

Kalkaska County Board of Commissioners  
Regular Monthly Meeting  
January 12, 2010

Meeting called to order by Chair Alan McCullen at 2:00 PM. Roll call of Commissioners: Present-Alan McCullen, Debra Kimball, Lou Nemeth, Carroll Sexton, George Shetler and Craig Wood. Absent: Robert Crambell.

Pledge of Allegiance given by all. Invocation by Pastor Barker.

Chair called for conflict. None.

Chair called for approval of agenda. **Motion** by Wood to approve agenda with addition of Rob Franzo summary report regarding Broadband at 4:00 PM and 2 articles of correspondence noted by Chair. Supported by Shetler. 6 yeas. 0 nays. 1 absent. **Carried.**

**Approval of Minutes:**

**Motion** by Kimball to approve minutes of 12-15-2009 Kalkaska County Board of Commissioners Public Hearing for 2010 General Fund Budget, 2010 Special Revenue Fund Budget Approvals and Regular Monthly meeting. Supported by Nemeth. 6 yeas. 0 nays. 1 absent. **Carried.**

**Motion** by Sexton to approve minutes of 01-04-2010 Kalkaska County Board of Commissioners Reorganizational meeting with corrections 'secret' added to votes cast for Chairperson and Vice-Chair on page 1, and on page 3, under Committee appointments for District Health Department #10, Crambell is alternate rather than liaison. Supported by Wood. 6 yeas. 0 nays. 1 absent. **Carried.**

**Public Input:**

Stuart Rogers: addressed concern with accusations of initiation of Broadband committee investigation and requested copy of law mentioned at previous Board meeting regarding committee appointment.

Russ Larowe: stated disappointment and misinterpretation by newspaper (Traverse City) report of Commissioners motion for Broadband Committee and ill effects on community as a whole.

**Appointments:**

Sheriff Department: Sheriff Israel-review of January report.

Kaliseum: Alan James, Director-review of January report.

County Treasurer: Gwen Gehrcke-requested Board for Resolution to borrow for anticipated delinquent taxes, requesting 2.5 Million. Gehrcke requested waiver of fees for use of Civic Center for upcoming Dog Clinic. **Motion** by Wood to waive rental fees to hold Dog Clinic on 02-20-2010. Supported by Nemeth. Roll call vote: Wood, yes; Nemeth, yes; Crambell, absent; Kimball, yes; Sexton, yes; Shetler, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

**Approval of Bills:**

**Motion** by Wood to approve Post Approved Bills of \$223,457.44, General Fund Bills of \$52,093.64, Kaliseum Fund Bills of \$789.23, Additional Payable Run on 12-30-2009 of \$217,418.85, Payroll #28 of \$16,808.43, Payroll #29 of \$157,108.21, Payroll #30 of \$160,039.44 and Commissioners (Per-Diem - \$975.00 and Salary - \$3,200.00) total of \$4,175.00. Supported by Sexton. Kimball confirmed her added Per-Diem corrected from prior month. Roll call vote: Wood, yes; Sexton, yes; Crambell, absent; Kimball, yes; Nemeth, yes; Shetler, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

**Committee Reports:**

**Budget and Finance:** Wood reported progress with maintenance at jail; name 'Kaliseum Kurves' (program at Kaliseum) to be changed; researching software program for Clerk and collections on unpaid fines to begin in Clerk's office. McCullen addressed jail escape issue with need for maintenance. **Motion** by Wood to waive rental fees for Census testing at Civic Center for dates 1-11/1-18/1-21-2010 as requested by coordinator Cal Benke. Supported by Shetler. Roll call vote: Wood, yes; Shetler, yes; Crambell, absent; Kimball, yes; Nemeth, yes; Sexton, no; McCullen, yes. 5 yeas. 1 nay. 1 absent. **Carried.**

**Personnel/Interview:** Sexton reported Ron Conway requested sick pay upon retirement of approximately \$6,000.00. Discussion regarding precedence, Chair advised matter to be addressed at next Finance with recommendation and back to agenda for February meeting.

**County Affairs:** Shetler reported. **Motion** by Shetler to approve **Resolution 2010-04** authorizing Chair of Kalkaska County Board of Commissioners to execute deeds and other legal documents in the absence of the Kalkaska County Building Authority. Supported by Kimball. Roll call vote: Shetler, yes; Kimball, yes; Crambell, absent; Nemeth, yes; Sexton, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE KALKASKA COUNTY BOARD OF COMMISSIONERS TO EXECUTE CONTRACTS, DEEDS, AND OTHER DOCUMENTS OF LEGAL EFFECT ON BEHALF OF THE DEFUNCT KALKASKA COUNTY BUILDING AUTHORITY**

**RESOLUTION NUMBER: 2010-04  
KALKASKA COUNTY BOARD OF COMMISSIONERS  
JANUARY 12<sup>TH</sup>, 2009**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 12<sup>th</sup> day of January, 2010.

Present: Debra Kimball, Louis Nemeth, Carroll Sexton, Craig Wood, George Shetler, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by George Shetler and supported by Debra Kimball.

**WHEREAS**, Kalkaska County caused to incorporate the Kalkaska County Building Authority pursuant to the applicable laws of the State of Michigan; and

**WHEREAS**, the Kalkaska County Building Authority was created to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, recreational facilities, and the necessary sites therefore, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of Kalkaska County; and

**WHEREAS**, pursuant to the laws of the State of Michigan, the Kalkaska County Board of Commissioners is vested with authority to appoint members to serve on the commission of the Kalkaska County Building Authority; and

**WHEREAS**, the Kalkaska County Board of Commissioners has not appointed any members to the commission of the Kalkaska County Building Authority for approximately nine (9) to ten (10) years; and

**WHEREAS**, the Kalkaska County Building Authority has not operated as a building authority for approximately nine (9) to ten (10) years, and is defunct; and

**WHEREAS**, pursuant to MCL 123.963, when bonds issued for the construction of publicly-owned buildings shall have been retired, the building authority shall convey title to the property to the incorporating unit; and

**WHEREAS**, pursuant to MCL 123.963, buildings acquired, owned or the title to which vests in Kalkaska County Building Authority must be conveyed to Kalkaska County upon retirement of the bonds issued for said buildings; and

**WHEREAS**, there are no members of the Kalkaska County Building Authority with requisite legal authority to execute any documents on behalf of the Authority which, would convey title to publicly-owned buildings to Kalkaska County upon retirement of bonds.

**NOW, THEREFORE IT IS RESOLVED**, that:

1. The Kalkaska County Board of Commissioners in accordance with the provisions of MCL 123.963 which, allows the governing body of the incorporating unit to establish provisions for the conveyance of title to property from a building authority to the incorporating unit, in the absence of such provisions in the articles of incorporation, or contract of lease, is authorized to provide for the procedure through which title to property can be conveyed from Kalkaska County Building Authority to Kalkaska County.
2. The Kalkaska County Board of Commissioners hereby authorizes the Chairman of the Kalkaska County Board of Commissioners to execute any documents on behalf of Kalkaska County Building Authority that are necessary to accomplish the mandate contained in MCL 123.963 and allow conveyance of property from the Kalkaska County Building Authority to Kalkaska County.

Yeas: Shetler, Kimball, Nemeth, Wood, Sexton, McCullen

Nays: None

Absent: Crambell Jr.

Abstain: None

**RESOLUTION DECLARED ADOPTED**

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Alan G. McCullen, Chairperson  
Kalkaska County Board of Commissioners

I, the undersigned, the County Clerk of Kalkaska County, Kalkaska, Michigan, do hereby certify that the foregoing is a true and correct copy of certain proceedings taken by the Kalkaska County Board of Commissioners of said municipality at its regular meeting held on June 9<sup>th</sup>, 2009, relative to adoption of the resolution therein set forth; 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.

STATE OF MICHIGAN )  
County of Kalkaska )

January 12<sup>th</sup>, 2010

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Deborah Hill, County Clerk

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**Motion** by Shetler to approve Chair of Kalkaska County Board of Commissioners authority to sign Quit Claim Deed regarding approval of Department of Human Services lease. Supported by Nemeth. 6 yeas. 0 nays. 1 absent. **Carried.** Shetler reported review of copy charges for county and FOIA information, to be reviewed and presented at February meeting.

**Motion** by Shetler to adopt **Resolution 2010-03** to Borrow Against Anticipated Delinquent 2009 Real Property Taxes. Supported by Kimball. Roll call vote: Shetler, yes; Kimball, yes; Crambell, absent; Nemeth, yes; Sexton, yes; Wood, yes. McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**RESOLUTION TO BORROW AGAINST ANTICIPATED DELINQUENT 2009 REAL PROPERTY TAXES**

**RESOLUTION NUMBER 2010-03  
KALKASKA COUNTY BOARD OF COMMISSIONERS  
JANUARY 12<sup>TH</sup>, 2010**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 12<sup>th</sup> day of January, 2010.

Present: George Shetler, Craig Wood, Debra Kimball, Louis Nemeth, Carroll Sexton, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by George Shetler and supported by Debra Kimball.

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

**WHEREAS**, the purpose of the Fund is to allow the Kalkaska County Treasurer (the "County Treasurer") to pay from the Fund any or all delinquent real property taxes that are due and payable to the County and any school district, intermediate school district, community college district, city, township, special assessment district, the State of Michigan or any other political unit for which delinquent tax payments are due; and

**WHEREAS**, it is hereby determined to be necessary for the County to borrow money and issue its notes for the purposes authorized by Act 206, particularly Sections 87c, 87d and 87g thereof; and

**WHEREAS**, it is estimated that the total amount of unpaid 2009 delinquent real property taxes (the "delinquent taxes") outstanding on March 1, 2010, will be approximately \$2,500,000.00, exclusive of interest, fees and penalties.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the County of Kalkaska, State of Michigan, as follows:

Authorization of Borrowing

1. Pursuant to and in accordance with the provisions of Act 206, Public Acts of Michigan, 1893, as amended, and especially Sections 87c, 87d and 87g thereof, the County shall borrow the sum of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and issue its notes (the "notes") therefore for the purpose of continuing the Fund for the 2009 tax year. The exact amount to be borrowed shall not exceed the amount of delinquent taxes outstanding on March 1, 2010, exclusive of interest, fees and penalties. The County Treasurer shall designate the exact amount to be borrowed after the amount of the 2009 delinquent taxes outstanding on March 1, 2010, or the portion of the 2009 delinquent taxes against which the County shall borrow, has been determined.

Note Details

2. Pursuant to provisions of applicable law and an order of the County Treasurer, which order is hereby authorized, the notes may be issued in one or more series; shall be known as "General Obligation Limited Tax Notes, Series 2010" with a letter designation added thereto if the notes are issued in more than one series; shall be in fully registered form in denominations not exceeding the aggregate principal amounts for each maturity of the notes; shall be sold for not less than 98% of the face amount of the notes; shall bear interest at fixed or variable rates not to exceed the maximum interest rate permitted by applicable law; shall be dated, payable as to interest and in principal amounts, be subject to redemption in whole or in part prior to maturity, including any redemption premiums, and be subject to renewal, at such times and in such amounts, all as shall be designated in the order of the County Treasurer. Notes or portions of notes called for redemption shall not bear interest after the redemption date, provided funds are on hand with the note registrar and paying agent to redeem the same. Notice of redemption shall be given in the manner prescribed by the County Treasurer, including the number of days' notice of redemption and whether such notice shall be written or published, or both. If any notes

of any series are to bear interest at a variable rate or rates, the County Treasurer is hereby further authorized to establish by order, and in accordance with law, a means by which interest on such notes may be set, reset or calculated prior to maturity, provided that such rate or rates shall at no time be in excess of the maximum interest rate permitted by applicable law. Such rates may be established by reference to the minimum rate that would be necessary to sell the notes at par; by a formula that is determined with respect to an index or indices of municipal obligations, reported prices or yields on obligations of the United States or the prime rate or rates of a bank or banks selected by the County Treasurer; or by any other method selected by the County Treasurer, or by such other method as determined by the County Treasurer.

Payment of Principal and Interest

3. The principal of and interest on the notes shall be payable in lawful money of the United States from such funds and accounts as provided herein. Principal shall be payable upon presentation and surrender of the notes to the note registrar and paying agent when and as the same shall become due, whether at maturity or earlier redemption. Interest shall be paid to the owner shown as the registered owner on the registration books at the close of business on such date prior to the date such interest payment is due, as is provided in the order of the County Treasurer. Interest on the notes shall be paid when due by check or draft drawn upon and mailed by the note registrar and paying agent to the registered owner at the registered address, or by such other method as determined by the County Treasurer.

Note Registrar and Paying Agent

4. The County Treasurer shall designate, and may enter into an agreement with, a note registrar and paying agent for each series of notes that shall be the County Treasurer or a bank or trust company that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The County Treasurer may from time to time designate a similarly qualified successor note registrar and paying agent.

Disposition of Note Proceeds

5. The proceeds of the sale of the notes shall be deposited into a separate account in the Fund (the "2010 Account") and shall be used to continue the Fund. The County Treasurer shall pay therefrom and from unpledged funds in the Fund, uncommitted funds in the County General Fund and/or any other legally available funds, if the notes are sold at a discount, the full amount of the delinquent tax roll against which the County has borrowed, delivered as uncollected by any tax collector in the County and that is outstanding and unpaid on or after March 1, 2010, in accordance with the provisions of Act 206. If the notes are sold at a premium, the County Treasurer shall determine what portion of the premium, if any, shall be deposited in the 2010 Collection Account established in Section 6 hereof.

2010 Collection Account

6. There is hereby established as part of the Fund an account (hereby designated the "2010 Collection Account") into which account the County Treasurer shall place delinquent taxes against which the County has borrowed, and interest thereon, collected on and after March 1, 2010, all County property tax administration fees on such delinquent taxes, after expenses of issuance of the notes have been paid, any premium as determined pursuant to Section 5 hereof, and any amounts received by the County Treasurer from the County, the State of Michigan and any taxing unit within the County, because of the uncollectibility of such delinquent taxes. The foregoing are hereby established as funds pledged to note

repayment. The County Treasurer shall designate the delinquent taxes against which the County shall borrow for each series of notes.

Note Reserve Fund

7. There is hereby authorized to be established by the County Treasurer a note reserve fund for the notes (the "2010 Note Reserve Fund") if the County Treasurer deems it to be reasonably required as a reserve and advisable in selling the notes at public or private sale. The County Treasurer is authorized to deposit in the 2010 Note Reserve Fund from proceeds of the sale of the notes, unpledged moneys in the Fund, uncommitted funds in the County General Fund and/or any other legally available funds, an amount not exceeding ten percent (10%) of the face amount of the notes.

Security for Payment of Notes

8. All of the moneys in the 2010 Collection Account and the 2010 Note Reserve Fund, if established, and all interest earned thereon, relating to a series of notes are hereby pledged equally and ratably as to such series to the payment of the principal of and interest on the notes and shall be used solely for that purpose until such principal and interest have been paid in full. When moneys in the 2010 Note Reserve Fund, if established, are sufficient to pay the outstanding principal of the notes and the interest accrued thereon, such moneys may be used to retire the notes. If more than one series of notes is issued, the County Treasurer by order shall establish the priority of the funds pledged for payment of each such series. In such case the County Treasurer may establish sub-accounts in the various funds and accounts established pursuant to the terms of this resolution as may be necessary or appropriate.

Additional Security

9. Each series of notes, in addition, shall be a general obligation of the County, secured by its full faith and credit, which shall include the County's limited tax obligation, within applicable constitutional and statutory limits, and its general funds. The County budget shall provide that if the pledged delinquent taxes and any other pledged amounts are not collected in sufficient amounts to meet the payments of principal and interest due on each series of notes, the County, before paying any other budgeted amounts, will promptly advance from its general funds sufficient moneys to pay that principal and interest. The County shall not have the power to impose taxes for payment of the notes in excess of constitutional or statutory limitations. If moneys in the 2010 Collection Account and the 2010 Note Reserve Fund, if established, are not sufficient to pay the principal of and interest on the notes, when due, the County shall pay the same in accordance with this section, and may thereafter reimburse itself from the delinquent taxes collected.

Release of Pledge of 2010 Collection Account

10. Upon the investment of moneys in the 2010 Collection Account in direct non-callable obligations of the United States of America in amounts and with maturities that are sufficient to pay in full the principal of and interest on the notes when due, any moneys in the 2010 Collection Account thereafter remaining may be released from such pledge created pursuant to Section 8 hereof and may be used to pay any or all delinquent real property taxes that are due the County and any school district, intermediate school district, community college district, city, township, special assessment district, the State of Michigan or any other political unit to which delinquent tax payments are due for any year or for any other purpose permitted by law.

Sale of Notes

11. The County Treasurer is hereby authorized to offer the notes at public or private sale as determined by order of the County Treasurer and to do all things necessary to effectuate the sale, delivery, transfer and exchange of the notes in accordance with the provisions of this resolution. Notes of one series may be offered for sale and sold separately from notes of another series. If the notes are to be sold publicly, sealed proposals for the purchase of the notes shall be received by the County Treasurer for such public sale to be held at such time as shall be determined by the County Treasurer and notice thereof shall be published in accordance with law, once in *The Bond Buyer* or the *Detroit Legal News*, both of which are hereby designated as being a publication printed in the English language and circulated in this State that carries as a part of its regular service, notices of sale of municipal bonds. Such notice shall be in the form prescribed by the County Treasurer.

The County Treasurer is hereby authorized to cause the preparation of an official statement for the notes for the purpose of enabling compliance with SEC Rule 15c2-12 (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the notes, the County will provide copies of a final official statement (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable such successful bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

Continuing Disclosure

12. The County Treasurer is hereby authorized to execute and deliver in the name and on behalf of the County (i) a certificate of the County to comply with the requirements for a continuing disclosure undertaking of the County pursuant to subsection (b)(5) or (d)(2) of the Rule, as applicable, and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the County to comply with and carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein.

Execution and Delivery of Notes

13. The County Treasurer is hereby authorized and directed to execute the notes for the County by manual or facsimile signature and the County Treasurer shall cause the County seal or a facsimile thereof to be impressed or imprinted on the notes. Unless the County Treasurer shall specify otherwise in writing, fully registered notes shall be authenticated by the manual signature of the note registrar and paying agent. After the notes have been executed and authenticated, if applicable, for delivery to the original purchaser thereof, the County Treasurer shall deliver the notes to the purchaser or purchasers thereof upon receipt of the purchase price. Additional notes bearing the manual or facsimile signature of the County Treasurer and upon which the seal of the County or a facsimile thereof is impressed or imprinted may be delivered to the note registrar and paying agent for authentication, if applicable, and delivery in connection with the exchange or transfer of fully registered notes. The note registrar and paying agent shall indicate on each note that it authenticates the date of its authentication. The notes shall be delivered with the approving legal opinion of Dickinson Wright PLLC, attorneys of Detroit, Michigan.

Exchange and Transfer of Fully Registered Notes

14. Any fully registered note, upon surrender thereof to the note registrar and paying agent with a written instrument of transfer satisfactory to the note registrar and paying agent duly executed by the registered owner or his or her duly authorized attorney, at the option of the registered owner thereof, may be exchanged for notes of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered note.

Each note shall be transferable only upon the books of the County, which shall be kept for that purpose by the note registrar and paying agent, upon surrender of such note together with a written instrument of transfer satisfactory to the note registrar and paying agent duly executed by the registered owner or his or her duly authorized attorney.

Upon the exchange or transfer of any note, the note registrar and paying agent on behalf of the County shall cancel the surrendered note and shall authenticate, if applicable, and deliver to the transferee a new note or notes of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered note. If, at the time the note registrar and paying agent authenticates, if applicable, and delivers a new note pursuant to this section, payment of interest on the notes is in default, the note registrar and paying agent shall endorse upon the new note the following: "Payment of interest on this note is in default. The last date to which interest has been paid is [place date]."

The County and the note registrar and paying agent may deem and treat the person in whose name any note shall be registered upon the books of the County as the absolute owner of such note, whether such note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such note and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 3 hereof shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid, and neither the County nor the note registrar and paying agent shall be affected by any notice to the contrary. The County agrees to indemnify and save the note registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of notes, the County or the note registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The note registrar and paying agent shall not be required to transfer or exchange notes or portions of notes that have been selected for redemption.

Book Entry System

15. At the option of the County Treasurer and notwithstanding any provisions of this resolution to the contrary, the County Treasurer is hereby authorized to enter into an agreement with a custodian or trustee for the purpose of establishing a "book entry" system for registration of notes to be fully registered. Pursuant to the provisions of such agreement, the notes may be registered in the name of the custodian or trustee for the benefit of other persons or entities. Such agreement shall provide for the keeping of accurate records and prompt transfer of funds by the custodian or trustee on behalf of

such persons or entities. The agreement may provide for the issuance by the custodian or trustee of certificates evidencing beneficial ownership of the notes by such persons or entities. For the purpose of payment of the principal of and interest on the notes, the County may deem payment of such principal and interest, whether overdue or not, to the custodian or trustee as payment to the absolute owner of such note. Pursuant to provisions of such agreement, the book entry system for the notes may be used for registration of all or a portion of the notes and such system may be discontinued at any time by the County. The note registrar and paying agent for the notes may act as custodian or trustee for such purposes.

#### Issuance Expenses

16. Expenses incurred in connection with the issuance of the notes, including without limitation any premiums for any insurance obtained for the notes, note rating agency fees, travel and printing expenses, fees for agreements for lines of credit, letters of credit, commitments to purchase the notes, remarketing agreements, reimbursement agreements, purchase or sales agreements or commitments, or agreements to provide security to assure timely payment of the notes, fees for the setting of interest rates on the notes and bond counsel, financial advisor, paying agent and registrar fees, all of which are hereby authorized, shall be paid by the County Treasurer from County property tax administration fees on the delinquent taxes, from any other moneys in the Fund not pledged to the repayment of notes and general funds of the County that are hereby authorized to be expended for that purpose.

#### Replacement of Notes

17. Upon receipt by the County Treasurer of satisfactory evidence that any outstanding note has been mutilated, destroyed, lost or stolen, and of security or indemnity complying with applicable law and satisfactory to the County Treasurer, the County Treasurer may execute or authorize the imprinting of the County Treasurer's facsimile signature thereon and thereupon, and if applicable, a note registrar or paying agent shall authenticate and the County shall deliver a new note of like tenor as the note mutilated, destroyed, lost or stolen. Such new note shall be issued and delivered in exchange and substitution for, and upon surrender and cancellation of, the mutilated note or in lieu of and in substitution for the note so destroyed, lost or stolen in compliance with applicable law. For the replacement of authenticated notes, the note registrar and paying agent shall, for each new note authenticated and delivered as provided above, require the payment of expenses, including counsel fees, which may be incurred by the note registrar and paying agent and the County in the premises. Any note issued under the provisions of this Section in lieu of any note alleged to be destroyed, lost or stolen shall be on an equal basis with the note in substitution for which such note was issued.

#### Chargebacks

18. For any principal payment date of the notes on or after January 1, 2013, the delinquent taxes on property foreclosed and sold pursuant to the provisions of Act 206 and against which the County has borrowed shall, if necessary to ensure full and timely payment of principal of and interest on the notes when due, be charged back to the taxing jurisdictions in such manner as determined by the County Treasurer. The proceeds of such chargebacks shall be deposited in the 2010 Collection Account as security for payment of the notes as described in Section 8 hereof. The provisions of this section shall not limit the authority of the County Treasurer under the laws of the State of Michigan to charge back delinquent taxes under other circumstances or at other times.

Purchase of Notes by County

19. All or any portion of the notes may be purchased or otherwise acquired by the County if the County Treasurer by order deems such purchase or acquisition to be in the best interest of the County. In such case, the County Treasurer is authorized to take such actions to effectuate the purchase or acquisition, including without limitation entering into an agreement to purchase or repurchase the notes. The purchase or other acquisition of notes by or on behalf of the County does not cancel, extinguish or otherwise affect the notes and the notes shall be treated as outstanding notes for all purposes of this resolution until paid in full.

Issuance of Refunding Notes

20. The County shall refund all or part of the notes authorized hereunder and/or notes previously issued by the County to continue the Fund for prior tax years if and as authorized by order of the County Treasurer through the issuance of refunding notes (the "Refunding Notes") in an amount to be determined by order of the County Treasurer. Proceeds of the Refunding Notes may be used to redeem such notes and to pay issuance expenses of the Refunding Notes as authorized and described in Section 16 hereof. The County Treasurer shall have all the authority with respect to the Refunding Notes as is granted to the County Treasurer with respect to the notes by the other Sections hereof, including the authority to select a note registrar and paying agent, to apply to the Michigan Department of Treasury for approval to issue the Refunding Notes, if necessary, to cause the preparation of an official statement and to do all other things necessary to sell, execute and deliver the Refunding Notes. The Refunding Notes shall contain the provisions, shall be payable as to principal and interest and shall be secured as set forth herein and as further ordered by the County Treasurer. The Refunding Notes may be sold as a separate issue or may be combined in a single issue with other obligations of the County issued pursuant to the provisions of Act 206 as shall be determined by the County Treasurer. The County Treasurer is authorized to prescribe the form of Refunding Note and the form of notice of sale, if any, for the sale of Refunding Notes.

Form of Notes

21. The notes shall be in the form approved by the County Treasurer, which approval shall be evidenced by the County Treasurer's execution thereof.

After discussion, the vote was:

YEAS: Shetler, Kimball, Nemeth, Wood, Sexton, McCullen

NAYS: None

ABSENT: Crambell Jr.

ABSTAIN: None

A sufficient majority having voted therefore, the Resolution to Borrow Against Anticipated Delinquent 2009 Real Property Taxes was adopted.

**RESOLUTION DECLARED ADOPTED**

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Alan G. McCullen, Chairperson  
Kalkaska County Board of Commissioners

I, the undersigned, the County Clerk of Kalkaska County, Kalkaska, Michigan, do hereby certify that the foregoing is a true and correct copy of certain proceedings taken by the Kalkaska County Board of Commissioners of said municipality at its regular meeting held on January 12<sup>th</sup>, 2010, relative to adoption of the resolution therein set forth; 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.

STATE OF MICHIGAN )  
County of Kalkaska )

January 12, 2010

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Deborah Hill, County Clerk

BLOOMFIELD  
9618-33 1025639

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Discussion regarding correspondence from Blue Lake Township dated 10-13-2009 and 12-28-2009. To be reviewed with County Affairs and review at February meeting.

**Health and Welfare:** Kimball reported on Library matters, MSU Extension and Agent position of Jim Harper ending soon. Shetler commented on importance of services provided by MSU Extension.

**Public Works:** Sexton-reported did not meet.

**Judiciary & Public Safety:** Nemeth-reported did not meet.

**Recycling/Solid Waste:** Nemeth-reported did not meet.

**Computer:** McCullen-reported did not meet.

Sub-Committees:

Kaliseum: Report reviewed during appointments.

Parks and Recreation: Kimball reported.

EDC: McCullen report, upcoming meeting.

Conservation District: Shetler reported.

Commission on Aging: Kimball reported concerns with funding.

North Country Community Mental Health: Kimball-reported.

**New Business:**

**Motion** by Wood to authorize Chair McCullen to send letter to Curves Corporation addressing the name change of 'Kaliseum Kurves' program. Supported by Kimball. 6 yeas. 0 nays. 1 absent.  
**Carried.**

Chair presented plaque Kalkaska County received for participation in Grand Vision.

Chair called for recess at 3:00 PM.

Chair called meeting back into session at 3:10 PM.

**Motion** by Wood to go into closed session to consult with County Attorney regarding settlement strategy in connection with the case of Robert F. Dryden v. Kalkaska County Board of Commissioners, Case #09-10194-CZ pending in the Kalkaska County Circuit Court pursuant to Section 8(e) of the Open Meetings Act since the discussion in an open meeting will have a detrimental financial effect on the settlement position of the County. Supported by Shetler. Roll call vote: Wood, yes; Shetler, yes; Crambell, absent; Kimball, yes; Nemeth, yes; Sexton, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

Board of Commissioners meeting entered into closed session at 3:11 PM.

Chair resumed open meeting at 3:40 PM. **Motion** by Shetler to resume open session of Board of Commissioners regular meeting. Supported by Kimball. 6 yeas. 0 nays. 1 absent. **Carried.**

**Motion** by Wood to authorize Chair Alan McCullen to attend 02-02-2010 court hearing regarding Dryden vs. Kalkaska County Board of Commissioners on behalf of the Kalkaska County Board of Commissioners pursuant to what was discussed during closed session. Supported by Nemeth. 6 yeas. 0 nays. 1 absent. **Carried.**

**Appointments Con't:**

Zoning Administrator: Karen Vanhorn-requested approval of Zoning Resolution. **Motion** by Nemeth to adopt **Resolution 2010-02** to Amend the Kalkaska County Zoning Ordinance as presented at meeting, pages 46 through 57 of agenda. Supported by Kimball. Roll call vote: Nemeth, yes; Kimball, yes; Crambell, absent; Sexton, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**A RESOLUTION TO AMEND THE KALKASKA COUNTY ZONING ORDINANCE**

**RESOLUTION NUMBER: 2010-02  
KALKASKA COUNTY BOARD OF COMMISSIONERS  
JANUARY 12<sup>TH</sup>, 2010**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 12<sup>th</sup> day of January 2010.

Present: Louis Nemeth, Craig Wood, Carroll Sexton, Debra Kimball, George Shetler, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by Louis Nemeth and supported by Debra Kimball.

**WHEREAS**, the current Kalkaska County Zoning Ordinance (KCZO) was adopted by the Kalkaska County Board of Commissioners in October 2001; and

**WHEREAS**, the KCZO was last reprinted in October 2008; and

**WHEREAS**, the Kalkaska County Planning Commission needed to amend the KCZO to be in compliance

with Michigan Zoning Enabling Act 110 of 2006 and the Michigan Planning Enabling Act 33 of 2008, and the Planning Commission found other areas of the KCZO that were inconsistent as listed in the attached Notice of Public Hearing Affidavit of Publication; and

**WHEREAS**, the Kalkaska County Planning Commission, during a public hearing held on December 16, 2009 involving Ordinance #139, Amendment #160 (2009-136), approved all of the proposed KCZO text amendments appearing in bold in the attached document; and

**WHEREAS**, the Kalkaska County Planning Commission approved a motion on December 16, 2009 that the attached proposed KCZO text amendments appearing bold in the attached document be sent to the Kalkaska County Board of Commissioners for adoption at their next regular meeting.

**NOW, THEREFORE BE IT RESOLVED**, as follows:

1. The Kalkaska County Board of Commissioners adopts Ordinance #139, Amendment #160 (2009-136) as presented.
2. The Board hereby directs the Kalkaska County Zoning Administrator to have the Notice of Adoption published in the local newspaper.
3. The adopted KCZO text amendments shall take effect seven (7) days after publication of the Notice of Adoption in the local newspaper.

Yeas: Nemeth, Kimball, Wood, Shetler, Sexton, McCullen

Nays: None

Absent: Crambell Jr.

Abstain: None

**RESOLUTION DECLARED ADOPTED**

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Alan G. McCullen, Chairperson  
Kalkaska County Board of Commissioners

I, the undersigned, the County Clerk of Kalkaska County, Kalkaska, Michigan, do hereby certify that the foregoing is a true and correct copy of certain proceedings taken by the Kalkaska County Board of Commissioners of said municipality at its regular meeting held on June 9<sup>th</sup>, 2009, relative to adoption of the resolution therein set forth; 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.

STATE OF MICHIGAN )  
County of Kalkaska )

January 12<sup>th</sup>, 2010

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Deborah Hill, County Clerk

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**Motion** by Shetler to adopt **Resolution 2010-01** to Exempt Kalkaska County Planning Commission from Preparing Capital Improvements Plan as Required by the Michigan Planning Enabling Act 33 of 2008. Supported by Nemeth. Roll call vote: Shetler, yes; Nemeth, yes; Crambell, absent; Kimball, yes; Sexton, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**A RESOLUTION TO EXEMPT THE KALKASKA COUNTY PLANNING COMMISSION FROM PREPARING A CAPITAL IMPROVEMENTS PLAN (CIP) AS REQUIRED BY THE MICHIGAN PLANNING ENABLING ACT, ACT 33 OF 2008**

**KALKASKA COUNTY BOARD OF COMMISSIONERS  
RESOLUTION NUMBER 2010-01  
JANUARY 12<sup>TH</sup>, 2010**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 12<sup>th</sup> day of January, 2010.

Present: Carroll Sexton, Louis Nemeth, George Shetler, Debra Kimball, Craig Wood, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by George Shetler and supported by Louis Nemeth.

**WHEREAS** the Michigan Planning Enabling Act, Act 33 of 2008, requires a planning commission, after adoption of a master plan, to annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise; and

**WHEREAS** Kalkaska County already has a capital improvement plan in place under the Kalkaska County Building Fund administered by the County Controller which meets the spirit and intent of the Michigan Planning Enabling Act; and

**WHEREAS** the Kalkaska County Planning Department recommends that the Board of Commissioners by adoption of this resolution exempts the Kalkaska County Planning Commission from this requirement of the Michigan Planning Act, Act 33 of 2008.

**NOW ,THEREFORE BE IT RESOLVED,** as follows:

1. The Kalkaska County Board of Commissioners hereby adopts this resolution so that the Kalkaska County Planning Commission is not responsible for the preparation of a capital improvements program as specified in the Michigan Planning Enabling Act, Act 33 of 2008.

Yeas: Shetler, Nemeth, Wood, Kimball, Sexton, McCullen  
Nays: None  
Absent: Crambell Jr.  
Abstain: None

**RESOLUTION DECLARED ADOPTED**

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Alan G. McCullen, Chairperson  
Kalkaska County Board of Commissioners

I, the undersigned, the County Clerk of Kalkaska County, Kalkaska, Michigan, do hereby certify that the foregoing is a true and correct copy of certain proceedings taken by the Kalkaska County Board of Commissioners of said municipality at its regular meeting held on January 12<sup>th</sup>, 2010, relative to adoption of the resolution therein set forth; 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.

STATE OF MICHIGAN )  
County of Kalkaska )

January 12, 2010

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Deborah Hill, County Clerk

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Stuart McKinnon, Kalkaska Planning Commission President, addressed Board on concerns with Judge Buday’s ruling on signage appeal, Board of Commissioners authority regarding enforcement or authorization to preclude Planning Commission from pursuing enforcement , letter from Board of Commissioners dated 10-29-2010, and inability to appeal due to time lapse. Vanhorn addressed recent communication with MDOT supporting enforcement of case regarding County v. Hagerman. County attorney Kazim commented on court ruling, reported transcripts were reviewed of court proceeding and advised court judgment lacked legal support. Lengthy discussion. Chair advised Board supports enforcement of current Zoning Ordinance. Discussion regarding protocol for Department Head to communicate with Board of Commissioners prior to communicating with legal counsel but not for initial enforcement. Vanhorn requested alternate member for Zoning Board addressed by Board. **Motion** by Sexton to advertise for Zoning Board of Appeals alternate member position. Supported by Shetler. 6 yeas. 0 nays. 1 abs ent. **Carried.**

Chair called for recess at 4:30 PM.  
Chair called meeting back into session at 4:40 PM.

**Con’t Public Input:**

Brenda Lambert-Coldsprings Township Treasurer, addressed concern that Board of Commissioners unaware of law suit regarding County Road and Coldsprings Township.

**Other Business:**

Broadband slide presentation, Rob Franzo. Investment Study Summary presented (12 page document). Chair requested input from County Attorney Kazim regarding dispersing of study. Lengthy discussion. Sexton inquired as to balance of funding following study. Franzo reported Traverse Bay Area EDC to pay following study. Chair advised recommendations to come from Sub-Committee.

(Commissioner Wood excused himself at 5:35 PM)

**Motion** by Nemeth to rescind Motion from 12-15-2009, page 28, meeting regarding formation of Broadband Advisory Committee made by Nemeth and supported by McCullen. Supported by Shetler. 5 yeas. 0 nays. 2 absent. **Carried.** Chair called for County Affairs to

address Broadband Committee at upcoming Special Meeting. Chair called for input from County Attorney for motion verbiage to form committee. Nemeth requested opinion on investigation regarding Broadband motion from 12-15-2009 meeting to be disseminated. **Motion** by Nemeth to conduct and advertise for Public Forum at a county facility regarding Broadband information. Discussion. Supported by Kimball. Roll call vote: Nemeth, yes; Kimball, yes; Crambell, absent; Sexton, no; Wood, absent; Shetler, yes; McCullen, yes. 4 yeas. 1 nay. 2 absent. **Carried.**

**Public Input Con't:**

Gary John-addressed concern with County's need to act on Broadband applications as soon as possible. Commented on other public service options and County Web Site information.

Tim Maylone-commented on County's need to move on Broadband, make decisions on committee and request to work with local businesses.

Discussion regarding Broadband Committee member qualifications. **Motion** by Sexton to advertise for Broadband Committee member positions. Supported by Kimball. 5 yeas. 0 nays. 2 absent. **Carried.**

Stuart Rogers-commented on importance of including community in decisions regarding Broadband and other matters.

**Motion** by Sexton to adjourn to call of the Chair at 6:05 PM. Supported by Kimball. 5 yeas. 0 nays. 2 absent. **Carried.**

Respectfully submitted:

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Deborah Hill  
Kalkaska County Clerk and  
Clerk of Board of Commissioners

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Alan McCullen, Chairman  
Kalkaska County Board of Commissioners

These minutes are not official until they are approved at the next regular Board of Commissioners meeting.