

**THE DRAIN CODE OF 1956 (EXCERPT)**  
**Act 40 of 1956**

**280.247 Attorney; employment; expenses and costs, payment from drain fund; prosecuting attorney; "attendant expenses and costs" defined .**

Sec. 247. (1) The county drain commissioner or drainage board acting under this act may employ an attorney if the drain commissioner or drainage board, as appropriate, considers it necessary. If an attorney is employed, all attendant expenses and costs shall be charged to the drainage districts on behalf of which the attorney is employed. All attendant expenses and costs shall be paid out of the drain fund of the drainage district or the revolving drain fund. If the attendant expenses and costs are paid out of the revolving drain fund or if the drain fund of the drainage district does not have sufficient funds to pay the attendant expenses and costs, the attendant expenses and costs shall be assessed to the drainage district in the same proportion as costs of the drain were assessed as provided in chapter 7 and the collections of these assessments shall be used either to reimburse the revolving drain fund or to pay the attendant expenses and costs, as appropriate.

(2) The county board of commissioners for a county, by resolution, may provide for the prosecuting attorney to give legal assistance to the county drain commissioner as part of the prosecuting attorney's duties.

(3) As used in this section, "attendant expenses and costs" means those expenses and costs incurred for a drainage district in furtherance of the duties and responsibilities of a drain commissioner or drainage board, including, but not limited to, 1 or more of the following:

- (a) Actual attorney fees.
- (b) Expert witness and consultant fees.
- (c) Money and costs expended in connection with litigation or the threat of litigation.
- (d) Payments made in satisfaction or partial satisfaction of any orders or judgments entered against a drainage district.
- (e) Money and costs expended to obtain a release, waiver, or other settlement of claims.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 2018, Act 646, Eff. Mar. 28, 2019.

**Popular name:** Act 40