

RESOLUTION

NO: 2024-09-129

LIVINGSTON COUNTY

DATE: September 23, 2024

Resolution to Authorize Entry of Consent Judgment in Settlement of Litigation with Hartland Township – Board of Commissioners

WHEREAS, the County of Livingston and its Department of Public Works have been named as defendants in a lawsuit (“Litigation”) filed by the Township of Hartland in the Livingston County Circuit Court, Case. No. 23-31864-CK; and

WHEREAS, the Litigation involves a dispute regarding the operation of the Livingston County Septage Receiving Station, (“SRS”), located within Hartland Township; and

WHEREAS, the issues in the Litigation involve the rights and duties set forth in a Master Operating Agreement (“MOA”), dated July 11, 2005, to which the County of Livingston (“Livingston”) and the Township of Hartland (“Hartland”) are signatories; and

WHEREAS, pursuant to Article XV of the MOA, the parties engaged in a Dispute Resolution process resulting in the formation of a Dispute Resolution Panel, (“DRP”), which adopted certain recommendations (“Recommendations”) to resolve the dispute; and

WHEREAS, the Livingston County Department of Public Works, (“DPW”), has recommended that the County Board of Commissioners adopt the Recommendations as a basis for resolving the dispute; and

WHEREAS, special litigation counsel for Livingston and counsel for Hartland have negotiated and jointly drafted a proposed consent judgment (“Consent Judgment”), based upon the Recommendations, that would fully and finally resolve all known disputes regarding the operation of the SRS that have been raised under terms of the MOA; and

WHEREAS, it has been represented to Livingston that Hartland has taken formal action to approve the settlement as proposed in the Consent Judgment and has authorized its counsel to execute the same on behalf of Hartland; and

WHEREAS, the County Board of Commissioners has duly considered the terms of the proposed Consent Judgment, and its special litigation counsel has recommended that Livingston agree to the Consent Judgment on its behalf and on behalf of the DPW, and is prepared to accept the benefits and to meet the obligations contained therein.

THEREFORE BE IT RESOLVED THAT the County Board of Commissioners does hereby approve the entry of the proposed Consent Judgment and authorizes its special litigation counsel to present it to the Circuit Court and execute the same on behalf of Livingston and its DPW; and

BE IT FURTHER RESOLVED THAT the County Board of Commissioners does hereby authorize and direct the DPW to take all necessary and reasonable steps to implement the Consent Judgment on Livingston’s behalf; and

BE IT FURTHER RESOLVED THAT the County Board of Commissioners shall take all steps to provide the financial means and assurances necessary and reasonable to meet Livingston’s financial obligations under the terms of the Consent Judgment, once entered into by the Circuit Court.

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MOVED:
SECONDED:
CARRIED: