

**PINCONNING TOWNSHIP
BAY COUNTY, MICHIGAN
TELECOMMUNICATIONS RIGHTS-OF-WAY RESOLUTION
APRIL, 2003**

WHEREAS, the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of Public Acts of 2002 ("Metro Act") provides regulations governing the issuance of permits by Pinconning Township ("Township") to telecommunication providers for their access to and ongoing use of the public rights-of-way within the Township; and

WHEREAS, telecommunication providers using or seeking to use the public rights-of-way within the Township for their telecommunication facilities are required by the Metro Act to obtain a permit from the Township and pay all required fees if the Township is in a metropolitan area; and

WHEREAS, the Metro Act provides that a metropolitan area is one or more municipalities located, in whole or in part, within a county having population of 10,000 or more or a municipality that enacts an ordinance or resolution electing to be classified as part of a metropolitan area; and

WHEREAS, the Metro Act generally requires telecommunication providers to pay the Metropolitan Extension Telecommunications Rights-of-Ways Oversight Authority ("Authority") an annual fee for facilities located with the metropolitan area; and

WHEREAS, the annual fees collected by the Authority are to be distributed to cities, villages and townships within a metropolitan area as allocated under the Metro Act; and

WHEREAS, the Township must comply with the Metro Act in order to be eligible to receive its allocated share of the annual fees collected by the Authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. Effective April 8, 2003, the Township will comply with the Metro Act.
2. Effective April 8, 2003, the Township elects to be classified as part of a metropolitan area.
3. The Township Clerk is directed to send a copy of this Resolution to Consumers Energy, Century Tel, Charter Communications, AT & T and SBC (Ameritech).
4. All Resolutions or portions of the Resolutions in conflict herewith are hereby repealed.

Motion was made by WAIBEL, and supported by JACQUES to adopt the foregoing resolution.

Upon roll call vote the following voted "aye": WAIBEL, JACQUES, BUCHALSKI, KUSTERER,
The following voted "nay" STALSBERG

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a meeting of the Pinconning Township Board held at 4:00 PM on April 8, 2003, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

By: Mary Kusterer
Its: Clerk