

Gregg
Miller
Nash

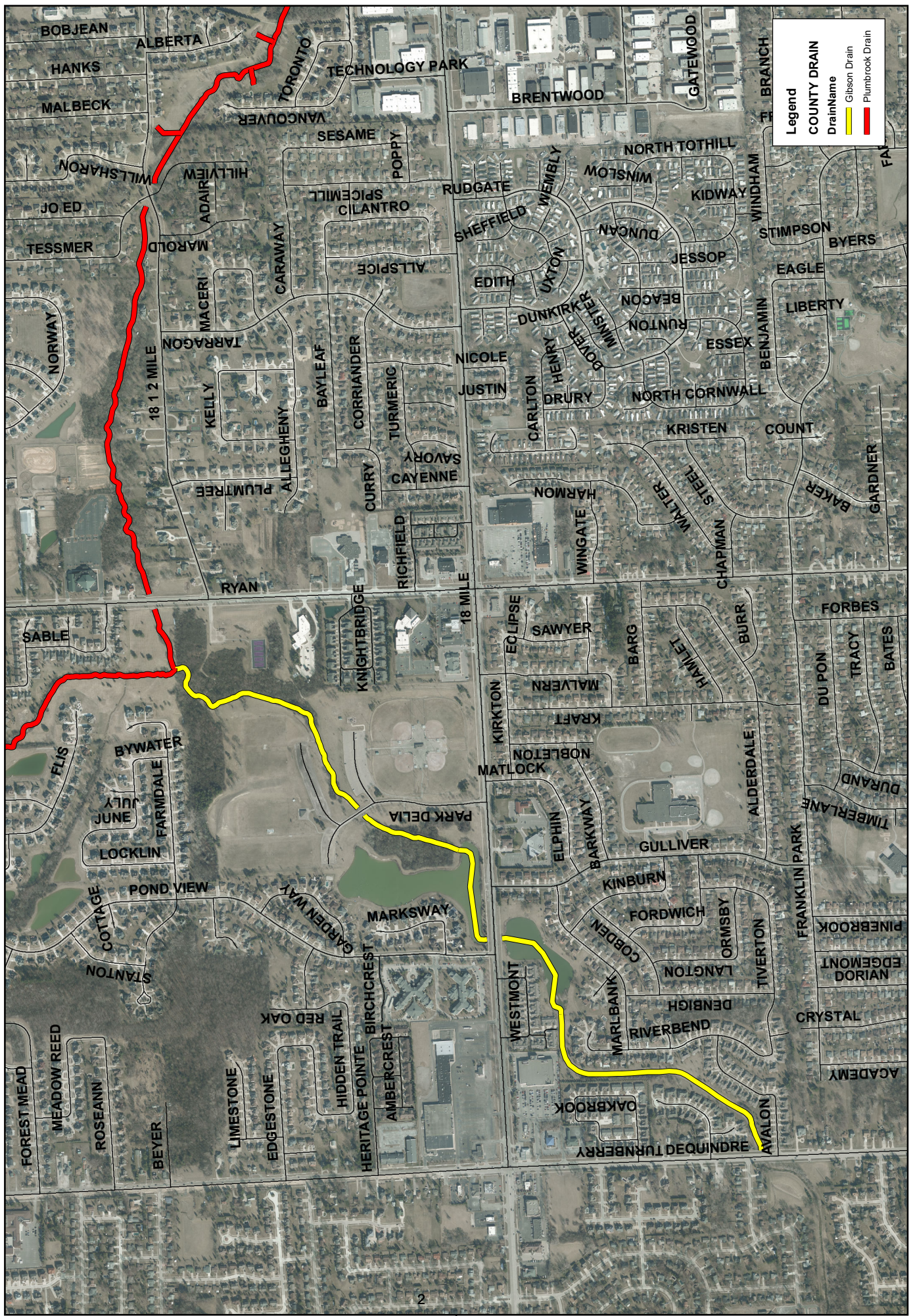
GIBSON DRAIN
INTER-COUNTY DRAINAGE BOARD
MARCH 23, 2021
10:15 A.M.
AGENDA

NOTE: THIS MEETING WILL BE HELD BY TELECONFERENCE

Call in Number: 1-401-526-8569
Access Code: 916 802 323

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1. Call of meeting to order and roll call	
2. Approval of Agenda	
3. Approval of Minutes of meeting of February 23, 2021	3
4. Public Participation	
5. Drain Study Project Update – Hubbel, Roth & Clark	6
6. Resolution Regarding Electronic and Telephonic Meetings Procedures	8
7. Consideration for approval of invoice (see attached)	13
8. Financial Update – Bruce Manning	14
9. Adjourn	

Gibson Drain



A meeting of the Inter-County Drainage Board for the **GIBSON DRAIN** was held via telephone conference per the State Public Act 254 of 2020, on February 23, 2021.

