

ARENAC COUNTY BOARD OF COMMISSIONERS

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District #1 Sally Mrozinski - Vice-Chairperson District #2 Lisa Salgat District #3 Bobbe Burke
District #4 Harold Woolhiser - Chairman District #5 Jim Hergott

ARENAC COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO INITIATE ACTION
TO AMEND LAKE LEVEL ORDER**

FOREST LAKE

RESOLUTION NO. 2023-06

At a meeting of the Arenac County Board of Commissioners, Arenac County, Michigan, held on March 16, 2023 at 11:00 a.m., Eastern Standard Time;

PRESENT: Burke, Mrozinski, Salgat and Woolhiser

ABSENT: Hergott

The following resolution was offered by Salgat and supported by Burke.

WHEREAS, Forest Lake, located in Moffatt Township, Arenac County, Michigan has an established normal lake level by the Arenac County Circuit Court under Part 307 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended (“Part 307”); and

WHEREAS, the Arenac County Board of Commissioners (“Board of Commissioners”) under Part 307 and with its delegated authority; has the responsibility to maintain the normal level of Forest Lake. MCL 324.30702; and

WHEREAS, Part 307’s primary mechanism to fund infrastructure and activities to maintain Forest Lake’s court-ordered normal level is by special assessments using a lake level special assessment district established by the Arenac County Circuit Court. See e.g., MCL 324.30711; and

WHEREAS, Board of Commissioners have been informed there are prior court orders relating to Forest Lake’s normal level delineate the boundaries of a lake level special assessment

district to fund maintaining Forest Lake's normal level. Moreover, maintenance is necessary on the lake level infrastructure requiring annual expenditures in excess of \$10,000; and

WHEREAS, based on the facts above, the Board of Commissioners desires to: (1) clarify Arenac County's delegated authority to maintain Forest Lake's normal level; (2) approve an annual expenditure of over \$10,000 for activities to maintain the normal level; and (3) approve hiring legal counsel and necessary engineers to assist with filing a petition in the Arenac County Circuit Court to establish and confirm the boundaries of a Forest Lake – Lake Level Special Assessment District and to make any other necessary amendments to its lake level order.

NOW, THEREFORE, BE IT RESOLVED:

1. **Delegated Authority:** The Forest Lake Level Authority Board ("Lake Level Authority Board") shall serve as Arenac County's delegated authority for Forest Lake under Part 307. See MCL 324.30702(2). The Forest Lake Level Authority Board shall consist of five (5) members being:
 - a. A member of Arenac County Board of Commissioners appointed by the County Board of Commissioners.
 - b. The Arenac County Drain Commissioner.
 - c. A member appointed by the Moffatt Township Board.
 - d. A member appointed by the Clayton Township Board.
 - e. One member of the Forest Lake Property Owners Association appointed by the Forest Lake Property Owners Association.

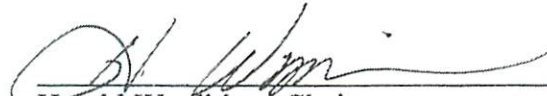
The terms of the County Board of Commissioners member, Moffatt Township appointed member, Clayton Township appointed member, and the Arenac County Drain Commissioner on the Lake Level Authority Board shall be indefinite unless replaced by an applicable legislative body or if the member leaves office. The remaining Forest Lake Property Owners Association members of the Lake Level Authority Board shall serve two (2) year terms, subject to reappointment. The Lake Level Authority Board may take any actions permitted by a delegated authority under Part 307 by approving such actions by a majority vote at a meeting where at least three board members attend. The Lake Level Authority Board may delegate day-to-day lake level maintenance and operations of a lake level control structure and related infrastructure to a qualified individual or entity.

2. **Over \$10,000 Expenditure:** The delegated authority is expressly authorized to annually expend more than \$10,000 for activities to maintain Forest Lake's normal level, including the maintenance and repair of lake level infrastructure. MCL 324.30722(4).

3. **Legal Counsel and Engineers – Special Assessment District:** Arenac County may retain legal counsel and engineers to prepare the boundaries of a recommended Forest Lake – Lake Level Special Assessment District and for any further services that are necessary related to maintaining the normal level of Forest Lake under Part 307. These include engineers from Spicer Group, Inc., and GEI Consultants, Inc., and legal counsel of Fahey Schultz Burzych Rhodes PLC. Further, said legal counsel may file a petition in the Arenac County Circuit Court on behalf of Arenac County to establish and confirm the boundaries of a Forest Lake – Lake Level Special Assessment District and to amend the lake level order to ensure that the lake level order specifies the correct lake level elevation and accounts for any seasonal or other lake level variations. See MCL 324.30707(5) (circuit court has continuing jurisdiction).

4. **Costs of Activities:** All costs associated with the activities authorized above shall be reimbursed by a lake level special assessment district to the extent permitted by Part 307.

Dated: 3-16-2023


 Harold Woolhiser, Chair
 Arenac County Board of Commissioners

Roll call vote:

APPROVE: Salgat, Burke, Mrozinski and Woolhiser

DENY: None

ABSENT ABSTAIN: Hergott

CERTIFICATION

STATE OF MICHIGAN)
) ss
 COUNTY OF ARENAC)

I, the undersigned, the duly qualified and acting Clerk of Arenac County, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Arenac County Board of Commissioners at a meeting held on the 16th day of April, 2023, and that notice of said meeting was given in accordance with the Open Meetings Act, and further certify that the above resolution was adopted at said meeting.

Dated: March 16, 2023


 Nancy A. Selle, County Clerk
 Arenac County