

STATUTORY DRAINAGE BOARD AGENDA

SPECIAL MEETING

Washtenaw County
705 N. Zeeb Rd, Ann Arbor, Michigan
Thursday, March 25, 2021, 3:00 p.m.

MEETING HELD REMOTELY VIA ZOOM
(Due to COVID-19 Restrictions, this meeting is being held virtually)

Join Zoom Meeting

<https://us02web.zoom.us/j/81035182014?pwd=NmR5N3BDM2pCaDgweHc1Qnd0ODEzQT09>

Meeting ID: 810 3518 2014
Passcode: 443818

I. CALL TO ORDER

II. ACTION AND DISCUSSION ITEMS

- A. A resolution to adopt rules and procedures regarding electronic and telephonic meeting procedures. (ACTION REQUIRED)
Attachment A—Page 1
- B. Approval of minutes of regular meeting of March 15, 2021 - (ACTION REQUIRED)
Attachment B - Page 9
- C. Public Participation

IV. ADJOURNMENT

Next Month's Meeting
April 19, 2021; 4:30 p.m.
Remote via Zoom

RESOLUTION TO IMPLEMENT RULES AND PROCEDURES REGARDING ELECTRONIC AND TELEPHONIC MEETING PROCEDURES

WASHTENAW COUNTY STATUTORY DRAINAGE BOARD

SPECIAL MEETING

MARCH 25, 2021

WHEREAS, the Statutory Drain Board has jurisdiction over said Drain(s) established under Chapter 20 of the Michigan Drain Code P.A. 40 of 1956 as amended; and

WHEREAS, the Statutory Drainage Board is the public body representing various Chapter 20 drain drainage districts; and

WHEREAS, the Washtenaw County Board of Commissioner declared a Local State of Emergency within Washtenaw County as of March 17, 2021 to continue through December 31, 2021, due to the sustained presence of COVID-19; and,

WHEREAS, the Statutory Drainage Board seeks to protect health, safety, and welfare by establishing meeting procedures for the Drainage Board in compliance with the Michigan Open Meetings Act, Act 267 of 1976, et seq ("OMA").; and

WHEREAS, the Statutory Drainage Board desires to continue to meet remotely; and,

WHEREAS, rules and procedures must be approved by public bodies under the jurisdiction of the Water Resources Commissioner; and,

NOW THEREFORE BE IT RESOLVED, that the Drainage Board on this March 25, 2021, adopts the Washtenaw County Statutory Drainage Board Electronic and Telephonic Open Meeting Act Procedures regarding electronic and telephonic meeting procedures.

() AYES () NAYS () ABSTAIN () ABSENT

Motion _____ carried.

Roll call:

CERTIFICATION

On this _____ day of March 2021, I, Mallory K. Walczesky, recording secretary to the Statutory Drainage Board, hereby certify that the above resolution was approved by said Board and the minutes of said meeting are on file in the Water Resources Commissioner's Office.

Mallory K. Walczesky

On this _____ day of March 2021, before me, a Notary Public in and for said County, personally appeared Mallory Walczesky, recording secretary for the Statutory Drainage Board, to me known to be the same person described in and who executed the within instrument, who then severally acknowledged the same to be her free act and deed.

Scott Miller, Notary Public
Washtenaw County, Michigan

My commissioner expires August 4, 2021

WASHTENAW COUNTY STATUTORY DRAINAGE BOARD
ELECTRONIC AND TELEPHONIC MEETINGS PROCEDURES

MARCH 25, 2021

Rules and procedures adopted by the Washtenaw County Statutory Drainage Board ("Drainage Board") to protect health, safety, and welfare by establishing meeting procedures for the Drainage Board in compliance with the Michigan Open Meetings Act, Act 267 of 1976, *et seq* ("OMA").

THE WASHTENAW COUNTY STATUTORY DRAINAGE BOARD DECLARES AS FOLLOWS:

A. Title. These rules and procedures may be cited as the Washtenaw County Statutory Drainage Board Electronic and Telephonic Open Meetings Act Procedures ("Procedures").

