

CHAPTER 22A

WATERSHED MANAGEMENT

SEC. 585. AS USED IN THIS CHAPTER, UNLESS THE CONTEXT INDICATES OTHERWISE:

(A) "ADVISORY BOARD" MEANS A WATERSHED MANAGEMENT DISTRICT ADVISORY BOARD ESTABLISHED UNDER SECTION 592.

(B) "BENEFIT" OR "BENEFITS" MEANS THE ADVANTAGES RESULTING FROM A PLAN OR PROJECT TO PUBLIC CORPORATIONS, THE RESIDENTS OF PUBLIC CORPORATIONS, AND PROPERTY WITHIN PUBLIC CORPORATIONS.

BENEFITS INCLUDE, BUT ARE NOT LIMITED TO, BENEFITS THAT RESULT FROM THE MANAGEMENT AND CONTROL OF WATER, SUCH AS ELIMINATION OR REDUCTION OF FLOOD DAMAGE, ELIMINATION OR REDUCTION OF WATER QUALITY CONDITIONS THAT JEOPARDIZE THE PUBLIC HEALTH, SAFETY, OR WELFARE, INCREASE OF THE VALUE OR USE OF LANDS AND PROPERTY ARISING FROM IMPROVED WATER QUALITY, INCREASED USEFULNESS OF THE WATER FOR AGRICULTURAL OR RECREATIONAL USES, REDUCTION OF FLOODING, IMPROVED DRAINAGE, AND REMEDYING A PUBLIC CORPORATION'S CONTRIBUTIONS TO THE CONDITIONS THAT MAKE A PLAN NECESSARY.

(C) "COMMISSION" MEANS THE WATERSHED MANAGEMENT COMMISSION OF A DISTRICT.

(D) "DISTRICT", UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, MEANS A WATERSHED MANAGEMENT DISTRICT.

(E) "EXECUTIVE COMMITTEE" MEANS THE WATERSHED MANAGEMENT DISTRICT EXECUTIVE COMMITTEE ESTABLISHED UNDER SECTION 591.

(F) "PETITION FILER" MEANS THE PERSON WHO FILED A PETITION UNDER SECTION 586 TO INITIATE PROCEDURES TO ESTABLISH A DISTRICT.

1 (G) "PLAN" MEANS A WATERSHED MANAGEMENT PLAN ADOPTED UNDER
2 SECTION 595.

3 (H) "PROJECT" MEANS AN ACTIVITY SET FORTH IN THE PLAN.

4 (I) "PUBLIC CORPORATION" MEANS A COUNTY, TOWNSHIP, CITY, OR
5 VILLAGE.

6 (J) "STUDY" OR "WATERSHED STUDY" MEANS THE PROCESS BY WHICH
7 THE OBJECTIVES OF THE PETITION UNDER SECTION 586 OR OBJECTIVES
8 IDENTIFIED BY THE COMMISSION ARE INVESTIGATED AND RESOLVED, SET-
9 TING FORTH THE WATERSHED MANAGEMENT PLAN.

10 (K) "WATERSHED" MEANS A GEOGRAPHIC AREA OF ANY SIZE FROM
11 WHICH WATER SEEKS A COMMON OUTLET, INCLUDING, BUT NOT LIMITED TO,
12 A CREEKSHED, CATCHMENT AREA, DRAINAGE BASIN, DRAINAGE DISTRICT,
13 OR RIVER BASIN.

14 SEC. 586. (1) TO INITIATE PROCEDURES TO ESTABLISH A WATER-
15 SHED MANAGEMENT DISTRICT AND DEVELOP A WATERSHED MANAGEMENT PLAN,
16 A PETITION SHALL BE FILED WITH THE COUNTY BOARD OF COMMISSIONERS
17 IN A COUNTY WHERE ALL OR A PORTION OF THE PROPOSED WATERSHED MAN-
18 AGEMENT DISTRICT IS TO BE LOCATED AND ESTABLISHED.

19 (2) THE PETITION SHALL STATE THAT IT IS FILED UNDER THIS
20 CHAPTER, REQUEST THE ESTABLISHMENT OF A DISTRICT, PROPOSE A NAME
21 FOR THE DISTRICT, AND PROVIDE INFORMATION SHOWING THAT THE DIS-
22 TRICT IS WARRANTED TO PROTECT THE PUBLIC HEALTH OR WELFARE OR TO
23 PROTECT AND REHABILITATE THE WATERS OF THE PROPOSED DISTRICT.
24 THE PETITION SHALL IDENTIFY THE COMMON OUTLET FOR THE WATERS OF
25 THE PROPOSED DISTRICT. THE PETITION SHALL INCLUDE A GENERAL
26 DESCRIPTION OF THE LOCATION OF THE PROPOSED DISTRICT WHICH MAY
27 CONSIST OF A MAP GENERALLY OUTLINING THE BOUNDARIES OF THE

1 PROPOSED DISTRICT. THE PETITION SHALL ALSO REQUEST THE
2 DEVELOPMENT OF A WATERSHED MANAGEMENT PLAN AND IDENTIFY THE
3 OBJECTIVES TO BE INVESTIGATED. THE PETITION MAY SPECIFY PERSONS
4 OR ENTITIES THAT SHOULD BE CONSIDERED FOR MEMBERSHIP ON ANY
5 APPOINTED WATERSHED ADVISORY BOARD.

6 (3) A PETITION FOR THE ESTABLISHMENT OF A DISTRICT SHALL BE
7 SIGNED BY 1 OF THE FOLLOWING, AS APPLICABLE:

8 (A) FOR A DISTRICT LYING WHOLLY WITHIN THE BOUNDARIES OF 1
9 COUNTY, BY A RESOLUTION OF THE GOVERNING BODY OF AT LEAST 1
10 PUBLIC CORPORATION LYING WHOLLY OR PARTLY WITHIN THAT COUNTY AND
11 WHOLLY OR PARTLY WITHIN THE DISTRICT.

12 (B) FOR A DISTRICT LYING WHOLLY OR PARTLY WITHIN 2 OR MORE
13 COUNTIES, BY RESOLUTIONS OF THE GOVERNING BODIES OF AT LEAST 2
14 PUBLIC CORPORATIONS LYING WHOLLY OR PARTLY WITHIN THOSE COUNTIES
15 AND WHOLLY OR PARTLY WITHIN THE DISTRICT.

16 SEC. 587. THE PETITION FILER SHALL ALSO FILE WITH THE BOARD
17 OF COUNTY COMMISSIONERS A CASH DEPOSIT SUFFICIENT TO PAY THE
18 COSTS, AS DETERMINED BY THE COUNTY BOARD OF COMMISSIONERS, OF
19 NOTICE UPON EACH AFFECTED PUBLIC CORPORATION, PUBLICATION OF
20 NOTICE FOR THE FIRST MEETING OF THE COMMISSION, AND PUBLICATION
21 OF THE FIRST HEARING. ANY UNUSED FUNDS FROM THE DEPOSIT SHALL BE
22 RETURNED TO THE PERSON FILING THE PETITION. IF A DISTRICT IS
23 ESTABLISHED, THE BALANCE OF THE DEPOSIT SHALL BE CONSIDERED A
24 COST OF THE WATERSHED MANAGEMENT DISTRICT, SHALL BE COLLECTED IN
25 THE FIRST ASSESSMENT, AND SHALL BE RETURNED TO THE PETITIONER
26 UPON COLLECTION OF THE FIRST ASSESSMENT.

1 SEC. 588. (1) WITHIN 42 DAYS FOLLOWING RECEIPT OF THE
2 PETITION, THE COUNTY BOARD OF COMMISSIONERS SHALL REVIEW THE
3 PETITION FOR SUFFICIENCY UNDER SECTION 586. IF THE PETITION IS
4 INSUFFICIENT UNDER SECTION 586, THE COUNTY BOARD OF COMMISSIONERS
5 SHALL RETURN THE PETITION TO THE FILER OF THE PETITION WITH A
6 WRITTEN EXPLANATION OF THE REASONS THAT THE PETITION IS
7 INSUFFICIENT.

