



OTTAWA COUNTY WATER RESOURCES COMMISSIONER

Joe Bush

12220 Fillmore Street
West Olive, Michigan 49460

OTTAWA COUNTY WATER RESOURCES COMMISSIONER

WENGER DRAIN

NOTICE OF MEETING OF BOARD OF DETERMINATION

DATE: Thursday, September 10, 2020

TIME: 10:00 A.M.

LOCATION: REMOTE ELECTRONIC ACCESS

QUESTIONS: (616) 994-4530

A Board of Determination will be convened for the Wenger Drain through remote electronic access, as provided in this Notice. The subject matter of these proceedings is of urgent concern for the public health, convenience or welfare of Ottawa County and is therefore deemed as a necessary proceeding to be held electronically by the Ottawa County Water Resources Commissioner.

The Board of Determination is meeting electronically to hear all interested persons, receive evidence and determine whether proposed maintenance and improvement of the Drain, as set forth in the petition dated June 2, 2020, is necessary and conducive to the public health, convenience or welfare, pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

A presentation will be made to the Board of Determination, which outlines a brief history of the Drainage District, and describes the roles, responsibilities and decisions made by a Board of Determination. The presentation is to provide background for landowners and municipalities in the Drainage District and to facilitate the dissemination of information and the receipt of testimony of landowners in the Drainage District. The Board of Determination will make a decision at the end of the meeting. **YOU ARE NOT REQUIRED TO ATTEND THE MEETING.**

Electronic participation will be conducted through Zoom. The Board of Determination may be accessed through any device supporting the Zoom app, which includes many computers, laptops, smartphones. Users on a computer or laptop will be given the option to join the meeting through a web browser without downloading the Zoom app. Additionally, individuals may call into the Board of Determination by telephone.

The Board of Determination is being convened electronically to comply with the Governor of Michigan's Executive Orders and federal and state agency recommendations to cease from any public assemblies, self-quarantine, and help prohibit the spread of COVID-19. The Ottawa County Water Resources Commissioner's Office nonetheless recognizes its continued responsibility to facilitate responsible decision-making of the Board of Determination and has established procedures to conduct these meetings in a manner that effectuates as fully as possible the purposes of the Open Meetings Act. Minutes of the meetings will be on file in the Ottawa County Water Resources Commissioner's office.

Prior to the Board of Determination:

- **Website.** Please visit the Water Resources Commissioner's website at <https://www.miottawa.org/Departments/Drain/notices.htm> for more information.
- **Telephone.** Questions and comments may be submitted prior to the meeting by calling (616) 994-4530. All public comment received prior to the day of the Board of Determination will be provided to the Board of Determination members.
- **Zoom.** Download the Zoom app to your device to ensure there is time to obtain technical advice prior to the day of the Board of Determination.
- **Special Access.** Persons with disabilities needing accommodations for effective participation in a Board of Determination should contact the Water Resources Commissioner's Office at (616) 994-4530 (voice) or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the Board of Determination to request mobility, visual, hearing or other assistance.

On the Day of the Board of Determination:

- **Meeting Link.** To participate electronically through Zoom, you can access the Boards of Determination through the following link: <https://us02web.zoom.us/j/89172321500>.
- **Telephone Participation.** For participation on Zoom via telephone, please call: (888) 475-4499.
- **Meeting ID/Password.** If prompted, the Zoom Meeting ID or password is: 891 7232 1500.
- **Participation.** Once individuals have joined the Board of Determination meeting area, the Water Resources Commissioner will provide further information about procedures for participation.

After the Board of Determination:

Anyone aggrieved by a decision of the Board of Determination may seek judicial review pursuant to MCL 280.72a.

Joe Bush
Ottawa County Water Resources Commissioner

FAQs

Joe Bush
Ottawa County
Water Resources Commissioner



FREQUENTLY ASKED QUESTIONS Board of Determination

What is a Drainage District?

A drainage district is the land area that benefits from the drain. The drainage district makes up the watershed that contributes water to the drain. Each property and municipality within the drainage district pays for maintenance and improvement of the drain.

What is a Board of Determination?

