

At the regular meeting of the Shiawassee County Board of Commissioners held on Thursday, January 13, 2022 in the Commissioner Chambers, Surbeck Building, Corunna, Michigan:

The meeting was called to order by Chairman Brodeur at 5:00 p.m.

Pledge of Allegiance was recited.

Invocation was offered by Commissioner Webster

Roll call found Commissioners Webster, Holzhausen, Garber, Marks, Plowman and Chairman Brodeur present. Commissioner Root absent.

It was moved by Commissioner Marks, seconded by Commissioner Plowman to approve the agenda as presented. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to approve the minutes of the December 16, 2021 Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Plowman to approve the minutes of the January 6, 2022 Organizational meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Marks to approve the bills listed on the Invoice Edit Reports dated December 16, 2021, Invoice Edit Report dated December 22, 2021, Invoice Edit Report dated December 29, 2021, Invoice Edit Report dated December 29, 2021, Invoice Edit Report dated January 6, 2022 and to include Wire Transfers, ACH and EFT's for a grand total of \$4,084,648.12 and authorize warrants be drawn from the Treasury for the same. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Garber, Marks, Plowman, Webster and Chairman Brodeur. 0 nays.

It was moved by Commissioner Marks, seconded by Commissioner Webster to approve resolution 22-01-05 to accept Commissioner Jeremy Root's resignation. Motion carried with the following roll call vote of 6 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen and Chairman Brodeur. 0 nays.

RESOLUTION ACCEPTING THE RESIGNATION OF COUNTY COMMISSIONER JEREMY ROOT

RESOLUTION NO. 21-01-05

WHEREAS, Shiawassee County Commissioner Jeremy Root tendered his resignation from the Shiawassee County Board of Commissioners by written communication to multiple County officials on January 11, 2022; and

WHEREAS, the Shiawassee County Board of Commissioners desires to accept Commissioner Root's resignation.

NOW, THEREFORE, BE IT RESOLVED, that Shiawassee County formally accepts Jeremy Root's resignation from the office of Shiawassee County Commissioner with immediate effect.

BE IT FURTHER RESOLVED, that the position of Shiawassee County Commissioner for District 5 is hereby declared vacant until the Shiawassee County Board of Commissioners takes further action to fill such vacancy.

Roll Call Vote:
Ayes:
Nays:
Resolution declared adopted.

Gregory Brodeur
Chairman of the Shiawassee County Board of Commissioners

It was moved by Commissioner Marks, seconded by Commissioner Plowman to approve that the Shiawassee County Board of Commissioners begin accepting letters of interest from individuals seeking appointment to the vacant District 5 County Commission seat as soon as feasible. Further moved that the County Coordinator is instructed to consult with legal counsel and prepare an informational posting to be placed in a prominent place on the Shiawassee County webpage and at the County Offices with information and instructions for those individuals who wish to be considered for this vacancy. Further moved that the posting shall include a description of the information that interested individuals should submit, an attestation as to the individual's legal qualifications to hold the office, and a statement that interested individuals who submit the required information should be prepared to attend a special meeting of the Board of Commissioners during which this matter will be considered and applications are due on January 28th, 2022 at 5pm in the Administration Office and a special meeting will be held February 3rd, 2022 at 5pm. Motion carried with the following roll call vote of 6 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen and Chairman Brodeur. 0 nays.

It was moved by Commissioner Marks, seconded by Commissioner Garber to approve emergency repair-911 center. Motion carried with the following roll call vote of 6 yeas: Commissioners Marks, Plowman, Webster, Holzhausen, Garber and Chairman Brodeur. 0 nays.

It was moved by Commissioner Marks, seconded by Commissioner Webster to approve the minutes of the January 12, 2022, Committee of the Whole meeting. Motion carried.

Paula Brooks, Durand – Finance Agenda Item B
Tom Manke, Owosso – Vaccine mandate

It was moved by Commissioner Marks, seconded by Commissioner Holzhausen to approve resolution 22-01-03 endorsing the Shiawassee County Drain Commissioner's Storm Water Management Guidelines. Motion carried with the following roll call vote of 6 yeas: Commissioners Plowman, Webster, Holzhausen, Garber, Marks and Chairman Brodeur. 0 nays.

