



VAN BUREN COUNTY DRAIN COMMISSIONER

JOE PARMAN, Drain Commissioner GEORGIA GENIS, Deputy Drain Commissioner PETER VANDOP, PE, PS, Engineer/Chief Deputy RANDY COUNTERMAN, SESC & Drain Maint. Supervisor

ROLE OF BOARD OF DETERMINATION **ANSWERS TO COMMONLY ASKED QUESTIONS**

What is a Board of Determination? The Board of Determination is a three-member board appointed by the Drain Commissioner. The Drain Code requires that the board members all reside in the county. However, the Board of Determination members must be “disinterested” meaning that they cannot own land in the Drainage District or within any municipality with lands in the Drainage District.

What is the purpose of a Board of Determination? The role of the Board of Determination is to receive testimony and evidence at a public hearing to determine: a) whether a project is necessary and conducive to the public health, convenience or welfare; b) whether a portion of the project benefits the municipalities in the Drainage District for the protection of public health; and, if applicable, c) whether lands should be added to the Drainage District.

Does the Board of Determination decide what work gets done? The Board of Determination does not determine the scope or cost of the project and does not determine how much property owners and municipalities will be assessed for the project. The Drain Commissioner makes these decisions after the engineering is performed, but before construction occurs.

Does the decision of the Board of Determination have to be unanimous? The decision of the Board of Determination does not have to be unanimous, but the decision does require a majority vote. The vote is by the members of the Board of Determination, and not by the attendees at the meeting.

What if I am unable to attend the Board of Determination meeting? If you are unable to attend, you can provide the Drain Commissioner’s office with correspondence, pictures or other information that you would like presented to the Board of Determination. Please make sure that the Drain Commissioner’s office receives this information with sufficient time to provide it at the meeting.

Can the decision of the Board of Determination be appealed? Any person aggrieved by the decision of the Board of Determination can appeal the decision in the county circuit court within 10 days after the Board’s decision pursuant to MCL 280.72a. Municipalities also have the ability to appeal the decisions under MCL 280.72. You should consult your attorney with further questions as to the appeal process.