



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

## Notice of Drainage Board Meeting For Consideration of Proposed Consolidation

### HERRING AND MURPHY INTERCOUNTY DRAIN (Clare and Isabella Counties)

**DATE:** October 26, 2020  
**TIME:** 10:00 a.m.  
**LOCATION:** <https://us02web.zoom.us/j/86942213671> Passcode: 030113  
Or by telephone at 312-626-6799, Meeting ID: 869 4221 3671,  
Passcode: 030113

The Herring and Murphy Intercounty Drain Drainage Boards will meet **virtually** at the above date, time and location to hear all interested persons, receive evidence and determine whether the consolidation, as set forth in the petition dated August 12, 2020 is conducive to the public health, convenience, or welfare, pursuant to Chapter 19 of Public Act 40 of 1956, as amended.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act and Executive Order 2020-154, dated July 17, 2020. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

**Carl Parks**  
Clare County Drain Commissioner  
225 W. Main St.  
Clare, Michigan  
989-539-7320

**Robert J. Willoughby**  
Isabella County Drain Commissioner  
200 N. Main St.  
Mount Pleasant  
989-772-0911 x247

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Anyone aggrieved by the decision of the Intercounty Drain Drainage Board may seek judicial review pursuant to MCL 280.122a.

Dated: September 25, 2020

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Brady Harrington, Deputy  
For Gary McDowell, Director  
Michigan Department of Agriculture and  
Rural Development



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September 25, 2020

**CERTIFIED MAIL**

Mr. Carl Parks  
Clare County Drain Commissioner  
225 W. Main St.  
Clare, MI 48625

Mr. Robert J. Willoughby  
Isabella County Drain Commissioner  
200 N. Main St.  
Mount Pleasant, MI 48858

**RE: Herring and Murphy Intercounty Drain**

Dear Commissioners:

Enclosed is a Notice of Meeting of the Drainage Board for the meeting to determine whether the consolidation of one or more drains and drainage districts is conducive to the public health, convenience, or welfare pursuant to the Chapter 19 petition requesting consolidation of the Herring Intercounty Drain and the Murphy Intercounty Drain into the **Herring and Murphy Intercounty Drain**. Please follow these instructions carefully.

Notices of such meeting shall be sent by First Class Mail not less than ten days before the date of the meeting to each person whose name appears upon the last city or township tax assessment roll as owning land liable to assessment for benefit. Notices shall also be served personally, or by registered or certified mail at least ten days before the meeting, on the county clerk and on the clerk of each township, city, and village in the district.

Please post the notice in your office or in your building where other such notices are posted. Also, in accordance with PA. 528 of the Public Acts of 2012, if your county maintains a website that is accessible to the public, this notice shall be posted on the homepage or on a separate webpage dedicated to public notices. Also, please retain a copy of the notice for your records.

This notice of meeting shall be published twice, with the first publication at least ten days before such meeting, in a newspaper of general circulation in each county.

**Please provide this office with a copy of the Proof of Publication, Affidavit of Mailing, Affidavit of Posting, and Proof of Service for the drain.** If you have any questions regarding these requirements, please contact me at 517-284-5623.

Sincerely,

Brady Harrington  
Deputy for the Director

Enclosures

## AGENDA

# Meeting to Consider Proposed Consolidation of Drains and Drainage Districts

### HERRING AND MURPHY INTERCOUNTY DRAIN (Clare and Isabella Counties)

https://us02web.zoom.us/j/86942213671, Passcode: 030113  
312-626-6799, Meeting ID: 869 4221 3671  
October 26, 2020 - 10:00 a.m.

1. Call to Order
2. Introduction of Drainage Board Members  
  

**Brady Harrington**, Michigan Dept. of Agriculture & Rural Development  
**Carl Parks**, Clare County Drain Commissioner  
**Robert J. Willoughby**, Isabella County Drain Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules – Chair
6. Motion on sufficiency of the petition – Board Members
7. Public comment and questions (**please complete a speaker card**)
  - Please state name and relation to proposed project
  - Limit comments to 5 minutes until everyone has their first opportunity to speak
  - Be specific/describe problems or desired changes
8. Board Members comments
9. Motion concerning whether or not the requested consolidation is conducive to the public health, convenience, or welfare – Board Members
10. Resolutions on FOIA and drainage board governance
11. Closing comments and signature of order – Board Members
12. Adjourn

## Explanation of Drain Code Procedure

### **Meeting to Determine Necessity for Consolidation of Intercounty Drains**

This meeting is convened in response to a petition for the Herring and Murphy Intercounty Drain (Clare and Isabella Counties) received by the Clare County Drain Commissioner from Grant Township freeholders. This petition requests the consolidation of the Herring Intercounty Drain and the Murphy Intercounty Drain and their associated drainage districts into a drain and drainage district to be known as the Herring and Murphy Intercounty Drain and Drainage District under the provisions of Sections 280.441a, Act. No. 40 of the Public Acts of 1956 as amended, the location of said drain or drains or any portion thereof is more or less as described in previous Final Orders of Determination, and are located in Grant Township and Sheridan Township in Clare County and Vernon Township and the City of Clare in Isabella County.

This petition is a request to consider consolidating, or combining, two or more drains and drainage districts into a single drain and drainage district. Under the Drain Code the intercounty drainage board is required to hold this public meeting to receive testimony from persons and affected local units of government.

The decision to determine whether or not to consolidate the drains and drainage districts is the judgment of the drainage board by majority vote of its members. **One of the two following decisions will be made by the drainage board at this meeting:**

**If determined conducive to the public health, convenience, or welfare:** The drainage board will sign an order describing the consolidated drain and drainage district. There is no construction project that is contemplated by a consolidation.

**If determined NOT conducive to the public health, convenience, or welfare:** The drainage board will sign an order dismissing the petition. A new petition may not be submitted for one year.

**Cost Information:** The only costs incurred for this process are those involved in your due process, those being publication and mailing. No improvement project is contemplated under an application filed solely for consolidation. The drainage board may elect to complete maintenance on the consolidated drain as described in Section 196 of the Drain Code.