**RESOLUTION #22-01-03 ENDORSING THE SHIAWASSEE
COUNTY DRAIN COMMISSIONER'S
STORM WATER MANAGEMENT GUIDELINES AND APPROVAL OF FEES**

At a _____ meeting of the Shiawassee County Board of Commissioners, held in Shiawassee County, State of Michigan on the ____ day of _____, 2022, at _____ a.m./p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____

WHEREAS, in 2003, the Shiawassee County Board of Commissioners adopted the Shiawassee County Zoning Ordinance (“Zoning Ordinance”), pursuant to Public Act 183 of 1943, as amended, in order to regulate land use to, among other things, to facilitate the adequate provision of a system of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; and

WHEREAS, pursuant to Article 14, Section 14.5.1(D), and all other applicable provisions of the Zoning Ordinance, all proposed land development requiring site plan review must fully comply with the published rules, standards, or policies of the Shiawassee County Drain Commissioner; and

WHEREAS, the Shiawassee County Drain Commissioner has established requirements and general compliance guidelines for storm water management practices for developments within Shiawassee County (“2015 Storm Water Management Guidelines”); and

WHEREAS, as part of the 2015 Storm Water Management Guidelines, the Shiawassee County Drain Commissioner desires to implement certain fees, specifically, a non-refundable \$400 Storm Water Permit application fee, and a deposit fee set at a discretionary amount by the Drain Commissioner for costs associated with reviewing storm drainage submittals and performing inspection of drainage system construction (collectively, the “Permit Fees”); and

WHEREAS, the 2015 Storm Water Management Guidelines are attached hereto as **Exhibit 1**; and

WHEREAS, the Shiawassee County Board of Commissioners desires to provide clarity and transparency to all those seeking to submit land development proposals; and

WHEREAS, the Shiawassee County Board of Commissioners wishes to support and endorse the 2015 Storm Water Management Guidelines and approve the Permit Fees via resolution; and

NOW, THEREFORE BE IT RESOLVED THAT, the Shiawassee County Board of Commissioners hereby provides its support and endorsement of the 2015 Storm Water Management Guidelines and approves the Permit Fees; and

BE IT FURTHER RESOLVED THAT, authorizes the Shiawassee County Drain Commissioner to implement the 2015 Storm Water Management Guidelines and the Permit Fees as set forth herein.

SHIAWASSEE COUNTY BOARD OF COMMISSIONERS

Dated: _____

By: _____
Its: Chairperson

Yeas:

Nays:

Abstain:
Absent:

Resolution No.

I, the undersigned, being duly qualified and acting Clerk of Shiawassee County Board of Commissioners, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Shiawassee County Board of Commissioners at a regular meeting held on the ____ day of _____, 2022, and that notice of said meeting was given in accordance with the Open Meetings Act.

Caroline Wilson, Clerk
County of Shiawassee

Date

It was moved by Commissioner Marks, seconded by Commissioner Webster to approve resolution 22-01-01 endorsing asphalt paving of the rural 34 miles of the Fred Meijer CIS Trail Section of Mid-West Michigan Trail Authority between Ionia and Owosso, Michigan. Motion carried with the following roll call vote of 6 yeas: Commissioners Webster, Holzhausen, Garber, Marks, Plowman and Chairman Brodeur. 0 nays.

SHIAWASSEE COUNTY/TOWNSHIP/CITY/VILLAGE RESOLUTION
RES#22-01-01

Local Support for Asphalt Paving of the rural 34 miles Fred Meijer CIS Trail Section of Mid-West Michigan Trail Authority between Ionia and Owosso, Michigan

The following preamble and resolution were offered by Commissioner/Trustee _____ and supported by Commissioner/Trustee _____:

WHEREAS, on June 10, 2021 as part of Governor Whitmer’s plan for the allocation of Federal American Rescue Act (ARPA) Plan relief dollars, she proposed a significant and essential investment of \$250 million for infrastructure improvements to State Parks and Trails. On July 6, 2021 the Governor also announced a historic investment of \$150 million for local Parks and Trails using ARPA funds, to boost local economies, enhance tourism and recreation, rebound from the COVID public health crisis and help support Michigan businesses; and

WHEREAS, Governor Whitmer also said in her June 10, 2021/July 6, 2021, News Releases that:

- “Tourism is vital to Michigan’s economy and to our economic health, and COVID disproportionately harmed our tourism and hospitality sectors. Investments in our public spaces make Michigan a more competitive and attractive destination for tourism, position us as a recreation leader, and are critical components of our seasonal and rural economies. This is a valuable use of our federal funds to help the communities who rely on tourism rebound from the public health crisis....”
- “As people found creative ways to socially distance during the pandemic, the state saw a 30% increase in visitors to state parks and recreation areas. Michigan’s

outdoor recreation industry supports billions in state GDP and sustains 126,000 jobs and over \$4.7 billion in wages and salaries in Michigan.”

