

**STATE BOARD OF ACCOUNTS**  
**302 West Washington Street**  
**Room E418**  
**INDIANAPOLIS, INDIANA 46204-2769**

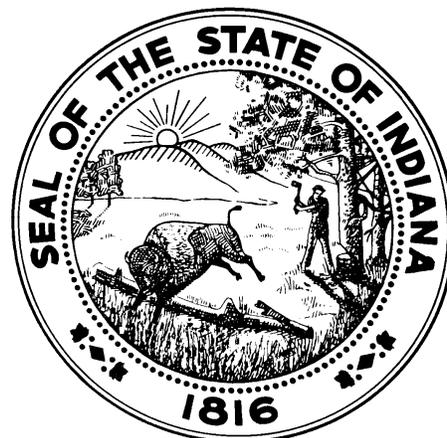
AUDIT REPORT

OF

COUNTY DRAINAGE BOARD

PORTER COUNTY, INDIANA

January 1, 2007 to December 31, 2007



**FILED**

09/11/2008



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COUNTY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Surveyor	Kevin D. Breitzke	01-01-05 to 12-31-08
President of the Drainage Board	Joseph Harrison David Burrus	01-01-07 to 12-31-07 01-01-08 to 12-31-08
President of the County Council	Daniel Whitten Robert Poparad	01-01-07 to 12-31-07 01-01-08 to 12-31-08
President of the Board of County Commissioners	Robert Harper	01-01-07 to 12-31-08



**STATE OF INDIANA**  
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TO: THE OFFICIALS OF PORTER COUNTY

We have audited the records of the County Drainage Board for the period from January 1, 2007 to December 31, 2007, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Audit Results and Comments. The financial transactions of this office are reflected in the Annual Report of Porter County for the year 2007.

STATE BOARD OF ACCOUNTS

June 2, 2008

COUNTY DRAINAGE BOARD  
PORTER COUNTY  
AUDIT RESULT AND COMMENT

ASSESSMENTS NOT ESTABLISHED

The following is a list of drains, the balance indicated as Due to the General Drain Improvement Fund in the Maintenance Fund, and the cash deficit balance indicated for the drain in the General Drain Improvement Fund for which assessments have not yet been established.

Ditch	Due to General Drain Improvement Fund	Deficit Cash Balance in the General Drain Improvement Fund
Flint Lake/Garden Terrace Drain	\$ 3,535	\$ (3,535)
Kankakee River Basin Commission	6,084	(6,084)
Koselke North	6,000	(6,000)
Peterson Ditch	18,615	(18,615)
Smith Ditch	2,589	(2,589)
Smith Koselke	58,834	(58,834)
Swanson - Lamporte Ditch	11,876	(11,876)

Indiana Code 36-9-27-39 states:

"When the board receives a maintenance report under section 38 of this chapter, it shall prepare a schedule of assessments that includes the following items:

- (1) A description of each tract of land determined to be benefited, and the name and address of the owner, as listed on the county surveyor's report.
- (2) The percentage of the estimated cost of periodically maintaining the drain to be assessed against each tract of land. The percentage shall be based upon the benefit accruing to each tract of land from the maintenance, and must be at least one hundred percent (100%) and as near to one hundred percent (100%) as is practicable.
- (3) The amount annually assessed against each tract of land for maintenance."

COUNTY DRAINAGE BOARD  
PORTER COUNTY  
EXIT CONFERENCE

The contents of this report were discussed on June 9, 2008, with Kevin D. Breitzke, Surveyor; and David Burrus, President of the Drainage Board. The official response has been made a part of this report and may be found on pages 6 and 7.

# COUNTY OF PORTER

PORTER COUNTY SURVEYOR  
KEVIN D. BREITZKE, P.E., L.S.



155 INDIANA AVENUE  
SUITE 303  
VALPARAISO, INDIANA 46383

VOICE: (219) 465.3560  
FAX: (219) 465.3811  
KBREITZKE@PORTERCO.ORG

June 10, 2008

Bruce Hartman, State Examiner, State Board of Accounts  
c/o Christy Griffin  
Porter County Administration Building  
155 Indiana Ave.  
Valparaiso, IN 46383

Subject: Porter County Drainage Board Unassessed Accounts/2007 Audit

Dear Mr. Hartman,

Christy Griffin from your staff in Porter County met with Dave Burrus, Drainage Board Chairman, and myself the morning of June 9, 2008. Since 1996 or in the last eleven years, we have assessed 155 square miles of watershed for ditch maintenance purposes to supplement the 36 square miles that were done in the previous thirty years. Previous administrations particularly during the 1980's and early 1990's had committed to do assessment roles, but lent monies without ever creating the assessments.

Four of the seven drains listed are actively being considered for assessment to cover their arrears, but other ditches became higher priority for immediate and specific maintenance needs. The four ditches include:

- 1) **Swanson-Lamporte Ditch** (-\$11,876) for which public hearings were held and assessments are being contested by a landowner through the courts since January 2006. During June 2007, we were given favorable responses on all counts in the local and in the appellate courts in early 2008, but the remonstrator appealed this to the state Supreme Court. The Supreme Court's decision should be made later this month.
  - 2) **Peterson Ditch** (-\$18,614.57), for which the office work is complete, but being discussed with the Towns of Porter and Chesterton since both have storm water boards with revenue streams; however, the PCDB wants the courts opinion on Swanson Lamporte before proceeding and may still consider a public hearing in 2008.
  - 3) **Flint Lake-Garden Terrace Drain** (-\$3535.00)
- and**
- 4) **Koselke North** (-\$6,000.00)

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Likewise, the **Smith, Koselke, Crooked Creek** study (-\$58, 834.32) was finished in 1973 and never assessed; however, the drainage board may consider apportioning the debt to the various assessed portions of the system including sequentially the Hotter Drain, Koselke Ditch, and South Crooked Creek. Furthermore, at our monthly Drainage Board meeting immediately prior to our audit meeting this morning, we consolidated the **Smith Ditch** debt, which owes \$2,589.46 to GDIF prior to 1985, with the **Smith, Koselke, Crooked Creek** account by Resolution 2008-01 for a total of \$61,423.78.

The **Kankakee River Basin Commission/ Kankakee River** (-\$6,084.43) was reimbursed from GDIF for emergency maintenance of a failing river bank around 1982 that the Porter County Drainage Board was responsible for. This was lent in anticipation of an assessment that later failed in Court during the early 1990's. Also, a proposal for the creation of a Kankakee River Authority failed to gain legislative support. It was proposed that the County Commissioners set aside \$20,000 from CEDIT for continuing maintenance of the river, but still has not been done to date.

Finally, we are making every effort to clear up the record having accomplished settlement for many long-standing issues while aggressively attending to the drainage needs of our citizens.

Sincerely,

Kevin D. Breitzke,  
Porter County Surveyor

David Burrus,  
Chairman, Porter County Drainage Board

KB/kdb