

STATE OF MICHIGAN  
 COUNTY OF EATON ROLL CALL AND VOTES IN BOARD OF COMMISSIONER'S  
January 18 SESSION A.D. 2012

ROLL CALL

			ON MOTION TO		ON MOTION TO		ON MOTION TO	
			<i>Table Animal Control Ordinance</i>					
A.M.	P.M.	COMMISSIONERS	AYE	NAY	AYE	NAY	AYE	NAY
	✓	MICHAEL HOSEY	✓					
	✓	BLAKE MULDER		✓				
	✓	SUSAN HOFFMAN	✓					
	✓	LARRY BRUNETTE	✓					
	✓	JAMES OSIECZONEK	✓					
	✓	JOHN BOLES		✓				
	✓	GLENN H. FREEMAN III	✓					
	✓	JOSEPH C. BREHLER	✓					
	✓	ROGER EAKIN		✓				
	✓	WAYNE RIDGE		✓				
	✓	L. DARYL BAKER		✓				
	✓	DALE BARR		✓				
	✓	JEREMY WHITTUM		✓				
	✓	BEN COLESTOCK		✓				
	✓	JOHN FORELL		✓				
			<b>6</b>	<b>9</b>				

EATON COUNTY BOARD OF COMMISSIONERS

JANUARY 18, 2012

The Eaton County Board of Commissioners met in recessed session at the County Facilities, in the City of Charlotte, Wednesday, January 18, 2012.

Chairman Forell 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; Michael Hosey, Blake Mulder, Susan Hoffman, Larry Brunette, James Osieczonek, John Boles, Glenn Freeman, Joseph Brehler, Roger Eakin, Wayne Ridge, L. Daryl Baker, Dale Barr, Jeremy Whittum, Ben Colestock, John Forell. Commissioners absent; None.

Chairman Forell asked for additions or corrections to the agenda. Commissioner Mulder added item #10 General Fund Budget amendments to the Ways and Means Committee report.

Commissioner Barr moved the agenda be approved as amended. Seconded by Commissioner Baker. Carried.

Commissioner Baker moved the minutes of December 21, 2011 be approved as presented. Seconded by Commissioner Eakin. Carried.

There were no communications.

Chairman Forell opened the Public Hearing at 7:02 PM for the purpose of discussing the proposed Eaton County Animal Control Ordinance.

Chairman Forell asked for public comment.

Judy Oisten, 1096 Tori Trail, Charlotte spoke about the recommendations of the Animal Control Task Force and the difference between animal control facilities vs. shelters.

Holly Twesten expressed her concerns over performance of the shelter compared to others in the state, and the volunteers are not utilized in Eaton County.

Patty Roost, Delta Township spoke about lack of transparency at animal control.

Helen Schneider, 1915 Glass Drive, Charlotte does not support the proposed animal control ordinance.

Jann Lipsey, 4215 N. Smith Road is disappointed with the limited access the animal control has for the public to view animals and wants to see the county resume accepting cats.

Connie Kapugia, 11916 Holt Highway, Dimondale has concerns with the proposed ordinance especially that cats are not longer being accepted and removing definitions and references to state law from the ordinance. She also expressed concern that volunteers are not utilized.

Commissioner Whittum moved to close the public hearing at 7:30 PM. Seconded by Commissioner Baker. Carried.

Public Comment. Don Lehman, District Coordinator for MSU Extension-Eaton introduced the new 4H Program Coordinator, Christine Sisung. Ms. Sisung spoke of her desire to work with the youth in Eaton County.

Commissioner Boles moved the approval of Resolution #12-1-3 to Approve Hazardous Material Emergency Preparedness Grant application.

WHEREAS, the Michigan State Police Emergency Management and Homeland Security Division has grant funds available through the U.S. Department of Homeland Security; and

WHEREAS, the Eaton County Local Emergency Planning Committee is requesting Eaton County to sponsor the grant application; and

WHEREAS, the grant will provide funding for the completion of Superfund Amendments and Reauthorization Act (SARA) Title III, Section 302, off-site response plans and support of the ongoing operation of Local Emergency Planning Commissions (LEPC) at a rate of \$250 for new plans and \$30 for updated plans to be provided through a contract with the Regional Planner and \$1,000 for the support of the LEPC eligible support expenses; and

WHEREAS, there is a 20% in-kind match which will be met by the LEPC member time and office and administrative expenses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves Eaton County's application for participation in the Hazardous Materials Emergency Preparedness Grant; 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 or his designee is authorized to sign any necessary documents pertaining to the County's participation.

Seconded by Commissioner Whittum. Carried.

Prosecutor Jeff Sauter explained portions of the proposed Animal Control Ordinance that were questioned earlier during the public hearing.

- The ordinance should be simple and easy to understand and this ordinance accomplishes that.
- Municipal civil infraction citations were added which gives his office the ability to prosecute individuals with minor offenses, the requirement of a jury trial for most offenses.
- Definitions were removed because he didn't feel they were necessary along with reference to state law.
- Section 5.2e recommended the additional change to delete the words "from the animal protection shelter".

Prosecutor Sauter feels the ordinance should be adopted to replace the older cumbersome ordinance presently used and he will work with others to amend it as needed.

Terry Walker, Director of Animal Control reported non owner cats are accepted at the facility. However, they are not taking trapped cats. Cats are not licensed or regulated which makes it hard to manage them. The facility is also not putting down adoptable dogs. They will contact area shelters to take those animals to adopt out and they offer free euthanasia for low income families.

Commissioners Osieczonek, Boles, Hoffman, Eakin and Hosey spoke about the need to use volunteers. However this is a policy issue, not one governed by the ordinance. Openness has been an issue and is still not addressed.

Commissioner Hosey moved to table adoption of the Animal Control Ordinance. Seconded by Commissioner Freeman. Roll call vote; Ayes; Hosey, Hoffman, Brunette, Osieczonek, Freeman, Brehler. Nays: Mulder, Boles, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell. Motion failed.

Commissioner Whittum moved the approval of Resolution #12-1-4 to approve comprehensive amendment to the Eaton County Animal Control Ordinance, as presented, and including the amendment to Section 5, 5.2e, as suggested by Prosecuting Attorney Sauter.

WHEREAS, the Board of Commissioners adopted the Eaton County Animal Control Ordinance on October 21, 2009; and

WHEREAS, the Animal Control Division of the Eaton County Sheriff's Office and the Prosecuting Attorney initiated a review of the Ordinance; and

WHEREAS, the results of this review resulted in the proposed comprehensive amendment to the Ordinance, which has been reviewed by the Public Safety Committee, and

WHEREAS, the Public Safety Committee is recommending the adoption of the comprehensive amendment.

NOW,

THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves the comprehensive amendment to the Eaton County Animal Control Ordinance, as presented; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to cause publication of the adoption of this Ordinance, as required by MCL 46.11; and

BE IT FURTHER RESOLVED, that this Ordinance shall take effect 7 days after the publication of its adoption in a newspaper of general circulation in Eaton County.

Seconded by Commissioner Boles.

Commissioners Baker, Whittum, Brehler, Eakin, Hoffman, Freeman and Osieczonek spoke in favor of adopting the ordinance. Motion Carried.

Chairman Forell thanked everyone for their diligent work drafting the new ordinance and stated the use of volunteers should be considered in the future

Chairman Forell recessed the meeting for 5 minutes.

The meeting was reconvened at 8:25 P.M.

Commissioner Mulder moved the approval of Resolution #12-1-5, 2012 Borrowing Resolution (2011 Delinquent Taxes). Seconded by Commissioner Whittum. Carried. (copy on file)

Commissioner Mulder moved the approval of Resolution #12-1-6 to Authorize 2012 Administrative Fund.

WHEREAS, after consideration of the 2012 Borrowing Resolution presented earlier this day with regard to Act 206 of the Public Acts of Michigan, 1893, as amended ("Act 206"), and with respect to such borrowing resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County Treasurer, pursuant to Section 87c(2) of Act 206 [MCL 211.87c(2)], is hereby designated as Agent for the County, and the County Treasurer and the Treasurer's office shall receive such sums as are provided in Section 87c(3) of Act 206 [MCL 211.87c(3)], for the services as Agent for the County to cover administrative expenses.
2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Seconded by Commissioner Barr. Carried.

Commissioner Mulder moved the approval of Resolution #12-1 -7, Authorize Pledge of County of Eaton's Full Faith and Credit for the Carman Drain Bonds.

WHEREAS, the Eaton County Drain Commissioner has undertaken proceedings for the improvement of the Carman Drain under the provisions of Chapter 8 of the Drain Code of 1956, as amended, being Act 40 of the Public Acts of Michigan of 1956, as amended ("Act 40"), pursuant to a petition filed with the Eaton County Drain Commissioner; and

WHEREAS, the Drain Commissioner intends to authorize and provide, by order, for the issuance by the Carman Drain Drainage District (the "Drainage District") of bonds (the "Bonds") in the aggregate principal amount of \$615,000, in anticipation of the collection of an equal amount of special assessments against property and public corporations in the Drainage District; said special assessments having been duly confirmed as provided in Act 40; and

WHEREAS, the proposed Bonds of the Drainage District are to be designated "Drainage Bonds, Series 2012," and will bear interest at a rate not exceeding 5.5% per annum; and

WHEREAS, the Drain Commissioner deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the full faith and credit of the County on the Bonds; and

WHEREAS, the improvements to said Drain are necessary to protect and preserve the public health and therefore it is in the best interest of the County of Eaton that the Bonds be sold.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. Pursuant to the authorization provided in Section 276 of Act 40, and in accordance with the Eaton County Board of Commissioners' Full Faith and Credit Policy adopted by the Board of Commissioners, the County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Eaton for the prompt payment of the principal of and interest on the Bonds, and does agree that in the event that the property owners or public corporations in the County of Eaton shall fail or neglect to account to the County Treasurer of the County of Eaton for the amount of any special assessment installment and interest (in anticipation of which the Bonds are issued), when due, then the amount thereof shall be immediately advanced from County funds,

and the County Treasurer is directed to immediately make such advancement to the extent necessary.

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

3. The County Controller and County Drain Commissioner are each hereby separately authorized and directed to execute and file on behalf of the County and/or Drainage District any necessary application or request for exception, necessary or required by Act 40 or the Revised Municipal Finance Act, Act 34 of the Public Acts of Michigan of 2001, as amended, for the issuance of the Bonds.

All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of Resolution #12-1-8, Appoint County Remonumentation Representative and Related Contract.

WHEREAS, pursuant to Section 9 of PA 345 of 1990, the State Survey and Remonumentation Act, the Board of Commissioners is authorized to appoint a County Representative for all surveying projects in Eaton County approved or initiated by the State Survey and Remonumentation Commission; and

WHEREAS, the Ways & Means Committee is recommending entering into a contract with Ronnie M. Lester, which designates Mr. Lester as County Representative; and

WHEREAS, Mr. Lester is a surveyor licensed to practice in the State of Michigan and has offered to provide the County, on an independent contractor basis, with the County Representative services it requires.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioner appoints Ronnie M. Lester as the County Representative under PA 345 of 1990; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners or his designee is authorized to sign the contract.

Seconded by Commissioner Eakin. Carried.

Commissioner Freeman moved the approval of Resolution #12-1-9 Authorizing Agreements with Remonumentation Surveyors for Research and Surveying Required Under the Eaton County Monumentation and Remonumentation Plan for the 2012 Grant Year.

Whereas, the Eaton County Board of Commissioners has adopted a Monumentation and Remonumentation Plan for Eaton County; and

Whereas, the Monumentation and Remonumentation Plan for Eaton County was subsequently approved by the State Survey and Remonumentation Commission; and

Whereas, Eaton County is required to have an approved plan in order to apply and receive grant money which is available for this grant project; and

Whereas, the County Representative administering the Eaton County plan has contacted all known surveyors working within Eaton County; and

Whereas, all interested surveyors at this time have submitted resumes and proposed fees for research and surveying requirements under the Eaton County plan; and

Whereas, the recommended Remonumentation Surveyors and contract amounts are listed on Addendum A attached to this resolution; and

Whereas, pursuant to Public Act 345 of 1990, known as the "State Survey and Remonumentation Act", authorizes Eaton County to contract with a licensed surveyor under the terms and conditions established in the agreement.

Therefore, Be It Resolved, that the Eaton County Board of Commissioners does hereby authorize agreements with the Remonumentation Surveyors listed on Addendum A for the Eaton County Project.

Be It Further Resolved, that the Chairperson of the Board of Commissioners and the County Clerk are authorized to sign the agreements with the Remonumentation Surveyors.

