**STATE OF MINNESOTA**

***Before the*
<DRAINAGE AUTHORITY NAME>
SITTING AS THE DRAINAGE AUTHORITY FOR
<NAME OF DRAINAGE SYSTEM>**

|  |  |
| --- | --- |
| **In the Matter of:****the Petition to <Name of Project> to <Name of Drainage System>** | **FINDINGS AND ORDER**  |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received a Petition for Partial Payment of Retained Contract Amounts from <contractor> pursuant to Minn. Stat. § 103E.535, having noticed and conducted a hearing on the petition, and based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. A Petition dated <date> for Partial Payment of Retained Contract Amounts was received by the <Auditor/Secretary> of the <drainage authority>.
2. The contract in question is a single contract for the amount of <$#####>, an amount exceeding $50,000.
3. The Petition alleges that the contract, exclusive of materials furnished and not installed, is one-half or more complete and the contractor is not in default.
4. The drainage authority, by order, set a public hearing for review of the petition on <date of order setting hearing> and directed the <Auditor/Secretary> to provide at least 5 days advance notice, by mail, of the time and location of the hearing to the engineer, the attorney for the petitioners, the surety of the contractor’s bond, and auditors of affected counties.
5. Notice of the public hearing was properly provided as required by law.
6. At the public hearing, the contractor presented its petition and request for partial payment. <Provide further details about the contractor’s presentation of the preliminary survey report>.
7. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board’s response is indicated in italics following each comment):
	1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

* 1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

1. The facts asserted in the contractor’s petition are correct. <Include findings supporting whether the allegations made in the petition are truthful.>
2. The work already performed on the contract has been performed in a satisfactory manner. <Include further details supporting this conclusion>.
3. The portion of the retained percentage requested for release may be released without endangering the interests of affected counties. <Include further details supporting this conclusion>.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for <name of drainage system>, hereby orders as follows:

The contractor’s petition is hereby approved. The <secretary/auditor> shall issue payment to the contractor in the amount of <$#####>, an amount that does not exceed more than 40 percent of the retained value of work and material to be paid.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ absent, and \_\_\_\_\_ abstentions as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<Full Name>, Chairperson

\* \* \* \* \* \* \* \* \* \* \*

I, <Full Name>, <Name of County or Watershed District> <Auditor/Secretary>, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the <name of drainage authority> and find the same to be a true and correct transcript thereof. The above order was filed with me, <name of county of watershed district> <Auditor/Secretary>, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN TESTIMONY WHEREOF, I hereunto set my hand this
\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 <Full Name>