



EATON COUNTY BOARD OF COMMISSIONERS

JULY 15, 2009

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, July 15, 2009.

Chairman Brehler called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Baker gave the invocation.

Roll call. Commissioners present; Mike Hosey, Blake Mulder, Theresa Abed, Carol Strachan, Jeanne Pearl-Wright, Leo Farhat, Glenn Freeman, Linda Keefe, Art Luna, Daryl Baker, Dale Barr, Roger Harris, Joseph Brehler. Commissioners absent; John Forell, Denise Clarke.

Chairman Brehler asked for additions or corrections to the agenda.

Commissioner Freeman moved the agenda be approved as corrected. Seconded by Commissioner Pearl-Wright. Carried.

Commissioner Baker moved the minutes of June 9 and June 17, 2009 be approved as presented. Seconded by Commissioner Luna. Carried.

Communications.

1/ Letter from Wendy Sellers, 10663 Bobsyl Lane, Grand Ledge encouraging the Board of Commissioners to maintain the funding and staffing for the Animal Control Department.

Public Comment. Helen Schneider, 1915 Glass Dr. Charlotte noted people in the audience present supporting Eaton County Animal Control. A handout of services Eaton County Animal Control Officers provide to citizens and local veterinarians was distributed. Ms. Schneider invited Commissioners to a meeting of their non-profit organization on 7-28-09 at 7PM at the Charlotte Library.

Judy Oisten, 1096 Tori Trail, Charlotte spoke about the Animal Control budget and safety issues.

Holly Suvey, 3131 E. Five Point Hwy. spoke about the budget and changes at the Animal Control Department in the past several years.

Connie Freedley, Executive Director of Eaton County Humane Society spoke about the possibility of layoffs at the Animal Control Department and the impact to the Humane Society.

Judy Entenman, 9933 Mardan Dr., Dimondale spoke regarding the possibility of eliminating the Naturalist position at Fitzgerald Park because of budget concerns and the impact on school children and residents of the county.

Commissioner Pearl-Wright moved the approval of Resolution #09-7-71, To Approve the Tri-County Office on Aging's Area Plan Fiscal Year 2010-2012. Seconded by Commissioner Farhat. Carried.

Commissioner Freeman moved the approval of Resolution #09-7-72, To Authorize Bureau of Justice Assistance Grant Application in the amount of \$15,969 for the purchase of equipment for the Sheriff's Department. Seconded by Commissioner Barr. Carried.

Commissioner Freeman moved the approval of Resolution #09-7-73, To Approve Jail Dental Services Agreement Renewal in an amount not to exceed \$12,000 per year for Dr. James L. Peters, DDS. Seconded by Commissioner Farhat. Carried.

Commissioner Keefe moved to approve Document #09-7-74, MERS Annual Meeting Officer and Employee Delegate Certification Form with Yvonne Ridge as officer delegate and William Worden as employee delegate. Seconded by Commissioner Freeman. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-75, to Approve Watson and Watson Branch One Drain Project Bond Counsel of Dykema Gossett Law Firm in the amount of \$10,500. Seconded by Commissioner Farhat. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-76, Pledging the Full Faith and Credit of the County of Eaton, for the Payment of the Bonds of the Hetrick Drain Drainage District not to exceed \$940,000. Seconded by Commissioner Freeman. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-77, Pledging the Full Faith and Credit of the County of Eaton, for the prompt Repayment of Principal of and Interest in the 2009 Sherwood Forest Drain Bonds in an amount not to exceed \$610,000. Seconded by Commissioner Baker. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-78, Pledging the Full Faith and Credit of the County of Eaton for the Prompt Repayment of Principal of and Interest on the 2009 Forest Glen Drain Bonds in an amount not to exceed \$1,395,000. Seconded by Commissioner Freeman. Carried.

Commissioner Keefe reported the County participated in facilitative mediation June 26, 2009, regarding pending litigation. The matter was successfully facilitated and the parties involved agreed to resolve the matter by settlement in favor of the plaintiff. The letter of intent entered into on behalf of the county includes provisions for the execution of a full and mutual release, Stipulation and Order of Dismissal, with prejudice, as to Eaton County and its employee, of this lawsuit and financial consideration, subject to the approval by the Board of Commissioners.

Commissioner Keefe moved the approval of settlement of litigation in accordance with the terms of the letter of intent entered into by the County dated June 26, 2009. Seconded by Commissioner Luna. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-79, to Approve 2008/2009 General Fund Budget Amendments. Seconded by Commissioner Freeman. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-80, to Approve 2008/2009 Special Revenue Fund Budget Amendments. Seconded by Commissioner Farhat. Carried.

Commissioner Keefe moved the approval of Resolution #09-7-81, to Approve 2009/2010 Michigan Association of Counties Membership Dues in the amount of \$13,238.59. Seconded by Commissioner Farhat.

Commissioners Strachan and Hosey spoke against paying the MAC membership dues. Commissioners Farhat, Mulder, Pearl-Wright, Keefe, Baker and Abed spoke in favor of paying the dues. Vote on Motion. Carried. Nays: Hosey, Strachan.

Commissioner Keefe moved the approval of claims as audited by the Ways and Means Committee in the amount of \$248,982.44. Seconded by Commissioner Freeman. Carried.

There were no Public Comments.

Commissioner Comment. Commissioner Abed commented on the proposed cuts of 2 Animal Control Officers and the negative impact it will have on the department and the county.

Commissioners Hosey, Mulder & Freeman invited Commissioners to the County Fair.

Commissioner Pearl-Wright thanked Helen Schneider and others who came tonight to talk about Animal Control and indicated the budget is difficult and tough decisions need to be made to present a balanced budget.

Commissioner Keefe thanked those in attendance who spoke in favor of Animal Control but the County does have tough decisions to make and cuts will need to be made within the county.

There was no Unfinished Business, Old Business or New Business.

Chairman Brehler adjourned the meeting to Wednesday, August 19, 2009 at 7:00 PM.

Joseph C. Brehler / MFF  
Chairman of the Board of Commissioners

M. Frances Fuller  
Clerk of the Board of Commissioners

**EATON COUNTY BOARD OF COMMISSIONERS**

**JULY 15, 2009**

**RESOLUTION TO APPROVE  
THE TRI-COUNTY OFFICE ON AGING'S  
AREA PLAN FOR FISCAL YEAR 2010-2012**

**Introduced by the Health and Human Services Committee**

Commissioner Pearl-Wright moved the approval of the following resolution.  
Seconded by Commissioner Farhat.

**WHEREAS**, the Tri-County Aging Consortium, known as Tri-County Office on Aging, produced the Area Plan for Fiscal Year 2010-2012 as required by the Older Americans Act and the Older Michiganians Act; and

**WHEREAS**, the Health and Human Services Committee has reviewed the Tri-County Office on Aging's Area Plan for Fiscal Year 2010-2012 and is recommending its approval.

**NOW THEREFORE BE IT RESOLVED**, that the Eaton County Board of Commissioners approve said document as presented. Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**JULY 15, 2009**

**RESOLUTION TO AUTHORIZE  
BUREAU OF JUSTICE ASSISTANCE GRANT**

**Introduced by the Public Safety Committee**

Commissioner Freeman moved the approval of the following resolution.  
Seconded by Commissioner Barr.

**WHEREAS**, the United States Department of Justice, Bureau of Justice Assistance has Edward Byrne Memorial Justice Assistance Grant funds available; and

**WHEREAS**, the Eaton County Sheriff Department has developed a plan to utilize these funds; and

**WHEREAS**, the Public Safety Committee has reviewed and approved the plan; and

**WHEREAS**, the grant will provide \$15,969 for the purchase of equipment with no required match.

**NOW, THEREFORE, BE IT RESOLVED**, that the Edward Byrne Memorial Justice Assistance Grant is authorized for submission; and

**BE IT FURTHER RESOLVED**, that the budget for the Justice Assistance Grant fund will be established based on the plan approved by the Public Safety Committee; and

**BE IT FURTHER RESOLVED**, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and

**BE IT FURTHER RESOLVED**, that the Chairperson of the Board of Commissioners or his designee is authorized to sign all necessary contracts and documents. Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**JULY 15, 2009**

**RESOLUTION TO APPROVE JAIL  
DENTAL SERVICES AGREEMENT RENEWAL**

**Introduced by the Public Safety Committee**

Commissioner Freeman moved the approval of the following resolution.  
Seconded by Commissioner Farhat.

**WHEREAS**, the Jail Accreditation Organization requires that the jail have a written agreement for the provision of necessary dental services for the jail inmates in place; and

**WHEREAS**, the language for such Agreement has been previously reviewed and approved by the Public Safety Committee and the Board of Commissioners; and

**WHEREAS**, such Agreement provides for reimbursement for services rendered at a rate of \$600 per visit, not to exceed \$12,000 per year and requires the dentist to provide medical malpractice insurance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners enter into an Agreement with James L. Peters, DDS for the period of April 1, 2009 through March 31, 2011 for the provision of necessary inmate medical services at the Eaton County Jail; and

**BE IT FURTHER RESOLVED**, that the Chairperson be authorized to sign the Agreement.  
Carried.

Commissioner Keefe moved the approval of the following document. Seconded by Commissioner Freeman.



# Officer and Employee Delegate Certification Form

MERS 63rd Annual Meeting | September 15-17, 2009 | Amway Grand Plaza Hotel | Grand Rapids, Michigan

[see reverse for Information]

**IMPORTANT:** Complete and return this form. Your registration is not confirmed until this form has been received by MERS.

In order to be your municipality's (including a court) delegate representative to MERS Annual Meeting, you must be a member of MERS. A member of MERS is defined as an individual on payroll who is enrolled in MERS Defined Benefit Plan (including Hybrid) or Defined Contribution Plan. Please refer to "Delegate Information" on the back for specific requirements.

## OFFICER (ALTERNATE) DELEGATE INFORMATION

The officer delegate (or alternate) shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Please type or print:

Officer Delegate Yvonne Ridge

Officer Alternate \_\_\_\_\_

## OFFICER DELEGATE APPOINTMENT

By official action of the governing body (or chief judge for a participating court) on 7/15/09, 2009, the officer delegate and alternate listed above were appointed to serve at the 2009 MERS Annual Meeting.

## EMPLOYEE (ALTERNATE) DELEGATE INFORMATION

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Please type or print:

Employee Delegate William Worden

Employee Alternate \_\_\_\_\_

## EMPLOYEE DELEGATE ELECTION

By secret ballot election conducted by an authorized officer on 6/25/09, 2009, the employee delegate and alternate listed above were elected to serve at the 2009 MERS Annual Meeting.

## CERTIFICATION

**NOTE:** Certification should be signed by a member of the governing body (or municipality's chief administrative officer), or the chief judge for a participating court, and municipality number provided in space at the bottom of certification box.

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for employee delegate and alternate are true and correct.

Name (Signature): M. Frances Fuller

Name (Please Print): M. Frances Fuller

Official Title: County Clerk

Date: 7/15/09

**NOTE:** Municipality Number Required for Certification

Municipality Number: 2302

E-mail address: ridge@eatoncounty.org

Municipality: Eaton County

Municipality Mailing Address: 1045 Independence Blvd

Charlotte, MI 48813

Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**JULY 15, 2009**

**RESOLUTION TO APPROVE  
WATSON AND WATSON BRANCH ONE DRAIN PROJECT BOND COUNSEL**

**Introduced by the Ways and Means Committee**

Commissioner Keefe moved the approval of the following resolution.  
Seconded by Commissioner Farhat.

**WHEREAS**, the Board of Commissioners approved a Full Faith and Credit Policy on February 16, 2005; and

**WHEREAS**, that Policy provides for the services of a Project Bond Counsel for any project that is requesting the full faith and credit of the County; and

**WHEREAS**, the County Treasurer has prepared and distributed bid packages for Bond Counsel services for the Watson and Watson Branch One Drain Project; and

**WHEREAS**, these bids were received and have been reviewed by the Ways and Means Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that the following firm be awarded the Bond Counsel designation for the Watson and Watson Branch One Drain Project:

- The Dykema Gossett Law Firm (in the amount of \$10,500); and

**BE IT FURTHER RESOLVED**, that the Chairperson of the Board of Commissioners or his designee be authorized to sign any necessary agreements. Carried.

COUNTY OF EATON

At a regular meeting of the Board of Commissioners of the County of Eaton, Michigan, held at the Eaton County Courthouse in the City of Charlotte, Michigan on July 15, 2009 at 7:00 p.m. Eastern Daylight Savings Time, there were:

PRESENT: Commissioners; Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Keefe, Luna, Baker, Barr, Harris, Brehler

ABSENT: Commissioners, Forell and Clarke

The following preamble and resolution were offered by Commissioner Keefe and supported by Commissioner Freeman :

RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY OF EATON, WITHIN CONSTITUTIONAL LIMITATIONS, FOR THE PAYMENT OF THE BONDS OF THE HETRICK DRAIN DRAINAGE DISTRICT (Charter Township of Windsor, Eaton County, Michigan) DESCRIBED IN THE FORM OF ORDER AUTHORIZING BONDS ATTACHED TO THIS RESOLUTION

EATON COUNTY BOARD OF COMMISSIONERS

July 15, 2009

WHEREAS, the Eaton County Drain Commissioner (the "Drain Commissioner") expects to complete the necessary proceedings for making certain improvements to the Hetrick Drain (the "Project"), located in the Hetrick Drain Drainage District (the "District"), in the Charter Township of Windsor (the "Municipality"), in Eaton County, Michigan (the "County"); and