8 (2) IF THE COUNTY BOARD OF COMMISSIONERS FINDS THAT THE
9 PETITION IS SUFFICIENT, A WATERSHED MANAGEMENT COMMISSION IS
10 ESTABLISHED FOR THE PROPOSED DISTRICT. THE COMMISSION SHALL CON-
11 SIST OF THE FOLLOWING MEMBERS:

12 (A) THE DRAIN COMMISSIONER OF EACH COUNTY WITHIN THE
13 DISTRICT.

14 (B) THE CHIEF ELECTED OFFICIAL OR AN ELECTED OFFICIAL DESIG-
15 NATED BY THE CHIEF ELECTED OFFICIAL OF EACH PUBLIC CORPORATION
16 WITH LANDS WITHIN THE DISTRICT.

17 (C) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY
18 OR A PERSON DESIGNATED BY THE DIRECTOR AS A NONVOTING MEMBER.

19 (D) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR A
20 PERSON DESIGNATED BY THE DIRECTOR AS A NONVOTING MEMBER.

21 (E) UNLESS THE DISTRICT LIES WHOLLY WITHIN THE BOUNDARIES OF
22 1 COUNTY, THE DIRECTOR OF AGRICULTURE OR A PERSON DESIGNATED BY
23 THE DIRECTOR.

24 (3) WITHIN 28 DAYS OF DETERMINING THAT THE PETITION IS SUF-
25 FICIENT, THE COUNTY BOARD OF COMMISSIONERS SHALL DO BOTH OF THE
26 FOLLOWING:

1 (A) MAKE A PRELIMINARY FINDING OF THE PUBLIC CORPORATIONS
2 SUBJECT TO ASSESSMENT UNDER THIS CHAPTER.

3 (B) BY FIRST-CLASS MAIL PROVIDE NOTICE OF THE FIRST MEETING
4 OF THE WATERSHED MANAGEMENT COMMISSION TO ALL OF THE FOLLOWING:

5 (i) THE COUNTY CLERK, DRAIN COMMISSIONER, AND CHAIRPERSON OF
6 THE COUNTY ROAD COMMISSION OF EACH COUNTY SUBJECT TO ASSESSMENT
7 UNDER THIS CHAPTER.

8 (ii) THE CHAIRPERSON OF EACH CONSERVATION DISTRICT WITHIN
9 THE PROPOSED WATERSHED MANAGEMENT DISTRICT.

10 (iii) THE CLERK OF EACH CITY, VILLAGE, AND TOWNSHIP HAVING
11 LANDS WITHIN THE PROPOSED DISTRICT.

12 (iv) THE DIRECTOR OF AGRICULTURE.

13 (v) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
14 QUALITY.

15 (vi) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

16 (vii) THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT.

17 (viii) THE CHAIRPERSON OF ANY WATERSHED COUNCIL ESTABLISHED
18 UNDER PART 311 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
19 TION ACT, 1994 PA 451, MCL 324.31101 TO 324.31119, WHOSE WATER-
20 SHED LIES WHOLLY OR PARTLY WITHIN THE DISTRICT.

21 (4) THE NOTICE SHALL INCLUDE A COPY OF THE PETITION AND
22 SHALL REQUEST EACH NOTIFIED PUBLIC CORPORATION TO DESIGNATE A
23 REPRESENTATIVE TO THE COMMISSION AND STATE THE TIME AND PLACE OF
24 THE FIRST MEETING WHICH SHALL BE NOT LESS THAN 42 AND NOT MORE
25 THAN 63 DAYS FOLLOWING THE MAILING OF THE NOTICE. FAILURE OF THE
26 GOVERNING BODY OF A PUBLIC CORPORATION TO DESIGNATE A
27 REPRESENTATIVE TO THE COMMISSION DOES NOT PREVENT THE INCLUSION

1 OF THE PUBLIC CORPORATION IN THE DISTRICT OR EXEMPT IT FROM
2 ASSESSMENT OR OTHER OBLIGATIONS UNDER THIS CHAPTER.

3 (5) THE COUNTY BOARD OF COMMISSIONERS WITH WHOM THE PETITION
4 WAS FILED SHALL ALSO PUBLISH A NOTICE OF THE FIRST MEETING OF THE
5 COMMISSION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PROPOSED
6 DISTRICT.

7 (6) EACH COUNTY BOARD OF COMMISSIONERS WHOSE COUNTY LIES
8 WHOLLY OR PARTLY WITHIN THE BOUNDARIES OF THE DISTRICT SHALL BY
9 FIRST-CLASS MAIL DELIVER A COPY OF THE NOTICE UNDER SUBSECTION
10 (4) TO ANY INTERESTED PARTY THAT HAS MADE A WRITTEN REQUEST TO BE
11 NOTIFIED REGARDING WATERSHED MANAGEMENT DISTRICT PETITIONS.

12 SEC. 589. (1) AT THE FIRST MEETING OF THE COMMISSION, THE
13 COMMISSION SHALL ELECT A CHAIRPERSON, VICE-CHAIRPERSON, AND SEC-
14 RETARY FROM AMONG ITS MEMBERS. THE CHAIRPERSON OF THE COMMISSION
15 MAY VOTE ONLY IF NECESSARY TO CAST THE DECIDING VOTE IN CASE OF A
16 TIE.

17 (2) AT ITS FIRST MEETING, THE COMMISSION SHALL ESTABLISH THE
18 VOTING AUTHORITY OF ITS VOTING MEMBERS. THE VOTING AUTHORITY OF
19 MEMBERS DESCRIBED IN SECTION 588(2)(B) SHALL BE WEIGHTED. THE
20 WEIGHTING SHALL BE BASED UPON A COMBINATION OF THE PERCENTAGE OF
21 TOTAL POPULATION OF THE PROPOSED DISTRICT THAT RESIDES IN THE
22 PUBLIC CORPORATION REPRESENTED BY EACH MEMBER AND THE PERCENTAGE
23 OF THE TOTAL ACREAGE IN THE PROPOSED DISTRICT THAT LIES IN THE
24 PUBLIC CORPORATION REPRESENTED BY EACH MEMBER. THE COMMISSION
25 SHALL ADJUST THE VOTING AUTHORITY, IF NECESSARY, UPON THE
26 COMMISSION'S FINAL DETERMINATION OF THE DISTRICT BOUNDARY.

1 (3) THE COMMISSION SHALL DESIGNATE THE DRAIN COMMISSIONER OF
2 1 OF THE COUNTIES IN THE DISTRICT TO SERVE AS TREASURER OF THE
3 DISTRICT. MONEY HELD BY THE DISTRICT'S TREASURER SHALL ONLY BE
4 PAID OUT UPON THE ORDER OF THE COMMISSION EXCEPT FOR THE PAYMENT
5 OF PRINCIPAL AND INTEREST ON NOTES OR BONDS. THE COMMISSION
6 SHALL CAUSE THE ACCOUNTS OF THE DISTRICT'S TREASURER TO BE
7 AUDITED ANNUALLY BY A CERTIFIED PUBLIC ACCOUNTANT. THE EXPENSE
8 OF THE AUDIT SHALL BE PAID BY THE DISTRICT. THE DISTRICT'S TREA-
9 SURER SHALL INVEST THE FUNDS AS DIRECTED BY THE COMMISSION.
10 UNLESS THE COMMISSION DIRECTS OTHERWISE, THE FUNDS SHALL BE
11 INVESTED IN INTEREST BEARING ACCOUNTS IN THE NAME OF THE
12 DISTRICT.

13 (4) THE COMMISSION SHALL ADOPT RULES OF DISTRICT PROCEDURES
14 OR BYLAWS NOT INCONSISTENT WITH THIS CHAPTER.

