

GERRISH TOWNSHIP BOARD
SPECIAL MEETING
October 23, 2009

Special meeting called to order at 9:30 a.m. Present: Supervisor Homola, Clerk Valentino, Treasurer Tulgetske, Trustee Link and Trustee Long.

Also present: 3 citizens, Zoning Administrator, Township Attorney

Public Comments: Expressed support for proposed Sovereign Park agreement as made by Sovereign Park Defendants, Sovereign Park Plaintiffs and governmental defendants

Discussed: Sovereign Park legal history
Proposed Sovereign Park agreement
Alderman and Kenney v Gerrish Township

Motion by Valentino, second by Long: CARRIED
that the Board adopt Resolution: 2008 Election Lawsuit Litigation Agreement.

Resolution# 2009-10-23

October 23, 2009

RESOLUTION: 2008 ELECTION LAWSUIT LITIGATION AGREEMENT

At a regular meeting of the Gerrish Township Board held in the Township Hall in Roscommon, Michigan, on Friday, October 23, 2009.

PRESENT: Supervisor Homola, Clerk Valentino, Treasurer Tulgetske, Trustee Link, Trustee Long

ABSENT: None

The following resolution was made by Valentino and seconded by Long, to-wit:

WHEREAS, the Township Board has determined that the litigation entitled: **IN RE THE 2008 ELECTION OF THE GERRISH TOWNSHIP SUPERVISOR**, Roscommon County Circuit Court File No. 08-727672-AW, should be resolved for the following reasons:

1. Although the Township board is satisfied that the election in question was conducted in full compliance with the law and that the litigation is without merit, the Township Board also recognizes that it has a duty to its taxpayers to evaluate the cost effectiveness of continued litigation;
2. The Township attorneys in this litigation, who are specialists in governmental law, are of the opinion that the Township should ultimately prevail in the Circuit Court or the Court of Appeals, if needed;

3. The Township's attorneys have also indicated that the proposed payment of attorney fees is relatively low given the cost the Township will incur until a final decision is rendered through court system; and
4. The Township Board finds that its desire to obtain a final decision in the litigation must be balanced by its duty to conduct Township affairs in a cost effective manner.

BE IT RESOLVED THAT: the Township Supervisor and Township Clerk are authorized to sign the Settlement Agreement which is attached to this motion and that the Township's attorneys are authorized to sign such documents as necessary to implement the Settlement Agreement.

YES: Link, Long, Tulgetske, Valentino
NO: None
ABSTAIN: Homola

Meeting adjourned at 11:37 a.m.

Jodi Valentino, Clerk

Frank Homola, Supervisor

Approval