B. Purpose. It is the policy of the Drainage Board to develop reasonable rules and procedures in compliance with Sections 3 and 3a of the OMA for fully electronic or telephonic meetings of the Drainage Board, or in which there exists the absence of a member or members of the Drainage Board, and which may minimize the possibility of disruptions during such electronic or telephonic meetings.

C. *Electronic and Telephonic Meetings Authorization.*

1. Authorization to hold remote electronic and telephonic meetings. Sections 3 and 3a of the OMA provide that a physical place is not required for meetings held, in whole or in part, electronically by telephonic or video conferencing, in the following circumstances:

- a. Before March 31, 2021, under any circumstance;
- b. On or after March 31, 2021 through December 31, 2021, only in circumstances in which there is an absence of a member(s) of the body due to:
 - i. Military duty;
 - ii. A medical condition; or
 - iii. A statewide or local state of emergency or state of disaster declared pursuant to law or charter by the Governor or a local official or local governing body that would risk the

personal health or safety of members of the public or the Drainage Board if the meeting was held in person.

a. For the purpose of permitting an electronic meeting due to a local state of emergency or state of disaster, only to permit the electronic attendance of a member of the Drainage Board who resides in the affected area or to permit the electronic meeting of a Drainage Board that usually holds its meetings in the affected area.

c. After December 31, 2021, only in circumstances requiring accommodation of members absent due to military duty.

2. Physical Presence. At a meeting that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate electronically. Any other member must be physically present at the meeting.

3. Notice of Needed Accommodation. Members of the Drainage Board that must meet electronically on account of the member's military duty or medical condition, shall file a Notice of Needed Accommodation with the Water Resources Commissioner. Copies of the Notice of Needed Accommodation will be available through the Water Resources Commissioner's office and shall be submitted seventy-two (72) hours in advance of the first meeting the member will participate in electronically on account of their medical condition or military duty. Once filed, the Notice of Needed Accommodation will remain in effect until it is withdrawn by the member or until the Drainage Board can no longer accommodate the member's electronic participation under the OMA. It is a member's sole responsibility to withdraw a Notice of Needed Accommodation if they cease to have a medical condition or no longer have military duty obligations that enable their electronic participation. A Notice of Needed Accommodation filed with the Water Resources Commissioner only applies to this Drainage Board. A separate Notice of Needed Accommodation must be filed for any other Drainage Board overseen by the Water Resources Commissioner for which electronic attendance is sought.

4. Attendance at Meetings Held Electronically In-Part. Members of the Drainage Board or members of the public participating electronically in a meeting held pursuant to these Procedures that occurs in a physical space in part are to be considered present and in attendance at the meeting for all purposes.

5. Meetings Held Fully Electronically. When a statewide or local state of emergency has been declared within the jurisdiction of the Drainage Board, fully electronic meetings of the Drainage Board may be called at the discretion of the Water Resources Commissioner, unless otherwise decided by the Drainage

Board at a legally held meeting, for both the members of the Drainage Board and the public. In the event that a fully electronic meeting is scheduled due to a statewide or local state of emergency, and the state of emergency is rescinded prior to the date of the meeting, the Water Resources Commissioner shall take such action as necessary to reschedule the meeting in compliance with the OMA.

Notwithstanding the provisions of this section, the Water Resources Commissioner or Drainage Board may decide, if legally permissible, to conduct an in-person meeting during a statewide or local state of emergency when deemed appropriate.

6. Participation Requirement. A meeting of the Drainage Board held electronically must be conducted in a manner that permits two-way communication so that members of the Drainage Board can hear and be heard by other members of the Drainage Board, and so that public participants can hear members of the Drainage Board and can be heard by members of the Drainage Board and other participants during a public comment period. The Drainage Board may use technology to facilitate typed public comments that may be read to or shared with members of the Drainage Board and other participants.