15 (5) THE BUSINESS THAT THE COMMISSION, THE EXECUTIVE COMMIT-
16 TEE, IF ANY, OR THE ADVISORY BOARD MAY PERFORM SHALL BE CONDUCTED
17 AT A PUBLIC MEETING OF THE COMMISSION, THE EXECUTIVE COMMITTEE,
18 OR THE ADVISORY BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS
19 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

20 (6) A MEETING OF THE COMMISSION SHALL BE CALLED BY THE
21 CHAIRPERSON OR 2 OR MORE MEMBERS OF THE COMMISSION BY SENDING
22 NOTICE OF THE MEETING BY FIRST-CLASS MAIL TO EACH MEMBER NOT LESS
23 THAN 20 DAYS BEFORE THE DATE OF THE MEETING. A MAJORITY OF THE
24 MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSI-
25 NESS, BUT A LESSER NUMBER MAY ADJOURN FROM TIME TO TIME. UNLESS
26 OTHERWISE PROVIDED IN THIS ACT, AN ACTION SHALL NOT BE TAKEN
27 EXCEPT BY A MAJORITY VOTE OF THE MEMBERS PRESENT AND VOTING.

1 (7) THE COMMISSION SHALL MEET AT LEAST ONCE ANNUALLY BEFORE
2 APRIL 1. THE FIRST MEETING OF THE COMMISSION EACH YEAR SHALL BE
3 CONSIDERED ITS ANNUAL MEETING. AT ITS ANNUAL MEETING, THE COM-
4 MISSION SHALL DO ALL OF THE FOLLOWING:

5 (A) APPOINT MEMBERS OF THE WATERSHED ADVISORY BOARD AND
6 EXECUTIVE COMMITTEE AND SUCH OTHER COMMITTEES AS IT CONSIDERS
7 APPROPRIATE.

8 (B) APPROVE ASSESSMENTS FOR DISTRICT OPERATION AND WATERSHED
9 MANAGEMENT PLAN IMPLEMENTATION.

10 (C) APPROVE AN ANNUAL WORK PLAN AND ANNUAL BUDGET FOR THE
11 DISTRICT FOR THE ENSUING YEAR, AND CONDUCT OTHER BUSINESS.

12 (D) ISSUE AN ANNUAL REPORT STATING PROGRESS TOWARD THE
13 PETITION.

14 (E) CONDUCT OTHER BUSINESS.

15 (8) A COPY OF THE ANNUAL REPORT AND BUDGET SHALL BE PRE-
16 PARED, PUBLISHED, AND PROVIDED TO ALL PUBLIC CORPORATIONS IN THE
17 DISTRICT, THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF ENVI-
18 RONMENTAL QUALITY, AND THE DEPARTMENT OF NATURAL RESOURCES.

19 (9) ORDERS ISSUED BY THE COMMISSION SHALL BE SIGNED BY THE
20 CHAIRPERSON AND THE SECRETARY.

21 (10) THE SECRETARY SHALL PREPARE AND SIGN TRIPLICATE ORIGI-
22 NALS OF THE MINUTES OF THE PROCEEDINGS OF THE BODY. THE SECRE-
23 TARY SHALL RETAIN 1 ORIGINAL, FILE 1 ORIGINAL WITH THE CHAIR-
24 PERSON, AND FILE 1 ORIGINAL WITH THE DIRECTOR OF THE DEPARTMENT
25 OF AGRICULTURE. THE ORIGINALS OF ALL PROCEEDINGS AND RECORDS
26 SHALL BE KEPT ON FILE WITH THE SECRETARY.

1 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
2 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
3 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
4 442, MCL 15.231 TO 15.246.

5 SEC. 590. (1) AT THE FIRST MEETING, THE COMMISSION SHALL
6 TENTATIVELY DETERMINE THE PRACTICALITY OF THE PETITION AND
7 WHETHER A DISTRICT IS WARRANTED TO PROTECT THE PUBLIC HEALTH OR
8 WELFARE OR TO PROTECT AND REHABILITATE THE WATERS OF THE
9 DISTRICT. IF THE COMMISSION DETERMINES THAT THE PETITION IS NOT
10 PRACTICAL, THE COMMISSION MAY RETURN THE PETITION TO THE PETITION
11 FILER FOR SUPPLEMENTATION AND REFINEMENT. IF SUCH REFINEMENT
12 RESULTS IN THE INCLUSION OF ADDITIONAL PUBLIC CORPORATIONS WHICH
13 ARE ENTITLED TO DESIGNATE A MEMBER OF THE COMMISSION, THE COMMISS-
14 SION SHALL NOTIFY THE CLERK OF THE PUBLIC CORPORATION OF THE TIME
15 AND PLACE TO RECONVENE THE COMMISSION. IF THE COMMISSION AT ANY
16 TIME DETERMINES THAT THE DISTRICT IS NOT WARRANTED TO PROTECT THE
17 PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHABILITATE THE
18 WATERS OF THE DISTRICT, IT SHALL ORDER THE PETITION DISMISSED AND
19 PROCEEDINGS UNDER THE PETITION SHALL BE TERMINATED. IF A PETI-
20 TION IS SO DISMISSED, A PETITION THAT IS THE SAME OR SUBSTAN-
21 TIALY THE SAME SHALL NOT BE FILED UNDER THIS CHAPTER FOR 1 YEAR
22 AFTER THE DATE OF DISMISSAL.

23 (2) IF THE COMMISSION TENTATIVELY FINDS THAT THE PETITION IS
24 PRACTICAL AND THAT THE WATERSHED MANAGEMENT DISTRICT IS WARRANTED
25 TO PROTECT THE PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHA-
26 BILITATE THE WATERS OF THE DISTRICT, IT SHALL PROMPTLY SELECT A
27 NAME FOR THE DISTRICT AND MAKE A TENTATIVE DETERMINATION OF THE

1 PUBLIC CORPORATIONS TO BE ASSESSED FOR THE COST, AND FIX A TIME,
2 DATE, AND PLACE TO HEAR OBJECTIONS TO THE ESTABLISHMENT OF THE
3 DISTRICT AND PUBLIC CORPORATIONS SUBJECT TO ASSESSMENT. THE
4 HEARING SHALL TAKE PLACE WITHIN 42 DAYS OF THE TENTATIVE DETERMI-
5 NATION OF THE PUBLIC CORPORATIONS TO BE ASSESSED. NOTICE OF THE
6 HEARING SHALL BE PUBLISHED TWICE IN A NEWSPAPER OF GENERAL CIRCU-
7 LATION IN THE DISTRICT. THE PUBLICATION SHALL NOT BE LESS THAN
8 21 DAYS BEFORE THE DATE OF THE HEARING. THE NOTICE SHALL ALSO BE
9 SENT BY FIRST-CLASS MAIL TO THE CLERK OF EACH PUBLIC CORPORATION
10 PROPOSED TO BE ASSESSED NOT LESS THAN 21 DAYS BEFORE THE DATE OF
11 THE HEARING. THE NOTICE SHALL BE SIGNED BY THE CHAIRPERSON AND
12 PROOF OF THE PUBLICATION AND MAILING OF THE NOTICE SHALL BE FILED
13 IN HIS OR HER OFFICE. THE PROOF SHALL BE CONSIDERED CONCLUSIVE
14 EVIDENCE OF THE PUBLICATION AND MAILING. THE COMMISSION MAY PRO-
15 VIDE A FORM TO BE SUBSTANTIALLY FOLLOWED IN GIVING OF NOTICE.

16 (3) AFTER THE HEARING, THE COMMISSION SHALL DETERMINE
17 WHETHER THE PETITION IS PRACTICAL AND THE DISTRICT IS WARRANTED
18 TO PROTECT THE PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHA-
19 BILITATE THE WATERS OF THE DISTRICT AND, IF SO, THE PUBLIC CORPO-
20 RATIONS TO BE ASSESSED. THE COMMISSION SHALL ISSUE ITS ORDER
21 ACCORDINGLY. THE ORDER SHALL SET FORTH THE VOTING AUTHORITY OF
22 THE VOTING MEMBERS OF THE COMMISSION. THE ORDER SHALL BE KNOWN
23 AS THE ORDER DESIGNATING THE WATERSHED MANAGEMENT DISTRICT. A
24 PUBLIC CORPORATION SHALL NOT BE ELIMINATED FROM OR ADDED TO THOSE
25 TENTATIVELY DETERMINED TO BE ASSESSED WITHOUT A REHEARING AFTER
26 NOTICE.