- "These two new investment programs, totaling \$400 million, mark a once-in-a-generation chance to improve quality of life for our residents, support local economies and bring people back to Michigan as the state continues its recovery from the effects of the pandemic. "These investments will ensure our children and grandchildren continue to enjoy the rejuvenating benefits of natural beauty and outdoor spaces so prized by Michiganders. I look forward to working with the Legislature to secure this investment for our communities..., and

WHEREAS, the 42-mile Fred Meijer CIS (Clinton, Ionia, Shiawassee) Trail passes entirely through Clinton County and significant parts of Ionia and Shiawassee Counties, spanning between the general vicinities of Ionia and Owosso, Michigan and this Trail would be a prime candidate for these proposed federal funds, where the three counties comprise nearly 200,000 residents; and

WHEREAS, Michigan Milk Producers Association (MMPA) dairy cooperative partnered with Michigan State Government, Clinton County Board of Commissioners and Ovid, to assist MDOT, MDNR and Michigan Trails and Greenways Alliance, in initially acquiring the entire 42 mile Right of Way for the Fred Meijer CIS Trail. MMPA subsequently acquired necessary real estate near the CIS Trail to expand their Ovid dairy processing plant and has invested over the past decade more than \$100 Million in their Ovid dairy processing facility and added more than 50 jobs to the local economy; and

WHEREAS, the Fred Meijer CIS Trail was first dedicated and opened back in 2015, approximately 8 miles of it were paved with asphalt, essentially within the municipal limits of Muir, Pewamo, Fowler, St. Johns and Ovid. The City of St. Johns appropriated \$50,000 of local funds during the last decade as a match to MDNR and MDOT for paving with asphalt the Trail within their jurisdiction and other local governments also appropriated local funds for the Fred Meijer CIS Trail. Paved trails are common with National Park Trails and many State Parks Trails, and these paved sections of the Trail are popular for walkers, runners, bicyclists, cross country skiers, etc.; and

WHEREAS, the remaining 34 miles of rural areas of Fred Meijer CIS Trail were not paved with asphalt, rather with crushed limestone under MDNR and MDOT supervision. Unfortunately, several miles of the Fred Meijer CIS Trail were paved with inferior crushed limestone. This varying surface portion of the Trail results in many local and regional residents and visitors choosing not to use this section of the non-motorized CIS Trail, which is parallel to M-21 State Highway and instead may travel on M-21. It's well-known that asphalt paved trails provides greater inclusivity of non-motorized users and will attract more individuals, seniors and families to take greater advantage of these improved trails and enhance local recreational amenities; and

WHEREAS, in an effort to put the Governor's \$400 Million proposal into action, the Michigan Senate has introduced the following: Michigan State Senator Ed McBroom has recently introduced SB 703 –to appropriate \$250 Million for State Parks and Trails infrastructure, \$30 Million for Northern MI tourism and sports fund, and \$30 Million for Mackinac Island State Park

Fund; and Michigan State Senator Michael McDonald has recently introduced SB 704 to appropriate \$150 Million for local parks and trails; and
WHEREAS, SHIAWASSEE COUNTY/TOWNSHIP/CITY/VILLAGE Commissioners recognize how vital to the local economic health this Fred Meijer CIS Trail would be if paved with asphalt the entire 42 mile length, using American Rescue Plan funds; now
THEREFORE, BE IT RESOLVED, SHIAWASSEE COUNTY/TOWNSHIP/CITY/VILLAGE Commissioners encourages our Governor and Michigan State Legislators to designate enough funding of the proposed \$400 million investment in modernizing State Parks and Trails and local parks and trails, in the effort to enhance tourism, boost local economies, rebound from the public health crisis of COVID and increase the quality of life for surrounding communities by paving with asphalt the remaining rural 34 miles of the Fred Meijer CIS Trail from Ionia Township east to Owosso Township.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED/NOT ADOPTED. _____, Clerk

