



Resolution 22-2024

Date: March 20, 2024

Resolution of Support for Adoption of SB662_2024

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on February 10, 1960, and resolved to establish a special assessment district for the purpose of constructing a dam on Duck Lake, located in Green Lake Township, to control the level of Duck Lake; and

WHEREAS, the Grand Traverse County Board of Commissioners met in regular session on October 29, 1986, and resolved (#133-86) to establish a special assessment district to determine and maintain a high-water level for Silver Lake, located in Garfield and Blair Townships, and to promote drainage from the lake; and

WHEREAS, the 13th Circuit Court has issued orders for the maintenance of lake levels on Duck Lake and Silver Lake, and dams were constructed on both lakes for the control of drainage from the lakes in furtherance of maintaining the Court-ordered lake levels; and

WHEREAS, Part 307 of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended, is entitled "Inland Lake Levels," being Section 324.30701, et seq. of Michigan Compiled Laws (MCL). Part 307 regulates the maintenance of the "normal level" of lakes established by Court orders in accordance with Part 307; and

WHEREAS, the Grand Traverse County Board of Commissioners entered into an Administrative Consent Agreement (ACO-05362, dated: July 15, 2019) with the State of Michigan Department of Environment, Great Lakes, and Energy to resolve the State's Failure of Notice claim attendant to the 13th Circuit Court's proceedings in 2017 to re-affirm the "normal level" of Duck Lake; and

WHEREAS, ACO-05362 imposes normal level maintenance obligations upon Grand Traverse County to maintain monthly minimum flows out of Duck Lake in addition to maintaining the "normal level"; and

WHEREAS, the 2022 court case Citizens for Higgins Lake Legal Levels v. Roscommon County Board of Commissioners in Michigan's Court of Appeals held that a normal lake level must be strictly maintained with no variance allowed to the Court's-ordered level; and

WHEREAS, the Court of Appeals ruled that Roscommon County had a clear legal duty to maintain the normal lake level at the precise elevation set forth in the Circuit Court Order, such that even the slightest deviation constituted a breach of that ministerial duty; and

WHEREAS, the appeal to the Michigan Supreme Court of Michigan's Court of Appeals ruling in Citizens for Higgins Lake Legal Levels v. Roscommon County Board of Commissioners has not resulted in establishing any revision to the Court of Appeals' ruling in the matter of "normal level" maintenance; and

WHEREAS, the Grand Traverse County Board of Commissioners adopted Resolution 89-2021 to delegate limited authority to the Grand Traverse County Drain Commissioner to operate the lake level control structures (dams) that maintain the normal levels of Duck Lake and Silver Lake pursuant to Part 307 of the NREPA; and

WHEREAS, Duck Lake Dam is equipped with an automated lake level monitor that continuously measures, records and broadcasts the Duck Lake level to the Grand Traverse County website for the benefit of stakeholders, including the Drain Commissioner who utilizes monitoring with weather forecasting in an effort to maintain the "normal level" and the ACO-mandated minimum outflows; and

WHEREAS, Duck Lake has multiple streams that inlet to the lake and which, in addition to natural springs, provide water flow into Duck Lake affecting normal level; and

WHEREAS, Duck Lake has only one, solitary, outlet stream which is the headwater flow of the Betsie River, which flow is controlled by the Duck Lake Dam; and

WHEREAS, the normal level of Duck Lake can be influenced by factors downstream of the Duck Lake Dam, which is outside the control and limited authority of the Drain Commissioner and can include the natural actions of beaver and other wildlife, woodland deadfall obstructions, human activities that restrict or increase stream flow, and the unregulated flows of downstream tributaries to the Betsie River that occupy its stream channel capacity for flows; and

WHEREAS, the Drain Commissioner is a licensed Professional Engineer, examined by the State of Michigan and found competent to practice in the engineering areas of hydraulics, hydrology, open-channel flow and hydrogeology, and has reviewed 2½ years of Duck Lake Dam operational data along with the engineering studies previously commissioned by the Grand Traverse County Board of Commissioners in establishing and affirming the "normal level" for Duck Lake. The Drain Commissioner has also reviewed the "Betsie River Hydrologic and Hydraulic Study, May 2014," commissioned by the Water Resources Division of the Department of Environment, Great Lakes and Energy in conjunction with the Drain Commissioner's limited authority to the maintain normal level of Duck Lake; and

WHEREAS, the Drain Commissioner has found it is technically impractical, perhaps impossible, to consistently maintain the normal level of Duck Lake utilizing the Duck Lake Dam for flow control, and that the additional obligations to maintain minimum flows imposed by ACO-05362 can counter efforts to maintain a normal level if minimum flows out of Duck Lake diminish lake levels at and below the normal level; and

WHEREAS, Senate Bill 662 of the 2024 legislative session proposes to amend Part 307 of the NREPA, including the definition of “normal level”. The proposed "normal level" would allow for temporary fluctuations in water level resulting from weather, natural events, or construction activities—offering greater flexibility to Grand Traverse County to comply with the current Circuit Court Order and with ACO-05362; and