1 (4) THE COMMISSION SHALL PUBLISH NOTICE OF THE ORDER
2 DESIGNATING THE DISTRICT IN A NEWSPAPER OF GENERAL CIRCULATION IN
3 THE DISTRICT. THE NOTICE SHALL GIVE A GENERAL DESCRIPTION OF THE
4 COMMON OUTLET AND THE LOCATION OF THE DISTRICT AS SHOWN BY THE
5 ORDER. IN ADDITION, THE COMMISSION SHALL SERVE A COPY OF THE
6 ORDER BY FIRST-CLASS MAIL ON THE CLERK OF EACH PUBLIC CORPORATION
7 WITHIN THE DISTRICT, THE DIRECTOR OF AGRICULTURE, THE DIRECTOR OF
8 THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DIRECTOR OF THE
9 DEPARTMENT OF NATURAL RESOURCES, AND THE SECRETARY OF EACH SOIL
10 CONSERVATION DISTRICT WITHIN THE PROPOSED DISTRICT.

11 (5) NOT MORE THAN 28 DAYS AFTER PUBLICATION OF NOTICE OF THE
12 ORDER DESIGNATING THE DISTRICT, A PUBLIC CORPORATION AGGRIEVED BY
13 THE ORDER DESIGNATING THE DISTRICT MAY FILE AN APPEAL IN THE CIR-
14 CUIT COURT FOR THE COUNTY WHERE THAT PUBLIC CORPORATION IS
15 LOCATED.

16 SEC. 591. (1) THE COMMISSION SHALL FUNCTION AS THE GOVERN-
17 ING BODY OF THE DISTRICT. ACTIONS TAKEN BY THE COMMISSION SHALL
18 BE TAKEN IN THE NAME OF THE DISTRICT.

19 (2) AFTER THE COMMISSION ISSUES ITS ORDER DESIGNATING THE
20 DISTRICT, IT MAY APPOINT A WATERSHED MANAGEMENT DISTRICT EXECU-
21 TIVE COMMITTEE. ONLY MEMBERS OF THE COMMISSION ARE ELIGIBLE TO
22 BE MEMBERS OF THE EXECUTIVE COMMITTEE. THE MEMBERS OF THE EXECU-
23 TIVE COMMITTEE SHALL BE ELECTED BY A VOTE OF THE MAJORITY OF THE
24 MEMBERS OF THE COMMISSION. HOWEVER, EACH DRAIN COMMISSIONER
25 SERVING ON THE COMMISSION SHALL BE A MEMBER OF THE EXECUTIVE
26 COMMITTEE.

1 (3) THE EXECUTIVE COMMITTEE SHALL PERFORM ADMINISTRATIVE AND
2 MINISTERIAL DUTIES AS DIRECTED BY THE COMMISSION AND OUTLINED IN
3 ITS BYLAWS. THE EXECUTIVE COMMITTEE'S DUTIES MAY INCLUDE CONDUCT
4 OF MEETINGS AND PUBLIC HEARINGS FOR PURPOSES OF RECOMMENDING A
5 WATERSHED MANAGEMENT PLAN AND RECOMMENDING IMPLEMENTATION OF THE
6 PLAN. THE EXECUTIVE COMMITTEE MAY PREPARE AND MAKE RECOMMENDA-
7 TIONS AS TO THE APPORTIONMENT OF COSTS AND THE REVIEW OF
8 EXPENDITURES. HOWEVER, THE ADOPTION OF THE FINAL PLAN, IMPLEMEN-
9 TATION OF THE PLAN, FINAL APPORTIONMENT OF COSTS, ADOPTION OF AN
10 ANNUAL BUDGET, AND AUTHORIZATION OF ASSESSMENTS SHALL BE APPROVED
11 BY THE MAJORITY OF THE COMMISSION.

12 SEC. 592. (1) AFTER THE ISSUANCE OF THE ORDER DESIGNATING
13 THE DISTRICT, THE COMMISSION SHALL DEVELOP THE TENTATIVE SCOPE OF
14 THE WATERSHED STUDY WHICH SHALL GUIDE THE DEVELOPMENT OF THE
15 WATERSHED MANAGEMENT PLAN.

16 (2) THE COMMISSION SHALL APPOINT A WATERSHED MANAGEMENT DIS-
17 TRICT ADVISORY BOARD. THE COMMISSION SHALL INVITE THE DEPARTMENT
18 OF NATURAL RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
19 THE STATE TRANSPORTATION DEPARTMENT, AND ANY WATERSHED COUNCIL
20 ESTABLISHED UNDER PART 311 OF THE NATURAL RESOURCES AND ENVIRON-
21 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.31101 TO 324.31119,
22 CONSERVATION DISTRICT, OR BOARD OF COUNTY ROAD COMMISSIONERS
23 WHOSE WATERSHED, CONSERVATION DISTRICT, OR COUNTY LIES WHOLLY OR
24 PARTLY WITHIN THE WATERSHED MANAGEMENT DISTRICT TO APPOINT A REP-
25 RESENTATIVE TO THE ADVISORY BOARD. THE COMMISSION MAY CONSIDER
26 AS MEMBERS OF THE ADVISORY BOARD THOSE PERSONS OR ENTITIES WHICH
27 WERE SPECIFIED AS PART OF THE PETITION, AND ANY OTHER PERSON OR

1 ENTITY WITH AN INTEREST IN THE DISTRICT, INCLUDING, BUT NOT
2 LIMITED TO, FEDERAL, STATE, COUNTY, AND MUNICIPAL AGENCIES,
3 REGIONAL PLANNING AGENCIES, PROPERTY OWNERS, AND INTEREST
4 GROUPS. IT IS INTENDED THAT THE ADVISORY BOARD INCLUDE MEMBERS
5 WHO WILL REPRESENT A BALANCE OF THE INTERESTS EXISTING IN THE
6 DISTRICT.

7 (3) AT ITS FIRST MEETING, THE ADVISORY BOARD SHALL ELECT A
8 CHAIRPERSON AND SECRETARY. MINUTES SHALL BE KEPT AT ALL MEET-
9 INGS, AND RECORDS OF ALL PROCEEDINGS AND RECOMMENDATIONS OF THE
10 ADVISORY BOARD SHALL BE FILED IN THE OFFICE OF THE CHAIRPERSON OF
11 THE COMMISSION.

12 (4) THE COMMISSION SHALL APPOINT AT LEAST 1 MEMBER OF THE
13 COMMISSION TO THE ADVISORY BOARD. ONCE THE ADVISORY BOARD HAS
14 BEEN ESTABLISHED, THE COMMISSION SHALL PERIODICALLY REVIEW THE
15 MEMBERSHIP BASED UPON DEMOGRAPHIC INFORMATION CONCERNING THE DIS-
16 TRICT AND REVISE THE MEMBERSHIP AS NECESSARY TO ENSURE A BALANCE
17 OF ALL INTERESTS IN THE DISTRICT.

18 (5) THE ADVISORY BOARD, IN CONJUNCTION WITH THE COMMISSION
19 OR ITS EXECUTIVE COMMITTEE, OR BOTH, SHALL FURTHER DEFINE THE
20 SCOPE OF THE WATERSHED STUDY. THE WATERSHED STUDY OR THE PLAN
21 MAY INCLUDE 1 OR MORE OF THE FOLLOWING:

22 (A) PREPARATION OF PLANS.

23 (B) PROBLEM ASSESSMENT.

24 (C) SPECIAL STUDIES.

25 (D) WATER QUALITY, WATER QUANTITY MONITORING, OR BIOLOGICAL
26 MONITORING.

1 (E) MODELING.

2 (F) DATA GATHERING.

3 (G) EDUCATION AND EDUCATION PROGRAMS.

