

**WRITTEN REPORT UNDER OATH
TONKIN DRAIN PROJECT
TO: KARLA MILLER
FROM: THE MECOSTA COUNTY BOARD OF COMMISSIONERS
AUGUST 21, 2025**

INTRODUCTION

The Mecosta Board of Commissioners hereby requests truthful, complete, and accurate responses to the following questions. Failure to do so may result in termination of your employment with the county.

It was not clear that this report is requested pursuant to MCL 46.11(k), but I presume that it was. If the Board of Commissioners wants to invoke its right under MCL 46.11(k), the Board should have properly notified me.

The Office of the Mecosta County Drain Commissioner, under my direction, has routinely attended meetings of the Board of Commissioners when requested. We have also willingly supplied this Board with information when requested, consistent with a working relationship between professionals serving the same community. I would have continued to do so in this case without the need to invoke a statutory compulsion. In my opinion, a request under MCL 46.11(k) was unnecessary. My office was prepared to give a thorough presentation to this Board on the Tonkin Drain in June 2025, but the Board Chair refused to allow my office to give it.

My office received this request on August 26, 2025. I was required to respond to this Board the very next week. The timing of your requirement runs counter to MCL 46.11(k), which provides that the report must be made within a "reasonable time" after requested. Moreover, my reading of MCL 46.11(k) is that it does not require an officer to answer specific questions and instead requires that I give a report. In my opinion the form of the Board's request is inconsistent with MCL 46.11(k), but I have elected to respond to the questions as posed in a show of good faith and for the purpose of transparency. Some of the questions asked by the Board lack clarity or use terms in a general way without defining them. Given these circumstances, answering under oath is challenging. Nonetheless, I have attempted to do so to the best of my ability and knowledge.

I feel that I am being persecuted for this Board's perceived shortcomings within the Drain Code. If the Board seeks legislative reform regarding drain procedures, I respectfully suggest that the appropriate forum would be through the state legislative process rather than individual project review. The Board of Commissioners' campaign against myself and my office is not an appropriate forum. The actions I have taken regarding the Tonkin Drain have followed the law. This has been affirmed by this Board's own counsel, bond counsel for this Board, and the Drainage District's counsel.

My fear is that the way this has been handled and the adversarial approach that has been taken by the Board toward myself and the position I serve may have a chilling effect on future citizens' willingness to serve as drain commissioner or in other public offices throughout the County. I hope that this report can allow my office and this Board to reach a place whereby we can mend our relationship and work together for Mecosta County, as we have historically done.

SURVEY

Board Chairman Chris Zimmerman has had about 53 responses to a recent survey involving those residents who have received an assessment. Of the 53, only three responses were in favor of the project. Statistically speaking, 95% of the landowners in Tonkin are opposed or don't care either way.

It is unclear to me where the Board of Commissioners authorized Chairman Zimmerman to conduct this survey. The meeting minutes from this Board's meeting on August 7, 2025, reflect statements made by Commissioner Bill Routley that the letter serving as the survey should not have appeared as if it was from the Board of Commissioners since the matter was not discussed or authorized by the board.

I am also unaware who the survey was sent to, and the Board of Commissioners did not consult my Office to obtain a complete list of parcels and property owners within the drainage district. The Tonkin Drain Drainage District contains approximately 433 parcels. The Board of Commissioners meeting minutes from August 7, 2025, indicate that the survey distributed by the Board of Commissioners was mailed to approximately 315 property owners. This request indicates that 53 responses to the survey were received. A mere 53 responses for approximately 433 total parcels within the drainage district represents only approximately 12%, recognizing that the percentage could be higher if someone owned multiple parcels. In my opinion, it is unfair to portray the results of a survey that only covers approximately 12% of the drainage district as 95% landowner opposition to the Tonkin Drain project. It is also unfair to paint the results in this light when a number of those responses indicated indifference. The distinction between indifference and opposition is imperative, and the two categories should not be lumped together for illustrative purposes.

Moreover, my understanding is that a survey should be conducted in a balanced fashion. In my opinion, the survey methodology raises concerns about potential bias. The survey included editorial commentary rather than neutral questions, which may have influenced responses. The Board Chair requested information in a biased manner to achieve negative responses against the project. For example, the Board Chair's "survey" included the statement: *"As for the Tonkin, I am very, very disappointed with the way in which this project has been handled. I can't imagine the horror of finding a surprise assessment in my mailbox, that I didn't plan on, agree with, or have reasonable opportunity to fight."* I am not comfortable relying on the results of the Board Chair's survey given the way the survey was conducted and the manner in which its so-called results are being presented.