WHEREAS, Senate Bill 662 was passed out of the Senate by a considerable majority and now resides in the House Committee on Natural Resources, Environment, Tourism and Outdoor Recreation; and

WHEREAS, Senate Bill 662 has been reviewed by outside Civil Counsel to the County Board of Commissioners who identify benefit to the County if the bill is adopted into law as presently written.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, THAT Grand Traverse County supports Senate Bill 662 of 2024 as currently written, and hereby urges the Michigan Legislature to amend the current definition of “normal level” under Part 307 of Public Act 451 of 1994, as amended, with the definition included in Senate Bill 662 introduced to the House Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

BE IT FURTHER RESOLVED that the Grand Traverse County Clerk is requested to forward copies of the adopted resolution to the Governor of the State of Michigan, the State Senate Majority and Minority leaders, the State House Speaker and Minority Leader, the members of the Grand Traverse County delegation to the Michigan Legislature, and the other 82 counties of Michigan as commissioner correspondence.

TUSCOLA COUNTY BOARD OF COMMISSIONERS

125 W. Lincoln Street
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Caro, MI 48723

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At a regular meeting of the Board of Commissioners for the County of Tuscola, State of Michigan, on the 14th day of March 2024, with the meeting called to order at 8:00 a.m.

Commissioners Present: Commissioner Kim Vaughan, Commissioner Ben Lutz, Commissioner Matt Koch

Commissioners Absent: Commissioner Sam Young, Commissioner Jan Gardner

The following resolution was offered by Commissioner Koch,
seconded by Commissioner Lutz,

RESOLUTION 2024-03

A RESOLUTION FROM TUSCOLA COUNTY EXPRESSING SUPPORT FOR THE CITIZENS FOR LOCAL CHOICE BALLOT INITIATIVE WHICH SEEKS TO AMEND THE CLEAN AND RENEWABLE ENERGY AND ENERGY WASTE REDUCTION ACT TO REPEAL PART 8 AS ADDED BY PUBLIC ACT 233 OF 2023, IN AN EFFORT TO RESTORE LOCAL CONTROL FOR WIND AND SOLAR OPERATIONS

WHEREAS, the ability of local jurisdictions to determine for themselves which projects should and should not be in their local communities; what plans are best and reasonable for each neighborhood rather than these decisions be forced onto Townships without their best interest at hand; and

WHEREAS, the legislature of the State of Michigan has passed, and the Governor has signed House Bill 5120, now Public Act 233 of 2023, that strips away local community control on these issues and places the control within the Michigan Public Service Commission (MPSC), and

WHEREAS, Tuscola County will protect our communities land from the MPSC and special interests trying to strip away local control within legal limits; and

WHEREAS, the County Board of Commissioners of Tuscola County feel strongly that our local government is best able to assess the needs of our community; now

THEREFORE, BE IT RESOLVED, that Tuscola County Board of Commissioner vehemently opposed to the State of Michigan Legislature's passage of legislation that takes away local control and places it within the authority of the MPSC; and

BE IT FURTHER RESOLVED; that Tuscola County is opposed to corporation-prioritized action such as building utility-scale wind and solar projects in our community; and

BE IT FURTHER RESOLVED; that Tuscola County supports the statewide ballot initiative, Citizens for Local Choice, a grassroots coalition of local officials and community organizers across Michigan working to amend the Clean and Renewable Energy and Energy Waste Reduction Act to, among other things, repeal Part 8 as added by Public Act 233 of 2023 which will restore local control of land use to ensure reasonable regulation in our widely diverse communities.

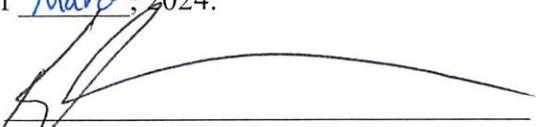
Roll Call Vote:

Ayes: Vaughan, Juty, Koch

Nays: none

Resolution 2024-03 declared adopted this 14th day of March, 2024.

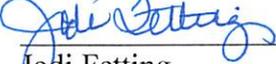
Date 3/14/2024



Kim Vaughan, Chairperson
Tuscola County Board of Commissioners

I, Jodi Fetting, Tuscola County Clerk, CCO, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at a regular meeting on March 14, 2024.

Date 3/14/2024



Jodi Fetting
Tuscola County Clerk, CCO

OGEMAW COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF SUPPORT FOR STATEWIDE BALLOT INITIATIVE
TO RESTORE LOCAL CONTROL OF SITING DECISIONS FOR
RENEWABLE ENERGY AND ENERGY STORAGE PROJECTS**

**RESOLUTION NUMBER 24-36
ADOPTED MARCH 14, 2024**

WHEREAS the ability of local jurisdictions to determine for themselves which projects should and should not be allowed in their local communities was enshrined in the landmark *Village of Euclid v. Ambler Realty Company* U.S. Supreme Court decision in 1926 that established the principle and practice of land use zones; and

WHEREAS on September 28, 2023, the Ogemaw County Board of Commissioners approved Resolution 23-124 in opposition to state preemption of local control in solar and wind siting and zoning; and

WHEREAS the Michigan Legislature and Governor acted to usurp local control of land use decisions established in *Euclid* through enactment of Public Act 233 of 2023, which strips away local community control of the siting process for renewable energy and energy storage projects and instead assigns that function to the Michigan Public Service Commission (MPSC); and

WHEREAS the Board feels strongly that local governments in Michigan are best suited to assess the land use needs of their respective communities as established nearly 100 years ago in the landmark *Euclid* decision.

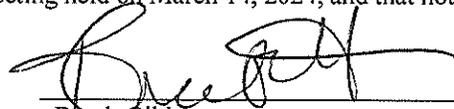
THEREFORE, BE IT RESOLVED that the Ogemaw County Board of Commissioners supports the statewide ballot initiative organized by Citizens for Local Choice, a grassroots coalition of local officials and community organizers across Michigan, to repeal Public Act 233 of 2023 which will restore local control of land use decisions.

BE IT FURTHER RESOLVED that this resolution be forwarded to all Michigan counties, the Michigan Association of Counties, state legislators who represent Ogemaw County, and other applicable state and local authorities.



Jenny David, Chairperson
Ogemaw County Board of Commissioners

I certify that the foregoing is a true and accurate copy of the resolution adopted by the Ogemaw County Board of Commissioners, that such resolutions were duly adopted at a regular meeting held on March 14, 2024, and that notice of such meeting was given as required by law.



Breck Gildner
Ogemaw County Clerk

Introduced by the Human Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION SUPPORTING STATEWIDE WATER AFFORDABILITY LEGISLATION

RESOLUTION #24 – 117

WHEREAS, in October 2023, a package of “Water Affordability” bills was introduced in the Michigan Senate and House of Representatives which, if enacted, would establish a first in the nation statewide program to provide eligible low-income households with water bill payments considered affordable based on national standards, along with a sustainable funding source to support the program and protections from water service shut off; and

WHEREAS, SB 0549’23 and HB 5088’23 would create a low-income water residential affordability program under which qualifying individuals would not pay more than an average of 3% of their household income for water services and, if eligible, receive arrearage forgiveness for past due water debt and household plumbing repairs to prevent water loss; and

WHEREAS, SB 0550’23 and HB 5089’23 would create the low-income water affordability fund within the Michigan Department of Treasury using a \$2 per month, per retail water metered account funding factor which would be used as a dedicated funding source to support the low-income residential water affordability program and, among other things, ensure that water utility providers recover the full cost of services provided to eligible and enrolled customers; and

WHEREAS, SB 0551’23 and HB 5090’23 would create the “Water Shutoff Protection Act” which would require water utility providers give various forms of notice to residential customers prior to the disconnection of water service due to non-payment and to prevent water service disconnection for individuals meeting the requirements of a critical care customer whose life would be at imminent risk without household water services; and

WHEREAS, the average inflation-adjusted water costs have roughly doubled (increased by 188%) for the state as a whole since 1980 and the cost of water service, on average, has increased at a faster rate than all other essential goods and services, except health care; and

WHEREAS, customers who cannot afford water bill payments are at risk of water service shut off, property tax liens that can result in foreclosure, and other potentially devastating consequences including housing insecurity and harm to personal health, dignity, and family relationships; and

WHEREAS, the inability of customers to afford water services also impacts water utility providers through uncollected or delayed revenue, increased operational costs, and deferred infrastructure maintenance or replacement; and

WHEREAS, the Ingham County Board of Commissioners recognizes that access to affordable water services is a fundamental human right, essential for the fiscal stability of water utility providers, necessary to protect public health and safety, and critical to the resilience and prosperity of Ingham County and all Michigan residents.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners supports and urges the Michigan Legislature to take action to pass Senate Bills 0549-0551 and House Bills 5088-5090.

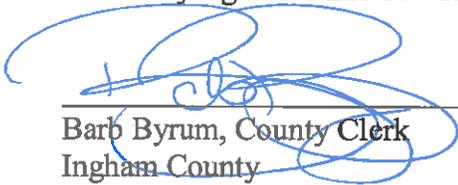
BE IT FURTHER RESOLVED, that the Ingham County Clerk is requested to forward copies of this resolution to the Governor, the members of the Ingham County delegation to the Michigan Legislature, the Michigan Association of Counties and all Counties within the State of Michigan.

HUMAN SERVICES: Yeas: Cahill, Tennis, Trubac, Peña, Pawar
Nays: Ruest **Absent:** Morgan **Approved 03/04/2024**

STATE OF MICHIGAN)
) SS
COUNTY OF INGHAM)

I, Barb Byrum, the duly qualified and acting Clerk of Ingham County, Michigan (the “County”) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners at a meeting held on March 12, 2024, 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 of the Public Acts of Michigan of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 14th day of March, 2024.



Barb Byrum, County Clerk
Ingham County