4 (H) PURCHASE OF LANDS, ACQUISITION OF CONSERVATION OR OTHER
5 EASEMENTS OR RIGHTS-OF-WAY, OR PURCHASE OF DEVELOPMENT RIGHTS.

6 (I) DEVELOPMENT OF ORDINANCES AND REGULATORY PROGRAMS RECOM-
7 MENDED FOR CONSIDERATION BY PUBLIC CORPORATIONS.

8 (J) MAPPING.

9 (K) PUBLICATIONS.

10 (L) TESTING.

11 (M) HYDROLOGICAL ENGINEERING, ANALYSIS, AND MODELING.

12 (N) DEVELOPMENT AND DRAFTING OF RECOMMENDED MANAGEMENT
13 PRACTICES.

14 (O) ANY OTHER COMPONENT CONSIDERED APPROPRIATE BY THE COM-
15 MISSION TO ACCOMPLISH THE PURPOSE OF THIS CHAPTER, OTHER THAN
16 CONSTRUCTION ACTIVITIES WHICH CONSTITUTE MAINTENANCE, IMPROVE-
17 MENT, OR CONSTRUCTION OF A DRAIN OR CONSTRUCTION ACTIVITIES
18 WITHIN BOUNDARIES OF THE WATERCOURSE.

19 (6) THE ADVISORY BOARD SHALL CONDUCT PUBLIC MEETINGS TO
20 GATHER INPUT ON THE SCOPE OF THE WATERSHED STUDY. THE ADVISORY
21 BOARD SHALL PREPARE ITS RECOMMENDATION FOR THE SCOPE OF THE
22 WATERSHED STUDY. THE RECOMMENDATION SHALL BE FORWARDED TO THE
23 COMMISSION.

24 (7) UPON RECEIPT OF THE ADVISORY BOARD'S RECOMMENDATION, THE
25 COMMISSION SHALL CONVENE TO DECIDE WHETHER OR NOT TO TENTATIVELY
26 ADOPT THE SCOPE OF THE WATERSHED STUDY.

1 SEC. 593. (1) IF THE COMMISSION TENTATIVELY ADOPTS THE
2 SCOPE OF THE WATERSHED STUDY, THE COMMISSION SHALL SET A TIME,
3 DATE, AND PLACE FOR A MEETING TO HEAR ANY OBJECTIONS TO THE PRO-
4 POSED SCOPE OF THE WATERSHED STUDY. AFTER HEARING ANY OBJECTIONS
5 TO THE PROPOSED SCOPE OF THE WATERSHED STUDY AND GIVING THE
6 OBJECTIONS DUE CONSIDERATION, THE COMMISSION SHALL FINALIZE THE
7 SCOPE OF THE WATERSHED STUDY, ADOPT THE SCOPE OF THE WATERSHED
8 STUDY, AND TENTATIVELY APPORTION BENEFITS IN A FIRST ORDER OF
9 DETERMINATION.

10 (2) INTERESTED PARTIES MAY APPEAL THE SCOPE OF THE PLAN OR
11 THE APPORTIONMENT OF BENEFITS TO THE CIRCUIT COURT IN THE COUNTY
12 WHERE THEY RESIDE WITHIN 21 DAYS OF THE ISSUANCE OF THE FIRST
13 ORDER.

14 (3) THE COMMISSION SHALL NOT PROCEED WITH THE PREPARATION OF
15 THE WATERSHED STUDY WHILE ANY APPEALS ARE PENDING.

16 SEC. 594. (1) AFTER ANY APPEALS HAVE BEEN RESOLVED, THE
17 COMMISSION SHALL AUTHORIZE THE ADVISORY BOARD TO CONDUCT THE
18 WATERSHED STUDY. THE COMMISSION SHALL ESTABLISH OPERATING PROCE-
19 DURES FOR THE ADVISORY BOARD TO CONDUCT THE WATERSHED STUDY AND
20 DEVELOP THE DRAFT PLAN.

21 (2) AFTER THE FIRST ORDER OF DETERMINATION HAS BEEN ENTERED,
22 THE COMMISSION MAY CONTRACT WITH PERSONS TO ASSIST IN THE WATER-
23 SHED STUDY AND ASSIST THE ADVISORY BOARD IN THE PREPARATION OF
24 THE DRAFT PLAN. THE COMMISSION MAY HIRE EMPLOYEES AND DETERMINE
25 THEIR COMPENSATION. AN EMPLOYEE SHALL NOT BE A MEMBER OF THE
26 COMMISSION OR ANY ADVISORY BOARD.

1 (3) THE ADVISORY BOARD SHALL OBTAIN PUBLIC INPUT ON THE
2 DRAFT PLAN THROUGH A PUBLIC PARTICIPATION PROCESS THAT MAY
3 INCLUDE PUBLIC INFORMATION MEETINGS, NEWS RELEASES, AND OTHER
4 ACTIVITIES. AS A MINIMUM, THE ADVISORY BOARD SHALL CONVENE AT
5 LEAST 1 PUBLIC HEARING TO SOLICIT COMMENTS ON THE DRAFT PLAN.
6 THE ADVISORY BOARD SHALL GIVE DUE CONSIDERATION TO ANY RECOMMEN-
7 DATION SUBMITTED BY LANDOWNERS, PUBLIC CORPORATIONS, AND OTHER
8 INTERESTED PARTIES.

9 (4) PROMPTLY AFTER COMPLETION OF THE WATERSHED STUDY AND
10 PREPARATION OF A DRAFT WATERSHED MANAGEMENT PLAN, THE ADVISORY
11 BOARD SHALL SUBMIT ITS REPORT AND RECOMMENDATIONS TO THE
12 COMMISSION.

13 SEC. 595. (1) AFTER RECEIPT OF THE WRITTEN REPORT AND REC-
14 OMMENDATIONS FROM THE ADVISORY BOARD, THE CHAIRPERSON OF THE COM-
15 MISSION SHALL FORWARD THE REPORT AND RECOMMENDATIONS TO THE MEM-
16 BERS OF THE COMMISSION AND SET THE TIME, DATE, AND PLACE FOR A
17 MEETING TO DECIDE WHETHER OR NOT TO TENTATIVELY ADOPT THE DRAFT
18 PLAN. IF THE COMMISSION TENTATIVELY ADOPTS THE DRAFT PLAN, THE
19 CHAIRPERSON OF THE COMMISSION SHALL GIVE NOTICE OF THE TIME,
20 DATE, AND PLACE OF A PUBLIC HEARING TO HEAR OBJECTIONS TO THE
21 DRAFT PLAN AND THE PROPOSED APPORTIONMENT OF COSTS OF IMPLEMENTA-
22 TION OF THE DRAFT PLAN TO THE DESIGNATED PUBLIC CORPORATIONS.
23 NOTICE OF THE HEARING SHALL BE PUBLISHED TWICE IN A NEWSPAPER OF
24 GENERAL CIRCULATION IN THE DISTRICT. THE FIRST PUBLICATION SHALL
25 BE NOT LESS THAN 21 DAYS BEFORE THE DATE OF THE HEARING. NOTICE
26 SHALL ALSO BE SENT BY FIRST-CLASS MAIL TO THE CLERK OF EACH
27 PUBLIC CORPORATION PROPOSED TO BE ASSESSED NOT LESS THAN 21 DAYS

1 BEFORE THE DATE OF THE HEARING. THE CHAIRPERSON OF THE
2 COMMISSION SHALL SIGN AND FILE IN HIS OR HER OFFICE AN AFFIDAVIT
3 OF THE PUBLISHED AND MAILED NOTICE. THE AFFIDAVIT IS CONCLUSIVE
4 PROOF OF THE PUBLICATION OR MAILING OF THE NOTICE.

