

## RESOLUTION

WHEREAS, the Bay County Road Commission (hereinafter the **Road Commission**) is legally obligated pursuant to MCL 224.21 to keep in reasonable repair so that they shall be reasonably safe and convenient for public travel all county roads within Bay County; and

WHEREAS, the **Road Commission** is legally responsible to see that the costs incurred in maintaining and repairing the roads in its jurisdiction are reasonable; and

WHEREAS, the Township Boards of the fourteen townships in Bay County (hereinafter "the **Township Board**") are not legally obligated to pay for the maintaining and repairing of County roads lying within their boundaries; and

WHEREAS, the **Township Boards** may legally expend township funds for the improvement and maintenance of public roads; and

WHEREAS, the **Township Boards** are legally responsible to see that the goods and services purchased are of a satisfactory nature and are of the quality and standard bargained for:

WHEREAS, the **Township Boards** individually and through the efforts of the Executive Committee of the Bay County Chapter of the Michigan Township Association (hereinafter "the **Executive Committee**") have asked the **Road Commission** to repair at its own expense roads that have not been properly repaired under the existing contracts between the **Road Commission** and the **Townships**; and

WHEREAS, the **Road Commission** has refused to repair at its own expense the roads that have been improperly repaired under the current contracts; and

WHEREAS, the **Executive Committee** believes that it is in the best interest of all the taxpayers of the fourteen townships to have the **Townships** and the **Road Commission** work together; and

WHEREAS, the Executive Committee believes that the only way the **Road Commission** will work together with the **Townships** and will make the

necessary repairs to roads already repaired under current contracts is by the **Townships** withholding payments to the **Road Commission**; and

WHEREAS, the **Executive Committee** requests that the fourteen townships located in Bay County, namely **Bangor, Portsmouth, Mount Forest, Garfield, Kawkawlin, Beaver, Williams, Monitor, Frankenlust, Pinconning, Fraser, Hampton, Merritt, and Gibson** do the following: (1) not obligate themselves to future contracts with the **Road Commission**: (2) retain in escrow in their individual general funds payments to the **Road Commission** for work already performed: (3) request that the **Road Commission** authorize at its expense the repairs of any roads not satisfactorily repaired under its existing contracts: and

WHEREAS, the **Executive Committee** further requests that at such time as the **Road Commission** begins working with the **Townships** and makes the necessary repairs to roads currently under contract that the **Townships** release any funds owing to the **Road Commission** to the **Road Commission** and that the **Townships** enter into future reasonable contracts with the **Road Commission**.

NOW THEREFORE LET IT BE RESOLVED, that Pinconning Township (1) not obligate itself to future contracts with the **Road Commission**: (2) retain in escrow in its general fund payments to the **Road Commission** for work already performed: (3) request that the **Road Commission** authorize at its expense the repairs of any roads not satisfactorily repaired under its existing contracts with the **Townships**: and

LET IF FURTHER BE RESOLVED, that at such time as the **Road Commission** begins working with the **Townships** and that at such time as the **Road Commission** repairs the roads not satisfactorily repaired under its existing contracts with the **Townships**, that the **Townships** release any funds owing to the **Road Commission** to the **Road Commission** and that the **Townships** enter into future reasonable contracts with the **Road Commission**.



LET IT FURTHER BE RESOLVED, that the effective date of this Resolution shall be the first day of the first month following the passage of similar resolutions by all other thirteen townships in Bay County.

BOARD MEMBERS:

*Scott Amundson*

*Mary Ann Antcuffe*

*Wendy Dinkel*

*Sharon Stalsberg*

*Donald H. Moore*

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DATE: *1-9-96*