

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Chippewa, Michigan, held at the County Building in Sault Ste. Marie, Michigan on the 13th day of May, 2013, at 2:00 o'clock p.m. local time.

**PRESENT:** Commissioners: Scott Shackleton, George Kinsella, Don Cooper, Ted Postula and Don McLean

**ABSENT:** Commissioners: None

It was moved by Commissioner McLean and supported by Commissioner Kinsella that the following resolution be adopted.

**Whereas**, the Chippewa County ("County") Board of Commissioners ("Board") held the authority under 2007 PA 164, which amended Michigan's Emergency 9-1-1 Service Enabling Act, being MCL 484.1101 *et seq*, as amended ("9-1-1 Act") to set a default county 9-1-1 surcharge cap ("default surcharge cap") on all communications devices of residents within the County under Section 401 e(1) and (2) of the 9-1-1 Act, being MCL §484.1401e(1) and (2) provided the Board acted before February 15, 2008 and the Michigan Public Service Commission ("MPSC") approved the rate set:

**Whereas** the Board and MPSC approved default surcharge cap set for July 1, 2008 may thereafter only be exceeded upon an authorization of the voters in the County pursuant to Section 401b(1), being MCL §484.1401b(1);

**Whereas** the Board approved a default surcharge cap for Chippewa County prior to February 15, 2008 at the rate of \$1.50 per month but the MPSC did not approve the rate and instead reduced that rate effective July 1, 2008 to \$.99;

**Whereas**, the County timely appealed the MPSC's rejection and reduction of the County's default surcharge cap in the Michigan court system, resulting in a remand of the issue to the MPSC in February of 2013 by the Michigan Court of Appeals;

**Whereas**, the staff of the MPSC has indicated that the MPSC on remand will approve the default surcharge rate set by the Board of \$1.50 if the County waives any entitlement to

retroactive surcharge payments that could have been assessed by the County between July 1,2008 and July 1,2013 (collectively referred to as the "Retroactive Surcharge";

Whereas, the residents of the County would have to pay the Retroactive Surcharge not the MPSC or State of Michigan and the County can avoid legal expenses and further delay in the implementation of its default surcharge rate if it accepts the MPSC staffs offer:

Whereas, the Board believes it is in the best interests of the County to expedite a resolution of the rate dispute with the MPSC thereby avoiding further delay and expense in the implementation of the Board set default surcharge rate of 1.50 and to avoid the burden on its citizens by the Retroactive Surcharge provided the dispute can be efficiently and expeditiously resolved, effective July 1,2013;

**Now, Therefore, Be It Resolved,** that the Board accepts the MPSC staffs proposal and will waive and release its Retroactive Surcharge rights for denied surcharge between July 1,2008 and July 1, 2013 provided that the MPSC approves the default surcharge rate set by the Board for July 1, 2008 by May 15, 2013, so that this \$1.50 rate becomes the County's default surcharge rate under the 9-1-1 Act, effective July 1,2013;

**Be it Further Resolved,** that the Board sets the surcharge rate for Chippewa County effective July 1,2013 at \$1.50 or the highest rate allowable under the law.

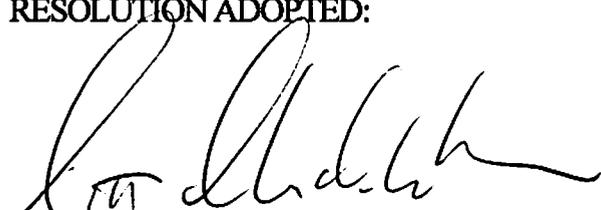
**Be It Further Resolved,** that the County Clerk, Board Chairperson, 9-1-1 Director, legal counsel and/or any other county officials or representative are authorized to execute any settlement agreement or other documentation to memorialize the terms and conditions of the settlement between the County and the MPSC and to implement the default 9-1-1 surcharge rate effective July 1,2013.

YEAS: Commissioners: Shackleton, Kinsella, Cooper, Postula, McLean

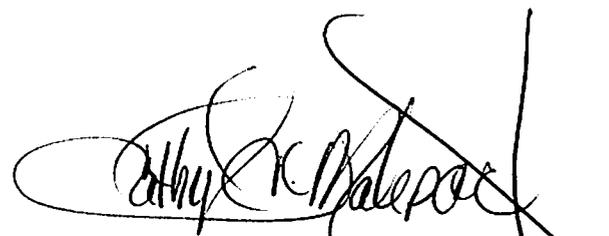
NAYS: Commissioners: None

ABSTENTIONS: Commissioners: None

RESOLUTION ADOPTED:



Scott Shackleton, Chairperson  
Chippewa County Board of Commissioners



Cathy Maleport, Chippewa County  
Clerk