

## ROLE OF MEMBERS OF BOARD OF DETERMINATION

1. Elect chairperson and Secretary. Require that minutes be taken even when Court Reporter/Recorder may be in attendance.
2. Establish rules for receipt of testimony.
  - a. Testimony of attendees for petition.
  - b. Testimony of attendees against petition.
  - c. General questions and discussion.
3. Conduct the Meeting.
  - a. Maintain order - Keep focus only on petitioned drain.
  - b. Receive testimony and evidence.
  - c. Record names of persons eliciting comments.
4. Deliberate and decide necessity.
  - a. The Board of Determination is to decide whether the drain is necessary and conducive to the public health, convenience or welfare.
  - b. The Board does not determine cost efficiency.
  - c. The Board does not determine, define or delineate the scope of a project or what portions of a petition are necessary  
  
"The function of the Board of Determination is to decide whether a proposed project is necessary. Once it has made that determination, the commissioner has the responsibility of finding the best alternation." See McGregor V Coggins Board of Determination, 179 Mich App 297 (1989); Hitchingham v Washtenaw County Drain commissioner, 179 Mich App 154 (1989); Grubb Creek Action Committee v Shiawassee County Drain Commissioner, 218 Mich App 665 (1996)
  - d. Determination is made by majority vote of the Board members not by vote of attendees.
  - e. Deliberation and decision must be made on the record in the open meeting.
5. Board takes 2 votes.
  - a. Necessity of the Drain/Petition.
  - b. If necessary, whether all, part or none of construction is necessary for protection of public health in one or more city, village or township, specifying which city, village or township