



**GENERAL BOARD MEETING NOTES
OCTOBER 17, 2007 – 2:00 P.M.
BRIDGEPORT CHARTER TOWNSHIP
GOVERNMENTAL CENTER**

PRESENT: John Malzahn, *Bridgeport Charter Township*; Vic Killingbeck, *Buena Vista Charter Township*; Mark Pilkington, *Carrollton Township*; Sonny Grunwell, *Saginaw Charter Township*; Warren Davis, *City of Zilwaukee*; James Koski, *Saginaw County*; Robert Tutsock, *Saginaw Valley State University*; Russell Beaubien and Becky Kubica, *Spicer*

ABSENT: City of Saginaw; Kochville Township; Thomas Township; Tittabawassee Township; Saginaw County Board of Commissioners; Saginaw County Road Commission; Bridgeport-Spaulding Community Schools; Saginaw ISD; Saginaw Township Community Schools; Swan Valley Schools

ASSOCIATE

MEMBERS: Ken MacLeod, *Birch Run Township*;

- I. CALL TO ORDER: Mr. Koski called the meeting to order at 2:05 p.m.
- II. ROLL CALL: Mr. Malzahn completed the roll call. **He declared that a quorum was not present, and therefore, no official votes would be taken on any issues.**
- III. REVIEW OF SEPTEMBER 19TH MEETING MINUTES:
Not done.
- IV. CORRESPONDENCE:
None
- V. TREASURER'S REPORT:
Not given.
- VI. OLD BUSINESS:
 - A. Report on opinion received from Saginaw County's Lawyer – Jim Koski

As Discussion Only -

Copies of the legal opinion, written by Christina M. Grossi, Gilbert, Smith & Borrello, P.C., regarding the "Michigan Drain Code – pollution clean-up" were made available to the membership. Also available was a *draft* letter from Mr. Koski to Representative Andy Coulouris.

Mr. Koski explained to the membership his request to the County Services Committee regarding this opinion. He stated that he asked the County Services Committee to request the Saginaw Board of Commissioners ask their attorney for a legal opinion on if the MDEQ can make the County responsible for spills in established county drains, which they did. This legal opinion stated (reference footnote 6):

A logical question which flows from this analysis then is whether the DEQ can assess clean-up costs to a drainage district when pollution is discharged into that district's drain. As provided above, it is my opinion that only the Drain/Public Works Commissioner has authority to assess a drainage district under the Drain Code. Therefore, in the context of pollution, it is my opinion that under the Drain code, the DEQ can only order a Drain Commissioner to assess a drainage district for pollution if said pollution falls under the purview of MCL 280.423 as sewage and waste matter pollution.

The next step is to request our State Representative to take the legal opinion to the State Attorney General and request an opinion. This is the purpose of the *draft* letter for Rep. Coulouris.

The membership had a general discussion regarding this issue and other concerns that will be addressed at other meetings and as the SASWA moves forward.

B. Reminder –

Mr. Malzahn reminded the membership that Buena Vista Charter Township, Saginaw Charter Township, and the City of Zilwaukee need to appoint a Trustee and Alternate Trustee for 2008. Also, due to the change in personnel in Thomas Township, they will also need to appoint a new Trustee and/or Alternate Trustee.

Russ reported he has received five (5) Resolutions, to date, related to the budget and apportionment.

II. New Business

B. Website Statistics

Copies of the website statistics were distributed to the membership.

IX. ADJOURNMENT:

Because there was not a quorum, the meeting was not official adjourned. Also, no decisions were made or votes were taken during this meeting

Respectfully submitted,

John Malzahn, Treasurer

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