

CHARTER TOWNSHIP OF OSHTEMO
COUNTY OF KALAMAZOO, MICHIGAN

Minutes of a special meeting of the Township Board of the Charter Township of Oshtemo, held at the Township Hall, 7275 W. Main St., Kalamazoo, Michigan, on the 10th day of August, 2020, at 5:00 p.m.

PRESENT: Members: Elizabeth Heiny-Cogswell, Dusty Farmer, Grant Taylor, Deb Everett, Zak Ford and Ken Hudok

ABSENT: Member: Cheri Bell

The following preamble and resolution was offered by Member Zak Ford and seconded by Member Elizabeth Heiny-Cogswell:

**RESOLUTION TO DETERMINE VALIDITY AND SUFFICIENCY OF PETITIONS;
SUBMIT A BALLOT PROPOSAL TO TOWNSHIP ELECTORS ON THE QUESTION
OF THE ISSUANCE OF CAPITAL IMPROVEMENT BONDS UNDER THE
PROVISIONS OF ACT 34 OF THE PUBLIC ACTS OF MICHIGAN OF 2001, AS
AMENDED; APPROVE THE FORM OF BALLOT PROPOSAL, AND MATTERS
RELATED THERETO**

WHEREAS, on October 9, 2018, the Township Board of the Charter Township of Oshtemo (the "Township") adopted a resolution of intent to issue capital improvement bonds (the "Resolution of Intent") under the provisions of Act 34 of the Public Acts of Michigan of 2001, as amended ("Act 34"); and

WHEREAS, pursuant to the Resolution of Intent, a notice of intent to issue capital improvement bonds was published in the *Kalamazoo Gazette* on October 15, 2018; and

WHEREAS, it was subsequently discovered that the notice of intent published on October 15, 2018 (the "Original Notice") was not published by the *Kalamazoo Gazette* in the manner required under the provisions of Act 34; and

WHEREAS, a revised notice of intent to issue capital improvement bonds was published in the *Kalamazoo Gazette* on June 2, 2020 (the “Revised Notice”); and

WHEREAS, the Revised Notice provided that the Township intended to issue its Act 34 capital improvement bonds in the not to exceed amount of \$10,000,000 (the “Bonds”) for the purpose of defraying part of the cost of the acquisition and construction of capital improvements within the Township consisting of extensions to the Township’s sewer system and related road improvements including, without limitation, extensions in Whitegate Farms, Fairlane, and Skyridge Plat including Meridian Street (in entirety), Sunset Street (in entirety), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with related improvements and appurtenances including, but not limited to, sidewalk and shared paths installation, necessary easements, rights-of-way and interests in land, and the expenses of Township engineering, legal and financial consultants (the “Project”); and

WHEREAS, the Revised Notice further provided that the Bonds, if issued, will evidence low-interest loans by the U.S. Department of Agriculture’s Rural Development agency for the sanitary sewer and road improvement portions of the Project; be issued in one or more series in a maximum aggregate amount not to exceed \$10,000,000; will mature serially with interest on the unpaid balance at a rate not to exceed the maximum rate of interest allowed by law; and will be repaid over a term not to exceed the maximum term permitted by law; and

WHEREAS, in accordance with Section 517 of Act 34, upon publication of the Revised Notice in the newspaper, Township electors had 45 days to circulate and submit petitions signed by not less than 10% of the registered electors residing within the Township limits with the Township Board requesting a referendum upon the question of the issuance of the Bonds; and

WHEREAS, on July 14, 2020, petitions were filed with the Township requesting an election on the question of the issuance of the Township's Bonds for the Project (the "Petitions"); and

WHEREAS, the Clerk has canvassed the Petitions and has recommended to the Township Board that the Petitions have been signed by not less than 10% of the registered electors residing within the Township's limits; and

WHEREAS, it is necessary and in the best interest of the Township to: (1) determine that the Petitions are valid and sufficient in accordance with the provisions of Section 517 of Act 34, and (2) approve language to be included on the November 3, 2020 general election ballot on the question of the issuance of the Township's Bonds for the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Township Board hereby ratifies, confirms, approves and authorizes the publication of the Revised Notice in June 2, 2020 edition of the *Kalamazoo Gazette*.

