

But Wait! I am the Drain Commissioner

Schoolcraft County Road Commission

Jean Vanderville

How did that happen?

MCL 280.21 (3) (Drain Code of 1956)

- The county board of commissioners of a county having a population of less than 12,000, by resolution of a 2/3 vote of the members elect, may abolish the office of county drain commissioner and transfer the powers and duties of the office to the board of county road commissioners.
- Special circumstances for counties outside of the population threshold.



Who Else Does This Include?

County Appointed Drain Commissioners

Population as of 2020 Census

- Keweenaw (2046)
- Luce (5339)
- Ontonagon (5816)
- Schoolcraft (8047)
- Baraga (8158)
- Oscoda (8219)
- Alger (8842)
- Montmorency (9153)
- Alcona (10167)
- Mackinac (10834)
- Iron (11631)
- Lake (12096)*
- Presque Isle (12982)
- Crawford (12988)
- Missaukee (15052)
- Otsego (25091)
- Huron (31407)

Working With the County

- **Best Practices**
 - Understand your new role & responsibilities
 - Keep thorough documentation & recordkeeping of drain duties
 - Educate about the difference between road commission & drain commission



So, Does that Mean the Road Commission Pays?

- **NO!**

- All drain commissioner wages and expenses are still the responsibility of the county
 - MCL 280.28-29
- Road Commissions may not expend MTF funds for drain commission purposes

What if the County doesn't understand?

- Call Bill 😊
- Kidding aside-legal counsel can assist in preparing opinions and guidance if your county believes that once the office of drain has been abolished that it becomes the fiscal responsibility of the road commission.



There's More.....

So, I'm Not Just the Drain Commissioner

- Delegated Authority
 - For What?
 - Legal Lake Levels & Control Structures (Dams)

Said Who??

MCL 324.30702 (2)

Unless required to act by resolution as provided in this part, the county board may delegate powers and duties under this part to that county's commissioner, road commission, or other delegated authority.



Delegated Authority

Part 307

- Regulates Inland Lake Levels
 - Establishment of Legal Level
 - Maintenance/Construction
 - Special Assessment Districts
 - Penalties

Part 315

- Regulates Dam Safety
 - Dam as Defined
 - Permitting Requirements
 - Inspection
 - Violations



Challenges

- County Owned
- Lake Associations
- Oversight
- Natural Resources

Working With the County

- **Best Practices**

- Educate the county on authority and best practices (authority boards vs individual delegate)
- Know your legal lake levels & variance language
- Contract with a responsible dam operator
- Have an operation and maintenance plan in place
- Verify Special Assessment Districts are in place and functioning
- Build a relationship with the Dam Safety Unit

Happy to Answer Questions

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