

RESOLUTION 2023-06
APPROVING CONTRACT
AND AUTHORIZING NOTICE

Charter Township of Ypsilanti
County of Washtenaw, State of Michigan

Minutes of a regular meeting of the Township Board (the “Governing Body”) of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan (the “Township”), held on the 16th day of May, 2023, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Members: Ryan Hunter, Stan Eldridge, Brenda Stumbo, Heather Jarrell Roe,
Gloria Peterson, John Newman, Debbie Swanson

ABSENT: Members: None

The following preamble and resolutions were offered by Member Jarrell Roe
and supported by Member Eldridge _____ :

WHEREAS, it is necessary to acquire and construct certain improvements to the wastewater treatment plant including improvements to the plant’s ultraviolet disinfection system, headworks odor control system and influent well, together with all necessary appurtenances and attachments thereto (the “Project”), to serve the Township and the City of Ypsilanti (the “City”); and

WHEREAS, a contract (the “Contract”) has been prepared among the Township, the City and the Ypsilanti Community Utilities Authority (the “Authority”) whereby the Authority will issue its bonds (the “Bonds”) on behalf of the Township and the City to provide for the financing of costs of the Project; and

WHEREAS, this Governing Body has carefully reviewed the Contract and finds that it provides the best means for accomplishing the Project and for providing the needed services.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Contract is hereby approved and the Supervisor and the Clerk of the Township are hereby authorized and directed to execute and deliver the Contract for and on behalf of the Township; provided, however, that Contract shall not become effective until the expiration of forty-five (45) days after the publication of the attached notice as a display advertisement of at least ¼ page in size in the *Washtenaw Legal News*, a newspaper of general circulation within the Township, which manner of publication is deemed by the Governing Body to be the most effective manner of informing the taxpayers and electors of the Township of the details of the proposed Contract and the rights of referendum thereunder.

2. The Township Clerk is directed to publish the attached notice in the newspaper above designated as soon as possible after the adoption hereof.

Miller, Canfield, Paddock and Stone, P.L.C.

3. All resolutions and parts of resolutions in conflict with this resolution be, and the same hereby are repealed.

AYES: 7 Members: Ryan Hunter, San Eldridge, Brenda Stumbo, Heather Jarrell Roe,
Gloria Peterson, John Newman, Debbie Swanson

NAYS: 0 Members: None

RESOLUTION DECLARED ADOPTED.

Heather Jarrell Roe, Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan, at a regular meeting held on May 16, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Heather Jarrell Roe, Township Clerk

NOTICE OF INTENT TO EXECUTE
TAX-SUPPORTED CONTRACT AND OF RIGHT TO
PETITION FOR REFERENDUM THEREON

TO THE TAXPAYERS AND ELECTORS OF
THE CHARTER TOWNSHIP OF YPSILANTI,
WASHTENAW COUNTY, MICHIGAN:

PLEASE TAKE NOTICE, the Charter Township of Ypsilanti (the “Township”) has approved by resolution the execution of a contract (the “Contract”) with the Ypsilanti Community Utilities Authority (the “Authority”) and the City of Ypsilanti (the “City”) pursuant to Act No. 233, Public Acts of Michigan, 1955, as amended, which Contract provides, among other things, that the Authority will acquire, construct and install certain improvements to the wastewater treatment plant, including improvements to the plant’s ultraviolet disinfection system, headworks odor control system and influent well, together with all necessary appurtenances and attachments thereto to service the Township and the City and will issue its bonds in the principal amount not to exceed \$11,500,000 to finance the cost of the acquisition and construction of such wastewater improvements for the Township and the City AND THE TOWNSHIP WILL PAY TO THE AUTHORITY PURSUANT TO THE CONTRACT THE SUMS NECESSARY TO RETIRE ITS PERCENTAGE SHARE OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

TOWNSHIP’S CONTRACT OBLIGATIONS

It is presently contemplated that the bonds will be in the principal amount of not to exceed \$11,500,000, of which the Township’s “Local Unit Share” (as that term is defined in the Contract and is based on the Township’s annual usage of the wastewater system) is initially 75.77%, subject to adjustment annually, will mature serially over a period of not to exceed thirty-five (35) years, and will bear interest at the rate or rates to be determined at the time of sale to the Michigan Finance Authority but in no event to exceed two and one-eighths percent (2.125%) per annum on the balance of the bonds from time to time remaining unpaid. The Contract includes the Township’s pledge of its limited tax full faith and credit for the prompt and timely payment of the Township’s obligations as expressed in the Contract. THE TOWNSHIP WILL BE REQUIRED TO LEVY AD VALOREM TAXES WITHIN APPLICABLE CONSTITUTIONAL AND STATUTORY TAX LIMITATIONS ON ALL TAXABLE PROPERTY WITHIN THE TOWNSHIP TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO PAY ITS SHARE OF THE PRINCIPAL OF AND INTEREST ON THE BONDS IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE. IT IS THE PRESENT INTENT OF THE TOWNSHIP TO USE THE REVENUES FROM THE TOWNSHIP DIVISION OF THE AUTHORITY’S SYSTEM TO MAKE THE PAYMENTS REQUIRED TO PAY PRINCIPAL OF AND INTEREST ON THE BONDS.

RIGHT OF REFERENDUM

The Contract will become effective and binding upon the Township without vote of the electors as permitted by law unless a petition requesting an election on the question of the Township entering into the Contract, signed by not less than 10% of the registered electors of the Township, is filed with the Township Clerk within forty-five (45) days after publication of this notice. If such petition is filed, the Contract cannot become effective without an approving vote of a majority of electors of the Township qualified to vote and voting on the question. The Contract is on file at the office of the Township Clerk.

This notice is given pursuant to the requirements of Section 8 of Act No. 233, Public Acts of Michigan, 1955, as amended. Further information concerning the details of the Contract and the matters set out in this notice may be secured from the Township Clerk’s office.

Heather Jarrell Roe
Clerk, Charter Township of Ypsilanti

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Miller, Canfield, Paddock and Stone, P.L.C.