D. Notice Requirements

1. Notice Requirements. Notices of any electronic meeting shall be posted on a portion of the Water Resources Commissioner's website fully accessible to the public at least 18 hours before the meeting. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of non-regularly scheduled or electronic public meetings. The public notice shall contain the following information:

- a. Why the Drainage Board is meeting electronically;
- b. Which member(s) of the Drainage Board will be participating in the meeting electronically;
- c. How members of the public may participate in the meeting electronically, including a telephone number, internet address, or both;
- d. How members of the public may contact members of the Drainage Board to provide input or ask questions on any business that will come before the Drainage Board at the meeting; and

e. How persons with disabilities may participate in the meeting.

2. Agendas. If an agenda exists for a meeting held pursuant to these Procedures, the Water Resources Commissioner shall make the agenda available to the general public through the Water Resources Commissioner's website at least two (2) hours before the meeting begins.

E. *Electronic and Telephonic Meeting Procedures.* Consistent with the authority to establish reasonable rules under the OMA and the obligation of the public bodies to establish procedures for electronic meetings authorized by the OMA, such meetings shall be conducted in accordance with the following:

1. Use of Electronic Service. Drainage Board members and the public may participate in electronic meetings through software or interface using electronic conferencing and telephone as facilitated by the Drainage Board.

2. Muting. During the meeting, each participant shall be permitted to mute or unmute themselves to the extent it does not create any distractions or disruptions of the meeting. To the extent necessary, a meeting host may mute or unmute participants to facilitate effective two-way communication.

3. Public Comment. Members of the public shall speak only when called upon. The Drainage Board will designate an opportunity for each member of the public to be heard. Members of the public not speaking should remain muted unless and until called upon to provide comment and shall not otherwise cause disruptions. The Drainage Board shall make reasonable rules at a meeting to facilitate public comment in an orderly manner.

4. Public Announcement. For any member of the Drainage Board attending electronically, the member must make a public announcement at the outset of the meeting, to be included in the meeting minutes, that the member is in fact attending the meeting electronically. If the member is attending electronically for any other purpose other than for military duty, they shall identify their location by stating the city/township/village, county, and state from which they are attending.

5. Contacting Absent Members. Members of the public shall be noticed of the absence of a member of a Drainage Board through the notice required in Section D of these Procedures. The public may contact those absent members prior to the meeting to provide input on any business that will come before the Drainage Board by emailing or calling the Drainage Board with information provided in the notice. The Water Resources Commissioner shall then compile the input and transmit it to the absent member in advance of the meeting. "Absent

member" is defined as any member authorized to participate in a meeting electronically.

6. Roll Call. During the electronic and telephonic meeting, members of the Drainage Board will vote by roll call to avoid any questions about how each member of the Drainage Board votes. Each member of the Drainage Board must be asked how they vote, and their name and vote must be recorded in the meeting minutes.

7. Right to Record. The right of a person to participate in an electronic meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the meeting. The exercise of this right does not depend on the prior approval of the Drainage Board. However, individuals shall at a minimum provide written or oral notice to the Drainage Board prior to the start of an electronic meeting of their intent to tape-record, videotape, broadcast, or telecast the meeting in order to enable the Drainage Board to minimize the possibility of disrupting the meeting.

8. Registration. The Drainage Board may not require a person participating in an electronic meeting to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in the public comment period of the meeting.

9. Breach of Peace. A person must be permitted to address the Drainage Board during an electronic meeting under these Procedures, provided that no specific rules by order of the Drainage Board are needed to address specific circumstances or technical issues that arise during the meeting. A person must not be excluded from an electronic meeting otherwise open to the public except for a breach of the peace committed during the meeting.

10. Closed Session. Members of the general public participating in an electronic meeting may be excluded from participation in an electronic closed session of the Drainage Board if the closed session is convened and held in compliance with the requirements of the OMA.

11. Discussion, Deliberation, and Voting. The Drainage Board's electronic meeting will effectuate as fully as possible, the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Except as it relates to closed sessions, the full discussions and deliberations of the Drainage Board, not just the voting, must still be done with public access.

