

A RESOLUTION ENACTING THE WITHDRAWAL OF BIRCH RUN TOWNSHIP,  
SAGINAW COUNTY, MICHIGAN FROM THE SAGINAW AREA STORM WATER AUTHORITY  
Resolution 2007-06

At a regular meeting of the Board of Trustees of the Township of Birch Run, Saginaw County, Michigan, held on the 10th day of July, 2007, at 7:00 p.m. Michigan Time.

PRESENT: Earl Schlegel, Debbie Trevino, Ed Magnus, Mike Marr, Jeff Putnam, and Joanne Strahm

ABSENT: Amy Cook, Jeff Putnam, Joanne Strahm

Trustee Ed Magnus offered the following resolution and moved for adoption. The motion was seconded by Mike Marr.

**WHEREAS, Article XXI of the Articles of Incorporation of the Saginaw Area Storm Water Authority state that "A Member Municipality may withdraw from the Authority at any time by filing with the Chairman or Secretary of the Authority a resolution of withdrawal approved by a majority of the members of its legislative body, however, such municipality will not be relieved of any contractual obligations assumed by the Municipality as the result of its membership in the Authority, including but not limited to its pledge of full faith and credit for the payment of any obligation."**

WHEREAS, the Township of Birch Run was required by the Michigan Department of Environmental Quality under the Authority of Public Act 451, as amended, to obtain a Storm Water Discharge Permit (MIG610168) for a very small population base, making it necessary for Birch Run Township to become a member of the Saginaw Area Storm Water Authority, and.

WHEREAS, the Michigan Department of Environmental Quality has revised their requirements, under guidance given by the Michigan Circuit Court, in the Comstock / Kalamazoo Township decision, noting that Townships are now not required to obtain MS4 Storm Water Discharge Permit for township property if it is not a part of the "Urbanized Area" of said Township, and

WHEREAS, the Township of Birch Run has determined that it does not own or operate a MS4 storm water discharge sewer system within the designated urbanized area within Birch Run Township, and

WHEREAS, the Township of Birch Run has presented a map of Birch Run Township to the Michigan Department of Environmental Quality informing them of all Township owned property and further noting that said property is not within the "Urbanized Area" of Birch Run

Township, and

WHEREAS, representatives of the Michigan Department of Environmental Quality have noted the similarity of Birch Run Township to Comstock Township in regard to the ownership of township property outside of the urbanized designated area and have given assurances that Birch Run Township will not be required to obtain a MS4 Storm Water Discharge Permit from the MDEQ, and

WHEREAS, the Saginaw Area Storm Water Authority is an Authority of members required to address storm water quality within their urbanized area and are subsequently required by the Michigan Department of Environmental Quality to maintain a MS4 Permit,

**NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Township of Birch Run, Saginaw County, Michigan, requests to withdraw its membership from the Saginaw Area Storm Water Authority as a paid, voting member of said Authority, responsible for a portion of the annual operational costs of said Authority, recognizing that Birch Run Township may be responsible for current fees for services rendered to date but not billed at present, but also**

HEREBY request to become a participating, non-voting, Associate Member of the Saginaw Area Storm Water Authority to further support the environmental efforts of all municipalities in Saginaw County.

The Supervisor declared the vote to be:

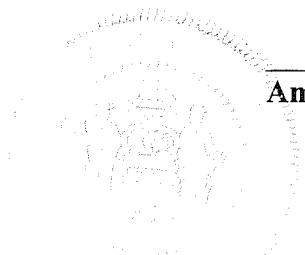
YEAS: Magnus, Marr, Schlegel, Trevino      NAYS: None

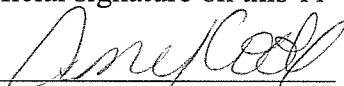
The Supervisor declared the resolution duly adopted:

STATE OF MICHIGAN)  
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of a resolution adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 10th day of July, 2007, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 11<sup>h</sup> day of July 2007.



  
Amy Cook, Clerk  
Birch Run Township