

Minutes of the Meeting
of the Intercounty Drain Drainage Board for the
Addison-Dryden Intercounty Drain

July 21, 2022

A meeting of the Intercounty Drainage Board for the Addison-Dryden Drain was held at the Brandon Township Library, 304 South Street, Ortonville, Michigan on July 21, 2022, at 1:00 p.m. Eastern Standard Time and via Microsoft Teams.

Board Members Present: Michael Gregg, Chairperson
Michigan Department of Agriculture and Rural Development
(MDARD)

Joseph Suma, Member
Lapeer County Drain Commissioner

Anne Vaara, Member
Chief Deputy, Office of the Oakland County Water Resources
Commissioner

Also Present: Steve Korth, Oakland County
Geoffrey Wilson, Oakland County
Ed Thick, Oakland County
Stephanie Lajdziak, Oakland County
Joe Brezvai, MDARD
Tanya Suter, Lapeer County

1. Call meeting to order

Chairperson Gregg called the meeting to order at 1:30 p.m.

Motion by Vaara, supported by Suma, to have Oakland County serve as Secretary

Adopted: YEAS – 2
NAYS – 0

2. Agenda

Motion by Vaara, supported by Suma, to amend the July 21, 2022, agenda to include discussion of the Resolution on Drainage Board Governance, Resolution to Adopt Freedom of Information Act Procedures, and the Resolution regarding Authorized Public Agency Status under other business.

Adopted: YEAS – 2
NAYS – 0

3. Minutes

Motion by Vaara, supported by Suma, to approve the minutes from the November 30, 2016, meeting.

Adopted: YEAS – 2
NAYS – 0

4. Public Comment

None.

5. Maintenance Memorandum

Geoff Wilson, Assistant Chief Engineer, presented a Memorandum dated July 21, 2022, detailing the financial status and recent inspection of the drain. It was noted that in 2016, an inspection found downed trees and beavers damming portions of the drain. Discussion ensued regarding the location of the drain and access to perform maintenance activities. Mr. Wilson furthered that the apportionment is 76% Oakland County and 24% Lapeer.

An assessment of \$10,000 was presented to the Board. Discussion ensued between Board members on the options available to bring the Drainage District's financials out of deficit. It was decided that pre-assessing the Drainage District would be the best way to cover any maintenance needed in the future.

Motion by Vaara, supported by Suma, to approve the assessment of \$10,754.61.

Adopted: Yeas – 2
Nays – 0

6. Other Business

Chairperson Gregg presented the Resolution on Drainage Board Governance, Resolution to Adopt Freedom of Information Act Procedures, and the Resolution regarding Authorized Public Agency Status for consideration.

Motion by Vaara, supported by Suma, to adopt the Resolution on Drainage Board Governance (as attached).

Adopted: Yeas – 2
Nays – 0

Motion by Vaara, supported by Suma, to adopt the resolution regarding Freedom of Information Act procedures (as attached).

Adopted: Yeas – 2
Nays – 0

Motion by Vaara, supported by Suma, to adopt the resolution regarding authorized public agency status (as attached).

Adopted: Yeas - 2
Nays - 0

7. Adjourn

Motion by Vaara, supported by Suma, to adjourn at 2:50 p.m.

Adopted: Yeas - 2
Nays - 0



Anne Vaara, Member
Addison-Dryden Intercounty Drain Board

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the Addison-Dryden Intercounty Drain, Oakland County, Michigan, held on the 21st day of July 2022, and that the minutes are on file in the office of the Oakland County Water Resources Commissioner and are available to the public.

I further certify that the notice of the meeting was posted at least 18 hours in advance of the meeting at the office of the Oakland County Water Resources Commissioner.



Anne Vaara, Member
Addison-Dryden Intercounty Drain Board

Dated: July 21, 2022

ADDISON-DRYDEN INTERCOUNTY DRAIN DRAINAGE BOARD

**Resolution to Adopt
Freedom of Information Act Procedures**

At a special meeting of the Addison-Dryden Intercounty Drain Drainage Board ("Board"), held in Ortonville, Michigan on July 21, 2022, at 11:00 a.m.