WHEREAS, once these proceedings are completed the Drain Commissioner will sign an "Order Authorizing Bonds" authorizing the issuance of not to exceed \$940,000 in bonds with interest at a rate not to exceed 6% per annum pursuant to Section 276 of Act No. 40 of the Public Acts of Michigan, 1956, as amended (the "Drain Code"), maturing finally on June 1, 2029 in the form attached hereto as Appendix A; and

WHEREAS, the estimated cost of the Project is \$1,080,000, which will be apportioned against lands in the District specially benefited by the Project, against the Michigan Department of Transportation for highway drainage, the County for County highway drainage and against the Municipality at large for public health benefits, all pursuant to the Drain Code; and

WHEREAS, to defray the cost of the Project, the Drain Commissioner, on behalf of the District, proposes to issue up to \$940,000 principal amount of bonds of the District (the "Bonds"), and to pledge the full faith and credit of the District and the County, to be designated as set forth in the title of this resolution, maturing on June 1 each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2011	\$45,000	2018	\$50,000	2024	\$50,000
2012	45,000	2019	50,000	2025	50,000
2013	50,000	2020	50,000	2026	50,000
2014	50,000	2021	50,000	2027	50,000
2015	50,000	2022	50,000	2028	50,000
2016	50,000	2023	50,000	2029	50,000
2017	50,000				

WHEREAS, the Board of Commissioners, pursuant to said Drain Code, is authorized by vote of two-thirds of its members to pledge its full faith and credit of the County for the payment of the Bonds, within constitutional limitations; and

WHEREAS, none of the Bonds is a private activity bond for purposes of Section 141 of the Internal Revenue Code of 1986 (the "Code");

NOW THEREFORE BE IT RESOLVED as follows:

1. The limited tax full faith and credit of the County is hereby pledged for the prompt payment of the principal of and interest on the Bonds. In case of any deficiency in the assessments to be made to pay the principal of and interest on the Bonds as and when due, the County shall pay the amount of such deficiency out of its general funds as a first budget obligation and, if necessary, shall levy ad valorem taxes for such purpose against all taxable property within its limits, subject to constitutional and statutory limitations provided, however, that if it is necessary to reimburse the County for money, it is obligated to advance, it shall be the duty of the Commissioner to at once levy an additional assessment as hereinbefore provided as such an amount as will make up the deficiency pursuant to the Drain Code, Section 280, M.C.L. 280.280.

2. If required to do so, the County Treasurer and the County Drain Commissioner are authorized and directed to:

(a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds;

(b) file with such application all required supporting material; and

(c) pay all fees required in connection therewith.

3. The Drain Commissioner may reduce or increase any maturity or maturities set forth above so long as the total Bonds issued do not exceed \$940,000.

4. This Resolution shall not take effect until the Order Authorizing the Issuance of Bonds, in the form attached as Appendix A is executed and filed in the office of the Drain Commissioner and a certified copy is filed with the Eaton County Clerk.

5. All previous resolutions of the Board of Commissioners of the County, or parts thereof, that are inconsistent with this resolution are hereby rescinded.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: 13  
\_\_\_\_\_  
NO: None  
\_\_\_\_\_  
ABSTAIN: None  
\_\_\_\_\_

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

COUNTY CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the County of Eaton, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners at a Regular meeting held July 15, 2009, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board of Commissioners of the County in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meetings were kept and will be or have been made available as thereby required.

\_\_\_\_\_  
County Clerk  
Eaton County, Michigan

[SEAL]

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APPENDIX A  
STATE OF MICHIGAN  
COUNTY OF EATON

ORDER AUTHORIZING ISSUANCE OF  
HETRICK DRAIN DRAINAGE DISTRICT,  
DRAIN BONDS, SERIES 2009

This Order Authorizing Issuance (the "Order") is made on \_\_\_\_\_, 2009 by Michael J. Atayan, Drain Commissioner of the County of Eaton, Michigan (the "Drain Commissioner").

WHEREAS, proceedings have been taken by the Hetrick Drain Drainage District (the "Drainage District") for the construction of improvements to the Hetrick Drain (the "Drain") under the provisions of Act No. 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), pursuant to a decision of the Board of Determination of the Drainage District filed with the Eaton County Drain Commissioner (the "Drain Commissioner"); and

WHEREAS, the cost of the Project has been computed at \$1,080,000, (or such lower amount as may be determined after bids are received) as appears by the records in the office of the Drain Commissioner, and such cost has been apportioned and assessed as is set forth in *EXHIBIT A* attached and by this reference made a part hereof; and

WHEREAS, such assessments have been divided into 20 annual installments, the first installment being levied on December 1, 2009, and the balance to be levied on each December 1 annually thereafter with interest upon all unpaid amounts at the rate that is one percent (1%) per annum more than the average annual interest rate on the bonds to be issued pursuant to this Order; and

WHEREAS, to obtain the total funds necessary for the Project, it is necessary that bonds be issued in anticipation of the collection of the unpaid portion of such assessments, as authorized by the Drain Code, and the principal amount of such bonds will not exceed the aggregate of such unpaid assessments; and

WHEREAS, pursuant to a resolution adopted by its Board of Commissioners, the County will pledge its full faith and credit to the prompt payment of the principal of and interest on the bonds to be issued pursuant to this Order as the same shall become due.

NOW, THEREFORE, IT IS ORDERED BY THE DRAIN COMMISSIONER THAT:

1. Bond Details. Bonds of the District in the aggregate principal amount of not to exceed \$940,000 shall be issued for

the purpose of defraying the cost of the Project. The bonds shall be issued in substantially the form of *EXHIBIT B* to this Order. The bonds are hereby designated and shall be known as "Hetrick Drain Drainage District, Drain Bonds, Series 2009" (the "Bonds"). The Bonds shall be dated August 1, 2009 or such later date on or before August 1, 2010 as the Drain Commissioner may designate in the official Notice of Sale of the Bonds (the "Notice of Sale"). Bonds issued thereafter shall bear interest from the interest payment date through which interest has been paid, and if no interest has yet been paid, they shall bear interest from their date of issuance. The Bonds shall be fully registered Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000, up to a single maturity, numbered from 1 upwards, and shall mature on the first day of June in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2011	\$45,000	2018	\$50,000	2024	\$50,000
2012	45,000	2019	50,000	2025	50,000
2013	50,000	2020	50,000	2026	50,000
2014	50,000	2021	50,000	2027	50,000
2015	50,000	2022	50,000	2028	50,000
2016	50,000	2023	50,000	2029	50,000
2017	50,000				

If necessary, the Drain Commissioner has the authority to make any adjustments to the total principal amount, maturity amounts and years of maturity.

