

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: Click or tap to enter a date.

Resolution Declaring Official Intent to Issue Bonds to Finance the Cost of Acquiring, Constructing and Equipping Improvements to the Septage Receiving Station

- WHEREAS,** the County of Livingston (the “County”), by resolution of its Board of Commissioners, has established a Department of Public Works for the administration of the powers conferred upon the County by Act 185 of the Michigan Public Acts of 1957, as amended (“Act 185”), which Department is administered by the Board of Public Works, under the general control of the Board of Commissioners; and
- WHEREAS,** by the terms of Act 185, the County is authorized to contract for the acquisition, construction and financing of sewage disposal system improvements to serve the County and for the payment of the cost thereof by the County, with interest, and the County is then authorized to issue its bonds to provide the funds necessary therefor; and
- WHEREAS,** pursuant to Act 185, the County, acting through its Board of Public Works, has previously established a sanitary sewer system (the “Livingston Regional Sewer System”), consisting, collectively, of the Hartland Sewer System (the “Hartland Sewer System”) serving portions of the Township of Hartland, Livingston County, Michigan (“Hartland”), and the Tyrone Sewer System serving portions of the Township of Tyrone, Livingston County, Michigan (“Tyrone”); and
- WHEREAS,** the Livingston Regional Wastewater System is operated and maintained by the County, acting through its Board of Public Works; and
- WHEREAS,** pursuant to Act 185, the County, acting through its Board of Public Works, has previously entered into a contract with Hartland, Hartland Township Sanitary Drain No. 1 Drainage District, Hartland Township Sanitary Drain No. 2 Drainage District and Branches to Hartland Township Sanitary Drain No. 2 Drainage District, to, among other things, finance, construct and connect to the Hartland Sewer System, a facility located in Hartland (the “Septage Receiving Station”) to receive septage waste from septage haulers and discharge said septage waste to the Hartland Sewer System for transportation to the Genesee Wastewater Treatment Plant, Genesee County, Michigan (the “Genesee Wastewater Treatment Plant”); and
- WHEREAS,** the County has previously entered into a contract with the County of Genesee under Act 342 of the Michigan Public Acts of 1939, as amended for the treatment at the Genesee Wastewater Treatment Plant of wastewater generated in Hartland and Tyrone, including the treatment of septage waste transported from the Septage Receiving Station; and
- WHEREAS,** the County proposes to issue its tax-exempt bonds (the “Bonds”) pursuant to Act 185, or other applicable law, to finance part of the cost of acquiring, constructing and equipping improvements to the Septage Receiving Station (the “Project”); and
- WHEREAS,** the Bonds will be payable from payments to be made by the County via the revenue of the Septage Receiving Station pursuant to Act 185, which provides that the County may contract to pay the costs of the Project; and

WHEREAS, it is anticipated that the County will advance costs of the Project prior to the issuance of the Bonds, with \$1,036,000 of the advance to be repaid from proceeds of the Bonds upon the issuance thereof and \$2 million of the advance to be repaid when feasible; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the “Reimbursement Regulations”) specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the County intends by this resolution to qualify amounts advanced by the County to the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

THEREFORE, BE IT RESOLVED as follows:

1. DECLARATION OF OFFICIAL INTENT. The estimated maximum principal amount of Bonds expected to be issued for the Project is \$6,200,000. The County hereby declares its official intent to issue the Bonds to finance all or part of the costs of the Project, and hereby declares that it reasonably expects to reimburse advances by the County to the Project as anticipated by this resolution.

2. PROCEEDINGS TO AUTHORIZE BONDS. The Bonds shall be authorized by proper proceedings of the Board of Public Works and the County subsequent to this resolution.

3. CONFLICTING RESOLUTIONS. The Bond Resolution, as amended herein, is hereby ratified and confirmed. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

I hereby certify that I am the County Clerk of the County of Livingston, State of Michigan, and that the foregoing is true and complete copy of a resolution duly adopted by the Board of Commissioners of said County at a regular meeting held on October 15, 2024, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the open meetings act.

Livingston County Clerk

RESOLUTION NO: #

PAGE: 3

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