PRESENT: Anne Vaara, Joe Suma, and Michael R. Gregg

ABSENT: None

The following resolution was offered by Anne Vaara and seconded by Joe Suma:

WHEREAS, pursuant to the Michigan Freedom of Information Act, as amended (the "FOIA"), all public bodies in Michigan are required to adopt procedures and guidelines relating to requests under the FOIA; and

WHEREAS, the Board is a public body subject to the FOIA; and

WHEREAS, the Board seeks to achieve full compliance with the provisions of the FOIA; and

WHEREAS, Oakland County has instituted Procedures and Guidelines that comply with the requirements of the FOIA.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby adopts Oakland County's Procedures and Guidelines and Public Summary to be used in adhering to all requirements within the FOIA.
2. The Board shall comply with all the provisions of these Procedures and Guidelines and Public Summary.
3. All prior resolutions and parts of prior resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Ayes: Vaara and Suma

Nays: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN }
 } ss.
County of Oakland }

I, the undersigned, the duly qualified and acting Chair of the Addison-Dryden Intercounty Drain Drainage Board, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Resolution to Adopt Freedom of Information Act Procedures adopted on the 21st day of July 2022.



Michael R. Gregg , Chair
Addison-Dryden Intercounty Drain
Drainage Board

ADDISON-DRYDEN INTERCOUNTY DRAIN DRAINAGE BOARD

Resolution on Drainage Board Governance

At a special meeting of the Addison-Dryden Intercounty Drain Drainage Board ("Board"), held in Ortonville, Michigan on July 21, 2022, at 1:00 p.m.

PRESENT: Anne Vaara, Joe Suma, and Michael R. Gregg

ABSENT: None

The following resolution was offered by Anne Vaara and seconded by Joe Suma:

WHEREAS, the Michigan Association of County Drain Commissioners has developed an Intercounty Drainage Board Procedures Manual ("Procedures Manual"), effective March 31, 2017; and

WHEREAS, the Board wishes to create a consistent and clear policy on its governance; and

WHEREAS, the Board is subject to the provisions of various statutory requirements, including, but not limited to, the Drain Code of 1956, the Open Meetings Act, the Governmental Immunity Act, the Natural Resources and Environmental Protection Act, and the Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board confirms that the current apportionment between counties is 76% Oakland County and 24% Lapeer County.
2. The Board names the Oakland County Drain Water Recourses Commissioner as Treasurer, who shall be responsible for maintaining the drain fund for the intercounty drainage district, payment of all Board approved expenses with signature of all Board members, securing of and payment for all Board authorized financial obligations, and collection of all assessments authorized by the Board to be levied. Lapeer County hereby agrees to transfer any balance currently in their drain fund to the Treasurer. The Treasurer will present a

financial report at all future meetings of the Board indicating fund balances and expenses incurred.

3. The Michigan Department of Agriculture and Rural Development serves statutorily as Board Chair and is responsible for calling all meetings and preparing and posting required notices, preparing and distributing meeting agendas to members, and preparing all petitions, orders and resolutions on behalf of the Board.
4. The Michigan Department of Agriculture and Rural Development is hereby named as official record keeper on behalf of the Board.
5. *[Chapter 21:] The Board names Oakland County as Secretary, who shall be responsible for preparing minutes of all Board meetings and such other correspondence as may be authorized by the Board.*
6. The County Drain Commissioner and Water Recourses Commissioner comprising this Drainage Board have submitted a certification to the Michigan Department of Agriculture and Rural Development regarding their status as an Authorized Public Agency pursuant to Part 91 of Public Act 451 of 1994.
7. The Board has adopted a Resolution to Adopt Freedom Information Act ("FOIA") Procedures. That resolution designates Oakland County's FOIA Coordinator as FOIA Coordinator on behalf of the Board.
8. The Board hereby authorizes expenditures not to exceed \$2,500.00 annually for drain inspection by Board members or their staff pursuant to M.C.L. 280.196, provided such inspections result in a written inspection report presented to all Board members. All such expenditures are deemed an expense of the entire drainage district and shall be paid by the Treasurer.
9. The Board hereby authorizes expenditures not to exceed \$10,000.00 annually for routine drain maintenance activities that have been identified in an inspection report presented to all Board members, and which do not require notice pursuant to Section 201 of the Drain Code. All such expenditures are deemed an expense of the entire drainage district to be paid by the Treasurer upon inspection and approval of the work and assessed at apportioned percentages within two years

of completion of the work based on a computation of cost prepared by the Treasurer.

