



BERRIEN COUNTY DRAIN COMMISSIONER

KELLY DRAIN #270

NOTICE OF MEETING OF BOARD OF DETERMINATION

DATE: Wednesday, December 2, 2020

TIME: 10:00 A.M.

LOCATION: REMOTE ELECTRONIC ACCESS

QUESTIONS: (269) 932-0569

A Board of Determination will meet via remote electronic access at the above date and time to hear all interested persons, receive evidence and determine whether the maintenance and improvement on the Kelly Drain #270, as set forth in the petition dated October 14, 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 the 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.**

The Board of Determination is being convened electronically to comply with federal and state agency recommendations to cease from any public assemblies, self-quarantine, and help prohibit the spread of COVID-19. The Berrien County Drain 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 Berrien County Drain Commissioner's office.

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.

Prior to the Board of Determination:

- **Website.** Please visit the Drain Commissioner's website at <https://www.berriencounty.org/269/Drain-Commissioner> for more information.

- **Telephone.** Questions and comments may be submitted prior to the meeting by calling (269) 932-0569. 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 Boards of Determination.
- **Special Access.** Persons with disabilities needing accommodations for effective participation in the Board of Determination should call the number listed above (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 Board of Determination through the following link: <https://us02web.zoom.us/j/84635655352>
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- **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: 846 3565 5352.
- **Participation.** Once individuals have joined the Board of Determination meeting area, the Drain 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.

Christopher Quattrin
Berrien County Drain Commissioner

FAQs

Christopher Quattrin
Berrien County
Drain Commissioner



FREQUENTLY ASKED QUESTIONS Kelly Drain #270 Board of Determination

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 consolidation, maintenance, and improvement is necessary and conducive to the public health, convenience or welfare.

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 all costs incurred relating to the drain.

Why did I receive a notice?

A petition was filed with the Berrien County Drain Commissioner requesting consolidation, maintenance, and improvement of the drain. All property owners owning lands within the drainage districts 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.

Do the decisions 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 Board of Determination; 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 <https://www.berriencounty.org/269/Drain-Commissioner> or call (269) 932-0569.

Christopher J. Quattrin

Berrien County Drain Commissioner

Berrien County Administration Center | 701 Main St. | St. Joseph, MI 49085 | (269) 932-0569



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 (269) 932-0569. 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 (269) 932-0569.