2. Interest Payments and Date of Record. The Bonds shall bear interest payable on December 1, 2009 and semi-annually thereafter on each June 1 and December 1, until maturity, which interest rate shall not exceed six percent (6%) per annum. Interest shall be paid by check or draft mailed by first class mail to the registered owner of each bond as of the applicable date of record. The date of record for each interest payment shall be the 15th day of the month preceding the date such payment is due.

3. Prior Redemption. Bonds maturing prior to June 1, 2020, shall not be subject to redemption prior to maturity. Bonds maturing on or after June 1, 2020 shall be subject to redemption in whole or in part on any date on or after June 1, 2019, and in any order, at the option of the District, at par, plus accrued interest to the date fixed for redemption.

If necessary, the Drain Commissioner has the authority to make any adjustments to the redemption provisions.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a

bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of the Bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the resolution authorizing the issuance of the bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Bond Registrar to redeem the same.

4. Capitalized Interest. Interest payable on the Bonds for up to two years may be capitalized and paid from Bond proceeds if so ordered by the Drain Commissioner.

5. Discount and Premium. The Bonds may be offered for sale at a discount or a premium of not to exceed one percent (1%).

6. Reduction in Aggregate Amount of Bonds. In the event bids received for the total cost of the Project shall be less than the estimate or in the event and to the extent that the assessments made in connection with the Project are prepaid before the Bonds are issued, the Drain Commissioner may order reduction of the principal amount of the Bonds in such manner as he or she shall provide by order, and the form of the Bonds and the Notice of Sale shall be correspondingly altered.

7. Bond Registrar and Paying Agent/Book Entry Depository Trust. The Drain Commissioner shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds (sometimes referred to as the "Bond Registrar") which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Drain Commissioner from time to time as required may designate a similarly qualified successor bond registrar and paying agent. The Bonds shall be deposited with a depository trustee designated by the Drain Commissioner who shall transfer ownership of interests in the Bonds by book entry and who shall issue depository trust receipts or acknowledgements to owners of interests in the Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgements, shall be as determined by the Drain Commissioner after consultation with the depository trustee. The Drain Commissioner is authorized to enter into any depository trust agreement on behalf of the District upon such terms and conditions as the Drain Commissioner deem appropriate and not otherwise prohibited by the terms of this Resolution,

which agreement shall be executed by the Drain Commissioner. The depository trustee may be the same as the Bond Registrar otherwise named by the Drain Commissioner, and the Bonds may be transferred in part by depository trust and in part by transfer of physician certificates as the Drain Commissioner may determine.

8. Transfer or Exchange of Bonds. Any bond shall be transferable on the bond register of the District maintained by the Bond Registrar with respect to the Bonds at any time prior to the applicable date of record preceding an interest payment date upon the surrender of the bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged at any time prior to the applicable date of record preceding an interest payment date for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions, the Bond Registrar shall authenticate and deliver a new bond or bonds to the registered owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar shall not be required to honor any transfer or exchange of bonds during the period from the applicable date of record preceding an interest payment date to such interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid by the District. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

9. Execution and Delivery. The Bonds shall be signed by the Drain Commissioner on behalf of the District, and countersigned by the County Clerk, either by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Bonds shall thereafter be authenticated by the Bond Registrar, as authenticating agent. The Bonds shall be sealed with the seal of the District or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Bonds shall be delivered to the County Treasurer who thereafter shall

deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

10. Full Faith and Credit of the District and the County. The Bonds are to be issued pursuant to the provisions of the Drain Code in anticipation of, and are primarily payable from, collections of assessments made against the County, the Municipality, and benefited properties in the District. The full faith and credit of the District (which has no taxing power) is pledged for the prompt payment of the principal of and interest on the Bonds. Pursuant to a resolution adopted by its Board of Commissioners, the County has also pledged its limited tax full faith and credit for the prompt payment of the principal of and interest on the Bonds as the same shall become due. The ability of the County to raise funds with which to meet such pledge is subject to applicable statutory and constitutional tax limitations.

11. Bond Payment Fund. The District shall establish a separate fund to be designated "Hetrick Drain Drainage District Bond Payment Fund" (the "Bond Payment Fund"). All accrued interest and premium, if any, received from the purchase of the Bonds and all amounts (including both principal and interest) at any time received in payment of the assessments against the County, the Municipality or benefited properties shall be deposited in the Bond Payment Fund as they are received; provided, however, that if and whenever such payments (including both principal and interest) exceed the amount required to pay the entire principal of and interest due and to become due on the Bonds, the amount of such excess shall be deposited in the Project Fund (as hereinafter defined). All capitalized interest shall be deposited in the Bond Payment Fund.

Moneys in the Bond Payment Fund shall be used solely to pay principal of and premium, if any, and interest on the Bonds.

Moneys in the Bond Payment Fund may be continuously invested and reinvested in any legal investment for District funds, which shall mature, or which shall be subject to redemption by the holder thereof, not later than the dates when moneys in the Bond Payment Fund will be required to pay the principal of and interest on the Bonds. Obligations purchased as an investment of moneys of the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

12. Project Fund. Except for amounts required by this Order to be deposited in the Bond Payment Fund, the proceeds from the sale of the Bonds shall be deposited in a separate fund to be designated "Hetrick Drain Drainage District Project Fund" (the "Project Fund").

Moneys at any time in the Project Fund shall be used solely to pay costs of the Project or to reimburse the District for any costs of the Project paid before the Bonds are delivered, except that upon payment (or provision for payment) in full of the costs of the Project any excess moneys remaining in the Project Fund shall be transferred to the Bond Payment Fund (if any Bonds are outstanding) or applied as required by law.

Moneys in the Project Fund may be continuously invested and reinvested in any legal investment for District funds, which shall mature, or which shall be subject to redemption by the holder thereof not later than, the estimated dates when moneys in the Project Fund will be required to pay costs of the Project. Obligations purchased as an investment of moneys in the Project Fund shall be deemed at all times to be a part of the Project Fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

**13. Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any bond is mutilated, lost, stolen or destroyed, the Drain Commissioner and the County Clerk may, on behalf of the District, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new bond having a number not then outstanding, of like date, maturity, interest rate and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated bond, a replacement bond shall not be delivered unless and until such mutilated bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed bond a replacement bond shall be delivered unless and until the District and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument bond for principal and interest remaining unpaid on the lost, stolen or destroyed bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the bond (or his or her attorney) to fully indemnify the District and the Bond Registrar against loss due to the lost, stolen or destroyed bond and the issuance of any replacement bond in connection therewith; and (iv) the agreement of the owner of the bond (or his or her attorney) to pay all expenses of the District and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the District.

**14. Arbitrage and Tax Covenants.** Notwithstanding any other provision of this Order, the District covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the District (or under its control) to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any bond for the treatment afforded by Section 103(a) of the Code by reason of the classification of any bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includable in gross income for federal income tax purposes, cause the interest on the Bonds to be includable in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code or (ii) adversely affect the exemption of the Bonds and the interest thereon from State of Michigan income taxation.