PRESENT: Michael Gregg, Chairman
Michigan Department of Agriculture & Rural Development
Location: Lansing, Ingham County MI

Candice Miller, Secretary
Macomb County Public Works Commissioner
Location: Harrison Township, Macomb County MI

Jim Nash, Member
Oakland County Water Resources Commissioner
Location: Farmington Hills, Oakland County MI

ALSO PRESENT: Steve Korth, P.E., Manager, Office of Oakland County Water Resources Commissioner; Brian Baker, Chief Deputy, Jeff Bednar P.E., Environmental Resources Manager, Bruce Manning, Financial Manager, Kellie Kource, Drain Account Specialist, Emily Engelmann, Administrative Assistant, Tom Stockel, Construction Engineer, Macomb County Public Works; James Burton, Hubbell, Roth & Clark; Brady Harrington, Michigan Department of Agriculture & Rural Development; Scott Finlay, Engineer, City of Troy, Tim Pollizzi, Engineer, Rochester Hills

The Chairman called the meeting to order at 10:02 a.m.

A motion was made by Mr. Nash, supported by Ms. Miller to approve the agenda as presented.

Adopted: YEAS: 3
NAYS: 0

The minutes of the meeting of December 16, 2020 were presented. A motion was made by Ms. Miller, supported by Mr. Nash to approve the minutes as presented.

Adopted: YEAS: 3
NAYS: 0

The meeting was open to public participation, then closed, there being no comments from the public.

James Burton, from Hubbell, Roth & Clark updated the board regarding the status of the drain study project. HRC has completed the walk and survey. The drain is looking like a urban drain that mainly will need minimal maintenance. They met with the technical team to focus on locking in the easements and securing the old route & course. There are two storm water ponds that they will spend some more time on and come to the board in March with suggestions on how to proceed with the ponds. Once the initial recommendation is complete they will take it to the communities to keep them informed.

Mr. Bednar and HRC displayed the Gibson Drain map to the board, noting that they were originally looking at a location from Ryan Road back to Dequindre to be a Chapter 21. HRC is recommending that it might be best to start the possible project right where the old Chapter 6 drain started due to that branch of the drain that heads north and the complications for apportionments that it would entail which would include more of Sterling Heights, Rochester, and Shelby Township. There are records from Sterling Heights in the 1980s that state that the ponds were identified as part of the storm water management plan. We need to investigate why they

needed to manage storm water in this area and the ponds are something that is benefit a Chapter 21 drain and or are they needed anymore. Ponds can become sediment traps when part of a larger drain. There is sediment being deposited in the ponds currently. HRC will establish if we need the ponds, can they be managed differently, and if so do we need to manage it or do the homeowners.

HRC stated, based on their observations and aerial photographs over time, there is a similar amount of sediment as there was 15+ years ago. They feel there are areas that could be used for a sediment trap that could be managed easier than the ponds and it will be evaluated. In 1993 the Gibson Drain was reconstructed deeper and wider and at that time there was some thought that that created the sediment. HRC will be researching that issue further, but currently feel these are inline ponds on an active drain that will fill with sediment in every 15-20 years and need to be cleaned out. They will reach out to the communities with a draft report of their findings before the next drain board meeting.

A motion was made by Mr. Nash, supported by Ms. Miller to receive and file the drainage study update from Hubbell, Roth & Clark.

Adopted: YEAS: 3
NAYS: 0

The Chairman presented the invoices totaling \$27,388.41 as provided to the Board for review and approval.

A motion was made by Ms. Miller, supported by Mr. Nash to approve the invoices as presented.

Adopted: YEAS: 3
NAYS: 0

A motion was made by Mr. Nash, supported by Ms. Miller to receive and file the financial report presented by Mr. Manning.

Adopted: YEAS: 3
NAYS: 0

There being no further business, it was moved by Ms. Miller, supported by Mr. Nash that the meeting of the Gibson Inter-County Drainage Board be adjourned.

Adopted: YEAS: 3
NAYS: 0

The meeting was adjourned at approximately 10:28 a.m.


Candice S. Miller, Secretary
Gibson Inter-County Drainage Board

STATE OF MICHIGAN
COUNTY OF MACOMB

I certify that the foregoing is a true and correct copy of proceedings taken by the Inter-County Drainage Board for the Drainage District shown on the attached set of Minutes, on February 23, 2021. The original of which is on file in the Public Works Commissioner's Office. Public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1975, including, in the case of a special or rescheduled meeting or a meeting secured for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.



