

TUSCOLA COUNTY BOARD OF COMMISSIONERS

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At a regular meeting of the Board of Commissioners for the County of Tuscola, State of Michigan, on the 11th day of May 2023, with the meeting called to order at 8:00 a.m.

Commissioners Present: *Thomas Young, Thomas Bardwell, Kim Vaughan,
Bill Auty, Matt Koch*

Commissioners Absent: *none*

The following resolution was offered by Commissioner *Koch*,
seconded by Commissioner *Auty*,

SHAY LAKE – LAKE LEVEL RESOLUTION NO. 2023-11

WHEREAS, Part 307 of the Natural Resources and Environmental Protection Act, MCL 324.30701, *et seq.* (“Part 307”), requires a County Board of Commissioners, or its delegated authority, to maintain established normal lake levels; and

WHEREAS, Shay Lake, located in Dayton Township, Tuscola County, Michigan, has a normal lake level established by the Tuscola County Circuit Court under Part 307; and

WHEREAS, the Tuscola County Drain Commissioner (“Drain Commissioner”) is the delegated authority to maintain Shay Lake’s normal lake level under Part 307; and

WHEREAS, the Drain Commissioner conducted a review of the lake level order for Shay Lake and found that revisions are required to be consistent with state law to ensure that the court order authorizes minor lake level fluctuations; and

WHEREAS, the Drain Commissioner desires authorization to amend the lake level order for Shay Lake in accordance with Part 307 to be consistent with state law with respect to lake level fluctuations and the current operation of its water control structure.

NOW, THEREFORE, BE IT RESOLVED:

1. **Lake Level Order:** The Drain Commissioner may retain and utilize legal counsel and engineers to perform services related to any needed updates to Shay Lake’s lake level order and any further services that are necessary related to maintaining Shay Lake’s normal lake level. Further, the Tuscola County Board of Commissioners (“Board of Commissioners”) specifically authorizes said legal counsel to file a petition in the Tuscola County Circuit Court to amend the lake level order for Shay Lake. See MCL 324.30707(5).
2. **Over \$10,000.00 Expenditure:** The Board of Commissioners authorizes annual expenditures of over \$10,000.00 for the purposes of projects associated with Shay Lake, including updating its lake level order. MCL 324.30722(4).
3. **Costs of Activities:** All costs associated with the activities authorized above, including retaining all necessary consultants (legal counsel and engineers) shall be reimbursed by the lake level special assessment district to the extent permitted by Part 307.

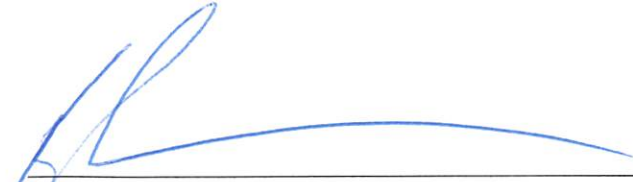
Roll Call Vote:

Ayes: *Yang, Bardwell, Kutz, Koch*

Nays: *Vaughan*

Absent: *None*

Resolution 2023-11 declared adopted this 11th day of May, 2023.



Kim Vaughan, Chairperson
Tuscola County Board of Commissioners

CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF TUSCOLA)

I, the undersigned, the duly qualified and acting Clerk of Tuscola County, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Tuscola County Board of Commissioners at a meeting held on the 11th day of May, 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: May 11, 2023



Jodi Fetting, County Clerk, CCO
Tuscola County