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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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Director

Determination No. 8 – Municipalities Not Opted-In December 9, 2005 (rev 6/08)

Purpose

To provide a listing of municipalities not eligible to receive METRO Act funding.

Analysis

On March 14, 2003, all municipalities (cities, villages and townships) were notified by the METRO Authority that they were required to “opt-in” by May 9, 2003 if they wished to receive a first year payment (issued in late May 2003). In order to opt in, municipalities had to send the Authority as well as the providers (section 13(4)) a resolution or ordinance stating their decision to comply with the METRO Act. In addition, municipalities had to modify “. . . any fees charged to providers after November 1, 2002 relating to access to and usage of the public rights of way to an amount not exceeding the amount of fees and charges required under this Act.” Section 13(1) set the date of December 31, 2003 as the last opportunity for municipalities to become eligible to receive funds. Those municipalities that opted in between May 10, 2003 and December 31, 2003 received their 2003 payment as part of their 2004 payment.

On April 7, 2004 the METRO Authority provided 74 non-compliant municipalities an additional opportunity to “opt-in” by May 15, 2004, resulting in 34 more municipalities “opting-in”.

In June of 2008, the legislature enacted PA 130 amending Section 13 of PA 48. This allowed those municipalities that had taken appropriate action since 2006 to become eligible to receive funding.

METRO Authority Determination

Section 13(4) of the METRO Act requires that to be eligible to receive METRO Act funds, a municipality must have adopted a resolution, or ordinance, per subsection (1), approving the modifications of any fees charged to providers after the effective date of the Act relating to access to and usage of the public rights-of-way.

Despite two “expansions” of the opting-in period, 20 municipalities (*METRO Authority Municipalities Not Opted In*) failed to comply with the Act; and, therefore, have been determined not eligible to receive METRO Act funds. **NOTE:** These municipalities still must comply with the provisions of the Act.

A decision or assessment of the METRO Authority is subject to a de novo review by the Michigan Public Service Commission upon the request of an interested person pursuant to Section 17 of the METRO Act.

METRO Authority
MUNICIPALITIES NOT OPTED IN

COUNTY/MUNICIPALITY

Arenac County

Village of Twining

Berrien County

Village of Three Oaks

Eaton County

Village of Mulliken

Hillsdale County

Village of Allen

Village of Camden

Village of Montgomery

Huron County

Pointe Aux Barques

Village of Port Hope

Lenawee County

Village of Addison

Village of Clayton

Luce County

Village of Newberry

COUNTY/MUNICIPALITY

Macomb County

Township of Lenox

Monroe County

Village of Luna Pier

Oakland County

Township of Novi

Presque Isle County

Village of Millersburg

Saginaw County

Village of Oakley

Sanilac County

Village of Applegate

St. Clair County

Village of Emmett

St. Joseph County

Village of Centreville

Washtenaw County

Village of Barton Hills