I view invoking MCL 46.11(k) as a very serious matter. It is disappointing to me that the other members of the Board of Commissioners allowed a report to be requested of me under this statute based on what I view as biased and politically motivated information.

As to the specific questions asked of me, I offer the following:

I. GENERAL

What are your qualifications to be drain commissioner? I possess the same statutory qualification as anyone who runs for a county elected position. Elected officials such as drain commissioners, or county commissioners for that matter, are not required to possess a degree to run for office. However, I earned a bachelor's degree in accounting and served as Deputy Drain Commissioner prior to taking the office of Drain Commissioner. I was hired as the Deputy Drain Commissioner in April 2014 and was appointed Drain Commissioner after the retirement of Jackie Fitzgerald. I took office in October 2020 and have run unopposed for two election cycles.

Have any formal education in hydro-related curriculums? I do not have any formal education in hydro related curriculums. However, I have earned certifications for Soil Erosion and Sedimentation Plan Review and Design, and a Stormwater Construction Site Operation certification from the Michigan's Department of Environment, Great Lakes, and Energy.

II. ANCIENT HISTORY

****Was the Drain Code of 1956 passed in part to minimize mosquitoes and maximize tillable farm ground?*** I am not aware of the intent of the state legislature from 1956.

Were the Board of Determination members given a cost of the project when asked to decide on the merits of the project? I was not the Drain Commissioner at the time of the Board of Determination meeting. However, it is my understanding that the Board of Determination for the Tonkin Drain project was not given a cost for the project.

Are you required to give those board members a cost of the project? I was not the Drain Commissioner at the time of the Board of Determination meeting. However, I am not aware of a statutory requirement to present a project cost to the Board of Determination.

Was the vote 2-1 in favor of the project? I was not the Drain Commissioner at the time of the Board of Determination meeting. However, it is my understanding that the vote was 3 to 0 in favor of the necessity of the petition.

It is also my understanding that there were a few other votes that took place during the Board of Determination meeting. One of the votes was 2 to 1 in favor for the public health benefits of the Big Rapids Charter Township and City of Big Rapids at-large and Mecosta County at-large. This determination was later further clarified by a 3 to 0 vote that a portion of the cost of the project be paid for by the benefiting governmental entities. There was also a 2 to 1 vote in favor of the revision to the Drainage District Boundaries as recommended by the engineers.

No one appealed any of the decisions of the Board of Determination.

Why did one person on the board of determination vote NO? I was not the Drain Commissioner when the Board of Determination was held for the Tonkin Drain. However, it is my understanding that all three members of the Board of Determination voted for necessity of the project. As to any no votes on other issues, I cannot speak to the reasoning of any member of the Board of Determination.

III. ANNUAL REPORTS TO THE BOARD OF COMMISSIONERS

Why weren't the photos of water labeled with dates and times? I have reviewed the annual reports from the drain office to this Board for each year since the Tonkin Drain petition, and it appears that the annual reports do not contain photos of the Tonkin Drain but instead provide an overview of the project. Accordingly, I am not familiar with the specific photographs that you reference and therefore lack sufficient information to further answer this question, especially when under oath.

Regarding those photos, how long did it take before the water receded? The annual reports do not contain photos of the Tonkin Drain. Accordingly, I am not familiar with the specific photographs that you are referring to, and I therefore lack sufficient information to further answer this question.

Why wasn't that information mentioned in your reports? I am uncertain what "that information" is that you are referring to. If you are referring to time stamps to photographs that are not in the Annual Reports, I am not familiar with the specific photographs that you are referring to, and I therefore lack sufficient information to further answer this question.

Did you have maintenance records of the culverts/drains related to the photos of water? The annual reports do not include photos of the Tonkin Drain so it is unclear what is being requested and what photos are being referred to, and I therefore lack sufficient information to further answer this question under oath.

What weather event contributed to the water pictured in the photos featured in the annual report to commissioners. The annual reports do not include photos of the Tonkin Drain so it is unclear what is being requested and what photos are being referred to, and I therefore lack sufficient information to further answer this question.

IV. ENGINEERING

In the state of Michigan, how many qualified engineering firms are licensed to conduct a project such as Tonkin? There are numerous engineering firms in the state that perform work on drains. I do not have an exact amount. I am familiar with the following firms: Spicer Group Inc., PEA Group, Fleis & Vandenbrink, Fishbeck, Land and Resources, Eng., Prein & Newhof, and Wade Trim.

Did you get bids from any other engineering company besides Spicer? I was not the Drain Commissioner when the engineer for the Tonkin Drain project was selected. The Order appointing Spicer Group as the engineer was signed by the previous Drain Commissioner. I am not aware of any records in the Drain Office that show that bids were taken for engineering.

