

Higgins Township

RESOLUTION NO. 2025-1

**RESOLUTION TO SUPPORT LOCAL CONTROL AND CLAIM OF APPEAL AGAINST
MICHIGAN PUBLIC SERVICE COMMISSION ORDER**

At a meeting of the Township Board of the Township of Higgins (the “Township”), Roscommon County, Michigan, held on January 22, 2025, located at Higgins Township Hall at 10:00 A.M.

PRESENT: Supervisor Doggett, Clerk Borgula, Treasurer Sullivan, Trustee Jennette,
Trustee Hartman

ABSENT: None

The following resolution was offered by Trustee Hartman and supported by Trustee Jennette.

WHEREAS, the Township supports state policies that maintain and advance local control;
and

WHEREAS, the State of Michigan has adopted policies and introduced legislation that attempts to further reduce local control in key areas affecting unique interests in local communities;
and

WHEREAS, media reports describe ongoing efforts by interested groups to push for the further erosion of local control; and

WHEREAS, in 2023, the State of Michigan adopted Public Act 233 of 2023 (“PA 233”);
and

WHEREAS, only under limited circumstances, PA 233 confers powers and duties to the Public Service Commission (“PSC”) regarding the siting of utility-scale solar energy facilities, wind energy facilities, and energy storage facilities allowing developers to bypass local zoning authorities when proposing qualifying developments; and

WHEREAS, the PSC issued an order on October 10, 2024 (the “Order”) implementing the provisions of Public Act 233 of 2023 (“PA 233”); and

WHEREAS, the Order attempts to vastly expand the PSC’s limited and enumerated jurisdiction in PA 233 and is both unlawful and unreasonable; and

WHEREAS, the Order is unlawful and unreasonable because, among other reasons: (1) the PSC’s issuance of the Order violates the Administrative Procedures Act, MCL 24.201 *et seq.*, and (2) the Order unlawfully and unreasonably redefines key terms and concepts and creates processes and procedures that violate the Legislature’s express and unambiguous intent for local input in the regulation of energy facilities; and

WHEREAS, a coalition of Michigan Municipalities timely filed a claim of appeal from the Order on November 8, 2024; and

WHEREAS, the window to appeal the Order was merely 30 days, during which conducting a general election and other business contributed to the Township’s inability to hold a meeting during which it could consider and vote to join the appeal; and

WHEREAS, the Township supports the coalition of Michigan Municipalities in their efforts to protect local control in the regulation of energy facilities; and

WHEREAS, the Township would have joined the appeal if it was able to hold a meeting before the deadline to join; and

NOW, THEREFORE, the Township Board of the Township of Higgins, Roscommon County, Michigan, resolves its unequivocal support of local control and the coalition of Michigan Municipalities that have filed an appeal from the Order.

YEAS: Supervisor Doggett, Clerk Borgula, Treasurer Sullivan, Trustee Jennette, Trustee Hartman

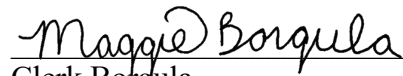
NAYS: None

ABSENT: None

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF ROSCOMMON)

I, Maggie Borgula, the duly elected Clerk of the Township of Higgins DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of the Township of Higgins at a meeting held on the 22nd day of January 2025, at 10:00 A.M.



Clerk Borgula
Higgins Township Clerk