12. Additional Rules. The chair or host of an electronic meeting has the authority to ensure that the meeting is conducted in an orderly manner. This includes the ability to institute additional rules and procedures reasonably necessary to further the requirements of the OMA.

F. Review of Procedures. The Water Resources Commissioner shall review these Procedures if any substantive changes are made to the current provisions of the OMA, and present any proposed revisions to the Drainage Board for re-approval as necessary.

G. Validity and Severability. If any part of these Procedures are declared by any court of competent jurisdiction to be invalid, that declaration does not affect the validity of the remainder of the Procedures.

H. Repealer. While in effect, these Procedures supersede all policies (or parts of policies) of the Drainage Board that conflict with these Procedures.

I. Effective Date. These Procedures are effective immediately.

Adopted by the Washtenaw County Statutory Drainage Board.

**COUNTY OF WASHTENAW
STATUTORY DRAINAGE BOARD FOR
THE VARIOUS CHAPTER TWENTY DRAINS**

Minutes of a Meeting Held on March 15, 2021
Held via Zoom due to Covid-19 Restrictions

A regular meeting of the Statutory Drainage Board for the various Chapter 20 Drainage Districts was held via Zoom at 4:30 pm.

MEMBERS PRESENT: Harry Sheehan, Chief Deputy Water Resources Commissioner, Acting Chair, City of Ann Arbor, MI
Sue Shink, County Commissioner, Northfield Township, MI
Justin Hodge, County Commissioner, Ypsilanti Township, MI

MEMBERS ABSENT:

OTHERS PRESENT: Mallory Walczesky, GIS & Special Assessment Supervisor, City of Ann Arbor, MI

CALL TO ORDER:

Chief Deputy Water Resources Commissioner Harry Sheehan called the meeting to order at 4:34 p.m.

PUBLIC PARTICIPATION:

No members of the public were present.

APPROVAL OF MINUTES:

Hodge, supported by Shink, moved to approve the minutes of the regular meeting of February 16, 2021.

Vote: Yeas –3; Nays – 0; Absent – 0

Hodge, yes; Shink, yes; Sheehan, yes.

Motion carried

MONTHLY FINANCIAL SUMMARY:

The Board received the financial summary for February 2021.

CLAIMS:

The Board received and filed the claims under \$2,500 from February 2021.

The Board received and filed the claims over \$2,500 from February 2021.

ACTION AND DISCUSSION ITEMS:

Shink, supported by Hodge, motioned to approve the Resolution to Amend a Service Contract between Various Chapter 20 Drain Drainage Districts and Griffin Pest Control for Maintenance.

Vote: Yeas –3; Nays – 0; Absent – 0

Shink, yes; Hodge, yes; Sheehan, yes.

Motion carried

County of Washtenaw
 Statutory Drainage Board
 Minutes of March 15, 2021
 Page 2

Hodge, supported by Shink, motioned to approve the Resolution to Amend a Contract between Benz Creek Drain Drainage District and All Star Power for the Benz Creek "HHGC 5598.01" Drain Project.

Vote: Yeas –3; Nays – 0; Absent – 0

Hodge, yes; Shink, yes; Sheehan, yes.
 Motion carried

Shink, supported by Hodge, motioned to approve the Resolution to Purchase a Ten-Foot Wide Ditching Bucket with Funds from the Equipment Revolving Fund.

Vote: Yeas –3; Nays – 0; Absent – 0

Shink, yes; Hodge, yes; Sheehan, yes.
 Motion carried

UPDATES ON VARIOUS CHAPTER 20 DRAINS

1. Allen Creek and Branches: Sheehan reported to the board that Gelman's consultant, F&V, has gotten data from our office and is producing a work plan for EGLE.
2. Hodge inquired on the progress with pest control in Ypsilanti Township on various county drains.

ADJOURNMENT:

There, being no further business, on motion duly made, seconded, and unanimously adopted, the meeting was adjourned at 4:48 p.m.

 Harry Sheehan, Acting Chair

Upon motion by _____ supported by _____, the minutes of the above meeting were approved at a meeting held on March 25, 2021.

 Harry Sheehan, Acting Chair