

**CLEARWATER TOWNSHIP**  
**Resolution No. 7 of 2020**

At a regular meeting of the Clearwater Township Board, Kalkaska County, held in the Clearwater Township Hall, located in Rapid City, Michigan, on November 24th, 2020, at 6:30 pm.

PRESENT: Thomas Backers, Melinda Booy, JoAnne Chulek, Greg Bradley, Albert Keyes.  
ABSENT: \_\_\_\_\_

The following resolution was made by Backers and seconded by Melinda Booy, to-wit:

**Recitals**

- A. Act 99 of the Public Acts of 1933, as amended, being MCL 123.721, *et seq*, authorizes the township to purchase real or personal property for public purposes in installments over a period not to exceed fifteen (15) years and not to exceed the useful life of the property purchased.
- B. Act 99 of the Public Acts of 1933, as amended, provides that the outstanding balances of all purchases authorized under the act, exclusive of interest, shall not exceed 1.25% of the taxable value of the real and personal property in the township.
- C. The 2020 taxable value of all real and personal property in Clearwater Township is \$134,664,864.
- D. The outstanding balances of all purchases authorized under the act, exclusive of interest, equals \$236,302, which does not exceed 1.25% of the taxable value of the real and personal property in the township.

**Resolution**

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Clearwater Township Board hereby finds that the acquisition of the Pumper Tanker to be for a public purpose and in the best interest of the health, safety and welfare of the Township.
- 2. The Clearwater Township Board approves the Installment Purchase Agreement with Spencer Manufacturing, Inc. to be effective December 1, 2020, which calls for the installment purchase of personal property as described in the Agreement over a period of not more than seven (7) years.


3. The Township shall include in its budget each year the amount necessary to make all installment payments of principal and interest thereon under the Agreement during such year, when and as the same shall become due.
4. The Township Board hereby declares that the useful life of the personal property as described in the Agreement will exceed the period of installment payments required in the Agreement.
5. The Township shall, at all times while any payments under the Agreement are outstanding, have control of the Pumper Tanker and shall maintain the same for public purposes.
6. The Township hereby designates the Installment Payments in the principal amount of \$236,302 as "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code").
7. The Township hereby covenants and agrees for the benefit of the Alden State Bank, and any assignee thereof, that it will comply with all applicable requirements of the Code, and except as required by law, will take no action or omit to take any action which, by commission or omission, would cause the payments under the Installment Purchase Agreement not to be excluded from the adjusted gross income of the Bank for federal income tax purposes or to be "arbitrage bonds" as defined in Sections 103(b)(2) and 148 of the Code and any successor provision, act or statute and the regulations from time to time promulgated or proposed thereunder.
8. The authority granted herein shall not be construed to require the Township to levy taxes in excess of any charter, constitutional or statutory limitations.
9. The Township Board hereby authorizes the township supervisor to execute the Installment Purchase Agreement, the Assignment of Interest, the Act 99 Certificate, the Non-litigation and Signature Certificate, and the IRS Form 8038-G on behalf of Clearwater Township.
10. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

YES: Thomas Backers, Melinda Booy, JoAnne Childs, Greg Bradley, Albert Reyes

NO: Ø

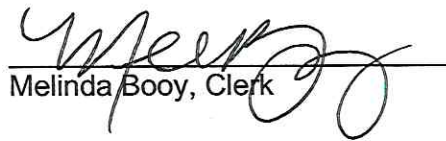
**RESOLUTION DECLARED ADOPTED.**

TOWNSHIP OF CLEARWATER

By:   
Thomas J. Backers, Supervisor

I, the undersigned, the Clerk of the Township of Clearwater, Kalkaska County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Clearwater Township Board at its regular meeting held on November 24, 2020, 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.

Dated: 11.24.2020

  
Melinda Booy, Clerk