Addendum A  
EATON COUNTY REMONUMENTATION SURVEYORS  
FOR THE 2012 GRANT YEAR

January 18, 2012

Ron Helsel Land Surveying 219 Riverview Dr Dewitt, MI 48820	(Ron Helsel)	\$9,400.00
Carr & Associates PO Box 2369 Battle Creek, MI 49016	(Robert R. Carr)	\$9,400.00
Enger Surveying & Engineering P.O. Box 87 Mason, MI 48854-0087	(Ron Enger)	\$9,400.00
Reynolds Heritage Land Surveying 138 W State Street Hastings, MI 49058	(Brian Reynolds)	\$9,400.00
Bumstead Land Surveys 318 West Lovett #3 Charlotte, MI 48813	(Anthony Bumstead)	\$9,400.00
David R. Lohr Surveying Co. 6014 Chesapeake Drive Lansing, MI 48911-50134	(David R. Lohr)	\$9,400.00
Geodetic Design, Inc Suite 2 5411 W. Grand River Ave Lansing, MI 48906	(Gilbert Barish)	\$9,400.00

Seconded by Commissioner Whittum. Carried.

Commissioner Mulder moved the approval of Resolution #12-1-10, Approve Applications for Farmland and Open Space Development Rights Agreements (P.A. 116 of 1974, as amended) for Margaret Cook.

WHEREAS, Margaret Cook, filed two Farmland and Open Space Applications for properties located in Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 2 parcels of which total 120 acres; and

WHEREAS, the applicant is requesting a 90 year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Margaret Cook, properties located in Vermontville Township.

Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of Resolution #12-1-11, Approve Applications for Farmland and Open Space Development Rights Agreements (P.A. 116 of 1974, as amended) for Reinhart Cook and Steven Cook.

WHEREAS, Reinhart Cook & Steven Cook filed fourteen Farmland and Open Space Applications for properties located in Sunfield Township, and Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 14 parcels of which total 1157.05 acres; and

WHEREAS, the applicant is requesting multiple year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Reinhart Cook & Steven Cook properties located in Sunfield Township and Vermontville Township.

Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of Resolution #12-1-12 to Approve Applications for Farmland and Open Space Development Rights Agreements (P.A. 116 of 1974, as amended) for Margaret Cook, Reinhart Cook and Steven Cook.

WHEREAS, Margaret Cook, Reinhart Cook, and Steven Cook filed three Farmland and Open Space Applications for properties located in Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 3 parcels of which total 216.11 acres; and

WHEREAS, the applicant is requesting a 90 year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Margaret Cook, Reinhart Cook and Steven Cook, properties located in Vermontville Township.

Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of claims as audited by the Ways and Means Committee in the amount of \$401,744.33 and to accept the report of previously authorized payments. Seconded by Commissioner Eakin. Carried.

Commissioner Mulder moved the approval of Resolution #12-1-13, 2011/2012 General Fund Budget amendments.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 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 2011/2012 Eaton County Budget:

BOARD OF COMMISSIONERS - 101

Increase	Grant Allocation	\$2,000
Decrease	Contingency	\$2,000

To increase grant allocation budget to provide an allocation to the Asset Independence Coalition to assist low income tax filers in preparation of returns.

Seconded by Commissioner Brehler. Carried.

Public Comment.

Barbara Rogers, 10601 Friedley Lane, Eaton Rapids thanked the Board for passing the Animal Control Ordinance and would like to see trained volunteers utilized at the facility.

Commissioner Comment. Commissioner Barr would like to see volunteers used at the Animal Control facility. Commissioner Osieczonek inquired as to how many county proposals will be placed on the ballot this year. Commissioner Mulder reported there will be 3 county wide millages.

There was no Unfinished Business or Old Business.

New Business.

Commissioner Boles moved a resolution be presented to Pastor Dave Williams upon his retirement on behalf of the Board of Commissioners. Seconded by Commissioner Eakin. Carried. 1 nay; Hoffman.

Chairman Forell adjourned the meeting to Wednesday, February 15, 2012 at 7:00 PM.

John Forell *FF*  
Chairman of the Board of Commissioners

M. Frances Fuller  
Clerk of the Board of Commissioners

DRAFT

**EATON COUNTY BOARD OF COMMISSIONERS**

**JANUARY 12, 2012**

**RESOLUTION TO APPROVE HAZARDOUS MATERIAL EMERGENCY  
PREPAREDNESS GRANT APPLICATION**

**Introduced by the Public Safety Committee**

Commissioner Boles moved the approval of the following resolution. Seconded by Commissioner Whittum.

**WHEREAS**, the Michigan State Police Emergency Management and Homeland Security Division has grant funds available through the U.S. Department of Homeland Security; and

**WHEREAS**, the Eaton County Local Emergency Planning Committee is requesting Eaton County to sponsor the grant application; and

**WHEREAS**, the grant will provide funding for the completion of Superfund Amendments and Reauthorization Act (SARA) Title III, Section 302, off-site response plans and support of the ongoing operation of Local Emergency Planning Commissions (LEPC) at a rate of \$250 for new plans and \$30 for updated plans to be provided through a contract with the Regional Planner and \$1,000 for the support of the LEPC eligible support expenses; and

**WHEREAS**, there is a 20% in-kind match which will be met by the LEPC member time and office and administrative expenses.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners approves Eaton County's application for participation in the Hazardous Materials Emergency Preparedness Grant; 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 or his designee is authorized to sign any necessary documents pertaining to the County's participation. Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**JANUARY 18, 2012**

**RESOLUTION TO APPROVE COMPREHENSIVE  
AMENDMENT TO THE EATON COUNTY ANIMAL CONTROL  
ORDINANCE**

**Introduced by Public Safety Committee**

Commissioner Whittum moved the approval of the following resolution to approve comprehensive amendment to Section 5, 5.2e. Seconded by Commissioner Boles.

**WHEREAS**, the Board of Commissioners adopted the Eaton County Animal Control Ordinance on October 21, 2009; and

**WHEREAS**, the Animal Control Division of the Eaton County Sheriff's Office and the Prosecuting Attorney initiated a review of the Ordinance; and

**WHEREAS**, the results of this review resulted in the proposed comprehensive amendment to the Ordinance, which has been reviewed by the Public Safety Committee, and

**WHEREAS**, the Public Safety Committee is recommending the adoption of the comprehensive amendment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners approves the comprehensive amendment to the Eaton County Animal Control Ordinance, as presented; and

**BE IT FURTHER RESOLVED**, that the County Clerk is directed to cause publication of the adoption of this Ordinance, as required by MCL 46.11; and

**BE IT FURTHER RESOLVED**, that this Ordinance shall take effect 7 days after the publication of its adoption in a newspaper of general circulation in Eaton County. Commissioners Baker, Whittum, Brehler, Eakin, Hoffman, Freeman and Osieczonek spoke in favor of adopting the ordinance. Carried.

Adopted May 21, 2003  
Amended June 21, 2006  
Amended October 21, 2009  
Amended January 18, 2012

## Eaton County Animal Control Ordinance

An ordinance, providing for general animal control within Eaton County, prescribing the licensing and regulation of animals and kennels, setting standards and conditions for animal care, prohibiting animal cruelty, establishing powers and duties of Animal Control Officers, prescribing the County Treasurer's duties with regard to animal control, providing for the impoundment, adoption, redemption and humane destruction of animals, providing special controls for keeping vicious and exotic animals, authorizing an annual dog census to be taken, establishing penalties for violations, declaring certain offenses as municipal civil infractions, establishing a municipal civil infraction violations bureau and repealing other inconsistent ordinances.

### TABLE OF CONTENTS

SECTION	1. PREAMBLE
SECTION	2. DEFINITIONS
SECTION	3. LICENSING AND REGULATION
SECTION	4. TREASURER RECORD AND DUTIES
SECTION	5. CHIEF ANIMAL CONTROL OFFICER, DUTIES, AUTHORITY, AND RESPONSIBILITIES
SECTION	6. ANIMAL CARE
SECTION	7. DEAD ANIMALS
SECTION	8. QUARANTINE OF ANIMALS AFTER BITING
SECTION	9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS
SECTION	10. KENNELS
SECTION	11. VICIOUS ANIMALS
SECTION	12. PENALTIES AND ENFORCEMENT
SECTION	13. MISCELLANEOUS
SECTION	14. REPEAL AND SAVINGS CLAUSE
SECTION	15. ADOPTION OF ORDINANCE

### SECTION 1. PREAMBLE.

**1.1. Purpose, Findings and Policy.** The County of Eaton deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, and provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919 as amended, does hereby adopt the following revised animal control ordinance which is to be enforced by the Animal Control Division of the Eaton County Sheriff Office, under the direction of the Chief Animal Control Officer.

**1.2.** This Ordinance shall be known as the Eaton County Animal Control Ordinance.

## **SECTION 2. DEFINITIONS.**

2.1. "**Abandonment**" means leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.

2.2. "**Animal**" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

2.3. "**Animal Control Officer**" means any person employed by the Sheriff for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed by the County to act in the same or a similar manner.

2.4. "**Animal Control Shelter**" means a facility designated or recognized by Eaton County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

2.5. "**At Large**" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

2.6. "**Chief Animal Control Officer**" means the person employed by the Sheriff for the purpose of enforcing this ordinance or state statutes pertaining to animals who is responsible for the supervision of the Animal Control Division and maintaining all required records.

2.7. "**Continuous Barking**" means barking, howling, or yelping for a period of time in excess of 15 minutes.

2.8. "**County**" means the County of Eaton of the State of Michigan.

2.9. "**Dangerous Animal**" means any animal, which bites or attacks a person or an animal but does not include the following:

(a) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; or

(b) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by that person or animal; or

(c) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or

(d) An Exotic Animal.

2.10. "**Dog**" means any member of the species "*Canis Familiaries*."

2.11. "**Domesticated Companion Animal**" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

2.12. "**Hunting**" means allowing a dog to range freely within the sight or sound of its owner while in the course of pursuing legal game.

2.13. "**Kennel**" means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

2.14. "**Neglect**" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.

2.15. "**Owner**" means any adult person who owns or resides on the property where the animal lives, every person having a right of property in the animal, an authorized agent of the person having a right, every person who has an apparent authority to have a right of property in the animal. Every person who keeps or harbors the animal or has it in his care, custody or control.

2.16. "**Person**" means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.

2.17. "**Provoke**" means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an animal.

2.18. "**Rabies Suspect Animal**" means any animal which shows symptoms suggestive of rabies.

2.19. "**Shelter**" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (a) The residence of the dog's owner or other individual.
- (b) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (c) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.

**2.20. "Vicious Animal"**

- (a) Means any animal that has:
  - (i) been declared a "Dangerous Animal" under this ordinance or under, MCL 287.321;
  - (ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or Domesticated Companion Animals; or
  - (iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.
- (b) A Vicious Animal does not include the following:
  - (i) an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner, or
  - (ii) an animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or cruel treatment by that person or animal; or
  - (iii) an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
  - (iv) an Exotic Animal.

**SECTION 3. LICENSING AND REGULATION**

**3.1. License Requirements.** It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older, unless the dog is licensed;

(b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture attached as provided, except when engaged in lawful hunting accompanied by its owner; or

(c) To remove any collar and license tag from a dog, except the owner.

**3.2. License Application.** On or before June 1 of each year, the owner of a dog 4 months old or older shall apply to the Chief Animal Control Officer or Treasurer in writing for a license for each dog owned or kept by the owner. The application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The owner of a dog that attains the age of four (4) months after June 1<sup>ST</sup> shall have (30) days to obtain a license. The application for a license shall contain the breed, sex, age, color, markings, and the address of the previous owner of the dog.

**3.3. License Fees.** The license fee for dogs shall be as follows:

(a) For all non spayed/neutered dogs that are (4) months of age of or older on or before June 1st of each year, Fifteen Dollars (\$15.00) if the license is obtained before June 1<sup>st</sup>.

(b) For all spayed/neutered dogs, so certified by an accredited veterinarian, that are (4) months of age or older on or before June 1<sup>st</sup>, Ten Dollars (\$10.00) if the license is obtained before June 1st;

(c) For all non spayed/neutered dogs acquired after July 1<sup>st</sup> or dogs turning the age of (4) months old after June 1<sup>st</sup> of that year, Seven Dollars and fifty cents (\$7.50) if the license is obtained after July 1<sup>st</sup>;

(d) For all spayed/neutered dogs acquired after July 1<sup>st</sup> of that year, Five Dollars (\$5.00) if the license is obtained after July 1<sup>st</sup>;

(e) For all dogs not licensed within the time period set forth in (a) through (d) above, the licenses will be considered delinquent and the fee shall be Thirty Dollars (\$30.00);

(f) Fees for leader dogs or dogs in service training are waived;

(g) For any dog that has been adjudicated a Dangerous Animal pursuant to Act 426 of the Public Acts of 1988, as amended (MCL 287.321), the license fees scheduled above shall be increased by \$25.00.

(h) The license fees may be amended by Motion or Resolution of the Board of Commissioners; and

(i) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored until the expiration of the license.

**3.4. Transfer of License.** No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of the dog may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note the transfer upon their records. This Ordinance does not require the purchase of a new license where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

**3.5. Loss of License Tag.** If any license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag.

**3.6. License Revocation.** The Chief Animal Control Officer may revoke any dog or kennel license if the owner refuses or fails to comply with this Ordinance, or any laws or regulations governing the protection of animals.

#### **SECTION 4. TREASURER'S RECORDS AND DUTIES; EVIDENCE.**

**4.1. Record of Licenses.** The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in Eaton County. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog; and in the case of a kennel license, it shall state the place where the

business is conducted. The record shall be a public record and open to inspection during business hours. The Treasurer shall keep a record of all license fees collected.

**4.2. Comparison of Records.** On July 1<sup>st</sup> of each year the Treasurer shall make a comparison of the records of the dogs actually licensed in Eaton County with the report of the Animal Control Officer to determine and locate all unlicensed dogs as required by state law.

**4.3. Prima Facie Evidence of Ownership.** In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or the lack of such records, showing the name of the owner and the license number to which any license has been issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership.

**4.4. Annual Dog Census.** It shall be the duty of the Chief Animal Control Officer and his/her designees to annually make a census of the number of dogs owned by persons in Eaton County. During this census, a person who owns or harbors a dog shall produce proof of a valid license upon request of any person who is authorized to enforce this Ordinance.

**4.5. Delegation of Duties.** The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

## **SECTION 5. CHIEF ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES.**

**5.1. Requirements.** A Chief Animal Control Officer shall be hired by the Eaton County Sheriff and shall serve as the head of the Animal Control Division; provided, however, that the Chief Animal Control Officer and all Animal Control Officers shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

**5.2. Duties and Authority.** The Chief Animal Control Officer and his/her designees shall have the following duties and authority:

(a) The Chief Animal Control Officer is authorized to investigate any complaints of violations of this ordinance or state laws regarding animals.

(b) The Chief Animal Control Officer may promptly seize, take up and place in the animal shelter, or contracted services provider, including a state licensed humane society, dogs, livestock, or poultry being kept or harbored or found running at large any place within Eaton County contrary to the provisions of this Ordinance or the statutes of the State.

(c) The Chief Animal Control Officer and his/her designees shall be properly deputized as peace or police officers. They shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons acting contrary to the provisions of this Ordinance or state laws relating to animals.

(d) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may, under the guidelines for holding periods and notification set forth in state statutes, dispose of impounded animals which are not claimed by the legal owner, by one of the following methods:

(i) adoption by an individual person who meets adoption criteria for the animal; or

(ii) humane euthanasia under MCL 287.279(a); or

(iii) release to a duly recognized service provider to Eaton County, such as a licensed humane society or animal protection shelter.

**Note:** The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.

(e) The Chief Animal Control Officer shall maintain a record of when the animal was acquired, under what circumstances, copies of any required notices and the disposition of the animal. Regulations regarding the adoption of animals and boarding and other charges shall be posted in a conspicuous place at the animal control shelter.

(f) The Chief Animal Control Officer shall dispose of the bodies of all animals destroyed at the animal control shelter or elsewhere in Eaton County in a manner approved by the State of Michigan.

(g) The Chief Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the Chief Animal Control Officer finds the animal responsible for the bite, he or she shall quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The Chief Animal Control Officer shall also seize and impound any rabies-suspected animal and cause the Animal to be quarantined for examination.

(h) The Chief Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in Eaton County.

(i) The Chief Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by Eaton County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.

(j) The Chief Animal Control Officer shall have the duty to investigate complaints of animals alleged to be treated cruelly or kept in violation of this ordinance, and may seek a court order to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect.

(k) The Chief Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Sheriff may from time to time provide.

**5.3. Enforcement of Ordinance.** The Chief Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaints to the Eaton County Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance.

**5.4. Fees and Monies Collected.** All fees and monies collected by the Animal Control Division shall be accounted for and turned over to the Treasurer on or before the first of each month under the standard practices of the Treasurer's accounting system. Funds received by the Treasurer as forfeitures from the sterilization fund shall be maintained in a separate account to be disbursed for use by the animal control according to state law.

## **SECTION 6. ANIMAL CARE**

**6.1. Adequate Care.** Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

**6.2. Food and Water.** Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and water.

**6.3. Cleanliness.** Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

**6.4. Shelter.** Every owner or caregiver of animals shall provide all animals with a proper shelter.

**6.5. Veterinary Care.** The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

**6.6. Abuse.** No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal.

**6.7. Abandonment and Neglect.** No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

**6.8. Poison.** No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

**6.9. Disfigurement.** No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

**6.10. Housing Conditions for Multi-Animal Housing.**

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(b) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

(c) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(d) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

(e) No person shall fail to provide an animal with adequate shelter.

**6.11. Other Conditions.** No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property.

(a) No condition shall be maintained or permitted that is or could be injurious to the animals.

(b) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(c) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

(d) No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

(e) Working animals shall be given adequate rest periods with water and shade provided. Confined or restrained animals shall be given proper exercise.

(f) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay, wood shavings or dirt).

(g) No person shall allow any animal that the Animal Control Shelter has suspended from use, to be worked or used until released by the Chief Animal Control Officer.

(h) All livestock shall be kept under humane restraint and not permitted to run at large.

(i) All dogs shall be kept under humane restraint and shall not be permitted to be at large.

(j) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength to restrain the particular animal.

(k) While restrained by a leash, no animal shall be permitted to enter upon private property of another without the permission from that person.

**6.12. Barking Dog.** No owner of a dog shall permit continuous barking which disturbs another person.

**6.13. Animals in Motor Vehicles.**

(a) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.

(b) No person shall transport or leave any animal in a vehicle in such a way as to endanger the animal's health, safety or welfare, including but not limited to dangerous temperatures, lack of air, food, water, or proper care.

*Any Animal Control Officer, or law enforcement officer employed by Eaton County is authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.*

(c) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

**6.14. Ferret Owners' Responsibilities.**

(a) No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(b) No person shall release a ferret into the wild or abandon a ferret.

**SECTION 7. DEAD ANIMALS**

**7.1. General Requirements.** It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

(a) To allow the carcass of a dead animal to be left unattended and not properly disposed of.

(b) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, roadway, street, alley, lane, or lot.

**SECTION 8. QUARANTINE OF ANIMAL AFTER BITING A PERSON OR OTHER ANIMAL**

**8.1. Domesticated Companion Animal.** The owner of any Domesticated Companion Animal that bites a person or other animal shall immediately quarantine the biting Animal inside an appropriate building or enclosure for a minimum of ten (10) days. If the Owner of the biting Animal fails to do so, or if the Owner of the biting Animal cannot be identified or found, then the Chief Animal Control Officer may take possession of the Domesticated Companion Animal and quarantine it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. The Owner shall be responsible for all expenses incurred for the quarantine. At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the Chief Animal Control Officer shall release the Domesticated Companion Animal to its Owner.

The Chief Animal Control Officer may immediately humanely destroy the Domesticated Companion Animal that has bitten if the Animal is determined by a veterinarian to be suffering from rabies or upon request of the owner. In such cases, following the humane destruction of the Domesticated Companion Animal, the Chief

Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan.

**8.2. Animals That Are Not Domesticated.** If an animal that is not domesticated bites a person or other animal, and there is no identifiable owner, then the Chief Animal Control Officer shall if possible, humanely confine and destroy the animal and immediately send the animal or sample specimen to the Michigan Department of Public Health Virology Laboratory in Lansing, Michigan.

## **SECTION 9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS**

**9.1. Impoundment by Animal Control Officer.** The Chief Animal Control Officer may humanely seize and impound at the Animal Control Shelter any Domesticated Companion Animal or livestock found running at large. If the animal is non-vicious or non-dangerous and its owner can be ascertained and is available, the Chief Animal Control Officer may return the Animal to its owner, and may cite the owner of the animal for any violation that has occurred. The Chief Animal Control Officer may also seize and impound any Animal that is, within his or her reasonable discretion, subject to abuse, cruelty, abandonment or neglect, and may cite the owner with a violation of this Ordinance and/or applicable state laws.

**9.2. Impoundment by Citizens.** Any citizen shall be empowered to temporarily take and hold any domestic animal or livestock that is running loose within plain view that, according to a reasonable person, is in danger itself or poses an imminent danger of causing serious bodily injury or death to a Person. Any such citizen shall immediately contact Eaton County Animal Control with a description of the animal and location where found and may turn over the animal to Animal Control. Any citizen acting reasonably and in good faith under this Section should not be liable for civil claims or criminal charges resulting from such actions.

**9.3. Notification of Owner.** Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, tag or by other means, the Chief Animal Control Officer shall notify the owner about the animal's impoundment by first class mail. The Chief Animal Control Officer shall inform the owner of the steps necessary to regain custody of the animal.

(a) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may dispose of impounded animals which are not claimed within the state statutory holding periods in a manner set forth by the terms of this ordinance.

**9.4. Redeeming Impounded Animals.** An owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The Chief Animal Control Officer shall not knowingly release any impounded animal to an owner who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of State law or of this Ordinance without a Court Order.

### **9.5. Adoption of Impounded Animals.**

(a) A person who wishes to adopt an impounded animal that has not been redeemed by its owner must sign an adoption agreement that contains a sworn statement that he or she will own and keep the animal in accordance with the terms of this Ordinance and State laws.

(b) If the animal has not been sterilized, the sworn statement must also provide that the adopted animal will be immediately sterilized or, in the case of a puppy, kitten, sick or injured animal, will be sterilized immediately after a veterinarian determines that the animal is of sufficient age and health to undergo sterilization.

(c) The sworn statement must also provide that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.

(d) Any person adopting an impounded animal must pay shelter, boarding and other charges associated with the seizure and impoundment of the animal prior to the release of the animal. Such charges shall be posted conspicuously at the Animal Control Shelter. Any subsequent failure to follow any of the terms of the adoption agreement shall be a violation of this ordinance.

(e) The Chief Animal Control Officer shall not knowingly adopt an animal to a person who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of state law or of this ordinance without a court order. The Chief Animal Control Officer may decline to adopt an animal if other circumstances exist, which, in the opinion of the Chief Animal Control Officer would endanger the health, safety, or welfare of people or animals.

## **SECTION 10. KENNELS**

**10.1. Licensing.** A person who owns, keeps or operates a kennel shall obtain a kennel license from the Chief Animal Control Officer. The Chief Animal Control Officer shall inspect all kennels annually in accordance with this ordinance and State law. Kennels must also comply with applicable Building Code and Zoning Ordinances.

**10.2. Compliance with Statutes, Regulations and Ordinances.** The Chief Animal Control Officer shall not issue a kennel license to a person unless they are in full compliance with this Ordinance and State law. The Chief Animal Control Officer shall not knowingly issue a kennel license to a person who has been convicted of animal cruelty, abuse or neglect, or other related criminal violations of State law or of this ordinance without a Court Order.

**10.3. Exemption from Requirement for Individual Animal Licenses.** A person who shall obtain a kennel license under this ordinance is exempt from obtaining individual licenses for animals required under this ordinance.

**10.4. Licensing Fees.** The fees for a kennel license shall be set by the County Board of Commissioners.

**10.5. Humane Treatment.** All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation, vaccinations against diseases and adequate veterinarian care. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

## **SECTION 11. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.**

### **11.1. Standards for Keeping Vicious Animals.**

(a) **Confinement.** Except as provided below, all Vicious Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel. The pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.

(b) **Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

(c) **Leash.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. A person of suitable age and capacity must be in physical control of the leash at all times. The animal may not be leashed to inanimate objects such as trees, posts, or buildings.

(d) **Muzzle** In addition to being on a leash, while being outside its kennel, pen or the owner's residence, all

such animals on a leash outside of the animals kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(e) **Signs.** All owners, keepers or harborers of Vicious Animals shall display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "*Beware of Vicious Animal*" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

### **11.2. Insurance Identification and Reporting Requirements.**

(a) **Insurance.** All owners, keepers or harborers of Vicious Animals must provide to the Chief Animal Control Officer proof of liability insurance in an amount of five hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Chief Animal Control Officer at his or her business address.

(b) **Identification photographs.** All owners, keepers or harborers of Vicious Animals must provide the Chief Animal Control Officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(c) **Reporting requirements.** All owners, keepers or harborers of Vicious Animals must, within three (3) days of the following incidents, report the following in writing to the Animal Control Officer:

- (i) The removal from Eaton County or death of a Vicious Animal.
- (ii) The birth of offspring of a Vicious Animal.
- (iii) The new address of a Vicious Animal if the owner moves within Eaton County limits.
- (iv) The animal is on the loose, has been stolen or has attacked a person.

**11.3. Failure to Comply.** If the owner, keeper or harbinger of a Vicious Animal resident within the County of Eaton fails to comply with the requirements and conditions set forth in this Section, in addition to the owner being cited for the violations, the animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

## **SECTION 12. PENALTIES AND ENFORCEMENT PROCEDURES**

**12.1. State Law Offenses.** Violations of the ordinance that are also violations of State law may be prosecuted under either.

