



**MUSKEGON COUNTY DRAIN COMMISSIONER**

**Brenda M. Moore**

141 E. Apple Ave.  
Muskegon, Michigan 49442

**MUSKEGON COUNTY DRAIN COMMISSIONER**

**NOTICE OF MEETINGS OF BOARDS OF DETERMINATION**

**DATE:** Wednesday, June 17, 2020

**LOCATION:** REMOTE ELECTRONIC ACCESS

**QUESTIONS:** (231) 683-1772

<u>DRAIN</u>	<u>TIME</u>
<b>North Point Drain</b>	<b>10:00 A.M.</b>
<b>Knudsen Drain</b>	<b>1:00 P.M.</b>
<b>Schwemer Drain</b>	<b>3:30 P.M.</b>
<b>O.H. Scott and Waters Drain</b>	<b>5:30 P.M.</b>

Boards of Determination will be convened through remote electronic access as provided in this Notice for the above-named drains. The subject matter of the proceedings are of urgent concern for the public health, convenience or welfare of Muskegon County and are therefore deemed as a necessary proceedings to be held electronically by the Muskegon County Drain Commissioner.

Boards of Determination are meeting electronically at the above-stated times to hear all interested persons, receive evidence, and determine whether:

- the location, establishment and construction of the proposed North Point Drain, as set forth in the petition, dated May 21, 2020, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 4 of Public Act 40 of 1956, as amended.
- the maintenance and improvement of the Knudsen Drain, as set forth in the petition, dated May 19, 2020, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 8 of Public Act 40 of 1956, as amended.
- the location, establishment and construction of the proposed Schwemer Drain, as set forth in the petition, dated May 19, 2020, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 4 of Public Act 40 of 1956, as amended.
- the maintenance and improvement of the O.H. Scott and Waters Drain, as set forth in the petition, dated February 7, 2020, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

Presentations will be made at each Board of Determination, which outline a brief history of the drainage districts, and describe the roles, responsibilities and decisions made by the Boards of Determination. The presentations are to provide background for landowners and municipalities in the drainage districts and to facilitate the dissemination of information and the receipt of testimony of landowners in the drainage districts. Each Board of Determination will make a decision at the end of its meeting. **YOU ARE NOT REQUIRED TO ATTEND THE MEETINGS.**

Electronic participation will be conducted through Zoom. The Boards of Determination may be accessed through any device supporting the Zoom app, which includes many computers, laptops, smartphones. Users on a computer or laptop will be given the option to join the meeting through a web browser without downloading the Zoom app. Additionally, individuals may call into the Boards of Review by telephone.

The Boards of Determination are being convened electronically to comply with the Governor of Michigan’s Executive Orders and federal and state agency recommendations to cease from any public

assemblies, self-quarantine, and help prohibit the spread of COVID-19. The Muskegon County Drain Commissioner's Office nonetheless recognizes its continued responsibility to facilitate responsible decision-making of the Board of Determination and has established procedures to conduct this meeting in a transparent manner. Proceedings will be subject to the provisions of the Michigan Open Meetings Act and Executive Order 2020-75. Minutes of the meetings will be on file in the Muskegon County Drain Commissioner's office.

**Prior to the Boards of Determination:**

- **Website.** Please visit the Drain Commissioner's website at <https://www.co.muskegon.mi.us/492/Drain-Commissioner> for more information. Meeting materials will be available on the website from June 10<sup>th</sup>.
- **Telephone.** Questions and comments may be submitted prior to the meeting by calling (231) 683-1772. All public comment received prior to the day of the Boards of Determination will be read by the Chairperson during the public comment portion of the proceedings.
- **Zoom.** Download the Zoom app to your device to ensure there is time to obtain technical advice prior to the Boards of Determination.
- **Special Access.** Persons with disabilities needing accommodations for effective participation in the Boards of Determination should contact the Drain Commissioner's Office at (231) 683-1772 (voice) or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the Boards of Determination to request mobility, visual, hearing or other assistance.

**On the Day of the Boards of Determination:**

- **Meeting Link.** To participate electronically through Zoom, you can access the Boards of Determination through the following link: <https://us02web.zoom.us/j/88570187700>
- **Telephone Participation.** For participation on Zoom via telephone, please call: (312) 626-6799.
- **Meeting ID/Password.** If prompted, the Zoom Meeting ID or password is: 885 7018 7700.
- **Participation.** Once individuals have joined the Board of Determination meeting area, the Drain Commissioner will provide further information about procedures for participation.

