

GLADWIN COUNTY BOARD OF COMMISSIONERS

RESOLUTION APPROVING FOUR LAKES SPECIAL ASSESSMENT DISTRICT 5-YEAR OPERATION AND MAINTENANCE PROJECT COST AND SPECIAL ASSESSMENT ROLL, AND CAPITAL IMPROVEMENT PROJECT COST AND SPECIAL ASSESSMENT ROLL (Midland and Gladwin Counties, Michigan)

Resolution # 2024-009

At a special meeting of the Board of Commissioners of the County of Gladwin held at the Dow Diamond, 825 E. Main St., Midland, MI 48640, commencing at 4:00 p.m., prevailing Eastern Time, on February 6, 2024:

PRESENT: O'Donnell, Moore, Grave, Taylor, Visnaw

ABSENT: None

The following resolution was offered by Visnaw and seconded by

O'Donnell:

WHEREAS, pursuant to Part 307 of the Michigan Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"), the Midland County Board of Commissioners and the Gladwin County Board of Commissioners (each, a "County" and collectively, the "Counties") each appointed the Four Lakes Task force, 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 to perform the duties of the Counties with respect to maintaining the normal lake levels for Wixom Lake, Sanford Lake, Smallwood Lake and Secord Lake (collectively, the "Four Lakes") and the Four Lakes Special Assessment District (the "District"); and

WHEREAS, on October 9, 2018, the Gladwin County Board of Commissioners by resolution determined that the cost of the lake level project to establish, and maintain the normal level of the Four Lakes shall be defrayed by special assessments against privately owned parcels of land, political subdivisions of the state, and state-owned lands for the benefits derived; and

WHEREAS, on May 28, 2019, the Midland County Circuit Court entered an Order setting the normal lake levels of the Four Lakes and confirmed the Four Lakes Special Assessment District boundaries; and

WHEREAS, in accordance with Part 307 on January 15, 2024, the Delegated Authority held a public hearing in connection with the: (1) the computation of cost in connection with the 5-year cost and expenses for administration, operations and maintenance of the lake levels and related facilities of the Secord Lake, Smallwood Lake, Wixom Lake and Sanford Lake ("Four Lakes") for the years 2025, 2026, 2027, 2028 and 2029, (2) a 5-year operations and maintenance special assessment roll ("O&M special assessment roll") for the years 2025, 2026, 2027, 2028 and 2029; (3) the computation of cost in

connection with the capital improvements cost and expenses of the lake levels and related facilities of the Four Lakes; (4) a capital improvements special assessment roll (“capital improvements special assessment roll”); and (5) hear any objections; and

WHEREAS, following the public hearing, the Delegated Authority approved: (1) the computation of cost in connection with the 5-year cost and expenses for administration, operations and maintenance of the lake levels and related facilities of the Four Lakes for the years 2025, 2026, 2027, 2028 and 2029; (2) a 5-year O&M special assessment roll for the years 2025, 2026, 2027, 2028 and 2029 totaling \$8,876,000 (\$1,775,200 assessed each year for the years 2025, 2026, 2027, 2028 and 2029); (3) the computation of cost in connection with the capital improvements cost and expenses of the lake levels and related facilities of the Four Lakes; and (4) a capital improvements special assessment roll; and

WHEREAS, following the public hearing, the Delegated Authority further approved a plan of financing, consisting of one or more series of bonds to be issued by the Four Lakes Task Force and/or a loan from the United States Army Corps of Engineers Water Infrastructure Financing Program, in the aggregate principal amount of not to exceed \$217,000,000 to provide the long-term financing of the costs to design, acquire, and construct improvements necessary to establish and maintain the normal lake levels for the Four Lakes; and

WHEREAS, pursuant to Part 307, the Midland County Circuit Court has continuing jurisdiction over the establishment and maintenance of the Four Lakes normal lake level, and because the Four Lakes are located in more than one county, the Gladwin County Board of Commissioners designates the Midland County Circuit Court as the court authorized to hear any appeals to the O&M special assessment roll or capital improvements special assessment roll pursuant to MCL 324.30701(c), and any such appeals must be filed with the Midland County Circuit Court within fifteen (15) days after approval by the Midland and Gladwin County Boards of Commissioners.

IT IS HEREBY RESOLVED BY THE BOARD OF THE COMMISSIONERS, AS FOLLOWS:

1. The computation of cost in connection with the 5-year cost and expenses with respect to the administration, operations and maintenance of the lake levels and related facilities of the Four Lakes for the years 2025, 2026, 2027, 2028 and 2029, attached as **Appendix A**, is hereby approved.
2. The 5-year operations and maintenance special assessment roll for the Four Lakes Special Assessment District for the years 2025, 2026, 2027, 2028 and 2029 totaling \$8,876,000 (\$1,775,200 assessed each year for the years 2025, 2026, 2027, 2028 and 2029), attached as **Appendix B**, is hereby approved.
3. The computation of cost in the amount of \$398,875,000 in connection the capital improvements cost and expenses of the lake levels and related facilities of the Four Lakes, attached as **Appendix C**, is hereby approved.
4. The capital improvements special assessment roll for the Four Lakes Special Assessment District, attached as **Appendix D**, is hereby approved.
5. The plan of financing to provide the long-term financing of the costs to design, acquire, and construct improvements necessary to establish and maintain the normal lake levels for the Four Lakes, attached as **Appendix E**, is hereby approved.

6. The O&M special assessment roll and the capital improvements special assessment roll shall be final and conclusive unless appealed to the Midland County Circuit Court within fifteen (15) days after approval by the Midland and Gladwin County Boards of Commissioners.
7. Pursuant to MCL 324.30701(C), the Gladwin County Board of Commissioners hereby designates the Midland County Circuit Court as the court authorized to hear any appeals to the O&M special assessment roll or capital improvements special assessment roll, and such designation shall be deemed to apply retroactively to the date of the establishment of the normal lake levels for the Four Lakes, May 28, 2019.
8. This resolution shall become effective only if the Board of Commissioners of the County of Midland adopts a resolution substantially in the form of this resolution.

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

Roll Call:

Yeas: O'Donnell, Moore, Greve, Taylor,
Visnaw
 Nays: None

Resolution adopted.

STATE OF MICHIGAN)
) SS
 COUNTY OF GLADWIN)

I, the undersigned, the duly qualified and acting County Clerk of the County of Gladwin, 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 Gladwin County Board of Commissioners at a special meeting of said Board of Commissioners at the Dow Diamond, 825 E. Main St., Midland, MI 48640, held at 4:00 p.m., prevailing Eastern Time, on February 6, 2024.

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

Karrie Hulme
 Karrie Hulme, County Clerk
 County of Gladwin