It was moved by Commissioner Marks, seconded by Commissioner Plowman to approve the minutes of the January 10, 2022, Economic and Physical Development Committee meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to approve the 2021 budget adjustments as presented. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Garber, Marks, Plowman, Webster and Chairman Brodier. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to approve the proposal from Digital Marketing for three new websites in an amount not to exceed \$15,000. Motion carried with the following roll call vote of 6 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen and Chairman Brodeur. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to authorize MERS to allow Correctional Deputy Richard Richardson to purchase 24 months of service credit as requested. Motion carried with the following roll call vote of 4 yeas: Commissioners Plowman, Webster, Garber and Chairman Brodeur. 2 nays: Commissioners Marks and Holzhausen.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to approve resolution 22-01-04 to authorize issuance of limited tax general obligation bonds. Motion carried with the following roll call vote of 6 yeas: Commissioners Plowman, Webster, Holzhausen, Garber, Marks and Chairman Brodeur. 0 nays.

COUNTY OF SHIAWASSEE

Resolution No. 22-01-04

**RESOLUTION TO AUTHORIZE ISSUANCE OF
LIMITED TAX GENERAL OBLIGATION BONDS**

Minutes of a regular meeting of the Board of County Commissioners of the County of Shiawassee, Michigan, held on January 13, 2022, at 5:00 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, as part of the County of Shiawassee's (the "County") retirement program (the "Retirement Program"), the County has established defined benefit plans (the "Defined Benefit Plans"), which Defined Benefit Plans are closed to new and certain existing employees and are administered through the Municipal Employees Retirement System of Michigan ("MERS") by the MERS Retirement Board; and

WHEREAS, as part of the Retirement Program, the County also has implemented one or more defined contribution plans (the "Defined Contribution Plans"); and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), authorizes a County, through December 31, 2023, in connection with the closure of defined benefit plans such as the Defined Benefit Plans to new or existing employees and the implementation of defined contribution plans such as the Defined Contribution Plans, to issue its bonds to pay part of the costs of the unfunded pension liability for that retirement program and the costs of issuance of the bonds, provided that the amount of taxes necessary to pay the principal of and interest on the bonds, together with the taxes levied for the same year, shall not exceed the limit authorized by law; and

WHEREAS, the Board of County Commissioners (the "Board") deems it in the best interest of the County to issue its bonds for such purpose in order to provide better budgetary certainty and other economic benefits to the County; and

WHEREAS, the County has prepared and approved its Comprehensive Financial Plan for Pension Bonds (the "Comprehensive Financial Plan"), and has made the Comprehensive Financial Plan available to the public, all in accordance with section 518(5) of Act 34; and

WHEREAS, the County published a notice of intent to issue such bonds in an amount not to exceed \$50,000,000 in the *Owosso Independent* on December 26, 2021, as required by Act 34; and

WHEREAS, the Board has determined to issue bonds and to use the proceeds of the sale of such bonds to pay part of the costs of the unfunded pension liability of the Defined Benefit Plans and the costs of issuance of the bonds.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the County shall be issued and sold for the purpose of defraying part of the costs of the unfunded pension liability (as defined in Act 34) of the Defined Benefit Plans and the costs of issuance of the bonds (the "Bonds"). The Bonds shall be issued in the aggregate principal amount determined by order of the Authorized

Officer (hereinafter defined), but not in an amount in excess of the lesser of (i) \$50,000,000 or (ii) the amount allowed pursuant to Act 34.

2. BOND DETAILS. The Bonds shall be designated, "Limited Tax General Obligation Bonds," with such appropriate series designation determined by the Authorized Officer. The Bonds shall be issued in fully registered form, in the denomination of \$5,000 each, or any whole multiple thereof. The Bonds shall be numbered consecutively in the order of their registration, shall be dated the date of delivery or such other date determined by the Authorized Officer. The Bonds shall be payable serially or as term bonds on such dates, in such years and in such amounts as determined by the Authorized Officer. The Bonds shall bear interest at such rate or rates, payable on such dates as determined by the Authorized Officer. The Authorized Officer may determine and alter the Bond terms within the parameters of this resolution as hereafter provided.

3. PAYMENT OF PRINCIPAL AND INTEREST. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the Bonds shall be made at the principal office of the Paying Agent (defined below), upon surrender of the Bonds. Payment of interest on the Bonds shall be paid to the registered owner at the address as it appears on the registration books as of the determination date. Initially, the determination date shall be the date as of the fifteenth (15th) day of the month prior to the payment date for each interest payment; however, the determination date may be changed by the County to conform to market practice.

