



# County of Leelanau

**MICHELLE L. CROCKER**  
Leelanau County Clerk  
Clerk of the Circuit Court

**EXCERPT**  
**Leelanau County Board of Commissioners**  
**Regular Session – Tuesday, February 21, 2023**

*#075-02212023 Regular Session*

**MOTION BY TO ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2023-002, A RESOLUTION TO RESTRUCTURE THE COMPOSITION OF THE LELAND DAM AUTHORITY, AND TO DELEGATE THE POWERS AND DUTIES FOR THE MAINTENANCE OF THE NORMAL LAKE LEVEL OF LAKE LEELANAU AND THE LELAND DAM TO THE LELAND DAM AUTHORITY AS RESTRUCTURED. SECONDED BY LAUTNER.**

Discussion – none.

**ROLL CALL: Allgaier – YES; Kramer – YES; Lautner – YES; O’Rourke – YES; Ross – YES; Wessell – YES.**

**AYES – 6      NO – 0                      ABSENT – 1 (Rexroat)                      MOTION CARRIED.**

## **LEELANAU COUNTY RESOLUTION #2023-002**

**RESOLUTION TO RESTRUCTURE THE COMPOSITION OF THE LELAND DAM AUTHORITY,  
AND TO DELEGATE THE POWERS AND DUTIES FOR THE MAINTENANCE OF THE NORMAL LAKE LEVEL OF LAKE LEELANAU AND OF THE LELAND DAM TO THE LELAND DAM AUTHORITY AS RESTRUCTURED**

**WHEREAS**, in 2004, the Leelanau County Board of Commissioners adopted Resolution #2004-007, in which the County Board established the Leland Dam Authority, and delegated to the Leland Dam Authority the powers and duties for the maintenance of the normal lake level of Lake Leelanau and of the Leland Dam, pursuant to MCL 324.30702(2); and

**WHEREAS**, the Leland Dam Authority was initially comprised of four (4) members, being the elected County Drain Commissioner and the three (3) members of the County Board of Public Works; and

**WHEREAS**, the County Board of Public Works was comprised of the three (3) members of the Leelanau County Board of County Road Commissioners (“Road Commission”); and

**WHEREAS**, in 2018, the County Board of Commissioners by separate Resolutions (a) expanded the composition of the Road Commission from three (3) members to five (5) members, effective January 1, 2019, and (b) expanded the composition of the County Board of Public Works to include the five (5) members of the Road Commission, effective January 1, 2019; and

**WHEREAS**, in 2018, the County Board of Commissioners expanded and reestablished the Leland Dam Authority as a six-member body, consisting of the elected Drain Commissioner, and the five (5) members of the County Board of Public Works, effective January 1, 2019; and

**WHEREAS**, the County Board of Commissioners desires to restructure the composition of the Leland Dam Authority as a five-member body, effective January 1, 2023; and

**WHEREAS**, the County Board of Commissioners desires to delegate the powers and duties for the maintenance of the normal lake level of Lake Leelanau and of the Leland Dam to the Leland Dam Authority, as restructured, effective January 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Part 307 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, the Board of Commissioners restructures and reestablishes the Leland Dam Authority as a five-member body, consisting of the elected Drain Commissioner, one (1) member of the County Board of Commissioners, one (1) member of the Road Commission, to serve ex-officio during their term of office, and two (2) at-large members to serve three-year terms, with priority to be given to (a) an individual with an engineering background, and (b) a Lake Leelanau riparian landowner, effective January 1, 2023; and

**BE IT FURTHER RESOLVED**, that the County Board of Commissioners hereby appoints the following individuals to serve on the Leland Dam Authority, commencing on January 1, 2023:

1. The Leelanau County Drain Commissioner
2. A Commissioner of the County Board of Commissioners
3. A Commissioner of the County Road Commission
4. \_\_\_\_\_
5. \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that any member of the County Board of Commissioners or of the County Road Commission appointed to the Leland Dam Authority shall cease to hold office as a member of the Leland Dam Authority immediately upon vacating the office of County Commissioner or Road Commissioner; and

**BE IT FURTHER RESOLVED**, that upon its initial meeting, the newly restructured Leland Dam Authority shall elect from its membership a Chairman, a Vice-Chairman, a Secretary, and other officers as it considers necessary, which officers shall hold office until the following January, and until their successors are elected and qualified; and

**BE IT FURTHER RESOLVED**, that the Leelanau County Treasurer shall be the Treasurer of the restructured Leland Dam Authority; and

**BE IT FURTHER RESOLVED**, that pursuant to MCL 324.30702(2) and effective January 1, 2023, the restructured and reestablished Leland Dam Authority is the County's delegated authority for the maintenance of the normal lake level of Lake Leelanau, and the maintenance of the Leland Dam, with all of the powers and duties necessary to comply with the requirements of Part 307 of the NREPA, including but not limited to the computation of the costs for the normal lake level project, the holding of special assessment hearings, and the preparation and approval of a special assessment roll; and

**BE IT FURTHER RESOLVED**, that the compensation for the members of the Leland Dam Authority shall be fixed by the County Board of Commissioners; and

**BE IT FURTHER RESOLVED**, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

State of Michigan  
County of Leelanau

I, Michelle L. Crocker, Clerk of said County and Clerk of Circuit Court for said County, the same being a Court of record having a seal, do hereby certify that the above is a true copy of the Record now remaining in my office and of the whole thereof. In Testimony whereof, I have hereto set my hand and affixed the seal of the Circuit Court the 22<sup>nd</sup> day of February 2023.



Michelle L. Crocker, Leelanau County Clerk