10. Pursuant to Section 221(2) of the Drain Code, the prequalified contractor's list for the Drainage Board shall be the combination of the lists of the counties comprising the Board.
11. All prior resolutions and parts of prior resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Ayes: Vaara and Suma

Nays: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN }
 } ss.
County of Oakland }

I, the undersigned, the duly qualified and acting Chair of the Addison-Dryden Intercounty Drain Drainage Board, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Resolution on Drainage Board Governance adopted on the 21st day of July 2022.



Michael R. Gregg , Chair
Addison-Dryden Intercounty Drain
Drainage Board

ADDISON-DRYDEN INTERCOUNTY DRAIN

Lapeer and Oakland Counties

RESOLUTION REGARDING AUTHORIZED PUBLIC AGENCY STATUS

At a special meeting of the Addison-Dryden Intercounty Drain Drainage Board ("Board"), held in Ortonville, Michigan on July 21, 2022, at 1:00 p.m.

PRESENT: Anne Vaara, Joe Suma, and Michael R. Gregg

ABSENT: None

The following resolution was offered by Anne Vaara and seconded by Joe Suma:

WHEREAS, on the drain maintenance for the Addison-Dryden Intercounty Drain was deemed necessary pursuant to the Michigan Drain Code, M.C.L. 280.1 *et seq*;

WHEREAS, Part 91 of Public Act 451 of 1994 ("Part 91") requires that soil erosion and sedimentation control permits be obtained from a county or municipal enforcing agency for earth change activities that disturb one or more acres or are located within 500 feet of a lake or stream;

WHEREAS, Part 91 further provides that state agencies or agencies of a local unit of government that are designated as Authorized Public Agencies (APAs) by the Michigan Department of Environment Great Lakes and Energy (EGLE) may undertake earth change activities for projects under their jurisdiction in accordance with soil erosion and sedimentation control procedures approved by the EGLE as an alternative to obtaining soil erosion and sedimentation control permits;

WHEREAS, Part 91 further provides that a state agency or an agency of a local unit of government may apply to the EGLE for designation as an APA by submitting to the Department the soil erosion and sedimentation control procedures governing all earth changes normally undertaken by the agency;

WHEREAS, Pursuant to an agreement with the EGLE, Intercounty Drain Drainage Boards will be deemed in compliance with the requirements outlined in Part 91 if each of the drain commissioners on the Intercounty Drain Drainage Board is currently an APA and if each of the drain commissioners assume Part 91 jurisdiction and responsibility of the portion of the drain project/maintenance undertaken in their county.

WHEREAS, the County Drain Commissioner of Lapeer and the Water Resources Commissioner of Oakland County have applied to EGLE for Authorized Public Agency status and are currently designated as APAs pursuant to Part 91;

WHEREAS, The Drain Commissioner of Lapeer County and the Water Recourses Commissioner of Oakland County are APA's and therefore permits are required within each county.

NOW, THEREFORE BE IT RESOLVED:

1. The Drain Commissioner of Lapeer County and the Water Recourses Commissioner of Oakland County that are APAs agree to assume Part 91 responsibility and jurisdiction for the portion of the Addison-Dryden Intercounty Drain project/maintenance that will be undertaken in their respective County(ies). Further, the County Drain Commissioner and the and the Water Recourses Commissioner agree to be responsible for compliance with Part 91 for the drain work in his/her/their respective county(ies) with the Addison-Dryden Intercounty Drain Drainage District assuming liability for any violations or damages that may occur as a result of such work.

AYES: Vaara and Suma

NAYS: None

RESOLUTION ADOPTED.



Michael R. Gregg, Chair Addison-Dryden Intercounty Drain Drainage Board

ADDISON-DRYDEN INTERCOUNTY DRAIN

Lapeer and Oakland Counties

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WHEREAS, Pursuant to an agreement with the EGLE, Intercounty Drain Drainage Boards will be deemed in compliance with the requirements outlined in Part 91 if each of the drain commissioners on the Intercounty Drain Drainage Board is currently an APA and if each of the drain commissioners assume Part 91 jurisdiction and responsibility of the portion of the drain project/maintenance undertaken in their county.

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AYES: Vaara and Suma

NAYS: None

RESOLUTION ADOPTED.



Michael R. Gregg, Chair Addison-Dryden Intercounty Drain Drainage Board