Candice S. Miller, Secretary
Gibson Inter-County Drainage Board

DATED: 2/23/2021



Account of Project Standing

APS #: 4

Time Period: February 1, 2021 through February 28, 2021

Prepared By: Lynne Seymour

Date Issued: March 3, 2021

Project Task Summary:

Task 1 – Data Collection and Review – Complete

Task 2 - Field Assessment, Survey, Plan Preparation – Complete

- Inspection with Arc Collector (Complete)
- Route and Course Survey (Complete)
- Description (Complete)
- Cross-Sections (Complete)
- Pond inlets/outlets (Complete)
- Prepare plans showing field data (Complete)

Task 3 - Data Analysis – Complete

Task 4 - Review Findings with County Staff – In Progress

- Met with Macomb and Oakland Counties to discuss findings on February 5, 2021

Task 5 - Summary Report – In Progress

- Draft report completed
- Researching additional information based on County meeting

Work Completed Since Last Account of Project Standing (APS):

- Revised Route and Course Description
- Draft report prepared
- Additional drain proceedings research

Focus of Efforts in Next Period:

- Finalize report
- Meet with counties in March

Critical Decisions Made:

- N/A

Outstanding Critical Questions:

- N/A

Client Assistance Needed:

- N/A

Schedule Concerns

- N/A

Scope and/or Budget Concerns:

- N/A

Plumbrook/Gibson Drain

Sec 01

OAKLAND COUNTY

MACOMB COUNTY

Square Lake

Sec 06

2 PLUMBROOK INTERCOUNTY DRAIN AND BRANCH PROCEEDINGS-PETITION -MEMO 1972 (NO FOD) POB AT REDRUN DRAIN (CHAPTER 21)

19 Mile

5 PLUMBROOK WATERCOURSE

3 GIBSON DRAIN FOD 1984 POB (CHAPTER 20) MACOMB COUNTY

6 BRIDGE REPLACEMENT PROCEEDINGS-PETITION 2000 (NO FOD) (CHAPTER 20)

2 PLUMBROOK INTERCOUNTY DRAIN AND BRANCH PROCEEDINGS-PETITION -MEMO 1972 (NO FOD) BRANCH POB (CHAPTER 21)

Sec 08

1 GIBSON DRAIN FOD 1896 POB (CHAPTER 8)

Sec 12

3 NORTH POND 5 AC (CITY OWNED)

Long Lake

18 Mile

3 GIBSON DRAIN FOD 1984 POE (CHAPTER 20) MACOMB COUNTY

1 GIBSON DRAIN FOD 1896 (CHAPTER 8)

4 NELSON DRAIN FOD 1984 POB (CHAPTER 20) OAKLAND COUNTY

3 SOUTH POND 5 AC (CITY OWNED)

Sec 17

2 PLUMBROOK INTERCOUNTY DRAIN AND BRANCH PROCEEDINGS-PETITION -MEMO 1972 BRANCH POE (NO FOD) (CHAPTER 21)

Sec 13

1 GIBSON DRAIN FOD 1896 POE (CHAPTER 8) APPROX. LONG LAKE ROAD

Legend

- 1 Gibson Drain FOD 1896
- 2 Plumbrook Intercounty and Branch Proceedings-Petition 1972
- 3 Gibson Drain FOD 1984
- 4 Nelson Drain FOD 1984
- 5 Plumbrook Watercourse
- 6 Bridge Replacement Proceedings-Petition 2000



Sec 24

0 250 500 1,000 Feet

17 Mile

Sec 19



GIBSON INTERCOUNTY DRAIN DRAINAGE BOARD

ELECTRONIC AND TELEPHONIC MEETING PROCEDURES

Rules and procedures adopted by the Gibson Drain Drainage Board (“Drainage Board”) to protect health, safety, and welfare by establishing fully electronic or telephonic board meeting procedures for the Drainage Board in compliance with the Michigan Open Meetings Act, Act 267 of 1976, *et seq* (“OMA”).

THE DRAINAGE BOARD DECLARES AS FOLLOWS:

Section I. Title. These rules and procedures may be cited as the Gibson Drain Drainage Board Electronic and Telephonic Open Meetings Act Procedures (“Procedures”).

Section II. Purpose. It is the policy of the Drainage Board to establish these Procedures in compliance with Sections 3 and 3a of the OMA, to permit the public bodies to hold electronic or telephonic meetings of the Drainage Board under applicable law or if there exists the absence of a member or members of the Drainage Board for the reasons set forth below in Section IV, and to minimize the possibility of disruptions during such electronic or telephonic meetings.

Section III. Electronic and Telephonic Meetings Authorization

A. 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 if a board member is absent due to:
 - a. Military duty;
 - b. A medical condition; or
 - c. A statewide, county, or local state of emergency or state of disaster declared pursuant to law or charter by the Governor or a county or local official or governing body that would risk the personal health or safety of members of the public or the public body if the meeting was held in person.
 - i. For the purpose of permitting an electronic meeting due to a county or local state of emergency or state of disaster, only to permit the electronic attendance of a member of the public body who resides in the affected area or to permit the electronic meeting of a public body 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.

B. Physical Presence. At a meeting that is otherwise in-person and prior to December 31, 2021, 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.

C. Notice of Needed Accommodation. Members of the Drainage Board that must meet electronically, on account of the member's military duty or medical condition prior to December 31, 2021, shall file a Notice of Needed Accommodation with the Michigan Department of Agriculture and Rural Development ("MDARD") director or director-designated deputy that serves as chairperson of the Drainage Board ("Director"). Copies of the Notice of Needed Accommodation will be available through the Director'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 Director only applies to this Drainage Board. A separate Notice of Needed Accommodation must be filed for any other public body overseen by the Director for which electronic attendance is sought.

D. 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.

E. Meetings Held Fully Electronically. When a statewide, county, or local state of emergency has been declared within the jurisdiction of the Drainage Board, meetings of the Drainage Board shall, except as otherwise provided in this section, be held fully electronically for both the members of the Drainage Board and the public. When a meeting of the Drainage Board is scheduled pursuant to the Drain Code, the Director shall ensure that the meeting is conducted as an electronic meeting when a statewide, county, or local emergency is in place. 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 Director shall take such action as necessary to reschedule the meeting in compliance with the OMA.

Notwithstanding the provisions of this section, the Drainage Board may decide, if legally permissible and agreed to by the Director, to conduct in-person meetings during a statewide or local state of emergency when deemed appropriate by the Drainage Board.

F. Participation Requirement. A meeting of the Drainage Board held electronically must be conducted in a manner that permits two-way communication such that members of the Drainage Board can hear and be heard by other members of the Drainage Board, and such 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 public must be able to see or hear the member of the Drainage Board to be able to identify which board member is

speaking and how each board member votes. 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.

Section IV. Notice Requirements

A. Notice Requirements. Notices of any electronic meeting shall be posted on a portion of MDARD'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:

1. Why the Drainage Board is meeting electronically;
2. Which member(s) of the Drainage Board will be participating in the meeting electronically;
3. How members of the public may participate in the meeting electronically, including a telephone number, internet address, or both;
4. 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
5. How persons with disabilities may participate in the meeting.

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

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

A. 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.

B. 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.

C. Public Comment. Members of the public shall speak only when called upon. The Drainage Board will then 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 or shall not otherwise cause disruptions. The Drainage Board shall make reasonable rules at a meeting to facilitate public comment in an orderly manner.

D. 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.

E. 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 IV 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 Director shall 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.

F. 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.

G. Right to Record. The right of a person to participate in an electronic and/or telephonic 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 and/or telephonic meeting of their intent to tape-record, videotape, broadcast, or telecast the meeting.

H. Registration. The Drainage Board may not require a person participating in an electronic and/or telephonic 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.

I. Breach of Peace. A person must be permitted to address the Drainage Board during an electronic and/or telephonic 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.

J. Closed Session. Members of the general public participating in an electronic and telephonic meeting may be excluded from participation in an electronic and/or telephonic closed

session of the Drainage Board if the closed session is convened and held in compliance with the requirements of the OMA.

K. 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.

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

Section VI. Review of Procedures. The Director shall review these Procedures if any substantive changes are made to the current provisions of the Michigan Open Meetings Act, Act 267 of 1976, *et seq*, and present any proposed revisions to the Drainage Board for re-approval as necessary.

Section VII. 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.

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

Section IX. Effective Date. These Procedures are effective immediately.

Adopted by the Gibson Drain Drainage Board.

GIBSON DRAIN 3/2/21 - 3/16/21

<u>Funding Source</u>	<u>Apportionment</u>	<u>Manager</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice Detail</u>	<u>Project Summary</u>	<u>Project Balance</u>
Gibson Drain	Chapter 6	Bednar	Hubbell, Roth & Clark, Inc.	\$ 14,537.94	Invoice #186142 - 3.4.21	Intercounty Drain Study	\$ 7,871.02
Total				\$ 14,537.94			

YTD Trial Balance

Fund: Gibson

As of Fiscal Period: Oct 1, 2020-Feb 28, 2021

	O&M Balance 9/30/2020	O&M	Total 2/28/2021
Cash - Operating	-	57,900	57,900
Accounts Receivable			-
Assets			-
Liabilities		22,409	22,409
Revenues			-
Expenditures		35,491	35,491
Equity	-		-