If so, who were they? I was not the Drain Commissioner when the engineer for the Tonkin Drain was selected. I am not aware of any records in the Drain Office that show that bids were taken for engineering.

If no, why not? I was not the Drain Commissioner when the engineer for the Tonkin Drain was selected and therefore cannot answer this question.

As a percentage of overall cost, what is the industry standard for engineering work for a project such as Tonkin? To my knowledge, there is no industry standard for percentages related to completing county drain projects. Costs are specific to each project and depend significantly on the scope and complexity of the work. Permitting, easement acquisition, and design complexity are all major factors.

What percentage of the total cost has Spicer been paid? Spicer Group, Inc. has been paid approximately \$582,444 as of August 29, 2025. These payments include fees for subconsultants totaling approximately \$36,638.99. Therefore, Spicer Group Inc. has been paid somewhere between 10% and 11% of the total computation of cost.

(See addendum 2 and 3) Who created the perforated black line boundary on the map for individuals subject to Tonkin assessment? The engineers at Spicer Group, Inc., created the perforated black line boundary on the map.

How was that boundary determined? The engineers determined the drainage district boundary through the use of lidar, topography, and physical inspections.

When was that boundary created? It is my understanding that the original Tonkin Drain Drainage District was established in 1904. With time, drainage district boundaries have been refined to the best available topographic data and physical verification of storm sewers that may alter boundaries. It is my understanding from the engineers that a 2018 1M digital elevation model produced from lidar data and published by the USGS was utilized to update the boundary in addition to physical validation as presented to the Board of Determination in 2018. Amendments extending the drainage district downstream were reviewed at the May 13, 2025, Day of Review of Apportionments and Drainage District Boundaries.

(See addendum 2 and 3) Given that the highlighted landowners are so close to Tonkin (relative to the landowners west of US131) why weren't the highlighted landowners included in the Tonkin zone? The engineers reviewed the drainage areas and determined that the highlighted properties do not contribute runoff to the Tonkin Drain. Consequently, they were not recommended to be included within the Drainage District boundaries.

When were you first made aware of the costs for Tonkin? A scope meeting held in February 2019 took place before I was the Drain Commissioner and provided information for extending the Drain and the estimated construction costs. This estimate was \$1.5 million for construction only. This did not include easement acquisition, permits, legal fees, or engineering fees at the time or any additional work requested and paid for by the Michigan Department of Transportation ("MDOT"). In anticipation of potential project costs, I approached Mecosta County Finance in 2021 when I became Drain Commissioner to request \$500,000 of the American Rescue Plan Act ("ARPA") funds, but this request was denied by the County Board of Commissioners at the time. Final costs of the Tonkin Drain project could not be known until bids were taken and the engineers, bond counsel, and the municipal advisors assisted me with finalizing the computation of costs.

Were you compensated in any fashion by Spicer Group for hiring them to handle the Tonkin project? No. Once again, Spicer Group was retained by the previous Drain Commissioner as the engineers for the Tonkin Drain project.

How much have you paid Spicer Group to date for this project? Spicer Group, Inc. has been paid approximately \$582,444 as of August 29, 2025. These payments include fees for subconsultants totaling approximately \$36,638.99.

Did you pay Spicer for public relations work? “Public relations work” is not defined, but it is my understanding that there are some projects in Michigan where Spicer utilizes a public relations firm as a subcontractor. However, my office did not contract for these services for this project.

Was it even discussed? Not to my knowledge or recollection.

Did Spicer Group give you alternative plans for Tonkin that could have been less expensive? I am not sure what is meant by “alternative plans.” In my opinion, the ultimate project scope made the most sense given easement acquisition issues, EGLE permitting, and design requirements while working collaboratively with MDOT to achieve their needs for Northland Drive.

How do the people of Mecosta County know they’re getting great value, if no other engineering firms were considered? I am unsure what is meant by “great value” and cannot thoroughly address a metric that is undefined under oath. Moreover, I was not in office at the time Spicer Group was appointed. That decision was made, and this project began over two years prior to when I took the position of Drain Commissioner.

****Did Spicer or any of Spicer’s employees donate to any of your election campaigns?*** No. I have run unopposed twice and funded my campaign by myself.

V. WEATHER

Are you familiar with historical weather records in Mecosta County? The Mecosta County Drain Commissioner’s Office does not maintain weather records.

Are there any records of flooding on the historically heaviest days of rainfall in Mecosta County? The Mecosta County Drain Commissioner’s Office does not maintain weather records.