15. Qualified Tax-Exempt Obligations: The Bonds are designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless, at the time the Notice of Sale is published, the Bonds have been determined to be not eligible to be so designated on the basis of the District's reasonable expectations at the time of such publication. In such event, the Notice of Sale shall be changed appropriately and the Bond shall there be so designated.

16. Defeasance or Redemption of Bonds. If at any time,

(a) the whole amount of the principal of and interest on all outstanding Bonds shall be paid, or

(b) (i) sufficient moneys, or Government Obligations (as defined in this section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and interest on such Bonds as and when due, and (ii) in the case

of redemption prior to maturity, all outstanding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Bonds for redemption shall have been given) then, at the time of the payment referred to in clause (a) of this section or of the deposit referred to in clause (b) of this section, the District shall be released from all further obligations under this Order, and any moneys or other assets then held or pledged pursuant to this Order for the purpose of paying the principal of and interest on the Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this section) shall be released from the conditions hereof, paid over to the District and considered excess proceeds of the Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within thirty (30) days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Bonds, a description of the moneys or Government Obligations so held by it and that the District has been released from its obligations under this Order. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of and premium, if any, and interest on the Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this section.

The trustee or escrow agent referred to in this section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by the Drain Commissioner and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank, or trust company may serve as trustee or escrow agent under this section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this section, the term "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

17. Filing with Municipal Finance Division. The Drain Commissioner, if necessary, shall:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds;
- (b) file with such application all required supporting material; and

(c) pay all fees required in connection therewith.

18. Notice of Sale and Award of Bonds. Sealed bids for the purchase of the Bonds shall be accepted up to a time to later be determined by the Drain Commissioner. Notice of the sale shall be published once in accordance with law in the Bond Buyer, in substantially the form attached as Exhibit C to this Resolution. The Drain Commissioner, after conferring with Bond Counsel, may make such changes to the attached Notice of Sale, or cause it to be published in additional publications, as he deems appropriate. Once all bids are received, the County Drain Commissioner, or in the absence of the County Drain Commissioner, the Deputy Drain Commissioner, shall determine the lowest true interest cost bid thereafter award the Bonds to the bidder meeting that criteria. The Financial Consultant and Bond Counsel are hereby designated to act for and on behalf of the District to receive bids for the purchase of the Bonds and to take all other steps necessary in connection with the sale and delivery thereof.

19. Retention of Bond Counsel. The firm of Axe & Ecklund, P.C., attorneys of Grosse Pointe Farms, Michigan, is hereby retained to act as bond counsel for the District in connection with the issuance, sale and delivery of the Bonds.

20. Retention of Financial Consultants. Public Financial Management, Inc., Ann Arbor, Michigan, is hereby retained to act as financial consultant and advisor to the District in connection with the sale and delivery of the Bonds.

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Michael J. Atayan, Eaton County  
Drain Commissioner, for and on behalf  
of the Hetrick Drain Drainage District

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EXHIBIT A  
To Order Authorizing Issuance of Bonds

PERCENTAGES OF COST

<u>Entities Responsible for Paying Part of Costs</u>	<u>Percentage of Cost</u>
MICHIGAN DEPARTMENT OF TRANSPORATION at large for Public Safety	12.875%
COUNTY OF EATON at large for Highway Drainage	8.925%
CHARTER TOWNSHIP OF WINDSOR at large for Public Health Benefits	20.000%
Benefited Properties	<u>58.200%</u>
	100.000%

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EXHIBIT A, PAGE 2

DESCRIPTION OF PROJECT

The Hetrick Drain work is for the Replacement of the drain built in the early 1900's. 2.5 of 3 miles will be replaced. The drain services mostly agriculture land and some M-99 runoff near Bailey Rd. Along with the re-work, the water quality in nearby wetlands will be improved.

ESTIMATE OF COSTS

Construction, Engineering, Project Contingency, Legal and Financing Costs (including Bond Discount)	\$1,080,000
Less Prepayments	<u>140,000</u>
<b>TOTAL ESTIMATED BOND ISSUE SIZE:</b>	<b>\$ 940,000</b>

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Bonds maturing prior to \_\_\_\_\_, \_\_\_\_\_, shall not be subject to redemption prior to maturity. Bonds maturing on or after \_\_\_\_\_ 1, \_\_\_\_\_ shall be subject to redemption prior to maturity at the option of the District, in any order, in whole or in part, on any date on or after \_\_\_\_\_ 1, \_\_\_\_\_. Bonds so called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion as well as the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the Registered Owner of the bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the resolution authorizing the issuance of the bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

This Bond is issued in anticipation of, and is primarily payable from, the collection of assessments made against the County, the Municipality and specially benefited properties in the District in an amount equal to the principal of and interest on the bonds. The full faith and credit of the District (which has no taxing power) is pledged for the prompt payment of the principal of and interest on the bonds when due. In addition, the limited tax full faith and credit of the County has been pledged for the making of such payments. HOWEVER, THE ABILITY OF THE DISTRICT AND THE COUNTY TO RAISE FUNDS WITH WHICH TO MEET SUCH PLEDGE IS SUBJECT TO APPLICABLE CONSTITUTIONAL AND STATUTORY LIMITATIONS.

This Bond shall be transferable on the books of the District maintained by the Bond Registrar upon surrender of the bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be affected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the District, unless otherwise agreed upon by the District and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Bond and the bonds of this series has \_\_\_\_\_ been designated as "qualified tax-exempt obligations" for purposes of Paragraph 265 (b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar, as authenticating agent.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and Statutes of the State of Michigan, and that the total indebtedness of the District, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, this Bond has been executed by the Drain Commissioner for and on behalf of the District and countersigned by the Clerk of the County by their facsimile signatures, a facsimile of the seal of the District has been affixed hereto and the Drain Commissioner has caused this Bond to be authenticated by the Bond Registrar, as the District's authenticating agent, all as of the Date of Issuance set forth above.

HETRICK  
DRAIN DRAINAGE DISTRICT

By: \_\_\_\_\_  
Eaton County Drain Commissioner

[SEAL]

By: \_\_\_\_\_  
County Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the series of bonds designated "Hetrick Drain Drainage District, Drain Bonds, Series 2009."

\_\_\_\_\_, Michigan  
as Bond Registrar and Authenticating Agent

By: \_\_\_\_\_  
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ this Bond and all rights hereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

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[FORM OF NOTICE OF SALE]

\$

COUNTY OF EATON, STATE OF MICHIGAN

COUNTY OF EATON  
HETRICK DRAIN DRAINAGE DISTRICT,  
DRAIN BONDS, SERIES 2009

**SEALED OR ELECTRONIC BIDS:** Sealed written bids for the purchase of the bonds described herein (the "Bonds") will be received by the undersigned on behalf of the Hetrick Drain Drainage District (the "District"), at the office of the County Drain Commissioner, 1045 Independence Blvd., Charlotte, Michigan 48813, on \_\_\_\_\_, \_\_\_\_\_, until \_\_\_\_:\_\_\_\_.m., Eastern \_\_\_\_\_ Time, at which time and place the bids will be publicly opened and read.

