

# FAQs

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Drain Commissioner



## FREQUENTLY ASKED QUESTIONS Erickson Drain Board of Determination

### ***What is a Drainage District?***

A drainage district is the land area that benefits from the drain. The drainage district makes up the watershed that contributes water to the drain. Each property and municipality within the drainage district pays for maintenance and improvement of the drain.

### ***What is a Board of Determination?***

A Board of Determination is a 3-member panel of disinterested property owners. The role of the Board of Determination is to receive evidence and hear testimony of interested persons and determine whether the petitioned activities are necessary and conducive to the public health, convenience or welfare.

### ***Why did I receive a notice?***

A landowner petition was filed with the Muskegon County Drain Commissioner requesting maintenance and improvement be performed on the drain. All property owners with lands in the drainage district were sent a copy of the notice.

### ***Does the Board of Determination decide what work gets done?***

No, the board of determination decides necessity, but does not determine the scope or cost of the project. Further, the board of determination does not determine how much property owners and municipalities will be assessed.

### ***Does the decision of the Board of Determination have to be unanimous?***

No, only a majority vote of the board of determination is required. Only the members of the

board of determination vote. The attendees at the meeting do not vote, but instead provide testimony to the board members to assist in their determination.

### ***What is my assessment amount?***

Estimated assessment amounts are not yet determined. If the Board of Determination finds the project necessary, the Drain Commissioner will hold a public meeting to review apportionments after a project scope has been determined. Notices for the public hearing on assessments will be sent out at a later date.

### ***Do I have to attend the Board of Determination?***

No, you are not required to attend the meeting; however, it is your right to do so.

### ***Can the decision of the Board of Determination be appealed?***

Yes. If a person feels aggrieved by the board's determination of necessity, he/she may institute an action in circuit court within 10 days. MCL 280.72a. If the board determines a municipality is liable for all or part of the cost of the drain, the governing body of the municipality may within 20 days appeal the order of the board to Probate Court. MCL 280.72(3).

### ***How can I get more information?***

Visit the Muskegon County Drain Commissioner's website at <http://www.co.muskegon.mi.us/492/Drain-Commissioner> or call (231) 724-6219.

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