



**EXECUTIVE BOARD MEETING MINUTES
HELD AT SPICER GROUP
JANUARY 24, 2007 – 10:00 A.M.**

Present: John Malzahn, *Bridgeport Charter Township*; Mark Pilkington, *Carrollton Township*; Jason Casteel, *City of Saginaw*; Sonny Grunwell, *Saginaw Charter Township*; Chris Snyder, *Thomas Township*; Kelly Quimper, *Saginaw ISD*; Robert Tutsock, *Saginaw Valley State University*; Brian Wendling, *Saginaw County Road Commission*; Russell Beaubien, *Becky Kubica, Spicer Group*

Excused: Jim Koski, *Saginaw County Public Works*

Guest: Bryant Wilke, *Saginaw County Public Health Department*
David Meyer, *Smith Bovill PC*

I. Mr. Grunwell called this meeting of the Executive Committee to order at 10:00 a.m.

II. Public Comments: None

III. Review of November 22nd Meeting Minutes

Mr. Malzahn moved, Mr. Snyder supported, approval of the November 22nd meeting minutes, as presented. MOTION CARRIED.

IV. Correspondence: Mr. Malzahn gave Mr. Beaubien one letter that had been returned from the mailing for the Swan Creek Public Presentation.

V. Report from Treasurer:

A. Mr. Malzahn presented Invoice #11304 from Smith Bovill for \$312.50 for review of Storm Water Ordinance.

A motion was made by Mr. Snyder to approve Invoice #11304 for \$312.50 from Smith Bovill, and supported by Mr. Pilkington. MOTION PASSED.

B. Mr. Malzahn reported that he had met with Mr. Beaubien and Mr. Rappley, finished the required report items for the IDEP grant, and submitted a report and budget summary requesting \$35,397 payment from grant funds to SASWA.

C. Mr. Malzahn reported that the 1st quarter membership payments have been coming in.

VI. Old Business:

A. Ordinance Report – Bryant Wilke

1. Mr. Wilke – Advised that the Health Department could enforce the Public Health Code as it relates to a condition that creates a public health hazard; for example, the discharge of human waste into a storm water system. However, the Health Department cannot enforce NPDES water quality types of issues if they do not pose a health hazard.
2. Mr. Meyer from Smith Bovill PC was attending today meeting to review the Kalamazoo and Comstock Township lawsuit, and he was asked for his opinion(s) on the Ordinance. He made the following remarks:
 - a. According to P.A. 233 of 1955, under which the Saginaw Area Storm Water Authority was formed, the Authority could adapt its own Rules and get approval from each municipality to enforce these Rules countywide.
 - b. Saginaw County Road Commission and the schools are considered contracting members and would also get approval to enforce these Rules.
 - c. The Rules should include the following items:
 - 1) Delegate to an enforcing agency (i.e. Saginaw County Public Works Commissioner or Road Commission)
 - 2) Appeals process
 - d. At this time, Mr. Meyers' opinion is there would have to be 100% municipal approval for the Rules.
 - e. Mr. Tutsock questioned if there was a lawsuit or challenge to the Rules, could a member of the Authority or the entity (i.e. SVSU) be named in the suit. Mr. Meyers' opinion, at this time, was they could not. This is something that would be addressed under "Appeals Process" in the Rules.

Mr. Malzahn moved that Mr. Meyer go ahead and research the option of the Saginaw Area Storm Water Authority adopting Storm Water Rules, Mr. Snyder supported the motion. MOTION CARRIED.

B. Kalamazoo and Comstock Townships lawsuit update – David Meyer

Mr. Meyer reported on the information he was able to gather regarding Kalamazoo and Comstock Townships' lawsuit. He could find no information regarding an appeal being taken.

The judge in the case found that with the Townships did not own or operate Municipal separate storm systems. The judge did not go any further with his ruling. Therefore, in Mr. Meyers' opinion, this decision only applied to the two townships that filed the lawsuit and was not binding on any other judge or case. It could possibly be cited in other cases.

Mr. Meyers felt that had the judge made a ruling in regards to the Headlee Act, it could have had statewide implications. If it were to be appealed to the Michigan Court of Appeals and a different or contrary ruling were made, it might then apply or the

opportunity might exist for it to be used by everyone. As long as it remains unpublished, it remains the same.

Mr. Beaubien reported that the MDEQ is meeting on January 31, 2007 to review the outcome.

Mr. Meyer did say that a separate lawsuit could be filed by the Authority (or municipalities) that this imposition violated Headlee. It could be costly (\$10,000).

C. Swan Creek Watershed Planning Process - Mr. Beaubien reminded everyone about the meeting on Thursday, January 25th, 4 – 5 p.m.

D. SWPPI Documentation on Website

After a short discussion, it was decided to have a hands-on training session at Spicer Group for using the Web site to input SWPPI information, after the MDEQ had finished reviewing the SWPPI.

E. Other - None

VII. New Business:

A. WMP Revisions – Mr. Beaubien noted that the WMP revisions are due January 31, 2007, and he is working on them.

B. Grant Application -

Mr. Beaubien reported that he is applying for a grant for CMI and Sect. 319 funds. He will be requesting letters of support from the membership. A generic letter will be sent out. The grant has to be submitted by February 16. It is a 10% match. Mr. Beaubien noted that the grant's budget is only for approximately \$600,000 for the entire state. Other projects have been submitted and been out front for some time, so he feels the chance of winning any money this year is slim, but it necessary to get our name on the list.

C. HBA of Saginaw – training report

Mr. Beaubien reported on the training that he conducted at the HBA of Saginaw. He noted that there were only five people in attendance, but the very interested and asked many questions. He will be holding part 2 of this training next month.

D. Other - None

VIII. Adjournment:

Mr. Snyder moved, Mr. Malzahn supported adjournment of the Executive Committee meeting at 11:20 a.m. MOTION CARRIED.

Respectfully submitted,

Chris Snyder, Secretary