In the alternative, sealed written bids will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Board of Michigan, First National Building, 660 Woodward, Suite 1445, Detroit, Michigan 48226, where they will be publicly opened simultaneously. Bids received at Charlotte, Michigan will be read first followed by bids received at the alternate location. Bidders may choose either location to present bids and good faith checks, but not both locations.

Any bidder may submit a bid in person to either proposing location. However, no bidder is authorized to submit a FAX bid to Charlotte, Michigan.

Also in the alternative, electronic bids will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, 2<sup>nd</sup> Floor, New York, New York, 10018, (212) 849-5021.

NO ELECTRONIC BIDS WILL BE ACCEPTED UNLESS THE BIDDER HAS SUBMITTED A FINANCIAL SURETY BOND OR A GOOD FAITH CHECK IN THE AMOUNT REQUIRED.

If any provision of this Notice of Sale shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Notice of Sale shall control.

The Bonds will be awarded or all bids will be rejected by the Drain Commissioner or the Deputy Drain Commissioner at a proceeding to be held within forty-eight hours of the sale.

**BOND DETAILS:** The Bonds will be fully registered bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000, not exceeding the aggregate principal amount for each maturity, dated \_\_\_\_\_ 1, \_\_\_\_\_, numbered from 1 upwards and will bear interest from their date of issuance payable on \_\_\_\_\_ 1, \_\_\_\_\_ and semiannually thereafter on each \_\_\_\_\_ 1 and \_\_\_\_\_ 1 until maturity. The Bonds will mature on \_\_\_\_\_ 1 of each year as follows:

**PRIOR REDEMPTION:** Bonds maturing prior to \_\_\_\_\_ 1, \_\_\_\_\_, shall not be subject to redemption prior to maturity. Bonds maturing on or after \_\_\_\_\_ 1, \_\_\_\_\_ shall be subject to redemption in whole or in part on any date on or after \_\_\_\_\_ 1, \_\_\_\_\_, and in any order, at the option of the District, at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of the Bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the resolution authorizing the issuance of the bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Bond Registrar to redeem the same.

**INTEREST RATE AND BIDDING DETAILS:** The Bonds shall bear interest at a rate or rates not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both with the maximum spread between the highest and lowest rates bid of 3.00%. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No bid for the purchase of less than all of the Bonds, at a price less than 99% of their par value or at an interest rate or rates that will result in a true interest cost of more than 6% per annum, will be considered.

**BOOK-ENTRY-ONLY:** The Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be

registered in the name of Cede & Co., as nominee for The Depository Trust Company, ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchase of the Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased. The book-entry-only system is described further in the preliminary official statement for the Bonds.

**TERM BOND OPTION:** Bonds maturing in the years \_\_\_\_\_, inclusive, are eligible for designation by the original purchaser at the time of sale as serial bonds or term bonds, or both. There may be more than one term bond maturity. However, principal maturities designated as term bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on \_\_\_\_\_ 1st of the year in which the Refunding Bonds are presently scheduled to mature. Each maturity of term bonds and serial bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

**BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD:**

\_\_\_\_\_, Michigan has been selected as bond registrar and paying agent (the "Bond Registrar") for the Bonds. The Bond Registrar will keep records of the registered holders of the Bonds, serve as transfer agent for the Bonds, authenticate the original and any re-issued bonds and pay interest by check or draft mailed to the registered holders of the Bonds as shown on the registration books of the County kept by the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal of and redemption premium, if any, on the Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Bonds is the responsibility of DTC participants and indirect participants as described in the preliminary official statement for the Bonds. The District may from time to time as required designate a successor bond registrar and paying agent.

**PURPOSE AND SECURITY:** The Bonds are to be issued pursuant to the provisions of Act No. 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), to defray the cost of constructing improvements to the Hetrick Drain Drainage District (the "Project"), in the Charter Township of Windsor (the "Municipality"), in Eaton County, Michigan (the "County"). The Bonds are to be issued in anticipation of, and are primarily payable from, the collection of installments of assessments against the County, the Municipality and the benefited properties in the District in an amount equal to the principal

of and interest on the Bonds. The full faith and credit of the District (which has no taxing power) has been pledged for the prompt payment of the principal of and interest on the Bonds.

**FULL FAITH AND CREDIT OF COUNTY:** Pursuant to a resolution adopted by two thirds vote of its Board of Commissioners, the County has pledged its limited tax full faith and credit as additional security for the prompt payment of principal of and interest on the Bonds. In the event and to the extent that moneys required to pay such principal and interest are not collected from the aforementioned assessments the County is required to pay from its general fund, as a first budget obligation, sufficient moneys to pay such principal and interest. The ability of the County to raise funds with which to meet such pledge is subject to applicable statutory and constitutional tax limitations.

**BOND INSURANCE AT PURCHASER'S OPTION:** If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any additional rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE DISTRICT.

**GOOD FAITH:** A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 1% (\$ \_\_\_\_\_) of the face amount of the Bonds, and payable to the order of the District will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Public Financial Management Inc. The good faith deposit will be applied to the purchase price of the Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Bonds shall be made at the closing.

**AWARD OF THE BONDS - TRUE INTEREST COST:** The Bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest

true interest cost will be the single interest rate (compounded on \_\_\_\_\_ 1, \_\_\_\_\_ and semi-annually thereafter) necessary to discount the debt service payments from their respective payment dates to \_\_\_\_\_ 1, \_\_\_\_\_ in an amount equal to the price proposed, excluding accrued interest. \_\_\_\_\_, \_\_\_\_\_ is the anticipated date of delivery of the Bonds.

**LEGAL OPINION:** Bids shall be conditioned upon the approving opinion of Axe & Ecklund, P.C., Grosse Pointe Farms, Michigan (the "Bond Counsel"), a copy of which will be printed on the reverse side of each bond and the original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The fees of Bond Counsel for its services in connection with such approving opinion are expected to be paid from Bond Proceeds. Except to the extent necessary to issue such opinion and as described in the Official Statement, Bond Counsel has not been requested to examine or review, and has not examined or reviewed, any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, marketing or issuance of the Bonds and, therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the Official Statement or any such financial documents, statements or materials.

**TAX MATTERS:** In the opinion of Bond counsel, subject, however to certain qualifications described herein, under existing law, the interest on the Bonds is excluded from gross income for federal income tax purposes, such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on certain corporations, such interest is taken into account in determining certain income and earnings. In the further opinion of Bond Counsel, the Bonds and the interest thereon are exempt from all taxation in the State of Michigan except estate taxes, gross receipts taxes and taxes on gains realized from the sale, payment or other disposition thereof.

