



To: The City of the Village of Douglas City Council

From: Lisa Nocerini, City Manager

RE: Authorization for Additional Expenditure for the Maintenance of the Warnock Drain

Date: September 30th, 2024

The purpose of this memo is to provide background and clarify the resolution presented for approval regarding the maintenance of the Warnock Drain. The Allegan County Drain Commissioner has requested authorization to expend funds exceeding the statutory limit of \$5,000 per mile for maintenance activities on the Warnock Drain, as required under the Michigan Drain Code (MCL 280.196).

Details:

Inspection of the Warnock Drain: The Allegan County Drain Commissioner has conducted an inspection of the Warnock Drain, which revealed the need for significant maintenance. Under Section 196 of the Michigan Drain Code, the Drain Commissioner has the authority to spend \$5,000 per mile for drain maintenance. However, in cases where the required maintenance costs exceed this amount, additional authorization from affected municipalities is needed.

Required Expenditure: The estimated total cost for the necessary maintenance of the Warnock Drain is approximately \$548,000. This amount exceeds the \$5,000 per mile limit by \$528,000. As the City of the Village of Douglas has historically been affected by more than 20% of the total cost of drain work on this drain, approval from the City Council is required before these additional funds can be expended.

Drain Code Authorization: The resolution before the City Council authorizes the Allegan County Drain Commissioner to proceed with the maintenance work on the Warnock Drain and to spend more than the statutory limit of \$5,000 per mile. Should there be insufficient funds in the drain fund, the Drain Commissioner is also authorized to levy a special assessment, in accordance with the law, to cover the maintenance costs.

Financial Implications: The City of the Village of Douglas is liable for a percent of the total maintenance cost (along with the City of Saugatuck and Saugatuck Township) based on the benefit to the public health, convenience, or welfare. The Allegan County Road Commission and Allegan County are also liable for a percent of the total maintenance cost based on benefits to public county roads. Remaining costs would be covered by property owners within the drainage district based upon the principle of benefits derived (see Chapter 7 of the Michigan Drain Code of 1956 for more information on apportioning of costs to municipalities and property owners).

Recommendation: It is recommended that the Douglas City Council approve the resolution authorizing the Allegan County Drain Commissioner to expend the necessary funds for the maintenance of the Warnock Drain above the \$5,000 per mile limit. This action ensures that the drain system remains functional and provides a financing and funding mechanism for repairing this drain. In addition, this option also may allow important permitting exemptions to occur as Drain Commissioner projects have special culvert maintenance and repair exemptions with EGLE that municipalities do not have.

Motion: Motion to approve resolution 23-2024, authorizing the Allegan County Drain Commissioner to expend the necessary funds for the maintenance and repair of the Warnock Drain and to levy a special assessment to cover the costs of this maintenance and repair.