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## Montmorency County Board of Commissioners

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### RESOLUTION #2022-07

#### AUTHORIZING INITIATION OF LAKE LEVEL PROJECT

At a regular meeting of the Board of Commissioners of the County of Montmorency held in the County, on **October 13, 2022, at 9:00 a.m.**, local time.

**PRESENT:** Robert Stacey, Gary Girardin, Don Edwards, James Madison, and Lloyd Peltier

**ABSENT:** None

The following resolution was offered by **Don Edwards** and seconded by **James Madison**:

WHEREAS, pursuant to Part 307 of Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”), the Montmorency County Circuit Court, (i) by order dated June 27, 2022, established the normal lake level of Lake Hiawatha/Hiawatha Lake in the County of Montmorency to be a range of 861.9 to 862.9 feet, with a target elevation of 862.4 feet and the normal lake level of Little Brush Lake in the County of Montmorency to be a range of 862.9 to 863.9 feet, with a target elevation of 863.4 feet, and the normal lake level of Moose Lake in the County of Montmorency to be a range of 856.00 to 857.00 feet, with a target elevation of 856.5 feet; and; and (ii) confirmed the boundaries of the Hiawatha Lakes – Lake Level Special Assessment District (the “Special Assessment District”) for the purpose of financing lake level improvements and activities necessary to establish and maintain the the lake levels; and

WHEREAS, the Montmorency County Board of Commissioners has appointed the Montmorency County Board of County Road Commissioners (the “Road Commission”) as the “delegated authority” within the meaning of Part 307 to take such actions as are necessary to maintain the normal level of Lake Hiawatha/Hiawatha Lake, Little Brush Lake and Moose Lake (collectively referred to as “Hiawatha Lakes”); and

WHEREAS, it is necessary for the Road Commission as delegated authority to undertake a lake level project for the Special Assessment District in order to maintain the normal level of the Hiawatha Lakes.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MONTMORENCY, as follows:

1. The Special Assessment District shall be designated and hereafter referred to as the “Hiawatha Lakes – Lake Level Special Assessment District.”

2. The appointment of the Road Commission as the “delegated authority” within the meaning of Part 307 and the actions of the Road Commission as delegated authority to date are all ratified and confirmed.

3. As delegated authority, the Road Commission is authorized to undertake the design, acquisition, and construction of a lake level project for Hiawatha Lakes.

4. As delegated authority, the Road Commission may retain legal counsel to perform services related to maintaining the normal level of Hiawatha Lakes and work necessary or desirable for the lake level project.

5. As delegated authority, the Road Commission is expressly authorized to retain an engineering firm to perform services related to maintaining Hiawatha Lakes’ normal level, including, without limitation all services necessary for the lake level project.

6. The Board of Commissioners authorizes the Road Commission to retain municipal finance counsel to assist the Special Assessment District in borrowing funds to pay the interim costs of the project incurred prior to the time long term financing is obtained for the lake level project.

7. All costs associated with the activities authorized above shall be reimbursed by a lake level special assessment to be levied by the Special Assessment District to the extent permitted by Part 307 upon proper proceeding to approve and confirm a special assessment roll, and/or bonds issued by the Special Assessment District to which the Board of Commissioners, by a two-thirds (2/3) vote of its members elect, will be asked to pledge the full faith and credit of the County of Montmorency at such time as the special assessment roll for the lake level project is approved.

8. The Chairperson of the Board, the County Controller, the County Clerk, the County Treasurer and any other official of the County, or any one or more of them (“Authorized

Officers”), are authorized and directed to take all actions necessary or desirable for the issuance of the interim financing and to execute any documents or certificates necessary to complete the issuance of the interim financing.

9. This resolution and the expression of intent to seek reimbursement from future proceeds of the interim financing and the special assessment bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

10. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

**YEAS: Gary Girardin, Robert Stacey, James Madison, Don Edwards, and Lloyd Peltier**

**NAYS: None**

**ABSTAIN: None**

**RESOLUTION DECLARED ADOPTED.**


#### CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Board of Commissioners of the County of Montmorency at a regular meeting held on **October 13, 2022**, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the open meetings act.



Cheryl A. Neilsen, Clerk  
County of Montmorency, Michigan

Dated: 10/21, 2022



Robert Stacey, Chairman  
County of Montmorency, Michigan

Dated: October 13, 2022