**After the Boards of Determination:**

Anyone aggrieved by the decisions of the Boards of Determination may seek judicial review pursuant to MCL 280.72a.

Brenda M. Moore  
Muskegon County Drain Commissioner

# FAQs

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Muskegon County Drain  
Commissioner



## FREQUENTLY ASKED QUESTIONS June 17, 2020 Boards of Determination

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

A drainage district is the land area that benefits from the drain. A drainage district makes up the watershed that contributes water to the drain. Each property and municipality within a drainage district pays for maintenance and improvement of that 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 petitioned activities on a drain are necessary and conducive to the public health, convenience or welfare.

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

Several petitions were filed with the Muskegon County Drain Commissioner requesting either: the locating, establishing and constructing of a drain; or the maintenance and improvement of a drain. All property owners with lands in the impacted Drainage Districts were sent a copy of a notice of a Board of Determination with particular information about their Drainage District.

### ***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 request of the petition 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.

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

Visit the Commissioner's website at [www.co.muskegon.mi.us/492/Drain-Commissioner](http://www.co.muskegon.mi.us/492/Drain-Commissioner) or call (231) 683-1772.

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### **Why is the Board of Determination being held electronically?**

The Board of Determination is being held electronically to comply with federal and state recommendations to cease from any public assemblies, self-quarantine, and help prohibit the spread of COVID-19.

### **What is Zoom?**

Zoom is a video conferencing service that allows for virtual meetings, either by video, audio-only, or both. Zoom meetings can be accessed through the Zoom app, an internet browser, or by telephone.

### **How do I download the Zoom app on my device?**

You will be prompted to download the app when you enter the meeting link from your notice into a web browser on your computer or device. You can also download the app as follows:

- **Computer.** The computer/laptop app is available for download at [zoom.us/download](https://zoom.us/download). Select the download for "Zoom Client for Meetings."
- **Smartphone, tablet, and other app-based devices.** Search for "Zoom" in the app store for your device or go to [zoom.us/download](https://zoom.us/download) and select the appropriate link under "Zoom Mobile Apps."

### **How do I access the Day of Review on Zoom?**

- **By App.** Enter the meeting link from your Notice into a web browser. Permission will be requested to open the app on your device. Alternatively, you can open the app, select "Join," enter the Meeting ID from your Notice, and press the "Join" button.
- **By Web Browser on Computer/Laptop.** Go to [zoom.us/join](https://zoom.us/join), enter the Meeting ID, and select "Join." For further information about accessing from a web browser, please visit <https://support.zoom.us/hc/en-us/articles/201362593-Launching-Zoom-from-a-web-browser>.
- **By Telephone.** Dial the number provided on your Notice. If requested, enter the Meeting ID from your Notice.

### **How do I participate during the Day of Review?**

Once you have entered the Zoom meeting, you will be automatically placed on "mute." The Drain Commissioner and meeting host will give further information about how to participate and when public comment is permitted. You are requested to remain "muted" until called on for comment.

### **How do I indicate I want to comment?**

You can indicate that you would like to comment or ask a question by virtually "raising your hand," at which point a hand icon will appear next to your name for the meeting host to see. To "raise your hand":

- **Computer.** Select the icon labeled "Participants" at the bottom of your screen. This will pull up a participant list on the right side of your screen. At the bottom of the participant list, select the "Raise Hand" button. Once called on to speak, select the "Unmute" button on your screen.
- **Smartphone, tablet, and other app-based devices.** Select the "Raise Hand" button at the bottom of your screen. If "Raise Hand" is not present, select the "More" button to reveal more controls. Once called on to speak, select the "Audio" or "Unmute" button on your screen.
- **Telephone.** Dial \*9 to "Raise Hand." Once called on to speak, dial \*6 to unmute your line.

### **What if I have difficulty accessing the Day of Review electronically?**

Please call the Drain Commissioner's Office at (231) 683-1772. Every effort will be made to help ensure your participation.

### **Can I submit questions or comments prior to the Day of Review electronically?**

Questions and comments prior to the meeting can be submitted by calling (231) 683-1772.