4. PLEDGE OF FULL FAITH AND CREDIT, GENERAL OBLIGATION. The County hereby pledges its limited tax, full faith and credit, general obligation for the prompt payment of the principal of and interest on the Bonds as and when due. Each year, the County shall be obligated, as a first budget obligation, to advance money from its general funds to pay the principal of and interest on the Bonds as they become due. In the event there are insufficient moneys for the payment of principal of and interest on the Bonds, the County shall levy a tax on all taxable property in the County for the prompt payment of principal and interest on the Bonds, which tax shall be limited as to rate and amount by applicable constitutional and statutory limitations on the taxing power of the County.

5. PRIOR REDEMPTION.

(a) Mandatory Redemption. *Principal designated as a term bond maturity shall be subject to mandatory redemption, in whole or in part, by lot, at par plus accrued interest, on the redemption dates and in the amounts determined by the Authorized Officer. When term bonds are purchased by the County and delivered to the Paying Agent for cancellation or are redeemed in a manner other than by mandatory redemption, the principal amount of the term bonds affected shall be reduced by the principal amount of the Bonds so redeemed in the order determined by the County.*

(b) Optional Redemption. *The Bonds shall be subject to optional redemption prior to maturity as determined by the Authorized Officer at the time of sale.*

(c) Notice of Redemption. *Notice of redemption of Bonds shall be given by mail to the Registered Owners of the Bonds to be redeemed not less than thirty (30) days prior to the date fixed for redemption, addressed to the Registered Owner at the registered address shown on the registration books of the County maintained by the Paying Agent. Bonds so called for*

redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem the same. So long as the book-entry-only system remains in effect, the Paying Agent will give notice to Cede & Co., as nominee of the Depository Trust Company, New York, New York ("DTC"), and only Cede & Co. will be deemed to be a holder of the Bonds.

6. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a paying agent, transfer agent and bond registrar (the "Paying Agent") and is authorized to remove the Paying Agent and appoint a successor Paying Agent. The initial Paying Agent shall be appointed by the Authorized Officer. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Book-Entry-Only. The Bonds may be issued initially in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for DTC. DTC will act as securities depository for the Bonds, purchase of the Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any integral multiple thereof, and purchasers will not receive certificates representing their interest in Bonds purchased. Payment of principal and interest will be made by the Paying Agent to DTC. While the Bonds are held in book-entry-only form, then the Bonds shall be transferred in accordance with the procedures established by DTC. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent or bond registrar shall have no responsibility with respect to such transfers. The Authorized Officer shall have the authority from time to time to appoint a successor depository trustee to serve in the place of DTC. While the Bonds are issued in book-entry-only form, the Paying Agent shall serve as paying agent only. The Authorized Officer is authorized to sign a Blanket Issuer Letter of Representations or any other related document on behalf of the County in such form approved by the Authorized Officer.

(c) Discontinuance of Book-Entry-Only. In the event the book-entry-only system is not chosen or is discontinued, the following provisions would apply to the Bonds. Bonds may be transferred only by submitting the same to the Paying Agent, together with a satisfactory instrument of transfer signed by the Registered Owner or his legal representative duly authorized in writing, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in denominations of \$5,000 or any integral multiple thereof, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the County and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the County's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than twenty (20) days prior to an interest payment date nor after the Bond has been called for redemption. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent, acting as bond registrar, shall have no responsibility with respect to such transfers.

7. BOND FORM. The Bonds shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such changes as are recommended by the County's Bond Counsel and approved by the officers of the County signing the Bonds.

8. EXECUTION OF BONDS. The Chair or Vice Chair of the Board and the Clerk or the Deputy Clerk of the County are hereby authorized and directed to sign the Bonds, either manually or by facsimile signature, on behalf of the County. Upon execution, the Bonds shall be delivered to the purchaser thereof upon receipt of the purchase price therefor.

9. BONDS MUTILATED, LOST OR DESTROYED. If any Bond shall become mutilated, the County, at the expense of the holder of the Bond, shall execute, and the Paying Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Paying Agent of the mutilated Bond. If any Bond issued under this Resolution shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Paying Agent and, if this evidence is satisfactory to both the County and the Paying Agent and indemnity satisfactory to the Paying Agent shall be given, the County, at the expense of the owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like tenor, which shall bear the statement required by Act 354, Public Acts of Michigan, 1972, as amended, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the Paying Agent may pay the same without surrender thereof.