****How do you define a flood as it relates to the Tonkin Drain?***

“Flood” can be defined in many ways. Typically, flooding would include ponding surface waters or inundated roadways or structures. The severity of flooding generally depends on topography, as well as the intensity and severity of storm events.

How many inches of rain does it take to have water over Northland Drive, the Bulldog Square mall parking lot? It is my understanding that the quantity of rain that it takes to flood Northland Drive and Bulldog Square depends on many variables including but not limited to ground saturation, rainfall amount, inlet conditions, and rainfall intensity. The engineers informed me that hydraulic modeling of the existing storm sewer through Bulldog Square shows that flooding of the parking lot can occur with precipitation as low as 2.12 inches over a 24-hour duration and that the existing system does not meet county or MDOT storm sewer drainage standards.

VI. COMMUNITY

In 2020, two individuals approached you about paying for half of an estimated \$300,000 to repair/remediate a water situation on Winter's Creek. (SEE ADDENDUM NUMBER 3, and 4.) Both individuals say that you didn't return their calls. Please explain why you chose to ignore them.

My recollection is that representatives from Spicer Group and I met with Kevin Lamb on his property in March 2021 to inspect the pond and discuss the plan on what to do with it. Kevin planned to keep the pond and use it for irrigation. This pond was a result of the prior owner impounding the creek and the impoundment was in poor/near failing condition. My recollection is that I indicated that I would work with him to get the impoundment stabilization EGLE permit and that costs would be known at a later time. In May of 2022, a severe storm hit Big Rapids and the embankment was breached. Kevin Lamb no longer owns the property, and it was determined that the pond would not be restored as the engineers informed me that a) the impoundment did not supply significant attenuation of the peak or did not function as an efficient detention system, therefore the impoundment did not provide significant benefit for decreasing peak flows; b) the engineers believed that permitting reconstruction of impoundments of natural watercourses is not a readily permissible activity; and c) the maintenance and risk associated with the impoundment exceeded the natural restoration of the watercourse through the reach.

As it relates to Tonkin, the Pioneer newspaper quoted you as saying you "did things by the book." Which book are you referring to? I was referring to the Drain Code of 1956, and other applicable statutory laws involved in constructing a drain project. Legal counsel reviewed the proceedings to ensure that the Drain Code was followed. The bond counsel, Miller Canfield, also reviewed the proceedings to ensure compliance. It is also my understanding that this Board had its own civil counsel review the proceedings as well.

Does "the book" recommend getting more than one estimate for engineering work? There is no Drain Code requirement to get more than one estimate for engineering work. As previously mentioned, the decision as to the engineers used for this project was made by the previous Drain Commissioner.

Does "the book" recommend notifying the public of an impending tax levy? The Drain Code requires notice, and notice was provided.

****Why did you get two estimates for some part of the project, but not engineering?*** As previously mentioned, the decision as to the engineers used for this project was made by the previous Drain Commissioner.

Why didn't you notify the folks who had received easement payments that they will be getting levied for Tonkin? All property owners that were assessed were given notice.

At the June 4th Appeal of Apportionments in Judge Thompson's Courtroom, roughly half of the personal appellants had their assessments reduced because of errors in the way their property was classified, or, the acreage was inaccurate. How did you - or the folks you hired - make so many errors? The Board of Review chose to make revisions to the roll, and it is the Board's right to do so.

Is there a chance that many other individuals have their land rated as residential, when it should be rated as vacant? I am unsure what you mean by “rated” as residential or “rated” as vacant, and accordingly I cannot accurately provide a response to this question.

Did you consult the deeds of properties, or use the county’s GIS system when determining the people’s assessments? The engineers utilized the GIS layer from Mecosta County Equalization system, and it assisted in developing the roll. Deeds do not always contain acres, and they do not account for property splits and combinations.

At the Day of Appeal in Judge Thompson’s courtroom, why was Big Rapids Township’s apportionment doubled? The Board of Review voted to revise Big Rapids Township’s apportionment. I did not ask the individual Board of Review members why they did so. Accordingly, I cannot answer this question any further.

****What formula was used to double their apportionment?*** The Board of Review voted to revise Big Rapids Township’s apportionment. I did not ask the individual Board of Review members why they did so. Accordingly, I cannot answer this question any further.

****One witness says that before Big Rapids’ Township had a chance to present their case at the Day of Appeal, you said “Their apportionment should be drastically increased!” Is that true? Did a court reporter capture that statement?*** I was asked for what change I would make to their assessment during the procedure. I do not recall my exact statement, but my recollection is that I stated that after considering township assessments for other drains and other projects I would have set the apportionment between 15-20%. I stand by this. Prior assessments to Big Rapids Township for the Tonkin Drain in 1994 and 2011 were set at 19.89510%. The Board of Review was not required to follow my recommendations or statements.