**"QUALIFIED TAX-EXEMPT OBLIGATIONS":** The Bonds have been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

**CERTIFICATE REGARDING "ISSUE PRICE":** The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate in a form acceptable to Bond Counsel, as to the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

**DELIVERY OF BONDS:** The District will furnish Bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting

the issuance of the Bonds, will be delivered at the time of delivery of the Bonds. If the Bonds are not tendered for delivery by twelve o'clock noon, Eastern Time, on the 45th day following the date of sale or the first business day thereafter if the 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the Bonds, withdraw its bid by serving written notice of cancellation on the undersigned, in which event the District shall promptly return the good faith deposit. Payment for the Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Bonds shall be paid by the purchaser at the time of delivery. Unless the purchaser of the Bonds furnishes the Bond Registrar with a list of names and denominations in which it wishes to have the Bonds issued at least ten (10) business days before delivery of the Bonds, the Bonds will be delivered in the form of one bond for each maturity, registered in the name of the purchaser.

**OFFICIAL STATEMENT:**

**Hard Copy**

A copy of the preliminary official Statement (the "Preliminary official Statement") may be obtained by contacting Stauder, Barch & Associates, Inc. at the address listed below. The Preliminary official Statement is in a form deemed final as of its date by the District for purposes of SEC Rule 15c2-12(b)1, but is subject to revision, amendment and completion of a final Official Statement (the "Final Official Statement"). The successful bidder shall supply to the District, within twenty-four hours after the award of the Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Final Official Statement.

**Internet**

In addition, the District has authorized the preparation and distribution of a Preliminary official Statement containing information relating to the Bonds via the Internet. The Preliminary official Statement can be viewed and downloaded at [www.i-dealprospectus.com/PDF.asp?doc=](http://www.i-dealprospectus.com/PDF.asp?doc=) or at [www.tm3.com](http://www.tm3.com).

The District will furnish to the successful bidder, at no cost, \_\_\_ copies of the Final Official Statement within seven (7) business days after the award of the Bonds. Additional copies will be supplied upon the bidder's agreement to pay the cost of the District for those additional copies.

The District shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the District and the Bonds is true and correct in all material

respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

**CUSIP NUMBERS:** It is anticipated that CUSIP numbers will be printed on the Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the purchaser to refuse to accept delivery of, or to pay for the Bonds. All expenses for printing CUSIP numbers on the Bonds will be paid by the District, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and paid for by the purchaser.

**ADDITIONAL INFORMATION:** Further information may be obtained from Public Financial Management, Inc., 305 E. Eisenhower, Suite 305, Ann Arbor, MI 48108 (734) 994-9700.

**THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

**ENVELOPES:** Envelopes containing the bids should be plainly marked "Bid for Hetrick Drain Drainage District, Drain Bonds, Series 2009."

Michael J. Atayan,  
Eaton County Drain Commissioner  
Hetrick Drain Drainage District

Las.r1-eat30

RESOLUTION NO. 09-7-77

RESOLUTION PLEDGING FULL FAITH AND CREDIT OF EATON COUNTY FOR THE PROMPT REPAYMENT OF PRINCIPAL OF AND INTEREST ON THE 2009 SHERWOOD FOREST DRAIN BONDS

A regular meeting of the Board of Commissioners of Eaton County, Michigan, was held on Wednesday, the 15<sup>th</sup> day of July, 2009, at 7 o'clock, p.m., in the Eaton County Board of Commissioners Room of the Eaton County Facilities, Charlotte, Michigan.

The meeting was called to order by Chairperson Brehler.

Present: Commissioners: Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Keefe, Luna, Baker, Barr, Harris, Brehler.

Absent: Commissioners: Forell, Clarke

The following preamble and resolution were offered by Commissioner Keefe and supported by Commissioner Baker:

**WHEREAS**, Section 276, Chapter 11, of Act 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), authorizes the Board of Commissioners of Eaton County, Michigan (the "County"), to adopt a resolution pledging the full faith and credit of the County for the prompt payment of principal of and interest on drain bonds issued pursuant to the Drain Code; and

**WHEREAS**, proceedings have been undertaken to locate, establish, construct, reconstruct, improve and/or maintain a certain drain designated as the Sherwood Forest Drain (the "Drain"), serving the area designated as the Sherwood Forest Drain Drainage District (the "Drainage District"); and

**WHEREAS**, the total cost of the Drain improvements is estimated to be Six Hundred Ten Thousand Dollars (\$610,000); and

**WHEREAS**, the Drainage District desires to issue bonds sufficient to fund the cost of the Drain improvements, which bonds shall be designated as the "2009 Sherwood Forest Drain Bonds" (the "Bonds") in a principal amount not to exceed Six Hundred Ten Thousand Dollars (\$610,000).

**NOW, THEREFORE, BE IT RESOLVED THAT** pursuant to the authorization provided in said Section 276, Chapter 11, of the Drain Code, in consideration of the public health and welfare of the County and in order to successfully finance the location, relocation, establishment, construction, reconstruction, maintenance and/or improvement of the Drain, together with its

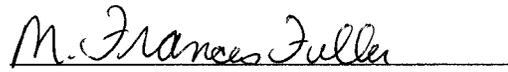
necessary branches thereto, the Board of Commissioners of the County does hereby pledge the full faith and credit of the County for the prompt payment of principal of and interest on the Bonds, subject to constitutional and statutory tax rate limitations, in an amount not to exceed Six Hundred Ten Thousand Dollars (\$610,000); and

**BE IT FURTHER RESOLVED**, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Ayes: Commissioners: Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Keefe, Luna, Baker, Barr, Harris, Brehler.

Nays: Commissioners: None

Resolution declared adopted.

  
M. Frances Fuller  
Clerk, Eaton County, Michigan

The undersigned, duly qualified and acting Clerk, Eaton County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at a regular meeting held on July 15, 2009, the original of which is a part of Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

  
M. Frances Fuller  
Clerk, Eaton County, Michigan

MDG:jan

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RESOLUTION NO. 09-7-78

RESOLUTION PLEDGING FULL FAITH AND CREDIT OF EATON COUNTY FOR THE PROMPT REPAYMENT OF PRINCIPAL OF AND INTEREST ON THE 2009 FOREST GLEN DRAIN BONDS

A regular meeting of the Board of Commissioners of Eaton County, Michigan, was held on Wednesday, the 15<sup>th</sup> day of July, 2009, at 7 o'clock, p.m., in the Eaton County Board of Commissioners Room of the Eaton County Facilities, Charlotte, Michigan.

The meeting was called to order by Chairperson Brehler.

Present: Commissioners: Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Keefe, Luna, Baker, Barr, Harris, Brehler.

