

PUBLIC WORKS

OVERVIEW – DRAIN COMMISSIONER

Specific functions of the Drain Commissioner emanate from four principal statutes: the Michigan Drain Code, (PA 40 of 1956) the Inland Lake Level Act, (PA 451 of 1994), the Inland Lake Improvement Act, (PA 451 of 1994) and the Michigan Subdivision Control Act. (PA 288 of 1967)

The Michigan Drain Code requires the County to elect, on a four-year cycle, a Drain Commissioner who is responsible for storm water management, maintenance of established county drains and establishment and approval of new county drains. The Drain Commissioner has the obligation to assess the costs for these activities to the property owners, municipalities and road agencies that benefit from these improvements. With respect to these assessments the Drain Code requires the Board of Commissioners to fund 50 percent of the cost of a drain assessment for drainage of county roads. The remaining 50 percent is to be funded by the County Road Commission from county road funds. In Kent County, however, the Board of Commissioners has elected to pay the entire Road Commission portion of the drain assessment for drains that benefit County roads. That activity is considered discretionary. Coordinating the financing of the work is not mandated to be done by the County, but is considered necessary since the Drain Commissioner is mandated to levy the assessment and to ensure the work is done.

Pursuant to the Inland Lake Level Act, the Kent County Board of Commissioners has responsibility for maintaining court ordered lake levels for nineteen lakes in the county. The act requires that a delegated authority, defined as the Drain Commissioner or other person delegated by the Board of Commissioners, inspect all county lake levels and control structures and determine the apportionment of costs incurred for maintaining the levels. The Board has assigned these duties to the Drain Commissioner on a project-by-project basis. If the Board of Commissioners determines by resolution that the entire cost of the project, or a portion thereof should be defrayed by a special assessment to the benefited properties, then the “delegated authority” (in Kent County, the Drain Commissioner) prepares a special assessment role.

The Inland Lake Improvement Act requires that when inland lake improvement boards are established, the County Drain Commissioner must be a member of such boards. The Drain Commissioner presently sits as a member of the seven such boards in Kent County: Big Brower Lake, Little Brower Lake, Big Pine Island Lake, Myers Lake, Big Crooked Lake, Scenic Lake and Cowan Lake. Inland lake improvement boards may bid out and enter into contracts for improvements to lakes. The bids are required to be advertised by the chair of the lake improvement board if the contract is to be overseen by the board. However, it is not mandated that the Drain Commissioner be the chair of the board. The Drain Commissioner may oversee these contracts however it is considered to be a discretionary function.

The Michigan Subdivision Control Act requires the Drain Commissioner to: a) inspect all plat construction in the County; b) ensure all requirements of the Subdivision Drainage Rules and Regulations are met; and c) record and maintain the records of all platted easements for drainage.

By statute, the Drain Commissioner serves as a member of the County Board of Public Works. In addition, the Commissioner is a member of numerous other local and statewide boards including the Executive Committee of the Metro Council Lower Grand River Organization of Watersheds,

and the Executive Committee of the Michigan Association of County Drain Commissioners, and the Legislative Committee. The Drain Commissioner also speaks to local organizations, churches and citizen groups about stormwater management and water quality.

Drain Commissioner

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund	User Fees	State/Fed Grant	Other
Board Participation														
Participate on community boards other than lake improvement boards								02-10-00-7		X	X			
Participate on the DPW Board	MCL 123.732(2)a		X											
Drains														
Coordinate the financing of drain projects									X		X			
Establish and approve new drains	MCL 280.54					X								
Fund the cost of new drains apportioned to improvements in the County road system	MCL 280.151					X								
Levy special assessments in drainage benefit districts	MCL 280.262					X								
Maintain all County and inter-county drains	MCL 280.191		X											
Maintain recorded easements for drains	MCL 280.11		X											
Represent the County in GVMC in executing the requirements for Phase II NPDES storm water permit applications	US EPA		X					2-10-00-7						
Review and approve proposed subdivisions to ensure drainage standards are met	MCL 560.114					X								
Split the cost of drain assessments for County roads with the Road Commission	MCL 247.664(a)		X											

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	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund	User Fees	State/Fed Grant	Other
Lakes														
Assess costs of controlling lake levels								Project-by-Project			X			
Inspect lake level control structures	MCL 324.30722		X											
Oversee contracts for functions which improve water quality in lakes									X	X				
Participate on lake improvement boards	MCL 324.30903(a)		X											
Provide for and maintain the lake at the normal level	MCL 324.30708					X								

OVERVIEW – DEPARTMENT OF PUBLIC WORKS

In April 1962, the Board of Commissioners voted to establish a Department of Public Works (DPW) “for the administration of the powers conferred upon the county by the terms of Public Act 185 of 1957 as amended.” This act enables the County to create a department of public works but is not mandated to do so. The DPW is an enterprise fund and no General Fund dollars are appropriated to support this function.