2. In accordance with Section 517 of Act 34, the Township Board hereby determines that the Petitions requesting an election to be held on the question of the issuance of the Township's Bonds have been signed by not less than 10% of the registered electors residing within the Township's limits.

3. The question of issuing the Township's Bonds for the Project shall be submitted to the qualified electors of the Township at the duly scheduled regular general election to be held on November 3, 2020 pursuant to Section 517 of Act 34 and Act 116 of the Public Acts of Michigan of 1954, as amended, (the "Michigan Election Law").

4. The wording of the ballot proposal to be submitted to the electors shall be in the form attached hereto as Exhibit A, and in such form is hereby certified to the County Clerk as required by Section 642a(2) of the Michigan Election Law. The Township Clerk is hereby

authorized and directed to deliver a certified copy of this resolution to the Kalamazoo County Clerk no later than 4:00 p.m. on Tuesday, August 11, 2020.

5. The Township Clerk is hereby authorized and directed to follow all procedures required by the Michigan Election Law and Act 116 for the election on the ballot proposal and may, as necessary, combine the notices required to be provided herein with any other notices required to be provided under State law with respect to the November 3, 2020 general election or have any such required notices published by the County on behalf of the Township

6. All resolutions and parts of resolutions in conflict herewith shall be the same and are hereby rescinded.

AYES: Members: Elizabeth Heiny-Cogswell, Dusty Farmer, Grant Taylor, Deb Everett, Zak Ford and Ken Hudok

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.



Dusty Farmer, Clerk
Charter Township of Oshtemo

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly qualified and acting Clerk of the Charter Township of Oshtemo, Kalamazoo, Michigan (the "Township") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a special meeting held on the 10th day of August, 2020, 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 of the Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature this 10th day of August, 2020.



Dusty Farmer, Clerk
Charter Township of Oshtemo

EXHIBIT A

BALLOT PROPOSAL

Shall the Charter Township of Oshtemo issue its capital improvement bonds in one or more series in the not to exceed principal amount of \$10,000,000 to pay for costs associated with extending sanitary sewers and related road and other improvements within certain parts of the Township?

Yes

No

PURPOSE OF BONDS

The Township's capital improvement bonds (the "Bonds"), if issued, will pay for costs to construct extensions to the Township's sewer system including, without limitation, sewer system extensions in Whitegate Farms, Fairlane, and Skyridge Plat including Meridian Street (in entirety), Sunset Street (in entirety), Beech Street (in entirety), 7th Street (West Main Street to South of Cross Country Drive) and West Main Street (8th Street to Township Hall west property line); together with new roads and other improvements and appurtenances including, but not limited to, sidewalk and shared paths installation, necessary easements, rights-of-way and interests in land, and the expenses of Township engineering, legal and financial consultants (the "Project").

The Bonds will be issued by the Township to evidence a long-term, low interest loan (at a maximum rate of interest not to exceed 2.375%) from the U.S. Department of Agriculture's Rural Development agency. The Bonds will be outstanding for a maximum term of 40 years.

SOURCE OF REPAYMENT OF THE BONDS FOR THE PROJECT

The principal of and interest on the Bonds will be payable from revenues of the Township's Sewer System and/or the Township's General Fund, other legally available funds (\$250,000.00 pledged toward new roads) or a combination thereof, and will be a general obligation of the Township secured by the Township's full faith and credit and limited tax pledge, within applicable charter, statutory, and constitutional tax limitations. The Township does not reasonably expect that it will be necessary to levy any additional taxes to pay the principal of and interest on the Bonds and the Township will not have the authority to levy additional taxes to pay the principal of and interest on the Bonds over presently existing Township millage limits without a vote of Township electors.