



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

DR. TIM BORING  
DIRECTOR

## Notice of Drainage Board Meeting For Determination of Practicability and Adding a County to the Drainage District

### REXFORD LAKE INTERCOUNTY DRAIN (Kent, Muskegon and Ottawa Counties)

**DATE:** November 14, 2023  
**TIME:** 10:00 a.m.  
**LOCATION:** Tyrone Township Offices  
28 E. Muskegon St., Kent City, Michigan

The Rexford Lake Intercounty Drain Drainage Board will meet at the above date, time and location to consider the petition, dated August 27, 2023, for maintenance and improvement of an intercounty drain, located in Casnovia Township in Muskegon County and Tyrone Township and Sparta Township in Kent County, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, to determine the sufficiency of signatures on said petition, to go over the route of the intercounty drain, and to further determine whether the maintenance and improvement of the intercounty drain is practicable.

The Drainage Board will further consider any evidence offered and determine whether the addition of Ottawa County to the Rexford Lake Intercounty Drain Drainage District is just and equitable. All persons owning lands in the Drainage District or proposed revised Drainage District liable to assessment for benefits and any municipality affected may appear for or against the addition of the County.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Public comment will be received at the meeting from anyone owning lands liable to an assessment, or whose lands will be crossed by the drain, or any municipality affected. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

**Ken Yonker**  
Kent County Drain  
Commissioner  
775 Ball Ave. NE  
Grand Rapids, Michigan 49503  
616-632-7910

**Brenda Moore**  
Muskegon County Drain  
Commissioner  
141 E. Apple Ave.  
Muskegon, Michigan 49442  
231-724-3480

**Joe Bush**  
Ottawa County Water  
Resources Commissioner  
12220 Fillmore St.  
West Olive, Michigan 49460  
616-994-4530

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Dated: October 16, 2023

Brady Harrington, Deputy  
For Dr. Tim Boring, Director  
Michigan Department of Agriculture  
and Rural Development



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

DR. TIM BORING  
DIRECTOR

October 16, 2023

**CERTIFIED MAIL**

Mr. Ken Yonker  
Kent County Drain  
Commissioner  
775 Ball Ave. NE  
Grand Rapids, MI 49503

Ms. Brenda Moore  
Muskegon County Drain  
Commissioner  
141 E. Apple Ave.  
Muskegon, MI 49442

Joe Bush  
Ottawa County Water  
Resources Commissioner  
12220 Fillmore St.  
West Olive, MI 49460

**RE: Rexford Lake Intercounty Drain**

Dear Commissioners:

Enclosed is a Notice of Meeting of the Drainage Board for the meeting to determine the practicability of the Chapter 8 petition to maintain and improve the **Rexford Lake Intercounty Drain**. Please retain a copy of the notice for your records.

Please follow the following instructions carefully. Notice of the meeting shall be served by each county, not less than 10 days before the meeting, as follows:

1. Publish the notice in a newspaper of general circulation in the drainage district.
2. Provide notice by personal service or certified mail to the county clerk and a member of the board of county road commissioners of each county, and to the supervisor of each township and clerk of each city and village in the drainage district. If there are state highways in the drainage district, we also recommend service on the director of the Michigan Department of Transportation by certified mail, even though this is not specifically required in Section 122.
3. Provide notice by first-class mail on each person whose name appears on the last city or township tax roll as owning land in the drainage district, at the address shown on the roll.
4. Post the notice in your office or your building where other such notices are posted. If your county maintains a website that is accessible to the public, the notice shall also be posted on the homepage or other webpage dedicated to public notices.

All expenses of notification shall be paid by the treasurer county of the Drainage Board.

**Kent County**, please arrange for a court reporter to be present to take a transcript of the meeting.

Finally, **please provide this office with a copy of the Proof of Publication, Affidavit of Mailing, Affidavit of Posting, and Proof of Service for the drain**. If you have any questions regarding any of these requirements, please contact me at 517-284-5624.