The duties and functions which have been undertaken by the DPW have, for the most part, been authorized through Board resolutions and/or contracts and are not state mandated.

SOLID WASTE MANAGEMENT

The DPW has a variety of facilities including the Recycling and Education Center, Waste-to-Energy Facility, North Kent Recycling & Waste Center (a transfer station) and South Kent Recycling & Waste Center (an active municipal solid waste landfill) which includes a landfill gas-to-energy facility on-site. The only state-mandated functions are to maintain three closed landfills that are owned and maintained by the County and have an approved solid waste management plan. The DPW also oversees the safe disposal of household chemicals at four SafeChem centers and the transportation and processing of recyclables from three recycling drop-off stations.

When the Michigan Legislature adopted Public Act 641 of 1978, otherwise known as the Solid Waste Management Act, the Board of Commissioners opted to create a solid waste management plan for Kent County pursuant to the act. They did this via a resolution approved at the May 2, 1979 meeting which authorized a Notice of Intent to be filed with the Michigan Department of Natural Resources to file a Solid Waste Management Plan. In that same resolution, the Board of Public Works was appointed as the designated agency responsible for the preparation of the plan. While the legislation has been superseded by more recent legislation, Public Act 451 of 1994 (MCL 324.11534 and MCL 324.11535), the County Board has continued to appoint a planning committee as provided by law, and to use the Board of Public Works as the designated solid waste planning agency. The County is not required as a governmental entity to take on this task, however once it does so, the activities of the planning committee and the preparation and communication of the plan are prescribed by the most recent legislation.

The County currently owns and operates one active landfill and maintains three closed landfills. In 2009 the County entered into an agreement with Granger Electric to construct and operate a landfill gas-to-energy facility located at the South Kent Landfill site. The County also owns and operates a solid waste transfer station located on 10 Mile Road. The County owns and operates a residential single stream material recycling facility to process and broker recyclable commodities including recovered fiber, plastics and metal. Public education programs about the County’s solid waste programs are also provided. Marketing and selling recyclable materials is a necessary function of the County’s recycling program however public education is considered a discretionary activity.

The waste-to-energy facility combusts municipal solid waste to produce electricity which is sold to Consumers Power. In an average year, the DPW generates energy to power more than 12,000

homes; safely manages 700,000 tons of trash; recycles 34,000 tons of recyclables; safely disposes of 170 tons of home chemicals and medications protective human and environmental health; and educates more than 5,000 people directly through facility tours.

The Board of Public Works adopted the Solid Waste Management Ordinance in July 2015 under the authority of MCL 324.11501. The purpose of the Ordinance is to implement portions of the County's approved Solid Waste Management Plan and to otherwise exercise the health and police powers of the County in order to: protect and promote the public health, safety, and welfare of Kent County residents by regulating the licensing, collection, transportation, and disposal of Solid Waste; provide for regulatory surcharges to cover the cost of properly managing closed landfills and operating the County's household hazardous waste program; promote the County's recycling program in order to reduce the volume of waste sent to landfills; and overall, to preserve and improve the environment through proper waste and landfill management.

In May 2016, the Board of Public Works adopted the vision to reduce waste destined for landfill from Kent County by 20% by 2020 and by 90% by 2030. Education, collaboration, and outreach are critical to moving toward this strategic vision and DPW staff offer facility tours and participate in other community engagement opportunities.

Department of Public Works

Function	Mandated						Non-Mandated							
	Statute	Fully Funded	Un-Funded	Partially Funded			Board Authorized Agreement	Board Resolution	Necessary	Discretionary	Funding Source			
				Designated State/Feds	User Fees / Fines	Other					Gen. Fund	User Fees	State/Fed Grant	Other
Administration and Finance														
Accounting														
Evaluate rate setting procedures									X			X		
Install and maintain a system of accounting									X			X		
Invoice public works customers and process receipts									X			X		
Solid Waste Management														
Landfills														
Collect and dispose of hazardous household waste materials								6-86-98				X		
Maintain closed landfills	MCL 324.11525					X								X
Operate landfills and transfer stations								Various				X		
Solid waste planning	MCL 324.11517							5-2-79				X		
Solid Waste Management Act Compliance	MCL 324.11501							7-30-15				X		
Recycling														
Educate the public about County solid waste programs										X		X		
Market and sell recovered materials									X			X		
Prepare recyclables for market									X			X		
Provide recyclable material processing							Project-by-Project	6-92-65 1-90-10				X		
Operate and maintain a solid waste disposal facility which produces electricity							11-85-187 12-86-204					X		