5 (2) AT THE HEARING, THE COMMISSION SHALL RECEIVE TESTIMONY
6 AND EVIDENCE AS TO THE PRACTICALITY OF THE DRAFT PLAN. IF THE
7 COMMISSION FEELS THAT ADDITIONAL INFORMATION IS NEEDED BEFORE A
8 DRAFT PLAN CAN BE ADOPTED, IT MAY ADJOURN WHILE THE ADDITIONAL
9 INFORMATION IS GATHERED, BUT AN ADJOURNMENT SHALL NOT BE FOR
10 LONGER THAN 63 DAYS. AFTER THE HEARING, THE COMMISSION SHALL
11 MAKE A DETERMINATION OF THE PRACTICALITY OF THE DRAFT PLAN. IF
12 THE COMMISSION DETERMINES THAT THE DRAFT PLAN IS PRACTICAL, IT
13 SHALL ENTER A FINAL ORDER OF DETERMINATION ADOPTING THE DRAFT
14 PLAN AS THE PLAN. THE COMMISSION SHALL ALSO ENTER A FINAL ORDER
15 OF APPORTIONMENT ESTABLISHING THE FINAL APPORTIONMENTS TO THE
16 PUBLIC CORPORATIONS TO BE ASSESSED. THE ORDERS SHALL BE FILED IN
17 THE OFFICE OF THE SECRETARY OF THE COMMISSION.

18 (3) APPORTIONMENTS OF BENEFITS UNDER THIS CHAPTER SHALL BE
19 BASED UPON BENEFITS TO THE PUBLIC CORPORATIONS TO BE ASSESSED,
20 THE EXTENT TO WHICH THE PUBLIC CORPORATION DERIVES SPECIAL BENE-
21 FIT DIRECTLY RELATED TO ACTIONS PROPOSED BY THE PLAN, AND WHETHER
22 A PUBLIC CORPORATION OR OWNERS OF LAND IN THE PUBLIC CORPORATION
23 SPECIFICALLY REQUESTED A PROVISION OF THE PLAN.

24 SEC. 596. IF THE PLAN AS SET FORTH IN THE FINAL ORDER OF
25 DETERMINATION PROPOSES THE ESTABLISHMENT, CONSTRUCTION, MAINTEN-
26 NANCE, OR IMPROVEMENT OF A COUNTY OR INTERCOUNTY DRAIN, THE
27 ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, OR IMPROVEMENT SHALL BE

1 IMPLEMENTED PURSUANT TO THE APPROPRIATE PROVISIONS OF THIS ACT
2 AND BE SUBJECT TO THE JURISDICTION OF THE RESPECTIVE DRAIN COM-
3 MISSIONER OR DRAINAGE BOARD. THE COMMISSION MAY PETITION FOR
4 WORK OUTLINED IN THE PLAN, BUT ONLY PURSUANT TO CHAPTERS 20 AND
5 21.

6 SEC. 597. THE COMMISSION SHALL AT LEAST EVERY 5 YEARS
7 REVIEW AND REEVALUATE THE PLAN AND ITS IMPLEMENTATION. IN SO
8 DOING, THE COMMISSION SHALL SEEK THE INPUT AND RECOMMENDATIONS OF
9 THE ADVISORY BOARD. THE COMMISSION MAY RECEIVE A PETITION TO
10 SUPPLEMENT, AMEND, OR EXPAND THE PLAN. IF SUCH A PETITION IS
11 RECEIVED, THE COMMISSION SHALL PROCEED CONSISTENT WITH THIS CHAP-
12 TER FROM THE POINT IN THE PROCEEDINGS IMMEDIATELY FOLLOWING THE
13 ORDER DESIGNATING THE DISTRICT.

14 SEC. 598. PUBLIC CORPORATIONS MAY ADVANCE FUNDS FOR THE
15 PAYMENT OF ANY PART OF THE COSTS INCURRED BY A DISTRICT AND SHALL
16 BE REPAID BY THE DISTRICT WHEN FUNDS ARE AVAILABLE. BEFORE THE
17 ISSUANCE OF BONDS, THE COMMISSION MAY ASSESS PRELIMINARY COSTS IN
18 AN EQUITABLE MANNER AGAINST PUBLIC CORPORATIONS IN THE DISTRICT
19 AND COLLECT THE ASSESSED COSTS. THE COSTS OF ALL OF THE FOLLOW-
20 ING ARE SUBJECT TO ASSESSMENT:

- 21 (A) ESTABLISHING THE DISTRICT.
- 22 (B) DEVELOPMENT OF THE SCOPE OF THE WATERSHED STUDY.
- 23 (C) ADMINISTRATIVE STAFF, OFFICE, AND OTHER EXPENSES OF THE
24 COMMISSION AND ADVISORY BOARD.
- 25 (D) IMPLEMENTATION OF THE PLAN.
- 26 (E) ACQUIRING INTEREST IN LANDS.

1 (F) ENGINEERING, LEGAL, CONSULTANT, AND OTHER PROFESSIONAL
2 FEES.

3 (G) SERVICE AND PUBLICATION OF ALL NOTICES.

4 (H) INTEREST ON ALL BONDS OR NOTES FOR THE FIRST YEAR THEY
5 ARE TO BE ISSUED AND ALL PAYMENTS AND INTEREST ON BONDS OR NOTES
6 ISSUED BEFORE THE ASSESSMENT.

7 (I) OTHER ITEMS IDENTIFIED AND ALLOCATED IN THE ANNUAL
8 BUDGET.

9 (J) POSSIBLE CONTINGENT EXPENSES, IN AN AMOUNT NOT EXCEEDING
10 10% OF THE OTHER COSTS WHICH ARE TO BE ASSESSED AGAINST PUBLIC
11 CORPORATIONS.

12 SEC. 599. (1) ANY ACTION ARISING FROM THIS CHAPTER MAY BE
13 BROUGHT IN THE CIRCUIT COURT OF ANY COUNTY IN WHICH ANY PART OF
14 THE DISTRICT INVOLVED IS LOCATED.

15 (2) NEITHER THE FINAL ORDER OF DETERMINATION NOR THE FINAL
16 ORDER OF APPORTIONMENT IS SUBJECT TO ATTACK IN ANY COURT EXCEPT
17 BY SUPERINTENDING CONTROL PROCEEDINGS BROUGHT WITHIN 28 DAYS
18 AFTER THE FILING OF THE ORDER IN THE OFFICE OF THE SECRETARY OF
19 THE COMMISSION. UNLESS SUCCESSFULLY CHALLENGED IN PROCEEDINGS
20 BROUGHT WITHIN THIS TIME, THE DISTRICT IS LEGALLY ESTABLISHED AND
21 THE LEGALITY OF THE PLAN AND THE ASSESSMENTS SHALL NOT BE QUES-
22 TIONED IN ANY SUIT AT LAW OR EQUITY.

23 (3) SUBSECTION (2) DOES NOT APPLY UNLESS ALL NOTICES GIVEN
24 UNDER THIS CHAPTER CONTAIN A COPY OF SUBSECTION (2).

25 SEC. 600. (1) THE COMMISSION, ITS ADVISORY BOARD, OR AN
26 EXECUTIVE COMMITTEE IS NOT AUTHORIZED TO PERFORM A DUTY,

1 SPECIFICALLY DELEGATED TO A DRAIN COMMISSIONER OR DRAINAGE BOARD
2 UNDER THIS ACT.

3 (2) THE COMMISSION, ITS ADVISORY BOARD, OR AN EXECUTIVE COM-
4 MITTEE IS NOT GOVERNED BY THE PROCEDURAL OR OTHER PROVISIONS CON-
5 TAINED IN THIS ACT OTHER THAN THIS CHAPTER EXCEPT AS OTHERWISE
6 SPECIFIED. HOWEVER, IF NOT CONTRARY TO THE EXPRESSED PROVISIONS
7 OF THIS CHAPTER, ANY PROVISION OR PROVISIONS IN OTHER CHAPTERS OF
8 THIS ACT MAY BE INCORPORATED BY RECITAL OR BY REFERENCES INTO ANY
9 ORDER OR RESOLUTION OF THE COMMISSION.

