

F1903193  
March 28, 2019

**TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN:** Your County Finance Committee respectfully recommends the adoption of the following:

**RESOLUTION DIRECTING THE BOARD OF PUBLIC WORKS  
TO UNDERTAKE A BERRIEN COUNTY PAW PAW LAKE AREA  
REFUNDING AND IMPROVEMENTS PROJECT**

**WHEREAS**, the County of Berrien (the "County") by resolution of its Board of Commissioners has established a Department of Public Works ("DPW") for the administration of the powers conferred by Act No. 185, Michigan Public Acts of 1957, as amended ("Act 185"), which department is administered by a Board of Public works; and

**WHEREAS**, pursuant to the provisions of Act No. 129, Public Acts of Michigan, 1943, as amended ("Act 129"), the City of Coloma, City of Watervliet, Coloma Charter Township and Watervliet Charter Township, all located in the County of Berrien (together the "Municipalities") have entered into a contract dated as of March 1, 2002 (the "Contract") governing the East Primary Clarifier Improvements Project Note Series 2016 (the "2016 Note") in the original principal amount of \$760,000 pursuant to which the 2016 Note was issued to defray the cost of certain sanitary sewer improvements; and

**WHEREAS**, the Municipalities have determined that it is necessary for the public health, safety and welfare of the Municipalities to also construct sanitary sewer improvements to serve the Municipalities (the "New Project") all as preliminarily described in Appendix A attached hereto; and

**WHEREAS**, the 2016 Note remains outstanding in the aggregate principal amount of \$555,179.70 maturing in various principal amounts on August 1 and February 1 in the years 2019 through 2026 and bear interest at a rate of 2.99%; and

**WHEREAS**, Public Act No. 185 of the Public Acts of Michigan, 1957, as amended ("Act 185"), authorizes the County to enter into a contract to refund all or any part of prior indebtedness incurred by the municipalities; and

**WHEREAS**, the County and the Municipalities have determined that a significant cost savings can be achieved by refunding part or all of the outstanding 2016 Note (the "Refunding Project"); and

**WHEREAS**, the New Project and the Refunding Project are hereinafter together referred to as the "2019 Project"; and

**WHEREAS**, the governing bodies of the Municipalities will enter into a contract providing for and paying the costs of refunding the bonds described in the Refunding Project and construction of the New Project (including paying the Board of Public Work's administrative expenses); and

**WHEREAS**, the Board of Public Works has reviewed said requests and the financial aspects of the 2019 Project as described in Appendix B attached hereto; and

**WHEREAS**, the Board of Public Works has recommended that this resolution be adopted in order to construct the New Project and effect the refunding of all or part of the 2016 Note and this Board of Public Works has determined that it is in the best interest of the Municipalities and the County that such New Project and refunding be undertaken.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. The Board of Commissioners does hereby approve the 2019 Project pursuant to Act 185.
2. The Board of Public Works is hereby directed to obtain and to submit to this Board of Commissioners, for approval, the necessary documents to proceed with the 2019 Project.
3. The Project shall be known as the "Berrien County Paw Paw Lake Area Refunding and Improvements Project No. \_\_\_\_".
4. The issuance and sale of the Bonds may be subject to the approval of the Michigan Department of Treasury, and the Director, if necessary, is hereby authorized to make application to the Department of Treasury for permission to issue and sell the Bonds.
5. The County, at this time states its intention to be reimbursed from proceeds of bonds to be issued by the County on behalf of the municipalities for any expenditures made by the County on the 2019 Project prior to issuance of the bonds.
6. All resolutions, or portions thereof, insofar as they may be in conflict with the foregoing, are hereby rescinded to the extent of such conflict.

**Respectfully submitted,  
BERRIEN COUNTY FINANCE COMMITTEE**

\_\_\_\_\_  
Mamie L. Yarbrough, Chairperson



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Robert P. Harrison, Vice Chairman



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Ezra A. Scott



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Jon Hinkelman

<b>RESOLUTION APPROVED AS TO FORM</b>	
Administrator _____	Date <u>3/20/19</u>
Comments Attached _____	
Corporate Counsel _____	Date <u>3-20-19</u>
Comments Attached <u>As approved by S. Axel</u>	