

2013-30

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 12-19-2011, ENTITLED:

“AN ORDINANCE TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM SERVING THE TOWNSHIP OF REPUBLIC; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE AN ADEQUATE RESERVE ACCOUNT FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM”

TO PROVIDE FOR THE ISSUANCE OF BONDS IN ONE OR MORE SERIES, TO ADJUST THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

THE TOWNSHIP OF REPUBLIC ORDAINS:

Section 1. Amendment to Section 1, Definition of “Bond”. *Section 1, Definition of “Bond”, in Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

“Bond” or “Bonds” means singularly or collectively the Series A Bonds and the Series B Bonds authorized to be issued pursuant to this Ordinance.

Section 2. Amendment to Section 1, Definition of “Reserve Amount”. *Section 1, Definition of “Reserve Amount”, in Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

“Reserve Amount” shall mean with respect to all Bonds issued pursuant to this Ordinance the lesser of (1) the maximum annual debt service due on the Bonds in the current or any future year, (2) 125% of the average annual debt service on the Bonds, or (3) 10% of the outstanding aggregate principal amount of the Bonds as of the date of issuance of each series of Bonds.

Section 3. Amendment to Section 1, Addition of Definitions. *Section 1 of Ordinance No. 12-19-2011 is hereby amended to add the following definitions:*

“Series A Bonds” means the Issuer’s 2012 Water Supply System Revenue Bonds, Series A (Taxable), in the principal amount of Nine Hundred Eighty Seven Thousand Dollars (\$987,000) authorized to be issued pursuant to this Ordinance.

“Series B Bonds” means the Issuer’s 2012 Water Supply System Revenue Bonds, Series B (Taxable), in the principal amount of not to exceed Five Hundred Thirteen Thousand Dollars (\$513,000) authorized to be issued pursuant to this Ordinance.

Section 3. Amendment to Section 4. *Section 4 of Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

To pay part of the cost of acquiring and constructing the Project, including legal, engineering, financial and other expenses incident to the issuance and sale of the Bonds, it is hereby determined that the Issuer borrow the aggregate sum of not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) and that one or more series of revenue bonds be issued therefore pursuant to the provisions of Act 94. The Series A Bonds shall be issued in the amount of Nine Hundred Eighty Seven Thousand Dollars (\$987,000). In the event that a second series of Bonds is issued pursuant to this Ordinance, the Series B Bonds shall be issued in an amount not to exceed Five Hundred Thirteen Thousand Dollars (\$513,000). The remaining cost of the Project, if any, shall be defrayed from grant funds available to the Issuer and from Issuer funds on hand and legally available for such use.

Section 4. Amendment to Section 5, Paragraph 1. *Section 5, Paragraph 1 of Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

The Series A Bond shall be designated “2012 Water Supply System Revenue Bond, Series A (Taxable)” (or such other designation as may be approved by the Supervisor of the Issuer as evidenced by execution of the Bond as hereafter provided), shall be dated as of the date of delivery of the first delivery installment, shall consist of one fully-registered nonconvertible bond of the denomination of \$987,000 and shall be payable in principal installments serially on January 1 of each year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2013	\$14,000	2033	24,000
2014	14,000	2034	24,000
2015	15,000	2035	25,000
2016	15,000	2036	26,000
2017	15,000	2037	27,000
2018	16,000	2038	27,000
2019	16,000	2039	28,000
2020	17,000	2040	29,000
2021	17,000	2041	30,000
2022	18,000	2042	30,000
2023	18,000	2043	31,000
2024	19,000	2044	32,000
2025	19,000	2045	33,000
2026	20,000	2046	34,000

2027	20,000	2047	35,000
2028	21,000	2048	36,000
2029	21,000	2049	37,000
2030	22,000	2050	38,000
2031	23,000	2051	39,000
2032	23,000	2052	39,000

In the event that the Series B Bonds are issued, the Series B Bonds shall be designated "2012 Water Supply System Revenue Bond, Series B (Taxable)" (or such other designation as may be approved by the Supervisor of the Issuer as evidenced by execution of the Bond as hereafter provided), shall be dated as of the date of delivery of the first delivery installment, shall consist of one fully-registered nonconvertible bond in a denomination not to exceed Five Hundred Thirteen Thousand Dollars (\$513,000) and shall be payable in principal installments as approved by the Supervisor of the Issuer prior to issuance of the Bonds and as evidenced by execution of the Bond as hereinafter provided, serially on January 1 of each year (or such other date as may be approved by the Supervisor of the Issuer as evidenced by execution of the Bond as hereinafter provided); *provided that* the Series B Bonds mature in not more than forty (40) annual principal installments.

Section 5. Amendment to Section 5, Paragraph 4. *Section 5, Paragraph 4 of Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

The serial principal installments of the Series A Bond will each bear interest from the date of delivery of the corresponding delivery installment to the registered holder thereof as shown on the registration grid set forth on the Bond at the rate of not to exceed two and three-quarters percent (2.750%) per annum, payable on the first July 1 or January 1 (or such other date as may be approved by the Supervisor as evidenced by execution of the Bond) following the date of delivery of said delivery installment, and semiannually thereafter until maturity or earlier prepayment of said installment. Acceptance of the interest rate on the Bond shall be made by execution of the Bond which so designates the rate specified by the Government and accepted by the Issuer.

The serial principal installments of the Series B Bond will each bear interest from the date of delivery of the corresponding delivery installment to the registered holder thereof as shown on the registration grid set forth on the Bond at a rate per annum as may be approved by the Supervisor as evidenced by execution of the Bond, but in any event not to exceed eight percent (8.000%) per annum, payable on the first July 1 or January 1 (or such other date as may be approved by the Supervisor as evidenced by execution of the Bond) following the date of delivery of said delivery installment, and semiannually thereafter until maturity or earlier prepayment of said installment. Acceptance of the interest rate on the Bond shall be made by execution of the Bond which so designates the rate specified by the Government and accepted by the Issuer.

Section 6. Amendment to Section 12(B)(2), Paragraph 5. *Section 12(B)(2), Paragraph 5 of Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

There is hereby established a separate subaccount in the Debt Retirement Account designated BOND RESERVE ACCOUNT (the "Bond Reserve Account"). On the first day of the fiscal year quarter after the delivery of the each series of Bonds and the first day of each fiscal year quarter thereafter, there shall be set aside and transferred to the Bond Reserve Account an amount equal to one fortieth (1/40) of the Reserve Amount, or such other amount as evidenced by execution of the Bonds in accordance with this Ordinance, but in any event as established by resolution of the Issuer prior to the issuance of any of the Bonds. If after the Bond Reserve Account has been funded to the Reserve Amount monies in the Bond Reserve Account exceed the Reserve Amount at the end of a fiscal year, then interest on the Bond Reserve Account must be transferred into the Debt Retirement Account for the next payment of the principal of and/or interest on the Bonds coming due. In or after any fiscal year when the Bond Reserve Account contains the Reserve Amount, if monies in the Bond Reserve Account are less than the Reserve Amount at the end of a fiscal year, then monies from the Debt Retirement Account or the Receiving Fund shall be deposited into the Bond Reserve Account to satisfy the requirements of this Section.

Section 6. Amendment to Section 12(B)(3). *Section 12(B)(3) of Ordinance No. 12-19-2011 is hereby amended to read in its entirety as follows:*

Repair, Replacement and Improvement Account. There is hereby established a separate account designated REPAIR, REPLACEMENT AND IMPROVEMENT ACCOUNT (the "RRI Account"). After the transfers required in (1) and (2) above, and so long as any principal installments of the Bond remain outstanding, commencing July 1, 2012, revenues shall be transferred each Fiscal Year quarter from the Receiving Account and deposited in the RRI Account in an amount not less than \$4,485 (or such other amount as established by resolution of the Issuer prior to issuance of the Bonds), less the amount, if any, deposited in the Bond Reserve Account at the beginning of the same Fiscal Year quarter as provided in the preceding subsection. Moneys in the RRI Account shall be used and disbursed only for the purpose of paying the cost of (a) repairing any damage to and emergency maintenance of the System, (b) repairing or replacing obsolete, deteriorating, deteriorated or worn out portions of the System, (c) acquiring and constructing extensions and improvements to the System and (d) when necessary, for the purpose of making payment of principal and interest on the Bond. If the amounts in the Bond and Interest Redemption Account and the Bond Reserve Account are not sufficient to pay the principal of and interest on the Bond when due, the moneys in the RRI Account shall be transferred to the Bond and Interest Redemption Account and used for that purpose. Moneys in the RRI Account may be invested in accordance with Section 13 of this Ordinance.

Section 7. Amendment to Bond Form. The Supervisor of the Issuer is authorized and directed to make such changes to the form of each Bond as necessary or appropriate to give effect to the intent of this Ordinance.

Section 8. Repeal. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 9. Severability; Paragraph Headings; and Savings Clause. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such

section, paragraph, clause or provision shall not affect any other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 10. Publication and Recordation. This Ordinance shall be published in full in *The Mining Journal*, a newspaper of general circulation in the Township qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section 11. Effective Date. This Ordinance shall be effective upon its adoption.

PASSED AND ADOPTED BY THE TOWNSHIP OF REPUBLIC, COUNTY OF MARQUETTE, MICHIGAN ON FEBRUARY 27, 2012.

\_\_\_\_\_  
Supervisor

Attest:

  
\_\_\_\_\_  
Township Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Republic, County of Marquette, State of Michigan, at a regular meeting held on the 27th day of February, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

\_\_\_\_\_  
\_\_\_\_\_

and that the following Members were absent: \_\_\_\_\_

\_\_\_\_\_

I further certify that Member \_\_\_\_\_ moved adoption of said Ordinance, and that said motion was supported by Member \_\_\_\_\_

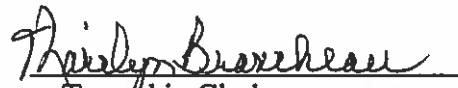
I further certify that the following Members voted for adoption of said Ordinance:

\_\_\_\_\_  
\_\_\_\_\_

and that the following Members voted against adoption of said Ordinance: \_\_\_\_\_

\_\_\_\_\_

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

  
Township Clerk

19,800,108.3\117022-00002

Passed and Readopted by the Township of Republic, County of Marquette, Michigan, on

November 21, 2013.

(SEAL)



Township Supervisor, Republic Township

ATTEST:

Rosilyn Brancheau

Republic Township Clerk

YEAS: 5

\_\_\_\_\_

\_\_\_\_\_

NAYS: 0

\_\_\_\_\_

\_\_\_\_\_

.....  
I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Republic, County of Marquette, Michigan at a regular Township Board Meeting, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being ACT 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said ACT.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township of Republic and such recording has been authenticated by the signatures of the Township Supervisor and the Township Clerk.

Rosilyn Brancheau

Republic Township Clerk