10 ~~CHAPTER 23.~~

11 ~~PENALTIES.~~

12
13 Sec. 601. ~~If any commissioner is interested directly or~~
14 ~~indirectly in the profits of any contract, job, work or services,~~
15 ~~other than official services, to be performed for the drainage~~
16 ~~district, he is deemed to be guilty of a misdemeanor, and the~~
17 ~~office of such commissioner shall be deemed vacant and the com-~~
18 ~~missioner so convicted shall be incapable of again holding the~~
19 ~~office of county drain commissioner.~~ ANY ASSESSMENTS MADE UNDER
20 THIS CHAPTER DO NOT CONSTITUTE INDEBTEDNESS OF A PUBLIC CORPORA-
21 TION FOR PURPOSES OF ANY CHARTER, STATUTORY, OR CONSTITUTIONAL
22 DEBT LIMITATION. TAXES LEVIED BY A PUBLIC CORPORATION FOR THE
23 PAYMENT OF SUCH ASSESSMENTS ARE NOT WITHIN A STATUTORY OR CHARTER
24 TAX LIMITATION.

25 Sec. 602. ~~If any person shall wilfully or maliciously~~
26 ~~remove any section or grade stake set along the line of any~~
27 ~~drain, or obstruct or injure any drain, he shall be deemed guilty~~
28 ~~of a misdemeanor, and upon conviction thereof shall be punished~~

1 ~~by a fine not exceeding \$100.00 and the costs of prosecution, or~~
2 ~~in default of the payment thereof, by imprisonment in the county~~
3 ~~jail not exceeding 90 days.~~ THE COMMISSION MAY ACQUIRE THE NEC-
4 ESSARY LANDS OR RIGHTS-OF-WAY AS IDENTIFIED IN THE PLAN. SUCH
5 ACQUISITION SHALL BE BY VOLUNTARY SALE OR RELEASE, OR BY GIFT OR
6 GRANT.

7 SEC. 603. (1) THE COMMISSION MAY ENTER A CONTRACT WITH ANY
8 FEDERAL AGENCY UNDER WHICH THE FEDERAL AGENCY WILL PAY THE WHOLE
9 OR ANY PART OF THE COST OF THE PLAN OR WILL PERFORM THE WHOLE OR
10 ANY PART OF THE WORK CONNECTED WITH THE PLAN.

11 (2) THE COMMISSION MAY ALSO CONTRACT WITH ANY PRIVATE OR
12 PUBLIC CORPORATION IN RESPECT TO ANY MATTER CONNECTED WITH THE
13 PLAN. SUCH A CONTRACT WITH A PUBLIC CORPORATION MAY PROVIDE THAT
14 ANY PAYMENTS MADE OR WORK DONE BY THE PUBLIC CORPORATION SHALL BE
15 IN LIEU OF ALL OR PART OF THE ASSESSMENTS FOR THE COST OF THE
16 PLAN.

17 SEC. 604. AFTER THE CONFIRMATION OF THE APPORTIONMENT, THE
18 COMMISSION SHALL DIRECT THE SECRETARY OF THE COMMISSION TO PRE-
19 PARE A SPECIAL ASSESSMENT ROLL ASSESSING THE ESTIMATED COST OF
20 THE PLAN, OR IF THE ACTUAL COST HAS BEEN ASCERTAINED, THE ACTUAL
21 COST AGAINST THE PUBLIC CORPORATIONS IN ACCORDANCE WITH THE CON-
22 FIRMED APPORTIONMENTS. THE COMMISSION MAY PROVIDE FOR THE PAY-
23 MENT OF THE SPECIAL ASSESSMENTS IN ANY NUMBER OF APPROXIMATELY
24 EQUAL ANNUAL INSTALLMENTS, NOT EXCEEDING 20. INSTALLMENTS OF
25 ASSESSMENTS AGAINST THE STATE AND AGAINST PUBLIC CORPORATIONS
26 WHICH COLLECT THEIR TAXES BEGINNING APPROXIMATELY DECEMBER 1 IN
27 EACH YEAR ARE DUE BY APRIL 1 OF EACH YEAR. INSTALLMENTS OF

1 ASSESSMENTS AGAINST PUBLIC CORPORATIONS ARE DUE BY THE DATE OR
2 DATES FIXED BY THE COMMISSION DEPENDING ON THE TIME OR TIMES FOR
3 THE COLLECTION OF TAXES BY THE PUBLIC CORPORATIONS. THE COMMIS-
4 SION SHALL FIX THE RATE OF INTEREST TO BE PAID UPON UNPAID
5 INSTALLMENTS AT NOT MORE THAN 6%. INTEREST IS DUE ANNUALLY ON
6 THE DAY AND MONTH UPON WHICH THE ANNUAL INSTALLMENTS ARE DUE.
7 ANY INSTALLMENT OR INSTALLMENTS MAY BE PAID IN ADVANCE OF THE DUE
8 DATE WITH INTEREST COMPUTED TO THE NEXT INSTALLMENT DUE DATE.
9 THE COMMISSION SHALL FIX THE TIME OR TIMES FOR THE PAYMENT OF THE
10 FIRST INSTALLMENT SO THAT EACH PUBLIC CORPORATION MAY MAKE A TAX
11 LEVY FOR THE PAYMENT OF THE INSTALLMENT.

12 SEC. 605. (1) THE SPECIAL ASSESSMENT ROLL SHALL CONTAIN THE
13 NAME OF EACH PUBLIC CORPORATION ASSESSED; THE TOTAL ESTIMATED
14 COST OF THE PLAN, OR THE ACTUAL COST IF THE ACTUAL COST HAS BEEN
15 ASCERTAINED AT THE TIME OF THE PREPARATION OF THE ROLL; THE PER-
16 CENTAGE APPORTIONED TO EACH PUBLIC CORPORATION; THE AMOUNT OF THE
17 ASSESSMENT FOR EACH PUBLIC CORPORATION BASED UPON THE PERCENTAGE
18 OF APPORTIONMENT; AND THE AMOUNT OF EACH INSTALLMENT IF THE
19 ASSESSMENT IS DIVIDED INTO ANNUAL INSTALLMENTS. AFTER THE SECRE-
20 TARY PREPARES THE SPECIAL ASSESSMENT ROLL, THE SECRETARY SHALL
21 PRESENT THE SPECIAL ASSESSMENT ROLL TO THE COMMISSION FOR
22 APPROVAL. IF THE COMMISSION APPROVES THE ROLL, A STATEMENT TO
23 THAT EFFECT SETTING FORTH THE DATE OF APPROVAL SHALL BE SIGNED BY
24 THE CHAIRPERSON AND SECRETARY OF THE COMMISSION AND AFFIXED TO
25 THE ROLL.

26 (2) THE CHAIRPERSON OF THE COMMISSION SHALL THEN CERTIFY TO
27 EACH PUBLIC CORPORATION ASSESSED THE AMOUNT OF THE TOTAL

1 ASSESSMENT AGAINST IT, THE AMOUNT OF THE VARIOUS INSTALLMENTS IF
2 THE ASSESSMENT IS DIVIDED INTO INSTALLMENTS, THE DUE DATE OF EACH
3 INSTALLMENT, AND THE RATE OF INTEREST UPON UNPAID INSTALLMENTS.
4 THE TREASURER SHALL ALSO EACH YEAR, AT LEAST 30 DAYS BEFORE THE
5 TIME OF THE LEVYING OF TAXES BY EACH PUBLIC CORPORATION, NOTIFY
6 THE PUBLIC CORPORATION OF THE AMOUNT OF THE INSTALLMENT AND
7 INTEREST NEXT BECOMING DUE. HOWEVER, THE FAILURE TO SO NOTIFY
8 ANY PUBLIC CORPORATION DOES NOT EXCUSE IT FROM MAKING PAYMENT OF
9 THE INSTALLMENT AND INTEREST.