10. BOND PAYMENT FUND. For payment of principal of and interest on the Bonds, there shall be established and maintained a debt service fund for the Bonds (the "Bond Payment Fund"). The accrued interest, if any, received at the time of delivery of the Bonds and such amount of any premium determined by the Authorized Officer shall be placed into the Bond Payment Fund. The County shall budget annually a sufficient amount to pay the annual principal of and interest on the Bonds and deposit such amount in the Bond Payment Fund as needed to make payments of principal and interest as they become due. Moneys in the Bond Payment Fund shall be expended solely for payment of principal and interest on the Bonds that first come due. Any monies remaining in the Bond Payment Fund after the annual payments of principal of and interest on the Bonds shall be transferred to the General Fund and shall no longer be pledged hereunder.

11. USE OF BOND PROCEEDS. After deducting the sums that are required to be deposited in the Bond Payment Fund, the balance of the proceeds of the Bonds shall be used as follows:

(a) *Such amount of Bond proceeds determined by the Authorized Officer shall be used to pay the costs of issuing the Bonds.*

(b) *The remainder of the Bond proceeds shall be used to pay costs of the unfunded pension liability of the Defined Benefit Plans to MERS.*

12. INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the County as allowed by law.

13. DEPOSITORY AND FUNDS ON HAND. Monies in the several funds and accounts maintained pursuant to this Resolution may be kept in one or more accounts at financial institutions designated by resolution of the County, and if kept in one account, the monies shall

be allocated on the books and records of the County in the manner and at the times provided in this Resolution.

14. ADDITIONAL BONDS. In accordance with the provisions of Act 34, the County reserves the right to issue additional bonds, which shall be of equal standing and priority with the Bonds.

15. COVENANT WITH BONDHOLDERS AND STATE OF MICHIGAN. The County hereby covenants with the holders of the Bonds and the State of Michigan that it will not, after the issuance of the bonds and while the bonds are outstanding, rescind whatever action it has taken at or before the time the Bonds are issued to make a partial or complete cessation of accruals to the Defined Benefit Plans or the closure of the Defined Benefit Plans for new or existing employees.

16. SALE OF BONDS. The Bonds shall be sold pursuant to a negotiated sale in accordance with Act 34. It is hereby determined that such negotiated sale is in the best interests of the County and is calculated to provide the County with the lowest issuance costs and other costs of borrowing money through the issuance of the Bonds. The Authorized Officer is authorized to negotiate a bond purchase agreement (the "Bond Purchase Agreement") with Huntington Securities, Inc., d/b/a Huntington Capital Markets (the "Underwriter") at or prior to the time of the sale of the Bonds, on behalf of itself and any such other underwriters as determined by the Authorized Officer. The Bond Purchase Agreement shall set forth the principal amount of the Bonds, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter and compensation to be paid to the Underwriter, as well as such other terms and provisions as the Authorized Officer determines to be necessary or appropriate in connection with the sale of the Bonds.

17. AUTHORIZED OFFICER. Notwithstanding any other provision of this Resolution, the Chair of the Board and the County Coordinator, or either of them acting alone or both of them acting together (the "Authorized Officer") are authorized within the limitations set forth below to determine the title of the Bonds, the interest rate or rates, maximum interest rate, amount of discount or premium, amount of maturities, principal amount, amount of good faith deposit, if any, denominations, dates of issuance, dates of maturities, interest payment dates, optional and mandatory redemption rights, and term bond options. The authority granted to the Authorized Officer by this Section, is subject to the following limitations:

- (a) *The par amount of the Bonds shall not exceed \$50,000,000.*
- (b) *The interest rate on the Bonds shall not exceed five percent (5.00%) per annum.*
- (c) *The final maturity date of the Bonds shall not be later than October 1, 2040.*
- (d) *The Underwriter's discount for the Bonds shall not exceed 0.5%*
- (e) *The original issue discount for the Bonds shall not exceed 1.0%.*

The Authorized Officer is hereby authorized for and on behalf of the County, without further Board approval, to: (a) approve the circulation of a preliminary and a final Official Statement describing the Bonds; (b) negotiate the sale of the Bonds to the Underwriter and sign the Bond Purchase Agreement on behalf of the County; (c) purchase municipal bond insurance, if considered necessary, as additional security for the bondholders; (d) apply to rating agencies

for a rating on the Bonds; and (e) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

