

RESOLUTION

NO: 2025-02-023

LIVINGSTON COUNTY

DATE: February 24, 2025

Resolution to Support Local Control and Claim of Appeal Against Michigan Public Service Commission Order – Board of Commissioners

WHEREAS, the Livingston County Board of Commissioners supports state policies that maintain and advance local control; and

WHEREAS, the State of Michigan has adopted policies and introduced legislation that attempts to further reduce local control in key areas affecting unique interests in local communities; and

WHEREAS, in 2023, the State of Michigan adopted Public Act 233 of 2023 (“PA 233”); and

WHEREAS, only under limited circumstances, PA 233 confers powers and duties to the Public Service Commission (“PSC”) regarding the siting of utility-scale solar energy facilities, wind energy facilities, and energy storage facilities allowing developers to bypass local zoning authorities when proposing qualifying developments; and

WHEREAS, the PSC issued an order on October 10, 2024 (the “Order”) implementing the provisions of Public Act 233 of 2023 (“PA 233”); and

WHEREAS, the Order attempts to vastly expand the PSC’s limited and enumerated jurisdiction in PA 233 and is both unlawful and unreasonable; and

WHEREAS, the Order is unlawful and unreasonable because, among other reasons: (1) the PSC’s issuance of the Order violates the Administrative Procedures Act, MCL 24.201 *et seq.*, and (2) the Order unlawfully and unreasonably redefines key terms and concepts and creates processes and procedures that violate the Legislature’s express and unambiguous intent for local input in the regulation of energy facilities; and

WHEREAS, a coalition of Michigan Municipalities timely filed a claim of appeal from the Order on November 8, 2024; and

WHEREAS, the Livingston County Board of Commissioners supports the coalition of Michigan Municipalities in their efforts to protect local control in the regulation of energy facilities.

THEREFORE, BE IT RESOLVED the Livingston County Board of Commissioners resolves its unequivocal support of local control and the coalition of Michigan Municipalities that have filed an appeal from the Order.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor Gretchen Whitmer, Michigan State Senator Lana Theis, Michigan State Representatives Ann Bollin, Jason Woolford, Mike Mueller, and Jennifer Conlin, and the other 82 county board of commissioners in the State of Michigan.

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MOVED:	F. Sample		
SECONDED:	D. Helzerman		
CARRIED:	Yes (8): J. Drick, D. Helzerman, F. Sample, W. Nakagiri, R. Deaton, M. Paunovich, N. Fiani, and J. Gross; No (0): None; Absent (1): D. Domas		