A Board of Determination is a 3-member panel of disinterested property owners. The role of the Board of Determination is to receive evidence and hear testimony of interested persons and determine whether the petitioned activities are necessary and conducive to the public health, convenience or welfare.

Why did I receive a notice?

A petition was filed with the Ottawa County Water Resources Commissioner requesting maintenance and improvements be performed on the drain. All property owners with lands in the drainage district were sent a copy of the notice.

Does the Board of Determination decide what work gets done?

No, the Board of Determination decides necessity, but does not determine the scope or cost of the project. Further, the Board of Determination does not determine how much property owners and municipalities will be assessed.

Does the decision of the Board of Determination have to be unanimous?

No, only a majority vote of the board of determination is required. Only the members of the Board of Determination vote. The attendees at the meeting do not vote, but instead provide testimony to the board members to assist in their determination.

What is my assessment amount?

Estimated assessment amounts are not yet determined. If the Board of Determination finds the project necessary, the Drain Commissioner will hold a public meeting to review apportionments after a project scope has been determined. Notices for the public hearing on assessments will be sent out at a later date.

Do I have to attend the Board of Determination?

No, you are not required to attend the meeting, however, it is your right to do so.

Can the decision of the Board of Determination be appealed?

Yes. If a person feels aggrieved by the board's determination of necessity, he/she may institute an action in circuit court within 10 days. MCL 280.72a.

How can I get more information?

Visit the Commissioner's website at www.https://www.miottawa.org/Departments/Drain/ or call (616) 994-4530.



Why is the Board of Determination being held electronically?

The Board of Determination is being held electronically to comply with federal and state recommendations to cease from any public assemblies, self-quarantine, and help prohibit the spread of COVID-19.

What is Zoom?

Zoom is a video conferencing service that allows for virtual meetings, either by video, audio-only, or both. Zoom meetings can be accessed through the Zoom app, an internet browser, or by telephone.

How do I download the Zoom app on my device?

You will be prompted to download the app when you enter the meeting link from your notice into a web browser on your computer or device. You can also download the app as follows:

- **Computer.** The computer/laptop app is available for download at zoom.us/download. Select the download for "Zoom Client for Meetings."
- **Smartphone, tablet, and other app-based devices.** Search for "Zoom" in the app store for your device or go to zoom.us/download and select the appropriate link under "Zoom Mobile Apps."

How do I access the Board of Determination on Zoom?

- **By App.** Enter the meeting link from your Notice into a web browser. Permission will be requested to open the app on your device. Alternatively, you can open the app, select "Join," enter the Meeting ID from your Notice, and press the "Join" button.
- **By Web Browser on Computer/Laptop.** Go to zoom.us/join, enter the Meeting ID, and select "Join." For further information about accessing from a web browser, please visit <https://support.zoom.us/hc/en-us/articles/201362593-Launching-Zoom-from-a-web-browser>.
- **By Telephone.** Dial the number provided on your Notice. If requested, enter the Meeting ID from your Notice.

How do I participate during the Board of Determination?

Once you have entered the Zoom meeting, you will be automatically placed on "mute." The Drain Commissioner and meeting host will give further information about how to participate and when public comment is permitted. You are requested to remain "muted" until called on for comment.

How do I indicate I want to comment?

You can indicate that you would like to comment or ask a question by virtually "raising your hand," at which point a hand icon will appear next to your name for the meeting host to see. To "raise your hand":

- **Computer.** Select the icon labeled "Participants" at the bottom of your screen. This will pull up a participant list on the right side of your screen. At the bottom of the participant list, select the "Raise Hand" button. Once called on to speak, select the "Unmute" button on your screen.
- **Smartphone, tablet, and other app-based devices.** Select the "Raise Hand" button at the bottom of your screen. If "Raise Hand" is not present, select the "More" button to reveal more controls. Once called on to speak, select the "Audio" or "Unmute" button on your screen.
- **Telephone.** Dial *9 to "Raise Hand." Once called on to speak, dial *6 to unmute your line.

What if I have difficulty accessing the Board of Determination electronically?

Please call the Drain Commissioner's Office at (616) 994-4530. Every effort will be made to help ensure your participation.

Can I submit questions or comments prior to the Board of Determination electronically?

Questions and comments prior to the meeting can be submitted by calling (616) 994-4530.