Approval by the County of the matters delegated in this section or any other sections may be evidenced by execution or approval of such documents by the Authorized Officer. The Authorized Officer, together with the Clerk and the Treasurer or any one or more of them, are authorized to execute any documents or certificates necessary to complete the transaction, including, but not limited to, any applications to the Michigan Department of Treasury (including an Application for State Treasurer's Approval to Issue Pension or Other Post-Employment Benefits (OPEB) Long-Term Securities, applications for waivers, and the submission of any supporting or related documents), any certificates, receipts, orders, agreements, instruments, security reports, a blanket letter of representations, and any certificates relating to federal or state securities laws, rules or regulations, and to pay any fees required by the State of Michigan.

18. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

19. MUNICIPAL BOND INSURANCE. The Authorized Officer is hereby authorized to acquire municipal bond insurance to enhance the marketability of the Bonds. If the County acquires municipal bond insurance from a municipal bond insurer (the "Insurer"), the Authorized Officer, the Clerk, the Treasurer and the Finance Director or any one of them, are hereby authorized to take all actions, including the payment of membership fees of a mutual insurance company, and to execute any documents, certificates, orders, applications, agreements, conditions, covenants or other instruments necessary to effectuate the issuance of the policy of bond insurance, including, but not limited to the execution of an order or agreement containing such provisions as the Insurer may require with respect to the insurance and the Insurer, which shall be binding on the County in the same manner as if contained herein.

20. OFFICIAL STATEMENT; CONTINUING DISCLOSURE: The Authorized Officer is hereby authorized to cause the preparation of a preliminary official statement and a final official statement for the bonds for the purpose of enabling compliance with SEC Rule 15c2-12 (the "Rule") by the Underwriter and to do all other things necessary to enable compliance with the Rule by the Underwriter. After the County enters into the Bond Purchase Agreement, the County shall provide copies of a "final official statement" (as defined in paragraph (f)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraphs (b)(3) and (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

The Authorized Officer is hereby authorized to execute and deliver in the name of and on behalf of the County (i) a certificate of the County to comply with the requirement for a continuing disclosure undertaking of the County pursuant to subsection (b)(5) or (d)(2) of the Rule, as applicable, and (ii) amendments to such certificate from time to time in accordance with

the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the County to comply with or carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

21. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

22. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

23. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

24. CONFLICT. Except as provided above, all resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

25. EFFECTIVE DATE OF RESOLUTION. This Resolution is determined by the Board to be immediately necessary for the preservation of the peace, health and safety of the County and shall be in full force and effect from and after its passage.

YEAS: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

Caroline Wilson, Clerk
County of Shiawassee

CERTIFICATION

I, Caroline Wilson, the duly qualified and acting Clerk of the County of Shiawassee, State of Michigan (the "County"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of County Commissioners at a meeting held on January 13, 2022, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended.

Date: January ____, 2022

Caroline Wilson, Clerk
County of Shiawassee

EXHIBIT A

No. ____

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF SHIAWASSEE**

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2022

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
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Registered Owner: Cede & Co.

Principal Amount:

The County of Shiawassee, State of Michigan (the “County”), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable on the first day of [Interest Date] and [Interest Date] of each year beginning [First Interest Date], except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

This Bond is one of a total authorized issue of bonds of even date and like tenor except as to date of maturity, amount and rate of interest, numbered in order of registration, aggregating the principal sum of [Aggregate Amount of Bonds] issued in accordance with the provisions of Act 34 of the Public Acts of Michigan of 2001, as amended (“Act 34”) and a resolution adopted by the Board of County Commissioners on January 13, 2022, for the purpose of defraying the costs of the unfunded pension liability (as defined in Act 34) of the County’s defined benefit plans of its retirement program and costs of issuing the Bonds.

The County has pledged the limited tax, full faith, credit and resources of the County for the prompt payment of the principal of and interest on the Bonds, in which event the County may levy a tax on all taxable property in the County for the payment of principal and interest on the Bonds, which tax shall be limited as to rate and amount by applicable constitutional and statutory limitations on the taxing power of the County. The County reserves the right to issue additional bonds in accordance with the provisions of Act 34 that shall be of equal standing and priority with the Bonds.