Sincerely,

Brady Harrington  
Deputy for the Director

Enclosures

Please Sign Attendance Sheet

Please Sign Attendance Sheet

## AGENDA

# Meeting to Determine Practicability of Petition for Proposed Maintenance and Improvements

### REXFORD LAKE INTERCOUNTY DRAIN

(Muskegon, Kent and Ottawa Counties)

Tyrone Township Offices, 28 E. Muskegon St., Kent City, Michigan  
November 14, 2023 - 10:00 a.m.

1. Call to Order
2. Introduction of Drainage Board Members  
  
**Brady Harrington**, Michigan Dept. of Agriculture & Rural Development  
**Ken Yonker**, Kent County Drain Commissioner  
**Brenda Moore**, Muskegon County Drain Commissioner  
**Joe Bush**, Ottawa County Water Resources Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules – Chair
6. Motion on sufficiency of the petition – Board Members
7. Discussion on the addition of Ottawa County to the drainage district
8. Public comment and questions (**please complete a speaker card**)
  - Please state name and relation to proposed project
  - Limit comments to 5 minutes until everyone has their first opportunity to speak
  - Be specific/describe problems or desired changes
9. Board Members comments
10. Motion regarding practicability of the drain – Board Members
11. Motion to select an engineer or surveyor
12. Closing comments – Board Members
13. Adjourn

## Explanation of Drain Code Procedure

### Meeting to Determine Practicability for Intercounty Drains

This meeting is convened in response to a petition from eight freeholders, which was received by the Kent County Drain Commissioner. This petition requests the of the Rexford Lake Intercounty Drain, located in Kent and Muskegon Counties, under the provisions of Section 192 of Act. No. 40 of the Public Acts of 1956, as amended. Further, this meeting will consider whether or not it is just and equitable to add Ottawa County to the drainage district.

The petition is an assertion of drainage issues and a request for the drainage board to consider relief to those drainage issues out. Under the Drain Code the intercounty drainage board is required to hold this public meeting to determine that the petition is sufficient to grant them jurisdiction to proceed, to receive testimony from persons and affected local units of government with regards to drainage issues, and to determine if it is practical to proceed to the next step of retaining an engineer or surveyor to design one or more solutions for the drainage issues.

The decision to determine practicability is the judgment of the drainage board by a majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded to grant the Drainage Board authority to respond to the problems brought forth in the petition and public testimony, and that the desired improvements are possible to complete. **One of the two following decisions will be made by the drainage board at this meeting:**

**If determined practicable:** The drainage board must employ a professional engineer or surveyor to survey the drain and develop one or more plans, with cost estimates, to accomplish the improvements requested. Following the engineer's report, a second public meeting will be convened to determine the necessity of a project. Proposed solutions and project costs are presented at that meeting. Testimony is received on the necessity of a project. A decision will be made, again by majority vote of the drainage board members, to proceed to construct the project or end it. The necessity decision may be appealed to the circuit court of the county you reside in within 10 days of that meeting. There is no appeal of the decision on practicability.

**If determined NOT practicable:** The procedure terminates, no appeals by statute are permitted. A new petition may be resubmitted after one year.

**Cost Information:** There is no cost information available at this meeting. If determined practicable, overall project cost estimates will be presented at a future meeting to determine necessity, for which you will receive notice. If a decision is made at that meeting to proceed with a project, individual costs via special assessments will be made at an additional future meeting, called the day of review of apportionments, which will be held by your drain commissioner, for which you will also receive notice. At that time, construction bids will have been received and the actual cost of the construction is known, as well as costs for engineering, legal counsel, land acquisition and financing. The special assessments determined by the commissioner at the day of review may be appealed to probate court for establishment of a board of review. In addition to private landowners, public corporations (townships, cities, and villages) are assessed for benefits to public health, the counties are assessed at-large for benefits to county roads and the Michigan Department of Transportation for benefits to any state trunkline highways.