Chapter 20 Drain

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MACDC NEW DRAIN COMMISSIONERS SCHOOL
Brief Historical Overview of the Drain Code Act 40

- ESTABLISHED IN 1956 BY THE LEGISLATURE
- JURISDICTION OF COUNTY DRAIN COMMISSIONERS
What is a “drain”?

- Creeks, rivers, watercourses, open or closed ditches, storm and sanitary sewers and related facilities
What is a Chapter 20 Drain?

- Applies to “Intra-County Drains”
- Governed by a statutory drainage board consisting of:
  - Drain Commissioner
  - Chairperson of the County Board of Commissioners
  - Finance Chairperson of the County
What is a Chapter 4 Drain?

- Applies to an “intra-county” drain
- Governed by Drainage Board consisting of:
  - Drain Commissioner from each county where lands are benefiting from the drain
  - Director of Michigan Department of Agriculture
Chapter 20 vs. Chapter 4

MAJOR DIFFERENCES

1) FUNDING
2) ESTABLISHMENT
<table>
<thead>
<tr>
<th>Chapter 20</th>
<th>Chapter 4</th>
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<tr>
<td>• Assessed wholly against public corporations benefiting from projects</td>
<td>• Funded by private parties and those benefiting from projects</td>
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<td>○ Through special assessments, fees, and other charges</td>
<td>○ Through special assessment fees and taxes</td>
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<td>Procedural Requirements</td>
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<tr>
<td><strong>Chapter 20</strong></td>
<td><strong>Chapter 4</strong></td>
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<tr>
<td>✓ Petition must be filed</td>
<td>✓ Drainage District Application must be filed</td>
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<td>✓ Assessment against public corporation</td>
<td>✓ Survey must be conducted</td>
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<td>✓ Notice from Water Resources commissioner</td>
<td>✓ Petition to Locate, Establish, and Construct a Drain</td>
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<td>✓ First meeting of Drainage board</td>
<td>✓ Board of Determination is appointed</td>
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<td>✓ Final order of determination</td>
<td>✓ Assessment against properties within the Drainage District or Public Corporations affected by the project</td>
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<td>✓ Apportionments</td>
<td>✓ Special assessment roll</td>
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<td>✓ Special assessment roll</td>
<td>✓ Drain bonds and notes</td>
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Establishment Requirements Defined

- PETITION MUST BE FILED
- ASSESSMENT AGAINST PUBLIC CORPORATION
- NOTICE FROM WATER RESOURCES COMMISSIONER
- FIRST MEETING OF DRAINAGE BOARD
- FINAL ORDER OF DETERMINATION
- APPORTIONMENTS
- SPECIAL ASSESSMENT ROLL
- DRAIN BONDS AND NOTES
Advantages of a Chapter 20 Drain

- More efficient and less expensive to incorporate a project into one larger improvement