**12.2. Municipal Civil Infraction Citations.** A person who violates this ordinance shall be deemed responsible for a municipal civil infraction, the penalty for which, shall be a civil fine plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 *et seq.*, and other applicable laws.

**12.3. Authorized Enforcement Officials.** The Chief Animal Control Officer, his/her designees, and deputies, and deputies of the Eaton County Sheriff, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

(a) Municipal civil infractions may be issued by an authorized enforcement official when he/she personally observes the violation. A municipal civil infraction may also be issued by an authorized enforcement official who after investigation has reasonable cause to believe that a violation occurred and it is approved by the Prosecuting Attorney prior to its issuance.

**12.4. Service of Municipal Civil Infractions.** Municipal civil infractions should be served personally if possible. If personal service cannot readily be obtained, municipal civil infractions may be served by first class mail. When served by mail, the defendant's correct name and address shall be confirmed prior to mailing.

### **12.5. Municipal Civil Infraction Citations; Contents.**

(a) A municipal civil infraction citation shall contain:

- (i) A description of the violation;
  - (ii) The time within which the alleged violator must contact the Bureau for purposes of admitting or denying responsibility;
  - (iii) The address and telephone number of the Bureau;
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
- (i) Admit responsibility for the municipal civil infraction within the time specified for appearance and pay the specified fine by mail or in person;
  - (ii) Admit responsibility for the municipal civil infraction "with explanation" within the time specified for appearance by mail or in person, or by representation; or
  - (iii) Deny responsibility for the municipal civil infraction and requesting either an informal or formal hearing in the matter.

**12.6. Establishment of Municipal Civil Infractions Violations Bureau.** The Municipal Civil Infraction Violations Bureau for disposition of municipal civil infractions is the Eaton County 56A District Court Office, 1045 Independence Boulevard, Charlotte, Michigan.

**12.7. Fines.** A person, corporation or firm, who accepts responsibility for, or is found responsible for a municipal civil infraction under this ordinance, shall pay a civil fine of not less than \$75 and not more than \$500, plus costs for each infraction. A fine schedule shall be determined and posted at the 56A District Court.

### **SECTION 13. MISCELLANEOUS.**

**13.1. Rules of Construction.** When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall" and "will" are mandatory and not merely directive. Headings are inserted for convenience and shall not limit or increase the scope of any provision or Section of this Ordinance.

**13.2. Severability.** If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

**13.3. Safety Clause.** Eaton County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the cities of the County, the County, and the inhabitants.

### **SECTION 14. REPEAL AND SAVINGS CLAUSE.**

**14.1. Repealer.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

### **SECTION 15. ADOPTION OF ORDINANCE.**

**15.1. Adoption; Effective Date.** This Ordinance shall be adopted only after a majority of the Commissioners elected and serving shall vote in favor of its adoption. The Clerk of the Board of Commissioners shall then endorse this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take

effect seven (7) days after the date that it is published in a newspaper of general circulation in Eaton County. The County Clerk shall certify the publication.

Effective (date) \_\_\_\_\_

*M. B. Zell*  
Chairman, Board of Commissioners

*M. Frances Fuller*  
Clerk, Board of Commissioners

I, *M. Frances Fuller*, Clerk of the Circuit Court for said County of Eaton do hereby certify that the foregoing is a true copy of a record now remaining in the Office of the Clerk of said County and Court. In testimony whereof, I have hereunto set my hand, and affixed the seal of said Court and County, at the City of Charlotte, this 6 day of February AD, 2012.

BY

Clerk

**2012 BORROWING RESOLUTION  
(2011 DELINQUENT TAXES)**

At a regular meeting of the Board of Commissioners of the County of Eaton, State of Michigan (the "County"), held in Charlotte, Michigan, on the 18th day of January, 2012 at 7 o'clock in the evening.

Present: Commissioners Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.  
Absent: Commissioners None

The following preamble and resolution were offered by Commissioner Mulder and seconded by Commissioner Whittum:

WHEREAS, ad valorem real property taxes are imposed by the County and the local taxing units within the County on July 1 and/or December 1 of each year; and

WHEREAS, a certain portion of these taxes remains unpaid and uncollected on March 1 of the year following assessment, at which time they are returned delinquent to the Eaton County Treasurer (the "Treasurer"); and

WHEREAS, the Treasurer is bound to collect all delinquent taxes, interest and property tax administration fees which would otherwise be payable to the local taxing units within the County; and

WHEREAS, the statutes of the State of Michigan authorize the County to establish a fund, in whole or in part from borrowed proceeds, to pay local taxing units within the County their respective shares of delinquent ad valorem real property taxes in anticipation of the collection of those taxes by the Treasurer; and

WHEREAS, the County Board of Commissioners (the "Board") has adopted a resolution authorizing the County's Delinquent Tax Revolving Fund (the "Revolving Fund Program"), pursuant to Section 87b of Act No. 206, Public Acts of Michigan, 1893, as amended ("Act 206"); and

WHEREAS, the fund has been established to provide a source of monies from which the Treasurer may pay any or all delinquent ad valorem real property taxes which are due the County, and any city, township, school district, intermediate school district, community college district, special assessment district, drainage district, or other political unit within the geographical boundaries of the County participating in the County's Revolving Fund Program pursuant to Act 206 (the "local units"); and

WHEREAS, the Treasurer is authorized under Act 206, and has been directed by the Board, to make such payments with respect to delinquent ad valorem real property taxes [including the property tax administration fees assessed under subsection (6) of Section 44 of Act 206] owed in 2011 to the County and the local units (collectively, the "Taxing Units") which will have remained unpaid on March 1, 2012, and the Treasurer is authorized to pledge these amounts in addition to any amounts not already pledged for the repayment of a prior series of notes (or after such prior series

of notes are retired, as a secondary pledge) all as the Treasurer shall specify in an order when the notes authorized by this Resolution are issued (the "Delinquent Taxes"); and

WHEREAS, the Board has determined that, in order to raise sufficient monies to adequately fund the Revolving Fund Program, the County must issue its General Obligation Limited Tax Notes, Series 2012, in one or more series, in accordance with Sections 87c, 87d, 87e, 87f, 87g and 89 of Act 206 and on the terms and conditions set forth below.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS AS FOLLOWS:

### GENERAL PROVISIONS

1. Establishment of 2012 Revolving Fund. In order to implement the continuation of the Revolving Fund Program and in accordance with Act 206, the County hereby establishes a 2012 Delinquent Tax Revolving Fund (the "Revolving Fund") as a separate and segregated fund within the existing Delinquent Tax Revolving Fund of the County previously established by the Board pursuant to Section 87b of Act 206.

2. Issuance of Notes. The County shall issue its General Obligation Limited Tax Notes, Series 2012, in one or more series (the "Notes"), in accordance with this Resolution and an order to be issued by the Treasurer, as well as Sections 87c, 87d, 87e, 87f, 87g and 89 of Act 206, which Notes shall be payable in whole or in part from the Delinquent Taxes and/or from the other sources specified below.

3. Aggregate Amount of Notes.

(a) The Notes shall be issued in an aggregate principal amount to be determined in accordance with this Section by the Treasurer, not to exceed Six Million Dollars (\$6,000,000).

(b) The aggregate amount of the Notes shall not be less than the amount by which the actual or estimated Delinquent Taxes exceeds (i) the County's participating share of Delinquent Taxes, and (ii) any sums otherwise available to fund the Tax Payment Account established under Section 40 [including any monies held in respect of Section 42(c)].

(c) The aggregate amount of the Notes shall not be greater than the sum of (i) the actual amount of the Delinquent Taxes pledged to the payment of debt service on the Notes, plus (ii) the amount determined by the Treasurer to be allocated to a reserve fund. Original proceeds of the Notes devoted to a reserve fund shall not exceed the lesser of (i) the amount reasonably required for those of the Notes secured by the reserve fund, (ii) 10% of the proceeds of such Notes, (iii) the maximum amount of annual debt service on such Notes, or (iv) 125% of average annual debt service on such Notes.

(d) The aggregate amount of the Notes shall be designated by the Treasurer by written order after (i) the amount of the Delinquent Taxes, or the amount of Delinquent Taxes to be funded by the issuance of the Notes, has been estimated or determined, and (ii) the amount of the reasonably required reserve fund has been calculated. Delinquent Taxes shall be estimated based on delinquencies experienced during the past three fiscal years and on demographic and economic data relevant to the current tax year, and shall be determined based on certification from each of the Taxing Units. The amount of the reasonably required reserve fund shall be calculated pursuant to such analyses and certificates as the Treasurer may request.

4. Proceeds. If the Notes are issued and sold before the Treasurer has received certification from the Taxing Units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated to occur to allow distribution of the proceeds of the Notes within 20 days after the date of issue, the proceeds of the Notes shall be deposited in the County's 2012 Delinquent Tax Project Account and thereafter used to fund the whole or a part of the County's 2012 Tax Payment Account, 2012 Note Reserve Account and/or 2012 Note Payment Account, subject to and in accordance with Sections 39 through 45 of this Resolution. If the Notes are issued and sold on or after such time, the proceeds of the Notes shall be deposited directly into the County's 2012 Tax Payment Account, 2012 Note Reserve Account and/or 2012 Note Payment Account, as provided in Sections 39 through 45 of this Resolution.

5. Treasurer's Order Authorizing Notes and Establishing Delinquent Taxes. At or prior to the time any Notes are issued pursuant to this Resolution, the Treasurer, as authorized by Act 206, may issue a written order specifying the amount and character of the Delinquent Taxes, the section(s) of this Resolution under which the Notes are being issued and any other matters subject to the Treasurer's control under either this Resolution or Act 206.

### FIXED MATURITY NOTES

6. Authority. At the option of the Treasurer, exercisable by written order, the Notes may be issued in accordance with Sections 6 through 18 of this Resolution. All references to "Notes" in Sections 6 through 18 of this Resolution refer only to Notes issued pursuant to Sections 6 through 18, unless otherwise specified.

7. Date. The Notes shall be dated as of the date of issue or as of such earlier date specified by written order of the Treasurer.

8. Maturity and Amounts. Notes issued pursuant to Sections 6 through 18 of this Resolution shall be structured in accordance with subsections (a) or (b) below as determined by the Treasurer pursuant to written order.

(a) The first maturity of the Notes or of a series of the Notes shall be determined by the Treasurer pursuant to written order, but shall not be later than two years after the date of issue. Later maturities of the Notes shall be on the first anniversary of the preceding maturity or on such earlier date as the Treasurer may specify by written order. The Notes shall be structured with the number of maturities determined by the Treasurer to be necessary or appropriate, and the last maturity shall be scheduled for no later than the fourth anniversary of the date of issue. The amount of each maturity shall be set by the Treasurer when the amount of Delinquent Taxes is determined by the Treasurer or when a reliable estimate of the Delinquent Taxes is available to the Treasurer. In determining the exact amount of each maturity, the Treasurer shall consider the schedule of delinquent tax collections prepared for the tax year ending December 31, 2011, and the corollary schedule setting forth the anticipated rate of collection of those Delinquent Taxes which are pledged to the repayment of the Notes. The amount of each maturity and the scheduled maturity dates of the Notes shall be established to take into account the dates on which the Treasurer reasonably anticipates the collection of such Delinquent Taxes and shall allow for no more than a 10% variance between the debt service payable on each maturity date of the Notes and the anticipated amount of pledged monies available on such maturity date to make payment of such debt service.

(b) Alternatively, the Notes or a series of the Notes may be structured with a single stated maturity falling not later than the fourth anniversary of the date of issue. Notes issued under this subsection (b) shall be subject to redemption on such terms consistent with Section 9 as shall be ordered by the Treasurer, but in no event shall such Notes be subject to redemption less frequently

than annually.

9. Interest Rate and Date of Record.

(a) Except as otherwise provided in this subsection, Notes issued pursuant to subsection (a) of Section 8 shall bear interest payable semi-annually, with the first interest payment to be payable (i) on the first date after issuance corresponding to the day and month on which the maturity of such Notes falls, or (ii) if the Treasurer so orders, six months before such date. In the event (i) any maturity of the Notes arises either less than six months before the succeeding maturity date or less than six months after the preceding maturity date and (ii) the Treasurer so orders in writing, interest on the Notes shall be payable on such succeeding or preceding maturity date. Subject to the following sentence, Notes issued pursuant to subsection (b) of Section 8 shall, pursuant to written order of the Treasurer, bear interest monthly, quarterly, or semiannually, as provided by written order of the Treasurer. If Notes issued under Sections 6 through 18 of this Resolution are sold with a variable rate feature as provided in Sections 28 through 32 of this Resolution, such Notes may, pursuant to written order of the Treasurer, bear interest weekly, monthly, quarterly or on any put date, or any combination of the foregoing, as provided by written order of the Treasurer.

(b) Interest shall not exceed the maximum rate permitted by law.