Principal of this Bond is payable at the principal office of [Paying Agent], Michigan, or such other Paying Agent as the County may hereafter designate (the "Paying Agent") by notice mailed to the Registered Owner not less than sixty (60) days prior to the next interest payment date. Interest on this Bond is payable to the Registered Owner of record as of the fifteenth (15th) day of the month preceding the payment date as shown on the registration books of the County maintained by the Paying Agent, by check or draft mailed to the Registered Owner at the registered address.

Bonds or portions of Bonds maturing on [Term Bond Maturities] (the "Term Bonds") are subject to mandatory redemption prior to maturity in part, by lot, and will be redeemed at the par value thereof plus accrued interest to the redemption date on March 1 of each of the following years in the amounts as follows:

Redemption Date

Principal Amount

[Insert Table for Each Term Bond]

Term Bonds purchased by the County and delivered to the Paying Agent for cancellation or that are redeemed in a manner other than by mandatory redemption, shall reduce the principal amount of the Term Bonds subject to mandatory redemption by the amount of the Bonds so redeemed, in the order determined by the County.

Bonds maturing on or before [Insert Call Date], shall not be subject to redemption prior to maturity. Bonds maturing on or after [Insert Date of First Callable Bond], are subject to redemption prior to maturity as a whole or in part, at the option of the County, in such order as the County shall determine, on any dates, on or after [Insert Call Date]. Bonds called for redemption shall be redeemed at the par value thereof and accrued interest to the date of redemption, without a premium.

Notice of the call of any Bonds for redemption shall be given by first class mail not less than thirty (30) days prior to the date fixed for redemption, to the Registered Owner at the registered address. Bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem such Bonds. Bonds shall be called for redemption in multiples of \$5,000, and Bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the Bond by \$5,000, and such Bonds may be redeemed in part. The notice of redemption of Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed, a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the Registered Owner thereof. So long as the book-entry-only system remains in effect, the Paying Agent will give notice to Cede & Co., as nominee of The Depository Trust Company, a New York corporation, only, and only Cede & Co. will be deemed to be a holder of the Bonds.

This Bond shall be registered in the name of the Registered Owner on the registration books kept by the Paying Agent and such registration noted hereon, and thereafter no transfer shall be valid unless made upon the registration books and likewise noted hereon. This Bond is exchangeable at the request of the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Paying Agent, but only in the manner, subject to the limitations and at his sole expense, for other bonds of an equal aggregate amount, upon surrender of this Bond to the Paying Agent. Upon such transfer, a new registered bond or bonds of the same series and the same maturity of authorized denomination will be issued to the transferee in exchange therefor.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular and due time and form as required by law and that the total indebtedness of the County including this Bond, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the County of Shiawassee, State of Michigan, by its Board of County Commissioners, has caused this Bond to be signed, by the manual or facsimile signatures of the Chairperson of its Board of Commissioners and its Clerk, all as of the Date of Original Issue.

Gregory Brodeur, Chair

Caroline Wilson, Clerk

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This Bond is one of the County of Shiawassee [Insert Par Amount] Limited Tax General Obligation Bonds, Series 2022, and has been registered in the name of the Registered Owner designated on the face thereof in the bond register maintained for the County.

Authentication Date: _____

As Paying Agent/Bond Registrar/Transfer Agent

WRONGFUL USE OF CERTIFICATE

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the County or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

DRAFT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____

(please print or type social security number or taxpayer identification number and name and address of transferee)

the within bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____, 20__

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of his/her capacity to act must accompany the bond.

In the presence of: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guaranty program.

Signature Guaranteed: _____

It was moved by Commissioner Plowman, seconded by Commissioner Marks to approve the minutes of the January 10, 2022, Finance and Administration Committee meeting. Motion carried.

Chairman Brodeur reminded the public of appointment process for the vacancy of District 5 Commissioner seat. Special meeting will be February 3, 2022 at 5:00 p.m. in the Surbeck Building, Commissioner Chambers.

Coordinator Boggs reminded the public all county offices will be closed on Monday, January 17, 2022 in observance of Martin Luther King Jr. Day.

Jeff Reed, Byron – Dams in Byron

Tom Manke, Owosso – Supreme Court ruling – vaccine mandate

Anthony Karhoff, Bancroft – Fred Meijer trail and Jeremy Root’s resignation

Meeting adjourned at 5:32 p.m.

Gregory Brodeur, Chairman
Board of Commissioners

Caroline D. Wilson
County Clerk