

GLADWIN COUNTY BOARD OF COMMISSIONERS

**RESOLUTION APPROVING PLAN OF FINANCING FOUR LAKES SPECIAL ASSESSMENT DISTRICT AND PLEDGING FULL FAITH AND CREDIT OF THE COUNTY OF GLADWIN WITHIN CONSTITUTIONAL AND STATUTORY LIMITATIONS FOR THE FINANCING OF THE FOUR LAKES LEVEL PROJECT, FOUR LAKES SPECIAL ASSESSMENT DISTRICT BONDS, SERIES 2024
(Midland and Gladwin Counties, Michigan)
Resolution #2024-010**

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: Grove, Taylor, Visnaw, O'Donnell, Moore

ABSENT: None

The following resolution was offered by Visnaw and seconded by O'Donnell:

WHEREAS, the Board of Commissioners of the County Gladwin ("Gladwin") and the Board of Commissioners of the County of Midland ("Midland") (Midland and Gladwin each, a "County" and collectively, the "Counties") have each by resolution (i) indicated its desire to initiate proceedings under Part 307 of the Michigan Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"), to determine the normal lake level for Wixom Lake located in Midland and Gladwin Counties, Sanford Lake located in Midland County, Smallwood Lake located in Gladwin County, and Secord Lake located in Gladwin County (collectively, the "Four Lakes"); (ii) 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 (hereinafter referred to as the "Delegated Authority") to perform the duties of the Counties with respect to maintaining the normal lake levels for the Four Lakes under Part 307; and (iii) determined that the cost of all proceedings and any improvements to establish and maintain the normal lake level for the Four Lakes shall be defrayed by special assessments against property in a special assessment district to be established by the Delegated Authority in accordance with the procedures set forth in Part 307; and

WHEREAS, at the request of the Counties, the Midland County Circuit Court, by order dated May 28, 2019, determined and established the normal lake levels for the Four Lakes, and revised and confirmed the boundaries of the special assessment district; and

WHEREAS, at the request of the Counties, the Delegated Authority has prepared a special assessment district, designated as the "Four Lakes Special Assessment District" and hereinafter referred to as the "District," for the purpose of paying the costs of a project to establish and maintain the normal lake levels for the Four Lakes (the "Project"); and

WHEREAS, the Delegated Authority on behalf of the District intends to issue of one or more series of bonds to be issued by the Four Lakes Task Force (the “Bonds”) and/or loans from the United States Army Corps of Engineers Water Infrastructure Financing Program (the “Loans”), in the aggregate principal amount of not to exceed \$217,000,000 to provide the long-term financing pursuant to Part 307 and Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) and will be secured by and payable from the collection of special assessments against properties in the District; and

WHEREAS, the Delegated Authority on behalf of the District intends to issue the first of one or more series of Bonds in an amount not to exceed \$80,000,000 to provide the long-term financing pursuant to Part 307 and Act 34 and will be secured by and payable from the collection of special assessments against properties in the District; and

WHEREAS, it is expected that 20% of the cost of the Project will be assessed against property in the County of Midland and 80% of the cost of the Project will be assessed against property in the County of Gladwin; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the District held a public hearing on January 15, 2024 at the Beaverton Activity Center, 106 Tonkin Street, Beaverton, Michigan 48612 with respect to the plan of financing the Project with Bonds and Loans as described above (the “Plan of Financing”), and the District has forwarded a record of each hearing to the Board of Commissioners of each County; and

WHEREAS, as provided in Section 147(f) of the Code, in order for the Bonds and Loans to be issued on a tax-exempt basis, it is necessary for the Board of Commissioners of each County to approve the Plan of Financing; and

WHEREAS, the Delegated Authority deems it advisable and necessary to obtain from this Board of Commissioners a resolution consenting to the pledge of the limited tax full faith and credit of the County on the Bonds to the extent that the cost of the Project is expected to be assessed against property in the County of Gladwin.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF GLADWIN:

1. The Plan of Financing is approved.
2. Pursuant to the authorization provided in Section 30705 of Part 307, provided that the Bonds are authorized by the Delegated Authority in an aggregate principal amount not to exceed \$80,000,000, bear interest at a rate not to exceed 6% per annum and mature on or before June 1, 2064, the Gladwin County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Gladwin for the prompt payment of the principal of and interest on the Bonds when due, and does agree that in the event that the receipt of funds from Bonds are not issued prior to the date on which the principal of and interest on the Bonds are due and that moneys are not otherwise available to the District on such date to pay such principal and interest, the County Treasurer is directed to immediately make such advancement from general funds of the County of Gladwin to the extent necessary to pay the County of Gladwin’s share of the principal of and interest on the Bonds when due. The ability of the County of Gladwin to levy

taxes to pay its share of the principal of and interest on the Bonds shall be subject to constitutional and statutory limitations on the taxing power of said County.

3. In the event that, pursuant to said pledge of full faith and credit, the County of Gladwin advances out of County funds, any part of the principal of and interest on the Bonds, it shall be the duty of the County Treasurer, for and on behalf of the County of Gladwin, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

4. 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 that pledges the limited tax full faith and credit of the County of Midland to the payment of 20% of the principal of and interest on the Bonds when due.

5. 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: Grove, Taylor

Nays: Ø

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