

MECOSTA COUNTY RESOLUTION
#2026-09

**MECOSTA COUNTY BOARD OF COMMISSIONERS URGES
PROMPT ACTION ON THE DRAIN CODE OF 1956**

The following preamble and resolution were offered by Commissioner W. ROUTLEY and supported by Commissioner G. LAMBRIX:

WHEREAS, The Michigan Drain Code of 1956 allows the Drain Commissioners across the state to unilaterally levy taxes, force easements, and use taxpayer funds to hire law firms that can be used against the citizenry, County Commissioners and township governments without reasonable checks and balances.

WHEREAS, The Michigan Drain Code of 1956 deprives affected Michigan residents of their constitutional right to due process and equal protection under the law.

WHEREAS, The Michigan Drain Code of 1956 paves the way for a handful of petition signatures to turn into a multi-million-dollar projects with very little say from County Commissioners, or the landowners whose land the project(s) may affect.

WHEREAS, The Michigan Drain Code of 1956 creates a moral hazard – and financial incentives – whereby the same engineering firms that advise Boards of Determination across the state can also profit from the work they prescribe.

WHEREAS, There are no requirements in the Drain Code of 1956 for the elected Drain Commissioner to get a second opinion on the engineering parts of a petitioned project.

WHEREAS, Michigan State Representative Tom Kunse, et al, have witnessed the itemized problems listed above in Mecosta County and have created a list of common-sense solutions to be considered in this session of the Michigan legislature.

THEREFORE BE IT RESOLVED, that the Mecosta County Board of Commissioners wholeheartedly endorses these common-sense modifications to the Drain Code of 1956 set forth by Mr. Kunse and his esteemed colleagues:

- 1) Modifies requirements for notices of drain projects to include a map & list of impacted addresses in the drain district.
- 2) Requires petition signature collectors to disclose to homeowners that they will be assessed and will be responsible to pay for the project.
- 3) Extend the timeline for communities to appeal the Board of Determination's ruling on a petitioned drain project from 10 to 21 days.

- 4) Extend the timeline for landowners and municipalities to appeal the apportionment and assessment costs of a drain project from 10 to 21 days and allow landowners and municipalities to appeal the necessity of a project after a "Day of Review" meeting.
- 5) Road Commission can cancel a drain project once they receive engineering costs and Road Commission can cancel a project once they receive construction project costs. This would be done at a public meeting.
- 6) Raise the petition threshold for drain projects from five landowners to signatures representing 51% of landowners.
- 7) Upon receipt of a petition, provide all landowners in the district with a preliminary cost estimate and allow landowners to withdraw their signatures.
- 8) Adopt Ohio's practice of involving the County Commissioners in the necessity/cost analysis of petitioned projects.

AYES: Commissioners: W. Routley, G. Lambrix, A. Hren, R. LaPreze,
G. Adams, C. Zimmerman

NAYS: Commissioners: None

RESOLUTION DECLARED ADOPTED. Marcee M. Purcell

Marcee M. Purcell
Mecosta County Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF MECOSTA)

I, the undersigned, the duly qualified and acting Clerk of the County of Mecosta, Michigan (the County) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners at a regular meeting on the 7th day of May, 2026, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 7th day of May, 2026, A.D.

Marcee M. Purcell

Marcee M. Purcell
Mecosta County Clerk