10 (3) ON OR BEFORE THE DUE DATE OF AN INSTALLMENT, EACH PUBLIC
11 CORPORATION SHALL PAY TO ITS COUNTY TREASURER THE AMOUNT OF THE
12 INSTALLMENT, TOGETHER WITH INTEREST ACCRUING TO THE DUE DATE.
13 WITHIN 15 DAYS AFTER RECEIVING A PAYMENT, THE COUNTY TREASURER
14 SHALL FORWARD THE AMOUNT SO PAID TO THE TREASURER OF THE
15 COMMISSION. IF A PUBLIC CORPORATION FAILS OR NEGLECTS TO PAY THE
16 COUNTY TREASURER THE AMOUNT OF THE INSTALLMENT AND INTEREST, THE
17 COUNTY TREASURER SHALL ADVANCE THE AMOUNT TO THE TREASURER OF THE
18 COMMISSION FROM COUNTY FUNDS AND DEDUCT THE AMOUNT FROM ANY
19 FUNDS, OTHER THAN THOSE PLEDGED FOR THE PAYMENT OF DEBTS, OF THE
20 PUBLIC CORPORATION. IF A COUNTY ADVANCES FUNDS FOR A PUBLIC COR-
21 PORATION UNDER THIS SECTION BUT IS NOT REIMBURSED, THE COUNTY
22 BOARD OF COMMISSIONERS MAY ORDER THE PUBLIC CORPORATION AND ITS
23 OFFICERS TO LEVY UPON ITS NEXT TAX ROLL AN AMOUNT SUFFICIENT TO
24 REIMBURSE THE COUNTY ON OR BEFORE THE DATE WHEN THE PUBLIC
25 CORPORATION'S TAXES BECOME DELINQUENT. THE PUBLIC CORPORATION
26 AND ITS TAX LEVYING AND COLLECTING OFFICIALS SHALL LEVY AND
27 COLLECT SUCH TAXES AND REIMBURSE THE COUNTY. NOTHING IN THIS

1 SECTION PREVENTS THE COUNTY FROM OBTAINING REIMBURSEMENT FROM ANY
2 OTHER LEGAL METHOD. THE TAX LEVYING OFFICIALS OF EACH OF THE
3 PUBLIC CORPORATIONS ASSESSED SHALL LEVY SUFFICIENT TAXES TO PAY
4 ASSESSMENT INSTALLMENTS AND INTEREST AS THEY BECOME DUE UNLESS
5 SUFFICIENT MONEY HAS BEEN SET ASIDE.

6 (4) IF A SPECIAL ASSESSMENT ROLL IS PREPARED UPON THE BASIS
7 OF THE ESTIMATED COST OF THE PLAN, THEN AFTER THE ACTUAL COST HAS
8 BEEN ASCERTAINED AND DETERMINED BY THE COMMISSION, THE SPECIAL
9 ASSESSMENTS AND THE INSTALLMENTS SHALL BE CORRECTED BY ADDING ANY
10 DEFICIENCY OR DEDUCTING ANY EXCESS, OR REFUNDING THE AMOUNT OF
11 ANY PREPAID ASSESSMENTS IN EXCESS OF THE ASSESSMENT BASED UPON
12 ACTUAL COSTS. THE COMMISSION MAY ORDER SUCH CORRECTIONS TO BE
13 MADE UPON THE ORIGINAL ROLL OR MAY ORDER THAT A NEW CORRECTED
14 ROLL BE PREPARED AND SUBMITTED FOR APPROVAL BY THE COMMISSION.

15 SEC. 606. (1) THE COMMISSION MAY ISSUE BONDS OR NOTES FOR
16 AND ON BEHALF OF THE WATERSHED MANAGEMENT DISTRICT, IN ANTICIPA-
17 TION OF THE COLLECTION OF ANY OR ALL INSTALLMENTS OF ASSESSMENTS,
18 AND PLEDGE THE FULL FAITH AND CREDIT OF THE DISTRICT FOR THE
19 PROMPT PAYMENT OF THE PRINCIPAL AND INTEREST.

20 (2) A DISTRICT MAY BORROW MONEY OR ACCEPT THE ADVANCE OF
21 WORK, MATERIAL, OR MONEY FROM A PUBLIC OR PRIVATE CORPORATION,
22 PARTNERSHIP, ASSOCIATION, INDIVIDUAL, OR ANY AGENCY OF THE FED-
23 ERAL GOVERNMENT FOR PAYMENT FOR THE PREPARATION OR IMPLEMENTATION
24 OF THE PLAN, TO BE REIMBURSED BY THE DISTRICT, WITH OR WITHOUT
25 INTEREST AS MAY BE AGREED, WHEN FUNDS ARE AVAILABLE. THE OBLIGA-
26 TION OF THE DISTRICT TO MAKE THE REPAYMENT OR REIMBURSEMENT MAY
27 BE EVIDENCED BY A CONTRACT OR NOTE. THE CONTRACT OR NOTE MAY

1 PLEDGE THE FULL FAITH AND CREDIT OF THE DISTRICT AND MAY BE MADE
2 PAYABLE OUT OF THE ASSESSMENTS MADE AGAINST PUBLIC CORPORATIONS
3 OR OUT OF ANY OTHER AVAILABLE FUNDS, AND THE CONTRACT OR NOTE
4 SHALL NOT BE CONSIDERED TO BE AN OBLIGATION WITHIN THE MEANING OF
5 THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 131.1 TO 139.3. THE
6 TOTAL AMOUNT OF PRINCIPAL OWED FOR OBLIGATIONS UNDER THIS SECTION
7 SHALL NOT EXCEED \$600,000.00.

8 (3) THIS SECTION DOES NOT APPLY TO ADVANCES OR LOANS MADE BY
9 ANY PUBLIC CORPORATION, THE FEDERAL GOVERNMENT, OR ANY AGENCY OF
10 THE FEDERAL GOVERNMENT.

11 (4) A COUNTY BOARD OF COMMISSIONERS BY A MAJORITY VOTE OF
12 2/3 OF ITS MEMBERS MAY PLEDGE THE FULL FAITH AND CREDIT OF A
13 COUNTY FOR THE PAYMENT OF A NOTE OF THE DISTRICT.

14 SEC. 607. IF THE ORIGINAL ASSESSMENT IS INSUFFICIENT TO PAY
15 THE PRINCIPAL AND INTEREST ON BONDS AND NOTES ISSUED IN ANTICIPA-
16 TION OF THE COLLECTION OF THE ASSESSMENT, THEN THE COMMISSION
17 SHALL MAKE SUCH ADDITIONAL ASSESSMENTS, AS NECESSARY. THE ADDI-
18 TIONAL ASSESSMENTS SHALL BE APPORTIONED TO THE SAME PUBLIC CORPO-
19 RATIONS IN THE SAME RELATIVE AMOUNTS AS THE ORIGINAL
20 ASSESSMENTS.

21 SEC. 608. THIS CHAPTER DOES NOT APPLY IN A COUNTY IN WHICH
22 THERE IS A COUNTY ORDINANCE PROVIDING THAT THIS CHAPTER DOES NOT
23 APPLY IN THAT COUNTY.

24 CHAPTER 23

25 SANCTIONS

26
27 SEC. 615. IF A COMMISSIONER IS INTERESTED DIRECTLY OR
28 INDIRECTLY IN THE PROFITS OF A CONTRACT, JOB, WORK, OR SERVICES,

1 OTHER THAN OFFICIAL SERVICES, TO BE PERFORMED FOR A DRAINAGE
2 DISTRICT, HE OR SHE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION,
3 HIS OR HER OFFICE IS VACATED AND HE OR SHE IS INELIGIBLE TO AGAIN
4 HOLD THE OFFICE OF COMMISSIONER.

5 SEC. 616. IF ANY PERSON WILLFULLY OR MALICIOUSLY REMOVES
6 ANY SECTION OR GRADE STAKE SET ALONG THE LINE OF ANY DRAIN, OR
7 OBSTRUCTS OR DAMAGES A DRAIN, HE OR SHE IS GUILTY OF A MISDEMEAN-
8 OR, PUNISHABLE BY A FINE OF NOT MORE THAN \$100.00 AND THE COSTS
9 OF PROSECUTION, OR IN DEFAULT OF THE PAYMENT OF THE FINE, BY
10 IMPRISONMENT FOR NOT MORE THAN 93 DAYS.