Lake Boards 101 – Lake Board Procedures

Tony Groves
Progressive AE
Statutory Authority

- Part 309, Inland Lake Improvements, Natural Resources and Environmental Protection Act (PA 451 of 1994)
- Formerly the Inland Lake Improvement Act (PA 345 of 1966)

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**

**Act 451 of 1994**

**PART 309**

**INLAND LAKE IMPROVEMENTS**

**324.30901 Definitions.**

Sec. 30901. As used in this part:

(a) “Benefit” or “benefits” means advantages resulting from a project to public corporations, the inhabitants of public waters, and the public benefit of the improvement which are ancillary benefits other than those immediately connected with the project. Benefits includ...
Establishing a Lake Board

- Motion of local unit of government
- Petition signed by 2/3 of freeholders

PETITION TO ESTABLISH A LAKE BOARD
PURSUANT TO PART 309, INLAND LAKE IMPROVEMENTS,
OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
PUBLIC ACT 451 OF 1994, AS AMENDED

We, the undersigned being owners of property abutting Lloyd’s Bayou, located in the Village of Spring Lake and Spring Lake Township, Ottawa County, State of Michigan, do hereby petition the Village of Spring Lake and Spring Lake Township to provide for the improvement of Lloyd’s Bayou and to take steps necessary to improve Lloyd’s Bayou as authorized by Part 309, Inland Lake Improvements, of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended. We acknowledge that a Special Assessment District may be established to finance the necessary improvements.

Signature(s) of Property Owner of Record
(Both Must Sign if Property is Owned Jointly)
(Please Sign and Print Name)

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Resolution Creating Board

- Local governmental unit(s) instruct lake board to
  - Determine project scope
  - Establish special assessment district
Lake Board Members

- Representative of each local unit of government (2 representatives for lakes in only 1 local unit)
- County Commissioner
- County Drain Commissioner, or designee
- Lakefront Property Owner
First Order of Business

• Select chairperson, secretary, treasurer

• Retain engineer
  – Engineering feasibility report
  – Estimates of cost and probable assessments
  – Public hearing within 60 days of report
Hearing on Practicability

- Publish notice of hearing
- Hold public hearing on improvements
- Formal resolution to proceed
- Publish resolution
- 30-day challenge period

RESOLUTION TO PROCEED WITH IMPROVEMENTS TO RYERSON LAKE

At a special meeting of the Ryerson Lake Improvement Board held in the Shen 27th day of August, 2001, at 7:00, local time.

PRESENT: Butler, Hallmeyer, Sullivan, Obits
ABSENT: Klemans

The following resolution was offered by member Obits and seconded by me WHEREAS, a public hearing was held on the improvement program for Ryer WHEREAS, it is the desire of the Ryerson Lake Improvement Board to proceed improvements to the lake as described in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lake Board hereby determines that the proposed improvements are submitted for the lake improvement is sufficient, and it confirms its in improvements.

2. The Lake Board hereby approves the lake improvement plan and the
Assessment District and Roll

- Resolutions
  - Accepting Special Assessment District
  - Directing preparation of Special Assessment Roll
  - Scheduling public hearing on Roll
Hearing on Assessment Roll

- Publish and mail notice of hearing
- Hold public hearing on Special Assessment Roll
- Resolution confirming Special Assessment Roll
- Publish notice of confirmation
- 30-day challenge period
Contracting Options

• Advertise for competitive bids
• Contract directly with a lake association (without advertising for bids)
Project Costs

- Eligible project costs include:
  - Preliminary costs
  - Engineering and inspections
  - Contract work
  - Publication of notices
  - Legal expenses
  - Administrative costs
  - Permit fees
  - Contingent expenses

- Must adopt annual budget
Financing Options

- Borrow money
- Issue lake level orders
- Bond
Lake Board Dissolution

- Local unit(s) hold hearing and make(s) determination
- All debts paid
- Excess funds refunded
- Lake board adopts order approving dissolution
Lake Board Considerations

- Over 100 active Lake Boards statewide
- Broad scope of improvements
- Single purpose and focus
- Projects across political jurisdictions
- Cost-share grants
Questions?