

RESOLUTION

NO: 2024-04-044

LIVINGSTON COUNTY

DATE: April 22, 2024

Resolution Granting Authorization of Legal Council to File a Petition in Washtenaw County Circuit Court to Allow for Lake Level Variations and Confirm the Boundaries of a Lake Level Special Assessment District of Portage and Baseline Lakes on Behalf of Livingston and Washtenaw Counties – Drain Commissioner

WHEREAS, the Portage and Baseline Lake Dam is located in Washtenaw County; and

WHEREAS, there is a legally established lake level for Portage and Baseline Lakes located in both Livingston and Washtenaw Counties and the dam is operated in accordance with the Inland Lakes and Dam Safety provisions (Parts 307 and 315) of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended (NREPA); and

WHEREAS, the Washtenaw County Board of Commissioners and its delegated authority have previously been given jurisdiction for the operation and maintenance of the normal level of Portage and Baseline Lakes, in coordination with the Livingston County Board of Commissioners and its delegated authority; and

WHEREAS, a review of the historical court orders relating to Portage and Base Line Lakes' normal levels found that revisions are necessary to be consistent with state law to ensure that the court order authorizes lake level variations and accurately delineates the boundaries of a lake level special assessment district to fund maintenance of the normal levels; and

WHEREAS, Washtenaw County has retained the legal services of Fahey Shultz Burzych Rodes PLC to assist with the Part 307 lake level process, including filing a petition in the Washtenaw County Circuit Court; and

WHEREAS, Livingston County Resolution 2023-08-154 has previously authorized an expenditure exceeding the \$10,000 annual maintenance limit for a total of \$400,000 for repair of the Portage and Baseline Lake Dam; and

WHEREAS, since the passage of Resolution 2023-08-154, updated information indicates the probable exceedance of the \$400,000 expense limit; and

WHEREAS, expenditures related to the Portage and Baseline Lake Dam are funded by an established special assessment district; and

WHEREAS, the established special assessment district for expenditures related to the Portage and Baseline Lake Dam includes residents in Washtenaw and Livingston Counties.

THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Livingston, that pursuant to Part 307, the Washtenaw County Water Resources Commissioner (WCWRC) is authorized to approve annual expenditures of over \$10,000 for activities to maintain the normal levels on Portage and Baseline Lakes.

BE IT FURTHER RESOLVED by the Board of Commissioners for the County of Livingston that the expense limitation as indicated in Resolution 2023-08-154, is hereby rescinded.

BE IT FURTHER RESOLVED by the Board of Commissioners for the County of Livingston that the WCWRC is authorized to hire legal counsel to assist with amending and confirming the boundaries of the established special assessment district, including filing a petition in the Washtenaw County Circuit Court; and amending the lake level order for Portage and Base Line Lakes to allow for lake level variations.

#

#

#

MOVED:
SECONDED:
CARRIED: