

**RESOLUTION 23-15
CITY OF ST. CLAIR
ST. CLAIR COUNTY, MICHIGAN**

**SUPPLEMENTAL NOTICE OF INTENT RESOLUTION
WATER SUPPLY SYSTEM REVENUE BONDS**

Minutes of a regular meeting of the City Council of the City of St. Clair, County of St. Clair, State of Michigan, held on the 15th day of May, 2023, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Members Cedar, Gottler, Kuffa, LaPorte, Paul, Volz, Watt

ABSENT: None

The following preamble and resolution were offered by Member: LaPorte and supported by Member Volz:

WHEREAS, the City of St. Clair, County of St. Clair, State of Michigan (the “City”), has determined that it is necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the City’s water supply system (the “System”), including water treatment plant improvements, improvements to Shorewell pump station, pretreatment, filtration, chemical feed, flow meters, electrical and SCADA, water treatment plant building improvements and expansion and water mains in the City, and all related sites, structures, equipment, appurtenances and attachments thereto (the “Project”); and

WHEREAS, the City was previously advised by the Michigan Department of Environment, Great Lakes and Energy (“EGLE”), that financial assistance for a portion of the Project to accomplish the acquisition and construction of the Project is available through the Drinking Water State Revolving Fund (“DWSRF”) Loan Program administered by EGLE and the Michigan Finance Authority (the “MFA”); and

WHEREAS, by resolution adopted on February 20, 2023, the City Council authorized the publication of a notice of intent to issue revenue bonds for the Project in the principal amount of not to exceed \$3,500,000 (the “Prior Notice”), and such Prior Notice was thereafter published in *The Times-Herald*, on February 26, 2023; and

WHEREAS, the City has been advised by EGLE that it may be in a position to provide financial assistance for all of the Project through the DWSRF loan program, therefore it is necessary for the City to authorize publication of a supplemental notice of intent to issue revenue bonds for the remainder of the Project pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended, in the additional principal amount of not to exceed Seven Million Dollars (\$7,000,000) (the “Additional Bonds”), which notice shall provide additional and supplemental borrowing authority for the Project and shall be in addition to the borrowing authorization under the Prior Notice; and

WHEREAS, the total amount of bonds to be issued to finance the acquisition and construction of the Project shall not exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue the Additional Bonds in *The Times-Herald*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to issue the Additional Bonds, and the manner of publication directed, is adequate notice to the electors and taxpayers of the City and users of the System, and is the method best calculated to give them notice of the City's intent to issue the Additional Bonds, the purpose of the Additional Bonds, the security for the Additional Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

AYES: Members: Volz, Watt, Gottler, Kuffa, LaPorte, Paul, Cedar

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Bill Cedar, Jr., Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting held on May 15, 2023, 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.

Annette Sturdy, City Clerk

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF ST. CLAIR
AND TO USERS OF THE CITY’S WATER SUPPLY SYSTEM
OF INTENT TO ISSUE REVENUE BONDS AND THE
RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of St. Clair, County of St. Clair, Michigan, intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series in a total amount not to exceed Seven Million Dollars (\$7,000,000), for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the City’s water supply system, including water treatment plant improvements, improvements to Shorewell pump station, pretreatment, filtration, chemical feed, flow meters, electrical and SCADA, water treatment plant building improvements and expansion and water mains in the City, and all related sites, structures, equipment, appurtenances and attachments thereto (the “Project”). The City previously published a notice of intent to issue bonds for the Project on February 26, 2023 in an amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the “Prior Notice”). This principal amount of bonds to be issued and sold pursuant to this notice is in addition to the principal amount of bonds to be issued and sold pursuant to the Prior Notice.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE primarily from the revenues received by the City from the operations of the water supply system (the “System”). The City expects the revenue bonds to be sold to the Michigan Finance Authority in connection with the Michigan Department of Environment, Great Lakes and Energy Drinking Water Revolving Fund program in which case the bonds sold to Michigan Finance Authority may also be payable as described below. The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System.

BOND DETAILS

THE REVENUE BONDS will be payable in not more than thirty (30) annual installments for each series of bonds and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

ADDITIONAL SOURCES OF PAYMENTS FOR BONDS
SOLD TO MICHIGAN FINANCE AUTHORITY

IF THE REVENUE BONDS ARE SOLD TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY ALSO PLEDGE ITS LIMITED TAX FULL FAITH AND CREDIT AS SECURITY FOR THE BONDS. IN SUCH CASE, IF REVENUES OF THE SYSTEM ARE INSUFFICIENT TO PAY DEBT SERVICE AT ANY TIME, THEN TO PAY DEBT SERVICE THE CITY SHALL ADVANCE LEGALLY AVAILABLE FUNDS INCLUDING, IF NECESSARY, FUNDS FROM THE LEVY OF TAXES UPON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT HOWEVER TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS. IN ADDITION, THE CITY MAY BE REQUIRED TO PLEDGE FOR THE PAYMENT OF THE BONDS SOLD TO THE MICHIGAN FINANCING AUTHORITY MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the authority or a trustee, and such funds may be pledged for the payment of the revenue bonds.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED

ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

Annette Sturdy
City Clerk, City of St. Clair

40611399.1/078013.00044