

7

January 16, 2020

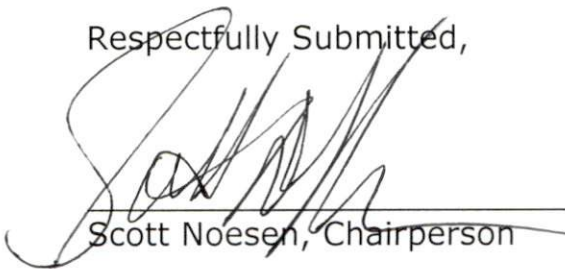
To the Honorable Chairman and
Members of the Board of Commissioners

Agenda Item: 5-1-20F

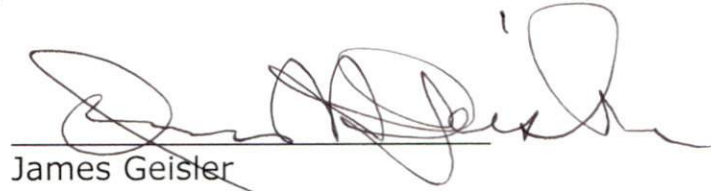
Ladies and Gentlemen:

We your Finance Committee recommend approval of the attached Resolution regarding Four Lakes Special Assessment District Notes, Series 2020..

Respectfully Submitted,



Scott Noesen, Chairperson



James Geisler



Jeanette M. Snyder
Finance Committee

jmg

ADOPTED
Midland County Board
Of Commissioners

Date: January 21 20 20
Attested: 
Ann Manary
County Clerk and
Clerk of the Board of Commissioners

At a regular meeting of the Board of Commissioners of the County of Midland held on January 21, 2020.

PRESENT: Snyder, Glaser, Terwillegar, Noesen
Dorrien, Geisler, Bone

ABSENT: None

The following resolution was offered by Noesen and seconded by Dorrien:

RESOLUTION RE: Four Lakes Special Assessment District Notes, Series 2020

WHEREAS, the Board of Commissioners of the County of Midland ("Midland") and the Board of Commissioners of the County of Gladwin ("Gladwin") (Midland and Gladwin each, a "County" and collectively, the "Counties") have each by resolution (i) indicated its desire to initiate proceedings under Part 307 of the Michigan Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"), to determine the normal lake level for Wixom Lake located in Midland and Gladwin Counties, Sanford Lake located in Midland County, Smallwood Lake located in Gladwin County, and Secord Lake located in Gladwin County (collectively, the "Four Lakes"); (ii) appointed the Four Lakes Task Force (formerly, the Sanford Lake Preservation Association), a Michigan nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), as the "delegated authority" of the Counties (hereinafter referred to as the "Delegated Authority") to perform the duties of the Counties with respect to maintaining the normal lake levels for the Four Lakes under Part 307; and (iii) determined that the cost of all proceedings and any improvements to establish and maintain the normal lake level for the Four Lakes shall be defrayed

by special assessments against property in a special assessment district to be established by the Delegated Authority in accordance with the procedures set forth in Part 307; and

WHEREAS, at the request of the Counties, the Midland County Circuit Court, by order dated May 28, 2019, determined and established the normal lake levels for the Four Lakes, and revised and confirmed the boundaries of the special assessment district; and

WHEREAS, at the request of the Counties, the Delegated Authority has prepared a special assessment district, designated as the "Four Lakes Special Assessment District" and hereinafter referred to as the "District," for the purpose of paying the costs of a project to establish and maintain the normal lake levels for the Four Lakes (the "Project"); and

WHEREAS, the Delegated Authority desires to issue one or more series of tax-exempt bond anticipation notes of the District (the "Notes") pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide interim financing for part of the costs of the Project, such Notes to be issued in anticipation of and payable from the proceeds of bonds (the "Bonds") to be issued by the District, the Bonds to be secured by and payable from the collection of special assessments against property in the District to provide the permanent financing for the Project; and

WHEREAS, it is expected that 20% of the cost of the Project will be assessed against property in the County of Midland and 80% of the cost of the Project will be assessed against property in the County of Gladwin; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the District held a public hearing on January 17, 2020 at the Swanton Memorial Center in the County of Midland with respect to the plan of financing the Project with the Notes and the Bonds as described above (the "Plan of Financing"), and the District has forwarded a record of the hearing to the Board of Commissioners of each County; and

WHEREAS, as provided in Section 147(f) of the Code, in order for the Notes and Bonds to be issued on a tax-exempt basis, it is necessary for the Board of Commissioners of each County to approve the Plan of Financing; and

WHEREAS, the Delegated Authority deems it advisable and necessary to obtain from this Board of Commissioners a resolution consenting to the pledge of the limited tax full faith and credit of the County of Midland on the Notes to the extent that the cost of the Project is expected to be assessed against property in the County of Midland.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MIDLAND:

1. The Plan of Financing is approved,
2. Pursuant to the authorization provided in Section 30705 of Part 307, provided that the Notes are authorized by the Delegated Authority in an aggregate principal amount not to exceed \$8,000,000, bear interest at a rate not to exceed 4% per annum and mature on or before June 1, 2022, the Midland County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Midland for the prompt payment of 20% of the principal of and interest on the Notes when due, and does agree that in the event that the Bonds are not issued prior to the date on which the principal of and interest on the Notes are due and that moneys are not otherwise available to the District on such date to pay such principal and interest, the County Treasurer is directed to immediately make such advancement from general funds of the County of Midland to the extent necessary to pay the County of Midland's share of the principal of and interest on the Notes when due. The ability of the County of Midland to levy taxes to pay its share of the principal of and interest on the Notes shall be subject to constitutional and statutory limitations on the taxing power of said County.

3. In the event that, pursuant to said pledge of full faith and credit, the County of Midland advances out of County funds, any part of the principal of and interest on the Notes, it shall be the duty of the County Treasurer, for and on behalf of the County of Midland, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

4. This resolution shall become effective only if the Board of Commissioners of the County of Gladwin adopts a resolution substantially in the form of this resolution that pledges the

limited tax full faith and credit of the County of Gladwin to the payment of 80% of the principal of and interest on the Notes when due.

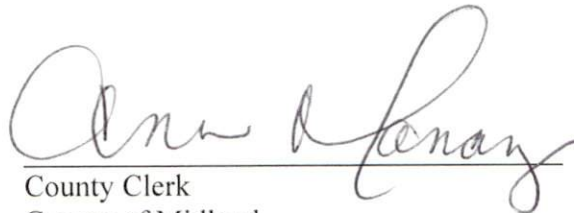
5. All resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, are hereby rescinded.

ADOPTED: Yeas: Terwillegar, Geisler, Dorrien, Noesen
Snyder, Glaser, Bone
Nays: None

STATE OF MICHIGAN)
) SS
COUNTY OF MIDLAND)

I, the undersigned, the duly qualified and acting County Clerk of the County of Midland, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by a majority vote of the members elect of the Midland County Board of Commissioners at a regular meeting of said Board of Commissioners held on January 21, 2020, the original of which is on file in my office.

I further certify that notice of the meeting was given in accordance with the Open Meetings Act.


County Clerk
County of Midland