

**Drainage Board Meeting
May 16, 2017**

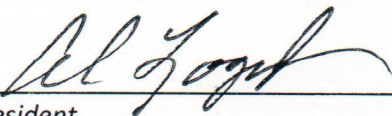
**Present: Al Logsdon, Jim Seiler, Tom Brown, Surveyor David Faulkenberg, Elaine Jones,
Auditor Autumn Winkler**

Meeting was called to order by President Al Logsdon at 1:30 P.M.

Logsdon reported that no one from the City of Rockport nor a representative would be able to attend the called meeting. A letter from Drainage Board attorney Kelly Ward was given to the board stating her legal opinion on Huffman Drain and the taxes being collected from that drain. After researching regulated drains, Ward found no wording in the statute referring to laterals or tributaries and it is her opinion that money collected from Huffman Drain should only be used for the actual regulated drain. Logsdon stated that we need to contact the Director of the Division of Water and get a legal opinion from them of what constitutes a legal drain. Not only for clarification on this project, but also because we have used tax dollars from Huffman Drain in the past on a portion of drain that is not listed as legal drain on GIS. Brown stated that this law could be interpreted different by different people, so let's say that we get a different answer from the Director of Water than what we received from our attorney, what will we do at that point? Faulkenberg stated that the consensus from individuals that have been in surveying for many years is that a tributary is not a legal drain and that legally we cannot spend tax dollars on it. He and Elaine have been researching this for 2 weeks and have come to the conclusion along with the attorney that this is not a legal ditch and his suggestion to the board is that it not be pursued any further. Logsdon stated that is a good suggestion, but he won't let it lie until he speaks with the Director of the Division of Water and asks him how we handle different interpretations of the law and see what he says is correct. If the director agrees with Faulkenberg and the attorney, Logsdon would be in favor of the suggestion at the next meeting. Another issue is what GIS reflects as a legal drain and what is not. Faulkenberg stated he does not feel we have the legal authority to make the determination of what is or isn't a legal drain and make changes on GIS. It was decided at some point years ago what was a lateral and what was a tributary and we just follow the book that shows what they are. There was more discussion about how or who determines what is a legal drain and everyone is unclear how that process works. Brown made a motion to not expend any county funds for the city park per the recommendation of our attorney. Seiler seconded the motion, motion was approved with Logsdon abstaining. Logsdon asked if we receive notice from the Director of the Division of Water that states differently from what our attorney interpreted, which would we follow, that would have to be determined at that time and waiting to see what legal research is shown to prove that point. It was determined that if we get clarification and find that we need to update our GIS mapping we will find funds at that time to do the work if necessary.

Seiler made a motion to adjourn. Brown seconded the motion, motion approved.

Meeting was adjourned at 2:03 P.M.



President

Attest:

