

RESOLUTION

NO: [Title]

LIVINGSTON COUNTY

DATE: Click or tap to enter a date.

Resolution Pledging Full Faith and Credit for the Portage Baseline Lake Level Assessment District 2025 Lake Level Bonds (Limited Tax General Obligation) – Drain Commissioner

- WHEREAS,** Part 307 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, being MCL 324.30707 et seq. (“Part 307”), establishes procedures to determine and maintain a normal level of an inland lake; and
- WHEREAS,** Portage and Baseline Lakes (also known as Portage and Base Lakes), located in Dexter and Webster Townships in Washtenaw County, Michigan (“Washtenaw County”) and Putnam and Hamburg Township in Livingston County, Michigan (“Livingston County” and together with Washtenaw County, the “Counties”) have established normal lake levels by the Washtenaw County Circuit Court under Part 307; and
- WHEREAS,** the Washtenaw County Water Resources Commissioner (WCWRC) has been delegated authority by the Washtenaw County Board of Commissioners for activities related to the project within Washtenaw County pursuant to Part 307 to maintain the normal lake levels at Portage and Baseline Lakes; and
- WHEREAS,** the Livingston County Drain Commissioner has been delegated authority by the Livingston County Board of Commissioners for activities related to the project within Livingston County pursuant to Part 307 to maintain the normal levels at Portage and Baseline Lakes; and
- WHEREAS,** pursuant to Part 307, the LCDC and WCWRC have each prepared an assessment roll for their respective counties providing for assessments (the “Assessments”) to be levied against property owners in the Assessment District within Dexter, Webster, Putnam and Hamburg Townships (together, the “Benefitted Lands”) to pay for improvements and activities necessary to maintain the normal lake levels at Portage and Baseline Lakes, including maintenance and repair of lake level infrastructure (the “Project”); and
- WHEREAS,** the costs of the Project have been allocated between the Counties, and property owners in Dexter and Webster Townships in Washtenaw County have been apportioned 45% of such costs of the Project; and
- WHEREAS,** property owners in Putnam and Hamburg Townships in Livingston County have been apportioned 55% of such costs of the Project; and
- WHEREAS,** the Assessments shall be paid by the Benefited Lands, according to apportionments determined by the delegated authorities acting pursuant to Part 307, in annual principal installments over a period of not to exceed eight (8) years as determined by the Assessment district, with interest thereon at such interest rate as shall be calculated to be sufficient to pay interest on any bonds to be payable from the Assessments; and
- WHEREAS,** the Assessment district, by order, will authorize the issuance of bonds by the Assessment district to be designated as the 2025 Lake Level Bonds (Limited Tax General Obligation) in the aggregate principal amount of not-to-exceed \$2,100,000 (the “Bonds”) in anticipation of the payment of the Assessments; and

WHEREAS, Section 30705 of Part 307 authorizes Livingston County to pledge its full faith and credit for the payment of the Bonds if the Board of Commissioners of Livingston County has adopted a resolution by a 2/3 majority vote of its total membership; and

WHEREAS, it is in the best interest of Livingston County, the Assessment District, and those property owners within Livingston County being assessed for the Project, that the Bonds be secured by a pledge of the full faith and credit of Livingston County as authorized by Part 307 in order that the Bonds may be sold at the lowest and most favorable interest cost.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Livingston County, as follows:

1. Public Purpose; Limited Tax Full Faith and Credit Pledge of Livingston County. The Board of Commissioners of Livingston County does hereby determine that the Project is necessary for the protection of the public health, safety and welfare of Livingston County and its residents. Pursuant to the authorization provided in Part 307, the Board of Commissioners of Livingston County does hereby irrevocably pledge the full faith and credit of Livingston County for the prompt payment of its apportioned share of the principal of and interest on the Bonds when due, and pursuant to said pledge, in the event that the collection of the Assessments is insufficient to pay the Bonds or the interest thereon when due, Livingston County's apportioned share of the amount unpaid shall be promptly advanced from Livingston County funds as a first budget obligation, or, if necessary Livingston County shall levy taxes upon all taxable property in Livingston County therefor, subject to applicable constitutional and statutory tax rate limitations. The Livingston County Treasurer is directed to immediately make such advancement to the extent necessary.
2. Reimbursement of Advance from Assessment Roll. In the event that pursuant to the pledge of its full faith and credit Livingston County advances out of Livingston County funds any part of the principal of and interest on the Bonds, it shall be the duty of the Livingston County Treasurer and the Assessment district, for and on behalf of Livingston County, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the enforcement and collection of the Assessments, and the reimbursement of such advances so paid by Livingston County, including without limitation the reassessment by the Delegated Authority of the assessment roll as provided in Part 307.
3. Tax Covenant. To the extent permitted by law, Livingston County shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure of proceeds of the Bonds and moneys deemed to be proceeds of the Bonds.
4. Application to Michigan Department of Treasury. The Livingston County Administrator, Chief Financial Officer, or appropriate official of the Assessment district, are each hereby authorized to complete, execute and file any and all applications or requests for waivers with the Michigan Department of Treasury necessary to effectuate the sale and delivery of the Bonds, including, if necessary, an application for prior approval to the Bonds, and to pay any necessary fees.
5. Official Statement and Continuing Disclosure. Livingston County hereby agrees to cooperate in preparation of preliminary and final official statements or other marketing

circular describing the Bonds, and in any application for bond ratings and municipal bond insurance for the Bonds. If appropriate, Livingston County hereby agrees to enter into a Continuing Disclosure Undertaking in order to enable the underwriters of the Bonds to comply with the requirements of Rule 15c2-12, as amended, promulgated by the Securities and Exchange Commission. The Livingston County Administrator, Chief Financial Officer or appropriate official of the Delegated Authority are each individually authorized to offer such assistance and to execute and deliver final official statements, or other marketing circulars, and a Continuing Disclosure Undertaking.

6. Necessary Actions. The Livingston County Administrator, Treasurer, Drain Commissioner, Chief Deputy Drain Commissioner and any one or more of the officers, administrators, agents and attorneys of the County are authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds in accordance with this Resolution and the order of the Assessment district authorizing issuance and sale of the Bonds.
7. Act 34 Notice Posting. Livingston County hereby confirms that the posting required pursuant to Act 34, Public Acts of Michigan, 2001, as amended, as set forth in Exhibit A attached hereto, was done in due time and form as required by said act.
8. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby repealed. This resolution shall become effective immediately upon its passage.

#

#

#

MOVED:
SECONDED:
CARRIED: