR DRAIN-RELATED BOARDS (HB 5190)

Boards of Determination (Section 72)

“The **per diem compensation** and the **mileage and expense reimbursements** of a member of the board of determination for each meeting attended shall be the same as the county board of commissioners of the county.”

Special Commissioners (Section 384)

“The salary of the commissioner so appointed, which shall be **the same as that received by him from the county of which he is commissioner, together with all expenses actually and necessarily incurred by him . . .**”



COMPENSATION FOR DRAIN-RELATED BOARDS (HB 5190)

Boards of Determination for Consolidation of Drainage Districts (Section 441)

“The compensation of a member of the board of determination shall be **\$8.00 per day with no additional allowance for mileage.**”

Chapter 20 Drainage Boards (Section 464)

“The chairperson of the county board of commissioners and any member of a county board of commissioners serving on the drainage board shall receive the **compensation, mileage, and expenses as provided by the drainage board.** However, compensation paid to a member **shall not exceed \$25.00 per diem, exclusive of mileage and expenses . . .**”



COMPENSATION FOR DRAIN-RELATED BOARDS (HB 5190)

Chapter 21 Augmented Drainage Boards (Section 515)

“The chairman of the board of supervisors and any member of a county board of supervisors serving on the augmented drainage board, shall receive such **compensation, mileage and expenses as shall be provided by the augmented drainage board** except that such compensation **shall not exceed \$25.00 per diem exclusive of mileage and expenses . . .**”



PROPOSED AMENDMENT: REPLACING “PER DIEM”

HB 5190

Proposes replacing all instances of “per diem” with **“reasonable compensation”** and **“necessary expenses”**



PROPOSED AMENDMENT: REPLACING “PER DIEM”

Creates consistency in compensation and expense reimbursement for:

- Boards of Determination
- Special Commissioners
- Boards of Determination for Consolidation of Drainage Districts
- Chapter 20 Drainage Boards
- Chapter 21 Augmented Drainage Boards



QUESTIONS