(c) Interest payments shall be mailed by first class mail to the registered owner of each Note as of the applicable date of record, provided, however, that the Treasurer may agree with the Registrar (as defined below) on a different method of payment.

(d) Subject to Section 30 in the case of variable rate Notes, the date of record shall be not fewer than 14 nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.

10. Note Form. The form of the Notes shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. Unless the Treasurer shall by written order specify otherwise, the Notes shall be issued in fully registered form both as to principal and interest, registrable upon the books of a note registrar (the "Registrar") to be determined by the Treasurer. If the Notes are issued in bearer form, the Treasurer shall appoint a paying agent (the "Paying Agent"). The Registrar or Paying Agent so named may be any bank or trust company or other entity, including the County, offering the necessary services pertaining to the registration and transfer of negotiable securities.

11. Denominations and Numbers. The Notes shall be issued in one or more denomination or denominations of \$1,000 each or any integral multiple of \$1,000 in excess of \$1,000, as determined by the Treasurer. Notwithstanding the foregoing, however, in the event the Notes are deposited under a book-entry depository trust arrangement pursuant to Section 13, the Notes shall, if required by the depository trustee, be issued in denominations of \$5,000 each or any integral multiple of \$5,000. The Notes shall be numbered from one upwards, regardless of maturity, in such order as the Registrar shall determine.

12. Transfer or Exchange of Notes.

(a) Notes issued in registered form shall be transferrable on a note register maintained with respect to the Notes upon surrender of the transferred Note, together with an assignment executed by the registered owner or his or her duly authorized attorney-in-fact in form satisfactory to the Registrar. Upon receipt of a properly assigned Note, the Registrar shall authenticate and deliver a new Note or Notes in equal aggregate principal amount and like interest

rate and maturity to the designated transferee or transferees.

(b) Notes may likewise be exchanged for one or more other Notes with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Note or Notes being exchanged, upon surrender of the Note or Notes and the submission of written instructions to the Registrar or, in the case of bearer Notes, to the Paying Agent. Upon receipt of a Note with proper-written instructions, the Registrar or Paying Agent shall authenticate and deliver a new Note or Notes to the owner thereof or to the owner's attorney-in-fact.

(c) Any service charge made by the Registrar or Paying Agent for any such registration, transfer or exchange shall be paid for by the County as an expense of borrowing, unless otherwise agreed by the Treasurer and the Registrar or Paying Agent. The Registrar or Paying Agent may, however, require payment by a Note holder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

13. Book-Entry Depository Trust. At the option of the Treasurer, and notwithstanding any contrary provision of Section 17, the Notes may be deposited, in whole or in part, with a depository trustee designated by the Treasurer who shall transfer ownership of interests in the Notes by book-entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Notes. Such book-entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the Treasurer after consultation with the depository trustee. The Treasurer is authorized to enter into any depository trust agreement on behalf of the County upon such terms and conditions as the Treasurer shall deem appropriate and not otherwise prohibited by the terms of this Resolution. The depository trustee may be the same as the Registrar otherwise named by the Treasurer, and the Notes may be transferred in part by depository trust and in part by transfer of physical certificates as the Treasurer may determine.

14. Redemption.

(a) Subject to the authority granted the Treasurer pursuant to subsection (c) of this Section (in the case of fixed rate Notes) and to the authority granted the Treasurer pursuant to Section 31 (in the case of variable rate Notes), the Notes or any maturity or maturities of the Notes shall be subject to redemption prior to maturity on the terms set forth in subsection (b) below.

(b) Notes scheduled to mature after the first date on which any Notes of the series are scheduled to mature shall be subject to redemption, in inverse order of maturity, on each interest payment date arising after the date of issue.

(c) If the Treasurer shall determine such action necessary to enhance the marketability of the Notes or to reduce the interest rate to be offered by prospective purchasers on any maturity of the Notes, the Treasurer may, by written order prior to the issuance of such Notes, (i) designate some or all of the Notes as non-callable, regardless of their maturity date, and/or (ii) delay the first date on which the redemption of callable Notes would otherwise be authorized under subsection (b) above.

(d) Notes of any maturity subject to redemption may be redeemed before their scheduled maturity date, in whole or in part, on any permitted redemption date or dates, subject to the written order of the Treasurer. Notes called for redemption shall be redeemed at par plus accrued interest to the redemption date, plus, if the Treasurer so orders, a premium of not more than 1%. Redemption may be made by lot or pro rata, as shall be determined by the Treasurer.

(e) With respect to partial redemptions, any portion of a Note outstanding in a denomination larger than the minimum authorized denomination may be redeemed, provided such

portion as well as the amount not being redeemed constitute authorized denominations. In the event less than the entire principal amount of a Note is called for redemption, the Registrar or Paying Agent shall, upon surrender of the Note by the owner thereof, authenticate and deliver to the owner a new Note in the principal amount of the principal portion not redeemed.

(f) Notice of redemption shall be by first class mail 30 days prior to the date fixed for redemption, or such shorter time prior to the date fixed for redemption as may be consented to by the holders of all outstanding Notes to be called for redemption. Such notice shall fix the date of record with respect to the redemption if different than otherwise provided in this Resolution. Any defect in any notice shall not affect the validity of the redemption proceedings. Notes so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with a paying agent to redeem the same.

15. Discount. At the option of the Treasurer, the Notes may be offered for sale at a discount not to exceed 2%.

16. Public or Private Sale. The Treasurer may, at the Treasurer's option, conduct a public/competitive sale of the Notes after which sale the Treasurer shall either award the Notes to the lowest bidder or reject all bids. The conditions of sale shall be as specified in a published Notice of Sale prepared by the Treasurer announcing the principal terms of the Notes and the offering. Alternatively, the Treasurer may, at the Treasurer's option, negotiate a private sale of the Notes as provided in Act 206. If required by law, or if otherwise determined by the Treasurer to be in the best interests of the County, (a) the Notes shall be rated by a national rating agency selected by the Treasurer, (b) a good faith deposit shall be required of the winning bidder, and/or (c) CUSIP numbers shall be assigned to the Notes. If a public sale is conducted or if otherwise required by law or the purchaser of the Notes, the Treasurer shall prepare or cause to be prepared and disseminated an offering circular or official statement containing all material terms of the offer and sale of the Notes. Pursuant to any sale of the Notes, the County shall make such filings, shall solicit such information and shall obtain such governmental approvals as shall be required pursuant to any state or federal law respecting back-up income tax withholding, securities regulation, original issue discount or other regulated matter.

17. Execution and Delivery. The Treasurer is authorized and directed to execute the Notes on behalf of the County by manual or facsimile signature, provided that if a facsimile signature is used the Notes shall be authenticated by the Registrar or any tender agent as may be appointed pursuant to Section 46(c). The Notes shall be sealed with the County seal or imprinted with a facsimile of such seal. The Treasurer is authorized and directed to then deliver the Notes to the purchaser thereof upon receipt of the purchase price. The Notes shall be delivered at the expense of the County in such city or cities as may be designated by the Treasurer.

18. Renewal, Refunding or Advance Refunding Notes. If at any time it appears to be in the best interests of the County, the Treasurer, by written order, may authorize the issuance of renewal, refunding or advance refunding Notes. The terms of such Notes, and the procedures incidental to their issuance, shall be set subject to Section 27 and, in appropriate cases, Sections 55 through 60 of this Resolution.

#### SHORT TERM RENEWABLE NOTES

19. Authority. At the option of the Treasurer, exercisable by written order, Notes may be issued in accordance with Sections 19 through 27 of this Resolution. All references to "Notes" in Sections 19 through 27 refer only to Notes issued pursuant to Sections 19 through 27, unless otherwise specified.

20. Date and Maturity. The Notes shall be dated as of their date of issuance or any prior date selected by the Treasurer, and each issuance thereof shall mature on such date or dates not exceeding one year from the date of their issuance as may be specified by written order of the Treasurer.

21. Interest and Date of Record. The Notes shall bear interest payable at maturity at such rate or rates as may be determined by the Treasurer not exceeding the maximum rate of interest permitted by law on the date the Notes are issued. The date of record shall be not fewer than two nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.

22. Note Form. The form of Notes shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. The Notes shall, in the discretion of the Treasurer and consistent with Section 10, either be payable to the bearer or be issued in registered form. If issued in registered form, the Notes may be constituted as book-entry securities consistent with Section 13, notwithstanding any contrary provision of Section 26.

23. Denomination and Numbers. The Notes shall be issued in one or more denomination or denominations, as determined by the Treasurer. The Notes shall be numbered from one upwards in such order as the Treasurer determines.

24. Redemption. The Notes shall not be subject to redemption prior to maturity.

25. Sale of Notes. The authority and obligations of the Treasurer set forth in Sections 15 and 16 respecting Fixed Maturity Notes shall apply also to Notes issued under Sections 19 through 27 of this Resolution.

26. Execution and Delivery. The authority and obligations of the Treasurer set forth in Section 17 respecting Fixed Maturity Notes shall also apply to Notes issued under Sections 19 through 27 of this Resolution.

27. Renewal or Refunding Notes.

(a) The Treasurer may by written order authorize the issuance of renewal or refunding Notes (collectively, the "Renewal Notes"). Renewal Notes shall be sold on the maturity date of, and the proceeds applied to the payment of debt service on, the Notes to be renewed. The maturities and repayment terms of the Renewal Notes shall be set by written order of the Treasurer.

(b) In the Treasurer's order authorizing Renewal Notes, the Treasurer shall specify whether the Notes shall be issued in accordance with Sections 19 through 27 of this Resolution, in which event the provisions of Sections 19 through 27 shall govern the issuance of the Notes, or whether the Notes shall be issued in accordance with Sections 6 through 18 of this Resolution, in which event the provisions of Sections 6 through 18 of this Resolution shall govern the issuance of the Notes. The order shall also provide for and shall also govern with respect to:

- (i) the aggregate amount of the Renewal Notes;
- (ii) the date of the Renewal Notes;
- (iii) the denominations of the Renewal Notes;
- (iv) the interest payment dates of the Renewal Notes;

(v) the maturity or maturities of the Renewal Notes;

(vi) the terms of sale of the Renewal Notes;

(vii) whether any Renewal Notes issued in accordance with Sections 6 through 18 of this Resolution shall be subject to redemption and, if so, the terms thereof; and

(viii) any other terms of the Renewal Notes consistent with, but not specified in, Sections 6 through 18 of this Resolution or Sections 19 through 27 of this Resolution.

(c) Regardless of whether Renewal Notes need to be approved by prior order of the Department of Treasury, the Treasurer, pursuant to Section 89(5)(d) of Act 206, shall promptly report to the Department of Treasury the issuance of any Renewal Notes.

### VARIABLE INTEREST RATE NOTES

28. Variable Rate Option. At the option of the Treasurer, exercisable by written order, the Notes, whether issued pursuant to Sections 6 through 18 or Sections 19 through 27 of this Resolution, may be issued with a variable interest rate, provided that the rate shall not exceed the maximum rate of interest permitted by law.

29. Determination of Rate. The order of the Treasurer shall provide how often the variable interest rate shall be subject to recalculation, the formula or procedure for determining the variable interest rate, whether and on what terms the rate shall be determined by a remarketing agent in the case of demand obligations consistent with Section 46(d), and whether and on what terms a fixed rate of interest may be converted to or from a variable rate of interest. Such formula or procedure shall be as determined by the Treasurer, but shall track or float within a specified percentage range around the rates generated by any one or more of the following indices:

(a) Publicly reported prices or yields of obligations of the United States of America;

(b) An index of municipal obligations periodically reported by a nationally recognized source;

(c) The prime lending rate from time to time set by any bank or trust company in the United States with unimpaired capital and surplus exceeding \$40,000,000;

(d) Any other rate or index that may be designated by order of the Treasurer provided such rate or index is set or reported by a source which is independent of and not controlled by the Treasurer or the County.

The procedure for determining the variable rate may involve one or more of the above indices as alternatives or may involve the setting of the rate by a municipal bond specialist provided such rate shall be within a stated percentage range of one or more of the indices set forth above.

30. Date of Record. The Date of Record shall be not fewer than one nor more than 31 days before the date of payment, as designated by written order of the Treasurer.

31. Redemption. Notwithstanding any contrary provision of subsections (b) and (c) of Section 14, but subject to the last sentence of this Section 31, Notes bearing interest at a variable rate may be subject to redemption by the County and/or put by the holder at any time or times and in any order, as may be determined pursuant to written order of the Treasurer. Notes shall not be subject to redemption more frequently than monthly.

32. Remarketing, Repurchase and Resale.

(a) In the event Notes issued under Sections 28 through 32 are constituted as demand obligations, the interest rate on the Notes shall be governed by, and shall be subject to, remarketing by a remarketing agent appointed in accordance with Section 46(c), under the terms of a put agreement employed in accordance with Section 46(d).

(b) The County shall be authorized, consistent with Act 206 and pursuant to order of the Treasurer, to participate in the repurchase and resale of Notes in order to reduce the cost of, or increase the revenue, attendant to the establishment of the Revolving Fund and the issuance and discharge of the Notes. Any purchase of Notes pursuant to this subsection (b) shall be made with unpledged monies drawn from revolving funds established by the County in connection with retired general obligation limited tax notes.

**MULTIPLE SERIES**

33. Issuance of Multiple Series. At the option of the Treasurer, exercisable by written order, the Notes issued under Sections 6 through 18 of this Resolution, Sections 19 through 27 of this Resolution, or Sections 55 through 60 of this Resolution, may be issued in two or more individually designated series. Each series shall bear its own rate of interest, which may be fixed or variable in accordance with Sections 28 through 32 of this Resolution. Various series need not be issued at the same time and may be issued from time to time in the discretion of the Treasurer exercisable by written order. In determining the dates of issuance of the respective series, the Treasurer shall consider, among other pertinent factors, the impact that the dates selected may have on the marketability, rating and/or qualification for credit support or liquidity support for, or insurance of, the Notes. The Notes of each such series shall be issued according to this Resolution in all respects (and the term "Notes" shall be deemed to include each series of Notes throughout this Resolution), provided that:

(a) The aggregate principal amount of the Notes of all series shall not exceed the maximum aggregate amount permitted under Section 3;

(b) Each series shall be issued pursuant to Sections 6 through 18 of this Resolution or Sections 19 through 27 of this Resolution, and different series may be issued pursuant to different Sections;

(c) Each series shall be issued pursuant to Section 34 or Section 35, and different series may be issued pursuant to different Sections;

(d) A series may be issued under Sections 6 through 18 of this Resolution for one, two, or three of the annual maturities set forth in Sections 6 through 18 of this Resolution with the balance of the annual maturities being issued under Sections 6 through 18 of this Resolution, or under other Sections of this Resolution, in one or more other series, provided that the minimum annual maturities set forth in Section 8 shall be reduced and applied pro rata to all Notes so issued; and

(e) The Notes of all series issued pursuant to Sections 6 through 18 of this Resolution above shall not, in aggregate, mature in amounts or on dates exceeding the maximum authorized maturities set forth in Section 8.

34. Series Secured *Pari Passu*. If the Notes are issued in multiple series pursuant to Sections 33 through 38 of this Resolution, each series of Notes may, by written order of the

Treasurer, be secured *pari passu* with the other by the security described in and the amounts pledged by Sections 39 through 45 of this Resolution. Moreover, such security may, pursuant to further written order of the Treasurer, be segregated in accordance with the following provisions:

(a) The Treasurer may by written order establish separate sub-accounts in the County's 2012 Note Reserve Account for each series of Notes, into which shall be deposited the amount borrowed for the Note Reserve Account for each such series.

(b) The Treasurer may by written order establish separate sub-accounts in the County's 2012 Note Payment Account for each series of Notes, and all amounts deposited in the Note Payment Account shall be allocated to the sub-accounts.

(c) (i) In the event separate sub-accounts are established pursuant to subsection (b) above, and subject to Paragraph (ii) below, the percentage of deposits to the County's 2012 Note Payment Account allocated to each sub-account may be set equal to the percentage that Notes issued in the corresponding series bears to all Notes issued under this Resolution or to any other percentage designated by the Treasurer pursuant to written order; provided that if the various series are issued at different times or if the various are structured with different maturity dates, (i) sums deposited in the Note Payment Account prior to the issuance of one or more series may upon the issuance of each such series be reallocated among the various sub-accounts established under Subsection (b) above to achieve a balance among the sub-accounts proportionate to the designated percentage allocation, and/or (ii) deposits to the Note Payment Account may be allocated among the sub-accounts according to the total amount of debt service that will actually be paid from the respective sub-accounts.

(ii) Alternatively, the Treasurer may, by written order, rank the sub-accounts established under Subsection (b) above in order of priority, and specify that each such sub-account shall receive deposits only after all sub-accounts having a higher priority have received deposits sufficient to discharge all (or any specified percentage of) Notes whose series corresponds to any of the sub-accounts having priority.

(d) In the absence of a written order of the Treasurer to the contrary, the amounts in each sub-account established pursuant to this Section 34 shall secure only the Notes issued in the series for which such sub-account was established, until such Notes and interest on such Notes are paid in full, after which the amounts in such sub-account may, pursuant to written order of the Treasurer, be added pro rata to the amounts in the other sub-accounts and thereafter used as part of such other sub-accounts to secure all Notes and interest on such Notes for which such other sub-accounts were created, until paid in full. Alternatively, amounts held in two or more sub-accounts within either the Note Reserve Account or the Note Payment Account may be commingled, and if commingled shall be held *pari passu* for the benefit of the holders of each series of Notes pertaining to the relevant sub-accounts.

35. Series Independently Secured. If the Notes are issued in multiple series pursuant to Sections 33 through 38 of this Resolution, each series of Notes may, by written order of the Treasurer, be independently secured in accordance with this Section 35.

(a) Each series of Notes shall pertain to one or more taxing units, as designated by the Treasurer pursuant to written order, and no two series of Notes shall pertain to the same taxing unit. A school district, intermediate school district, or community college district extending beyond the boundaries of a city in which it is located may, pursuant to written order of the Treasurer, be subdivided along the boundaries of one or more cities and each such subdivision shall be deemed a taxing unit for purposes of this Section 35.

(b) Separate sub-accounts shall be established in the County's 2012 Tax Payment Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account to only those taxing units designated as being in that series.

(c) In the event Notes are issued for deposit into the Project Account established under Section 39, separate sub-accounts shall be established in the Project Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account only to accounts, sub-accounts and/or taxing units designated as being in the series corresponding to the sub-account from which disbursement is being made.

(d) A separate sub-account shall be established in the County's 2012 Note Reserve Account for each series of Notes, into which shall be deposited the amount determined by the Treasurer under Section 3 or Section 41 with respect to the series. Each sub-account shall secure one and only one series.

(e) A separate sub-account shall be established in the County's 2012 Note Payment Account for each series of Notes. Each sub-account shall be allocated only those amounts described in Section 42 which pertain to the taxing units included in the series corresponding to the sub-account. Charge backs received from a taxing unit pursuant to Section 53 shall be deposited in the sub-account corresponding to the series in which the taxing unit is included. Amounts held in each sub-account shall secure the debt represented by only those Notes included in the series corresponding to the sub-account, and disbursements from each sub-account may be applied toward the payment of only those Notes included in the series corresponding to the sub-account.

(f) The amounts in each sub-account established pursuant to this Section 35 shall secure only the Notes issued in the series for which such sub-account was established until such Notes and interest on such Notes are paid in full, after which any amounts remaining in such sub-account shall accrue to the County and shall no longer be pledged toward payment of the Notes.

#### TAXABILITY OF INTEREST

36. Federal Tax. The County acknowledges that current Federal law mandates that the Notes be structured as taxable obligations. Consequently, the Notes shall, subject to Sections 36 through 38 of this Resolution, be issued as obligations the interest on which is not excluded from gross income for purposes of Federal income tax.

37. Change in Federal Tax Status. In the event there is a change in the Federal tax law or regulations, or a ruling by the U.S. Department of Treasury or Internal Revenue Service establishes that the Notes may be issued as exempt from Federal income taxes or a change in Michigan law causes the Notes in the opinion of counsel to be exempt from federal income taxes, the Notes may be so issued.

38. State of Michigan Tax. Consistent with the treatment accorded all obligations issued pursuant to Act 206, interest on the Notes shall be exempt from the imposition of the State of Michigan income tax and the Notes shall not be subject to the State of Michigan intangibles tax.

#### FUNDS AND SECURITY

39. Delinquent Tax Project Account. If the Notes are issued and sold before the Treasurer has received certification from the taxing units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated in time to allow distribution of the proceeds of the Notes within 20 days after the date of issue, a 2012 Delinquent Tax Project Account (the "Project

Account") shall be established by the Treasurer as a separate and distinct fund of the County within its general fund. The Project Account shall receive all proceeds from the sale of the Notes, including any premium or accrued interest received at the time of sale. The Project Account shall be held in trust by an escrow agent until the monies therein are disbursed in accordance with Sections 39 through 45 of this Resolution. The escrow agent shall be a commercial bank, shall be located in Michigan, shall have authority to exercise trust powers, and shall have a net worth in excess of \$25,000,000. The form and content of the agreement between the County and the escrow agent shall be approved by the Treasurer. Subject to the following sentence, monies deposited in the Project Account shall be expended only (i) for the purpose of funding the Tax Payment Account established under Section 40 and (ii) to the extent permitted by Act 206, for the purpose of paying the expenses of the offering of the Notes. In the event the Treasurer by written order so directs, additional funding of the Project Account may be undertaken, and any surplus proceeds remaining in the Project Account after the Treasurer has completed the funding of the Tax Payment Account may be transferred to either the 2012 Note Reserve Account created under Section 41 or the 2012 Note Payment Account created under Section 42. Monies in the Project Account may be disbursed by the escrow agent to the County's 2012 Tax Payment Account at any time and from time to time, upon receipt of a written requisition signed by the Treasurer.

40. 2012 Tax Payment Account. The County's 2012 Tax Payment Account (the "Tax Payment Account") is hereby established as a distinct account within the Revolving Fund. The Treasurer shall designate all or a portion of the proceeds of the Notes, not to exceed the amount of Delinquent Taxes, for deposit in the Tax Payment Account. If, however, the proceeds of the Notes are initially deposited in the Project Account pursuant to Section 39, the Treasurer is instead authorized and directed to transfer monies included in the Project Account in accordance with the procedures set forth in Section 39. The County shall apply the monies in the Tax Payment Account to the payment of the Delinquent Taxes or expenses of the borrowing in accordance with Act 206. The allocation of monies from the Tax Payment Account may be made pursuant to a single, comprehensive disbursement or may instead be made from time to time, within the time constraints of Act 206, to particular taxing units as monies are paid into the Tax Payment Account, such that the source of the monies (whether from the County's own funds, from the proceeds of a tax exempt borrowing or from the proceeds of a taxable borrowing) may be traced to the particular taxing unit receiving the funds. Moreover, and regardless of whether multiple series of Notes are issued, the Tax Payment Account may be divided into separate sub-accounts in order to allow the Treasurer to designate which taxing units shall receive borrowed funds and which shall receive funds otherwise contributed by the County.

41. 2012 Note Reserve Account. In the event funding is provided as described in this Section 41, the Treasurer shall establish a 2012 Note Reserve Account (the "Note Reserve Account") as a distinct account within the Revolving Fund. After depositing all of the monies to fund the Tax Payment Account pursuant to Section 40, the Treasurer shall next transfer to the Note Reserve Account, either from the Project Account or directly from the proceeds of Notes, any proceeds remaining from the initial issuance of the Notes. In addition, the Treasurer may transfer unpledged monies from other County sources to the Note Reserve Account in an amount which, when added to any other amounts to be deposited in the Note Reserve Account, does not exceed the amount reasonably required for the Notes secured by the Reserve Account or, if less, 20% of the total amount of the Notes secured by the Reserve Account. Except as provided below, all monies in the Note Reserve Account shall be used solely for payment of principal of, premium if any, and interest on the Notes to the extent that monies required for such payment are not available in the County's 2012 Note Payment Account. Monies in the Note Reserve Account shall be withdrawn first for payment of principal of, premium, if any, and interest on the Notes before County general funds are used to make the payments. All income or interest earned by, or increment to, the Note Reserve Account due to its investment or reinvestment shall be deposited in the Note Reserve Account. When the Note Reserve Account is sufficient to retire the Notes and accrued interest thereon, the

Treasurer may order that the Note Reserve Account be used to purchase the Notes on the market, or, if the Notes are not available, to retire the Notes when due. If so ordered by the Treasurer, all or any specified portion of the Note Reserve Account may be applied toward the redemption of any Notes designated for redemption in accordance with Section 14.

42. 2012 Note Payment Account.

(a) The County's 2012 Note Payment Account is hereby established as a distinct account within the Revolving Fund. (The County's 2012 Note Payment Account, as supplemented by monies held in any interim account that are designated for transfer to the 2012 Note Payment Account, is herein referred to as the "Note Payment Account"). The Treasurer is directed to deposit into the Note Payment Account, promptly on receipt, those amounts described below in Paragraphs (i), (ii), (iv), and (v) that are not excluded pursuant to Subsection (c) below. Furthermore, the Treasurer may, by written order, deposit into the Note Payment Account all or any portion of the amounts described below in Paragraph (iii).

(i) All Delinquent Taxes.

(ii) All statutory interest on the Delinquent Taxes.

(iii) All property tax administration fees on the Delinquent Taxes, net of any amounts applied toward the expenses of issuing Notes.

(iv) Any amounts which are received by the Treasurer from the taxing units within the County because of the uncollectability of the Delinquent Taxes.

(v) Any amounts remaining in the Project Account after the transfers to the Tax Payment Account and Note Reserve Account have been made as specified in Sections 40 and 41.

(b) Monies in the Note Payment Account shall be used by the County to pay principal of, premium, if any, and interest on the Notes as the same become due and payable.

(c) (i) The Treasurer may by written order provide that only a portion of the sums described above in Subsection (a) shall be deposited into the Note Payment Account and applied toward the payment of debt service on the Notes, in which event those sums which are withheld from the Note Payment Account shall be deposited into the Tax Payment Account or, pursuant to further order of the Treasurer, applied toward any other purpose consistent with Act 206. The portion of any sums described in Subsection (a) which are withheld from the Note Payment Account pursuant to this Subsection shall be determined in accordance with the following Paragraph.

(ii) Prior to the issuance of the Notes, the Treasurer may by written order specify a cut-off date not earlier than March 1, 2012, and only those sums payable to the Note Payment Account and received by the County after the cut-off date shall be applied to the Note Payment Account.

(d) The Treasurer may by written order provide that at such time as sufficient funds shall have been deposited into the Note Payment Account to pay all remaining amounts owed under the Notes the pledge on any additional monies otherwise payable to the Note Payment Account shall be discharged and such monies shall not be deposited into the Note Payment Account or otherwise pledged toward payment of the Notes.

(e) The Treasurer may by written order provide that in the event Notes are issued pursuant to Sections 19 through 27 of this Resolution, amounts which would otherwise be included

in the Note Payment Account or the Note Reserve Account (or any sub-account therein for a particular series of Notes) shall not include any amounts received by the County prior to the latest maturity date of any series of Notes previously issued under Sections 6 through 18 of this Resolution and/or Sections 19 through 27 of this Resolution.

43. Limited Tax General Obligation and Pledge.

(a) The Notes shall be the general obligation of the County, backed by the County's full faith and credit, the County's tax obligation (within applicable constitutional and statutory limits) and the County's general funds. The County budget shall provide that if the pledged monies are not collected in sufficient amounts to meet the payments of the principal and interest due on the Notes, the County, before paying any other budgeted amounts, shall promptly advance from its general funds sufficient monies to pay such principal and interest.

(b) In addition, the monies listed below are pledged to the repayment of the Notes and, subject to Section 48, shall be used solely for repayment of the Notes until the principal of, premium, if any, and interest on the Notes are paid in full:

(i) All amounts deposited or earned in any Project Account, until disbursed in accordance with Section 39;

(ii) All net proceeds from the sale of the Notes deposited or earned in the Tax Payment Account, until disbursed in accordance with Section 40;

(iii) All amounts deposited in the Note Payment Account pursuant to Section 42(a);

(iv) All amounts deposited in the Note Reserve Account;

(v) All amounts earned from the investment of monies held in the Note Payment Account or the Note Reserve Account; and

(vi) Any supplemental monies placed in the Note Payment Account and drawn in the discretion of the Treasurer from unpledged sums in the revolving funds which pledge shall be subject to such limitations or exceptions as shall be set forth in the written order of the Treasurer.

(c) If the Notes shall be issued in various series pursuant to Sections 33 through 35 of this Resolution, this pledge shall in the case of any independently secured series extend only to monies in accounts or sub-accounts pertaining to the particular series.

(d) If the amounts so pledged are not sufficient to pay the principal and interest when due, the County shall pay the same from its general funds or other available sources. Pursuant to written order of the Treasurer, the County may later reimburse itself for such payments from the Delinquent Taxes collected.

44. Security for Renewal, Refunding or Advance Refunding Notes. Renewal, refunding, or advance refunding Notes shall be secured by all or any portion of the same security securing the Notes being renewed, refunded or advance refunded. The monies pledged in Section 43 for the repayment of the Notes are also pledged for the repayment of the principal of, premium, if any, and interest on any renewal, refunding, or advance refunding Notes issued pursuant to this Resolution, and any such renewal, refunding, or advance refunding Notes shall be the general obligation of the County, backed by its full faith and credit, which shall include the tax obligation of the County, within applicable constitutional and statutory limits.

45. Use of Funds after Full Payment or Provisions for Payment. After all principal of, premium, if any, and interest on the Notes have been paid in full or provision made therefor by investments of pledged amounts in direct noncallable obligations of the United States of America in amounts and with maturities sufficient to pay all such principal, premium, if any, and interest when due, any further collection of Delinquent Taxes and all excess monies in any fund or account of the Revolving Fund, and any interest or income on any such amounts, may, pursuant to written order of the Treasurer and subject to Sections 33 through 35 of this Resolution, be used for any proper purpose within the Revolving Fund including the securing of subsequent issues of notes.

### SUPPLEMENTAL AGREEMENTS

46. Supplemental Agreements and Documents. The Treasurer, on behalf of the County, is authorized to enter into and execute or behalf of the County any or all of the following agreements or commitments as may, in the Treasurer's discretion, be necessary, desirable or beneficial in connection with the issuance of the Notes, upon such terms and conditions as the Treasurer may determine appropriate:

(a) A letter of credit, line of credit, repurchase agreement, note insurance, or similar instrument, providing backup liquidity and/or credit support for the Notes;

(b) A reimbursement agreement, revolving credit agreement, revolving credit note, or similar instrument, setting forth repayments of and security for amounts drawn under the letter of credit, line of credit, repurchase agreement or similar instrument;

(c) A marketing, remarketing, placement, authenticating, paying or tender agent agreement or dealer agreement designating a marketing, remarketing, authenticating, paying, tender or placement agent or dealer and prescribing the duties of such person or persons with respect to the Notes; and

(d) A put agreement or provision allowing the purchaser of the Notes to require the County to repurchase the Notes upon demand at such times as may be provided in such put agreement or provision.

(e) An agreement to use amounts formerly pledged to other year's borrowings as security for the Notes when no longer so pledged.

(f) A continuing disclosure agreement.

47. Revolving Credit Notes. If the Treasurer enters into a revolving credit agreement (the "Agreement") pursuant to Section 46 above, the Agreement may call for the issuance of one or more revolving credit notes (the "Revolving Credit Notes") for the purpose of renewing all or part of maturing Notes or Notes that have been put pursuant to a put agreement or provision. Such Revolving Credit Notes shall be issued pursuant to Sections 6 through 18 or Sections 19 through 27 of this Resolution, as appropriate, and in accordance with the following provisions:

(a) Interest on the Revolving Credit Notes may be payable on maturity, on prior redemption, monthly, bimonthly, quarterly, or as otherwise provided in the Agreement.

(b) The Revolving Credit Notes may mature on one or more date or dates not later than the final maturity date of the Notes, as provided in the Agreement.

(c) The Treasurer may, at the time of the original issuance of the Notes, execute and deliver one Revolving Credit Note in a maximum principal amount not exceeding the lending

commitment under the Agreement from time to time in force (and may substitute one such Note in a lesser principal amount for another in the event the lending commitment is reduced), provided that a schedule shall be attached to such Note on which loans and repayments of principal and interest are evidenced and further provided that the making of a loan and the evidencing of such loan on the schedule of any such Note shall constitute the issuance of a renewal Note for the purposes of this Resolution.

### MISCELLANEOUS PROVISIONS

48. Expenses. Expenses incurred in connection with the Notes shall be paid from the property tax administration fees collected on the Delinquent Taxes and, if so ordered by the Treasurer, from any earnings on the proceeds of the offering or from other monies available to the County.

49. Note Counsel. The Notes (and any renewal, refunding or advance refunding Notes) shall be delivered with the unqualified opinion of Thrun Law Firm, P.C., East Lansing, Michigan, note counsel chosen by the Treasurer, which selection may, at the option of the Treasurer, be for one or more years.

50. Financial Consultants. Stauder, Barch & Associates, Inc., Ann Arbor, Michigan, is hereby retained to act as financial consultant and advisor to the County in connection with the sale and delivery of the Notes.

51. Complete Records. The Treasurer shall keep full and complete records of all deposits to and withdrawals from each of the funds and accounts in the Revolving Fund and any account or sub-account created pursuant to this Resolution and of all other transactions relating to such funds, accounts and sub-accounts, including investments of money in, and gain derived from, such funds and accounts.

52. Chargebacks. If, by the date which is three months prior to the final maturity date of the Notes, sufficient monies are not on deposit in the Note Payment Account and the Note Reserve Account to pay all principal of and interest on the Notes when due, Delinquent Taxes not then paid or recovered at or prior to the latest tax sale transacted two or more months before the final maturity of the Notes shall, if necessary to ensure full and timely payment on the date of final maturity, be charged back to the local units in such fashion as the Treasurer may determine, and, subject to Sections 33 through 35 of this Resolution, the proceeds of such chargebacks shall be deposited into the County's 2012 Note Payment Account no later than five weeks prior to the final maturity of the Notes. This Section 52 shall not be construed to limit the authority of the Treasurer under State law to chargeback under other circumstances or at other times.

53. Investments. The Treasurer is authorized to invest all monies in the Project Account, in the Revolving Fund or in any account or sub-account therein which is established pursuant to this Resolution in any one or more of the investments authorized as lawful investments for counties under Act No. 20, Public Acts of 1943, as amended. The Treasurer is further authorized to enter into a contract on behalf of the County under the Surplus Funds Investment Pool Act, Act No. 367, Michigan Public Acts of 1982, as amended, and to invest in any investment pool created thereby monies held in the Project Account, in the Revolving Fund, or in any account or sub-account therein which is established pursuant to this Resolution.

54. Mutilated, Lost, Stolen or Destroyed Notes. In the event any Note is mutilated, lost, stolen, or destroyed, the Treasurer may, on behalf of the County, execute and deliver, or order the Registrar or Paying Agent to authenticate and deliver, a new Note having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In

returns with the Secretary of Treasury, keeping accurate account of all monies earned in any fund, account or sub-account authorized by this Resolution or any resolution adopted in accordance with Section 58 above, certifying cumulative cash flow deficits of the County and the local units, and investing any required portion of the gross proceeds of the Notes or Refunding Notes, whether on behalf of the County or the local units, in tax-exempt obligations or State and Local Government Series obligations, and

(c) the County will make timely payment to the United States of any investment earnings, realized by the County on the gross proceeds of the Notes or Refunding Notes, as may be subject to rebate under Section 148(f) of the Code, and, to the extent required under applicable law or deemed by the Treasurer to be in the best interest of the County pursuant to written order, the County's obligation to make such payment to the United States shall also account for excess investment earnings realized by local units on all or a portion of the gross proceeds distributed to, and held by, the local units pursuant to Section 40.

(d) the Treasurer shall be directed to take such actions and to enter into such agreements and certifications, on behalf of the County, as the Treasurer shall deem necessary or appropriate to comply with the foregoing covenants.

60. Agreement to Provide Continuing Disclosure. If necessary, this Board of Commissioners, for and on behalf of the County of Eaton, hereby covenants and agrees, for the benefit of the beneficial owners of the Notes to be issued by the County, to enter into a written agreement (the "Agreement") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Agreement shall be substantially in the form as approved by the Underwriter of the Notes. The Agreement shall be enforceable by the beneficial owners of Notes or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Agreement shall be limited to a right to obtain specific enforcement of the County's obligations hereunder and under the Agreement), and any failure by the County to comply with the provisions of the Agreement shall not be deemed a default with respect to the Notes.

The County Treasurer or other officer of the County charged with the responsibility for issuing the Notes shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the County's Agreement.

61. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: Commissioners Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

Nays: Commissioners None

the case of a mutilated Note, a replacement Note shall not be delivered unless and until such mutilated Note is surrendered to the Treasurer or the Registrar or Paying Agent. In the case of a lost, stolen, or destroyed Note, a replacement Note shall not be delivered unless and until the Treasurer and the Registrar or Paying Agent shall have received such proof of ownership and loss and indemnity as they determine to be sufficient.

### TAX-EXEMPT NOTES OR REFUNDING

55. Refunding of Taxable Debt or Issuance of Tax-Exempt Debt. The County acknowledges that current Federal law precludes the issuance of the Notes as obligations the interest on which is exempt from Federal income tax. However, the County presently contemplates that anticipated amendments to the Internal Revenue Code of 1986 (the "Code") and/or the Treasury Regulations issued thereunder (the "Regulations") or a change in Michigan law changing the character of the Notes may in the future permit the issuance of general obligations limited tax notes on a tax-exempt basis, and, in view of this expectation, the County, through the offices of the Treasurer, shall issue tax-exempt notes or issue obligations to refund any or all outstanding Notes issued as taxable obligations, at the time, on the terms, and to the extent set forth in Sections 55 through 60 of this Resolution.

56. Timing of Refunding. The aforementioned refunding obligations (the "Refunding Notes") shall be issued after the effective date of any change in the Code, Regulations, Internal Revenue Service pronouncements or judicial rulings which, as confirmed by the written opinion of bond counsel, permit the refunding of all or some of the outstanding Notes with proceeds from obligations the interest on which is excluded from gross income for purposes of Federal income tax.