Was it fair to the individuals who wanted to appeal their assessments had to come up with a \$15,000 bond? The Drain Commissioner does not set the bond. The Probate Court Judge sets the bond, and I have no opinion as to the fairness of the Judge’s decision.

Do you agree with the court’s decision to raise the bond from \$2,500 to \$15,000? My opinion on the matter is irrelevant. The bond is set by the Probate Court Judge and out of my control.

****Did you realize that this financial outlay may have prohibited some people from having their day in court? If no, why didn’t you realize this? If yes, did you argue that it should have been kept at \$2500?*** The Judge sets the bond, and I have no jurisdiction over the matter. Citizens were allowed to attend and testify during a period of public comment at the proceeding, regardless of whether they posted a bond.

Did Ms. Hissong argue that the increase was appropriate? The Probate Court Judge set the bond and not Ms. Hissong.

Why didn’t the court make the amount of the bond higher? Again, the Probate Court Judge set the bond. This is a question for him.

Have you conducted any polling data to gauge the community's appetite for this project? No. A project was petitioned, and the Drain Commissioner was obligated to hold a Board of Determination to decide necessity. Property owners in the drainage district were notified of the meeting and had the opportunity to voice their opinions to the Board of Determination before necessity was decided. Property owners and municipalities in the Drainage District had a right to appeal the Board of Determination decision and yet no appeals were filed.

****On what date were the Board of Commissioners first made aware of the cost related to Tonkin? How were the Board of Commissioners made aware?*** I met with this Board's Drain Committee numerous times and discussed the status of the Tonkin Drain with them, and they were given adequate opportunity to ask any questions about the project. In 2021, I approached the Finance Committee to get ARPA funds, and the funding request was denied. Please keep in mind that the actual cost of the Tonkin Drain project was not determined until bids were obtained and the computation of costs was developed with the assistance of the bond counsel and municipal advisor. Contractor bids varied greatly, so the final project cost would have proven impossible to predict beforehand with any guaranteed accuracy.

****How was the amount of Ms. Hissong's legal fees established?*** Attorney fees are set based on differing hourly rates for different attorneys. The amount is determined by the hours worked.

****Will she defend you in the event you're sued for anything related to Tonkin?*** It depends on the nature of the lawsuit.

****Who will pay the damages/judgment if the plaintiffs prevail in their suit against you?*** I am not aware of any suit against me or the Tonkin Drain Drainage District. Accordingly, I cannot answer this question as the answer varies depending on the nature of the lawsuit.

CONCLUSION

I recognize that the majority of this Board took office in 2025, and so these Board members may not have been present at previous Board meetings for annual reports or other presentations, or present at this Board's Drain Committee meetings. *While some current Board members may not have been present for previous discussions, information regarding the Tonkin Drain project has been regularly provided through the established committee process.*

For example, the Tonkin Drain was discussed at the following Drain Committee meetings:

September 12, 2018	December 8, 2021
December 12, 2018	March 9, 2022
March 13, 2019	September 14, 2022
June 12, 2019	December 14, 2022
December 11, 2019	March 7, 2022
March 11, 2020	September 13, 2023
September 9, 2020	December 13, 2023
December 9, 2020	March 13, 2024
March 10, 2021	September 11, 2024
May 19, 2021	December 11, 2024
June 30, 2021	March 12, 2025
September 8, 2021	June 11, 2025

Commissioner Bill Routley took the time to come to my office and ask me questions face to face about the project. I feel all of his questions were answered and any requests for information was provided. Commissioner Gary Lambrix also briefly stopped in my office and asked follow-up questions. It is unfortunate that other Board members chose to invoke this statute without first asking me.

I remain committed to fulfilling my statutory duties as Drain Commissioner in accordance with Michigan law. I welcome continued dialogue with this Board to address any remaining concerns and to work collaboratively on future drainage matters that serve the residents of Mecosta County.

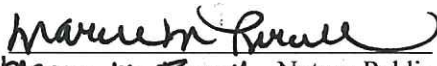
STATE OF MICHIGAN)
)ss.
COUNTY OF MECOSTA)

Karla Miller, being first duly sworn, says that she is the Mecosta County Drain Commissioner, and that in her capacity as Drain Commissioner she has prepared this report pursuant to MCL 46.11(k).



Karla Miller
Mecosta County Drain Commissioner

Subscribed and sworn before me on the 3rd day of September, 2025.



Marilee M. Farrell, Notary Public
Mecosta County, Michigan
Acting in Mecosta County, Michigan
My commission expires: July 18, 2029