Absent: Commissioners: Forell, Clarke

The following preamble and resolution were offered by Commissioner Keefe and supported by Commissioner Freeman:

**WHEREAS**, Section 276, Chapter 11, of Act 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), authorizes the Board of Commissioners of Eaton County, Michigan (the "County"), to adopt a resolution pledging the full faith and credit of the County for the prompt payment of principal of and interest on drain bonds issued pursuant to the Drain Code; and

**WHEREAS**, proceedings have been undertaken to locate, establish, construct, reconstruct, improve and/or maintain a certain drain designated as the Forest Glen Drain (the "Drain"), serving the area designated as the Forest Glen Drain Drainage District (the "Drainage District"); and

**WHEREAS**, the total cost of the Drain improvements is estimated to be One Million Three Hundred Ninety-Five Thousand Dollars (\$1,395,000); and

**WHEREAS**, the Drainage District desires to issue bonds sufficient to fund the cost of the Drain improvements, which bonds shall be designated as the "2009 Forest Glen Drain Bonds" (the "Bonds") in a principal amount not to exceed One Million Three Hundred Ninety-Five Thousand Dollars (\$1,395,000).

**NOW, THEREFORE, BE IT RESOLVED THAT** pursuant to the authorization provided in said Section 276, Chapter 11, of the Drain Code, in consideration of the public health and welfare of the County and in order to successfully finance the location, relocation, establishment, construction, reconstruction, maintenance and/or improvement of the Drain, together with its

necessary branches thereto, the Board of Commissioners of the County does hereby pledge the full faith and credit of the County for the prompt payment of principal of and interest on the Bonds, subject to constitutional and statutory tax rate limitations, in an amount not to exceed One Million Three Hundred Ninety-Five Thousand Dollars (\$1,395,000); and

**BE IT FURTHER RESOLVED**, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Ayes: Commissioners: Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat, Freeman, Keefe, Luna, Baker, Barr, Harris, Brehler.

Nays: Commissioners: None

Resolution declared adopted.

  
\_\_\_\_\_  
M. Frances Fuller  
Clerk, Eaton County, Michigan

The undersigned, duly qualified and acting Clerk, Eaton County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at a regular meeting held on July 15, 2009, the original of which is a part of Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

  
\_\_\_\_\_  
M. Frances Fuller  
Clerk, Eaton County, Michigan

MDG:jan

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# EATON COUNTY CLERK

**Fran Fuller**  
Clerk/Register

**Denise M. Dyson**  
Chief Deputy Clerk

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1045 Independence Blvd.  
Charlotte, MI 48813

517-543- 2426 or 517-485-3417  
Fax 517-541-0666

## Eaton County Board of Commissioners

July 15, 2009

Commissioner Keefe reported the County participated in facilitative mediation June 26, 2009, regarding pending litigation. The matter was successfully facilitated and the parties involved agreed to resolve the matter by settlement in favor of the plaintiff. The letter of intent entered into on behalf of the county includes provisions for the execution of a full and mutual release, Stipulation and Order of Dismissal, with prejudice, as to Eaton County and its employee, of this lawsuit and financial consideration, subject to the approval by the Board of Commissioners.

County of Eaton )  
State of Michigan ) SS

I, **M. Frances Fuller**, Clerk of the County of Eaton do hereby certify that the foregoing motion was duly adopted by the Eaton County Board of Commissioners at the regular meeting held July 15, 2009 and is on file in the records of this office.

  
\_\_\_\_\_  
M. Frances Fuller, County Clerk/Register

**EATON COUNTY BOARD OF COMMISSIONERS****JULY 15, 2009****RESOLUTION TO APPROVE  
2008/2009 GENERAL FUND BUDGET AMENDMENTS****Introduced by the Ways and Means Committee**

Commissioner Keefe moved the approval of the following resolution.  
Seconded by Commissioner Freeman.

**WHEREAS**, the Eaton County 2008/2009 Appropriations Act of September 17, 2008 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

**WHEREAS**, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

**NOW, THEREFORE BE IT RESOLVED**, that the following budget amendments be approved and added to the 2008/2009 Eaton County Budget:

**PROSECUTING ATTORNEY - 229**

Increase	Grant Revenue	\$ 4,795
Increase	Office Supplies	\$ 3,295
Increase	Postage	\$ 1,500

To increase grant revenue for additional funding provided for the Crime Victims Services.

**AGENCY GRANTS - 652**

Increase	Contractual Services	\$ 5,000
Decrease	Contingency	\$ 5,000

To increase total budget for grant to Capital Area Michigan Works as recommended by Health and Human Services Committee on 7/6/09 to be used for training, technical and financial assistance to organizations within Eaton County. Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**JULY 15, 2009**

**RESOLUTION TO APPROVE  
2008/2009 SPECIAL REVENUE FUND BUDGET AMENDMENTS**

**Introduced by the Ways and Means Committee**

Commissioner Keefe moved the approval of the following resolution.  
Seconded by Commissioner Farhat.

**WHEREAS**, the Eaton County 2008/2009 Appropriations Act of September 17, 2008 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

**WHEREAS**, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

**NOW, THEREFORE BE IT RESOLVED**, that the following budget amendments be approved and added to the 2008/2009 Eaton County Budget:

**SOLDIERS AND SAILORS - 293**

Increase	Expenditures	\$ 10,000
Increase	Fund Balance Carryover	\$ 10,000

To increase expenditures for additional assistance of veterans. Carried.

Commissioner Keefe moved the approval of the following resolution.

#09-7-81

Seconded by Commissioner Farhat.

# Michigan Association of Counties



Vote on Motion.

935 N. Washington Ave.

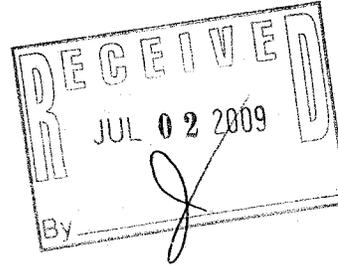
Nays: Hosey, Strachan  
Lansing, MI 48906

7572

Voice: 800-258-1152

Fax: 517-482-4599

Bill To: Eaton County 1045 Independence Charlotte, MI 48813
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## 2010 County Dues Invoice

Description	Amount
Eaton County 2010 Membership Dues	13,238.59
<p><b>Fiscal Year 2009-2010</b>  <b>July 1, 2009 - June 30, 2010</b></p> <p><b>**The MAC Board of Directors met on June 5, 2009,  and they voted unanimously to NOT increase the  County Dues for the Fiscal Year 2009-2010.</b></p>	

Subtotal	13,238.59
Sales Tax	
Total Invoice Amount	13,238.59
Payment/Credit Applied	
<b>TOTAL</b>	<b>13,238.59</b>

[www.micounties.org](http://www.micounties.org)

**An alliance of county commissioners working together to improve local government.**

Carried.