57. Extent of Refunding. Subject to the other provisions of this Section 57, the Refunding Notes shall refund all Notes outstanding at or after the effective date of any change in the law described in Section 56. This Section 57 shall not, however, be construed to require the refunding of any Note prior to the time such Note may be refunded on a tax-exempt basis, nor shall this Section 57 be construed to require the refunding of any Note, if that refunding would result in greater cost to the County (including interest expense, professional fees and administrative outlays) than would arise if the Note were to remain outstanding.

58. Confirmatory Action. Subsequent to any change in the law described in Section 56, the Board shall convene to consider any terms of the Refunding Notes requiring specific ratification by the Board.

59. Arbitrage Covenant and Tax Law Compliance. In the event tax-exempt Notes or Refunding Notes are issued pursuant to this Sections 55 through 60 of this Resolution, the following covenants shall be observed by the County:

(a) the County will make no use of the proceeds of the Notes or Refunding Notes and will undertake no other intentional act with respect to the Notes or Refunding Notes which, if such use or act had been reasonably expected on the date of issuance of the Notes or Refunding Notes or if such use or act were intentionally made or undertaken after the date of issuance of the Notes or Refunding Notes, would cause the Notes or Refunding Notes to be "arbitrage bonds," as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), in the Regulations promulgated under Sections 103 and 148 of the Code or in any successor or supplementary provision of law hereinafter promulgated,

(b) the County will undertake all actions as shall be necessary to maintain the Notes or Refunding Notes as obligations the interest on which qualifies for the tax exemption provided by Section 103(a) of the Code, including, where appropriate and without limitation, filing informational

Resolution declared adopted.

*Fran Fuller*  
Eaton County Clerk

STATE OF MICHIGAN     )  
COUNTY OF EATON     )ss

The undersigned duly qualified and acting Clerk of the County of Eaton, State of Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners at a regular meeting held on January 18, 2012, the original of which resolution is a part of the Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

*Fran Fuller*  
Eaton County Clerk

RESOLUTION NO. #12-1-7

COUNTY OF EATON

STATE OF MICHIGAN

**RESOLUTION TO AUTHORIZE PLEDGE OF COUNTY OF EATON'S  
FULL FAITH AND CREDIT FOR EATON COUNTY DRAIN BONDS  
(CARMAN DRAIN DRAINAGE DISTRICT)**

Minutes of a regular meeting of the Board of Commissioners of the County of Eaton, Michigan, held in the County Building, 1045 Independence Boulevard, Charlotte, Michigan, on the 18 day of January, 2012, at 7:00 p.m. Local Time.

PRESENT: Commissioners: Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

ABSENT: Commissioners: None

The following preamble and resolution were offered by Mulder and supported by Hosey:

WHEREAS, the Eaton County Drain Commissioner has undertaken proceedings for the improvement of the Carman Drain under the provisions of Chapter 8 of the Drain Code of 1956, as amended, being Act 40 of the Public Acts of Michigan of 1956, as amended ("Act 40"), pursuant to a petition filed with the Eaton County Drain Commissioner; and

WHEREAS, the Drain Commissioner intends to authorize and provide, by order, for the issuance by the Carman Drain Drainage District (the "Drainage District") of bonds (the "Bonds") in the aggregate principal amount of \$615,000, in anticipation of the collection of an equal amount of special assessments against property and public corporations in the Drainage District; said special assessments having been duly confirmed as provided in Act 40; and

WHEREAS, the proposed Bonds of the Drainage District are to be designated "Drainage Bonds, Series 2012," and will bear interest at a rate not exceeding 5.5% per annum; and

WHEREAS, the Drain Commissioner deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the full faith and credit of the County on the Bonds; and

WHEREAS, the improvements to said Drain are necessary to protect and preserve the public health and therefore it is in the best interest of the County of Eaton that the Bonds be sold.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. Pursuant to the authorization provided in Section 276 of Act 40, and in accordance with the Eaton County Board of Commissioners' Full Faith and Credit Policy adopted by the Board of Commissioners, the County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Eaton for the prompt payment of the principal of and interest on the Bonds, and does agree that in the event that the property owners or public corporations in the County of Eaton shall fail or neglect to account to the County Treasurer of the County of Eaton for the amount of any special assessment installment and interest (in anticipation of which the Bonds are issued), when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.

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

3. The County Controller and County Drain Commissioner are each hereby separately authorized and directed to execute and file on behalf of the County and/or Drainage

District any necessary application or request for exception, necessary or required by Act 40 or the Revised Municipal Finance Act, Act 34 of the Public Acts of Michigan of 2001, as amended, for the issuance of the Bonds.

4. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Commissioners: Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

NAYS: Commissioners: None

ABSTAIN: Commissioners: None

RESOLUTION DECLARED ADOPTED.  
Carried.

Fran Fuller  
Fran Fuller  
County Clerk

STATE OF MICHIGAN     )  
                                  ) ss.  
COUNTY OF EATON     )

I, Fran Fuller, the duly qualified and acting Clerk of the County of Eaton, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the County Board of Commissioners at a regular meeting thereof held on the 18<sup>th</sup> day of January, 2012, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed my official signature this 18<sup>th</sup> day of January, 2012.

Fran Fuller  
Fran Fuller  
County Clerk

**RESOLUTION AUTHORIZING 2012 ADMINISTRATIVE FUND**

At a regular meeting of the Board of Commissioners of the County of Eaton, State of Michigan (the "County"), held in Charlotte, Michigan, on the 18 day of January, 2012 at 7:00 o'clock in the PM.

Present: Commissioners Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

Absent: Commissioners None

WHEREAS, after consideration of the 2012 Borrowing Resolution presented earlier this day with regard to Act 206 of the Public Acts of Michigan, 1893, as amended ("Act 206"), and with respect to such borrowing resolution, the resolution set forth below was offered by Commissioner Mulder and seconded by Commissioner Eakin.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The County Treasurer, pursuant to Section 87c(2) of Act 206 [MCL 211.87c(2)], is hereby designated as Agent for the County, and the County Treasurer and the Treasurer's office shall receive such sums as are provided in Section 87c(3) of Act 206 [MCL 211.87c(3)], for the services as Agent for the County to cover administrative expenses.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: Commissioners Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

Nays: Commissioners None

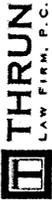
Resolution declared adopted.

Man Fuller  
Eaton County Clerk

STATE OF MICHIGAN )  
COUNTY OF EATON )<sup>ss</sup>

The undersigned duly qualified and acting Clerk of the County of Eaton, State of Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners at a regular meeting held on 1-18, 2012, the original of which resolution is a part of the Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

Man Fuller  
Eaton County Clerk



**EATON COUNTY BOARD OF COMMISSIONERS**

**January 18, 2012**

**RESOLUTION TO APPOINT COUNTY  
REMONUMENTATION REPRESENTATIVE  
AND RELATED CONTRACT**

**Introduced by the Ways and Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Eakin.

**WHEREAS**, pursuant to Section 9 of PA 345 of 1990, the State Survey and Remonumentation Act, the Board of Commissioners is authorized to appoint a County Representative for all surveying projects in Eaton County approved or initiated by the State Survey and Remonumentation Commission; and

**WHEREAS**, the Ways & Means Committee is recommending entering into a contract with Ronnie M. Lester, which designates Mr. Lester as County Representative; and

**WHEREAS**, Mr. Lester is a surveyor licensed to practice in the State of Michigan and has offered to provide the County, on an independent contractor basis, with the County Representative services it requires.

**NOW, THEREFORE, BE IT RESOLVED**, that the Eaton County Board of Commissioner appoints Ronnie M. Lester as the County Representative under PA 345 of 1990; and

**BE IT FURTHER RESOLVED**, that the Chairperson of the Board of Commissioners or his designee is authorized to sign the contract. Carried.

**EATON COUNTY BOARD OF COMMISSIONERS**

**January 18, 2012**

**RESOLUTION AUTHORIZING AGREEMENTS WITH REMONUMENTATION  
SURVEYORS FOR RESEARCH AND SURVEYING REQUIRED UNDER THE  
EATON COUNTY MONUMENTATION AND REMONUMENTATION PLAN  
FOR THE 2012 GRANT YEAR**

**Introduced by the Ways and Means Committee**

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

**Whereas**, the Eaton County Board of Commissioners has adopted a Monumentation and Remonumentation Plan for Eaton County; and

**Whereas**, the Monumentation and Remonumentation Plan for Eaton County was subsequently approved by the State Survey and Remonumentation Commission; and

**Whereas**, Eaton County is required to have an approved plan in order to apply and receive grant money which is available for this grant project; and

**Whereas**, the County Representative administering the Eaton County plan has contacted all known surveyors working within Eaton County; and

**Whereas**, all interested surveyors at this time have submitted resumes and proposed fees for research and surveying requirements under the Eaton County plan; and

**Whereas**, the recommended Remonumentation Surveyors and contract amounts are listed on Addendum A attached to this resolution; and

**Whereas**, pursuant to Public Act 345 of 1990, known as the "State Survey and Remonumentation Act", authorizes Eaton County to contract with a licensed surveyor under the terms and conditions established in the agreement.

**Therefore, Be It Resolved**, that the Eaton County Board of Commissioners does hereby authorize agreements with the Remonumentation Surveyors listed on Addendum A for the Eaton County Project.

**Be It Further Resolved**, that the Chairperson of the Board of Commissioners and the County Clerk are authorized to sign the agreements with the Remonumentation Surveyors. Carried.

  
\_\_\_\_\_  
M. Frances Fuller  
Clerk of the Board of Commissioners

**EATON COUNTY BOARD OF COMMISSIONERS**

**January 18, 2012**

**RESOLUTION TO APPROVE AN  
APPLICATION FOR A FARMLAND AND OPEN SPACE  
DEVELOPMENTAL RIGHTS AGREEMENT  
(PUBLIC ACT 116 OF 1974, AS AMENDED)**

**Introduced by the Ways & Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Hosey.

WHEREAS, Margaret Cook, filed two Farmland and Open Space Applications for properties located in Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 2 parcels of which total 120 acres; and

WHEREAS, the applicant is requesting a 90 year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Margaret Cook, properties located in Vermontville Township. See Attached Addendum A. Carried.

M. Frances Fuller  
M. Frances Fuller, County Clerk

1/19/12  
Date

**EATON COUNTY BOARD OF COMMISSIONERS**

**January 18, 2012**

**RESOLUTION TO APPROVE AN  
APPLICATION FOR A FARMLAND AND OPEN SPACE  
DEVELOPMENTAL RIGHTS AGREEMENT  
(PUBLIC ACT 116 OF 1974, AS AMENDED)**

**Introduced by the Ways & Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Hosey.

WHEREAS, Reinhart Cook & Steven Cook filed fourteen Farmland and Open Space Applications for properties located in Sunfield Township, and Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 14 parcels of which total 1157.05 acres; and

WHEREAS, the applicant is requesting multiple year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Reinhart Cook & Steven Cook properties located in Sunfield Township and Vermontville Township. See Attached Addendum A. Carried.

M. Frances Fuller  
M. Frances Fuller, County Clerk

1/19/12  
Date

**EATON COUNTY BOARD OF COMMISSIONERS**

**January 18, 2012**

**RESOLUTION TO APPROVE AN  
APPLICATION FOR A FARMLAND AND OPEN SPACE  
DEVELOPMENTAL RIGHTS AGREEMENT  
(PUBLIC ACT 116 OF 1974, AS AMENDED)**

**Introduced by the Ways & Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Hosey.

WHEREAS, Margaret Cook, Reinhart Cook, and Steven Cook filed three Farmland and Open Space Applications for properties located in Vermontville Township, with the Eaton County Clerk's Office in November of 2011; and

WHEREAS, these applications include a total of 3 parcels of which total 216.11 acres; and

WHEREAS, the applicant is requesting a 90 year agreements; and

WHEREAS, a copy of these applications were sent to all reviewing agencies as required by the act; and

WHEREAS, the Eaton County Ways & Means Committee has reviewed these applications and is recommending approval.

THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners at its regularly scheduled meeting on January 18, 2012 does hereby approve the Farmland and Open Space Applications filed by Margaret Cook, Reinhart Cook and Steven Cook, properties located in Vermontville Township. See Attached Addendum A.  
Carried.

M. Frances Fuller  
M. Frances Fuller, County Clerk

1/19/12  
Date

**EATON COUNTY BOARD OF COMMISSIONERS**

**JANUARY 18, 2012**

**RESOLUTION TO APPROVE  
2011/2012 GENERAL FUND BUDGET AMENDMENTS**

**Introduced by the Ways and Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Brehler.

**WHEREAS**, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 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 2011/2012 Eaton County Budget:

**BOARD OF COMMISSIONERS - 101**

Increase	Grant Allocation	\$2,000
Decrease	Contingency	\$2,000

To increase grant allocation budget to provide an allocation to the Asset Independence Coalition to assist low income tax filers in preparation of returns.

Carried.