THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.464 Drainage board; creation; members; disqualification; compensation, mileage, and expenses; county drain commissioner as chairperson; minutes, records, and files; requirements for substantive actions and determinations.

Sec. 464. (1) There is created for each project petitioned for under this chapter, a drainage board that, except as otherwise provided in subsection (2), shall consist of the drain commissioner of the county, the chairperson of the county board of commissioners, and the chairperson of the board of county auditors. If there is no board of county auditors in the county, then the chairperson of the finance committee of the county board of commissioners shall act as a member of the drainage board, and if there is neither a board of county auditors nor finance committee, then the chairperson of the county board of commissioners shall select from time to time 1 member of the county board of commissioners to act as a member of the drainage board. If a member of the drainage board who is a commissioner, as provided in this section or section 487, is interested in a project petitioned for under this chapter, by reason of his or her holding an elected or appointed office in a public corporation to be assessed for the cost of the project, he or she is disqualified to act as a member of the drainage board with respect to the project. In such case the vice-chairperson or chairperson pro tempore of the county board of commissioners or of the finance committee of the county board of commissioners, if not also disqualified, shall act as the member. If the vice-chairperson or chairperson pro tempore is disqualified, the drain commissioner of the county shall designate a member of the county board of commissioners who is not disqualified to act as a member of the drainage board for the project. 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, for attendance at drainage board meetings. The county drain commissioner shall be chairperson of the drainage board. The chairperson shall keep minutes of the proceedings of the drainage board and all records and files of the board shall be kept in his or her office. In counties of less than 500,000 population, the commissioner shall be paid the same compensation as other members of the drainage board.

(2) In a county organized under a charter adopted under Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws, that has a population of more than 2,000,000 at the time the charter is adopted and whose charter prescribes an elected county executive, the drainage board shall consist of the following members:

(a) The person designated by the charter to carry out the administrative duties of the drain commissioner or that person's designee, who shall also serve as chairperson of the drainage board.

(b) The county commissioner whose district will be assessed for the greatest portion of the cost of the project, or that county commissioner's designee. The determination of which county commissioner is qualified to sit under this subdivision shall initially be made by the chairperson of the drainage board at the time the petition for the project is filed. After the final order of apportionment is issued under section 469, the county commissioner who qualifies under this section shall become the county commissioner member and serve until another apportionment is established requiring the seating of another commissioner.

(c) A person appointed by the county executive with the advice and consent of a majority of the members of the county board of commissioners elected or appointed and serving.

(3) In a county described in subsection (2), the requirements in this chapter for substantive actions and determinations shall be followed in administering each project petitioned for under this chapter, subject to and in accordance with any applicable provisions of the county charter.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1965, Act 194, Imd. Eff. July 15, 1965;—Am. 1969, Act 285, Eff. Mar. 20, 1970;—Am. 1989, Act 134, Imd. Eff. June 29, 1989.

Popular name: Act 40

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov