

CLINTON COUNTY BOARD OF COMMISSIONERS

Chairperson
Larry Martin
Vice-Chairperson
Robert Showers

Members
John Arehart
David Pohl
Mary L. Rademacher
Claude A. Vail
Virginia Zeeb

COURTHOUSE
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ST. JOHNS, MICHIGAN 48879-1571
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Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2006-22

AUTHORIZING PREPAYMENT OF CASH RENTALS TO THE BUILDING AUTHORITY FOR THE PURPOSE OF CALLING THE OLD JAIL BONDS

WHEREAS, the County of Clinton (the "County") has incorporated the Clinton County Building Authority (the "Authority") under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"); and

WHEREAS, the Authority has previously constructed the County Jail (the "Project") under the provisions of Act 31 and a Full Faith and Credit General Obligation Lease Contract dated as of February 1, 1990 between the Authority and the County (the "Contract"), and the Authority financed costs of the Project through issuance of its Building Authority Bonds, Series 1990-1 (Clinton County Jail), dated as of September 1, 1990 (the "1990 Bonds"); and

WHEREAS, the Authority has previously refunded a portion of the 1990 Bonds under the provisions of Act 31 and a Refunding Agreement dated as of December 1, 1993 between the Authority and the County (the "Refunding Agreement"), and the Authority financed costs of the refunding through issuance of its Clinton County Building Authority Refunding Bonds, Series 1993-1 (Clinton County Jail), dated as of December 1, 1993 (the "1993 Bonds"); and

WHEREAS, under the Contract and Refunding Agreement the Authority leases the Project to the County, and the County makes Cash Rental payments to the Authority in an amount sufficient to provide for the payment in full of the principal of and interest on the 1990 Bonds and 1993 Bonds (collectively, the "Prior Bonds") as the same become due; and

WHEREAS, the County intends to pay in advance the Cash Rentals due to the Authority under the Contract and the Refunding Agreement in an amount sufficient to provide for the payment in full of the remaining outstanding Prior Bonds on September 1, 2006, including the 1% call premium due on the 1990 Bonds; and

WHEREAS, the prepayment of Cash Rentals would permit the Authority to call the Prior Bonds maturing on September 1, 2007, September 1, 2008, and September 1, 2009 for redemption prior to maturity on September 1, 2006.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Advance Payment of Cash Rentals. The Treasurer of the County is hereby directed to transfer to the Authority, as advance payment of the Cash Rentals due to the Authority under the Contract and the Refunding Agreement, an amount which will be sufficient, together with any moneys in the Bond and Interest Redemption Funds for the Prior Bonds, to pay on September 1, 2006 the principal of and interest on the Prior Bonds maturing in 2007, 2008, and 2009, and the 1% call premium due on the 1990 Bonds. Attached to this resolution as Exhibit A is a spreadsheet showing the advance payment of the Cash Rentals to be paid under this resolution and the Cash Rentals due on September 1, 2006.
2. Call for Redemption. The Authority is hereby requested to take all steps necessary call the Prior Bonds maturing in 2007, 2008, and 2009 for redemption prior to maturity on September 1, 2006.
3. Other Actions. The officers, administrators, agents and attorneys of the County are authorized and directed to take all other actions necessary and convenient to facilitate the advance payment of Cash Rentals and the call of the Prior Bonds for redemption in accordance with this resolution, and to pay any costs relating to call of the Prior Bonds including but not limited to costs of publication or mailing of notices, financial advisor fees, legal costs, and transfer agent fees.
4. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the County Board of Commissioners of the County of Clinton, State of Michigan, at a Regular meeting held on July 25, 2006, at St. Johns, Michigan 9:00 a.m., prevailing Eastern Time, 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 the Open Meetings Act.

I further certify that the following Members were present at said meeting: David Pohl, Larry E. Martin, John W. Arehart, Mary L. Rademacher, Robert E. Showers, Virginia L. Zeeb and Claude A. Vail and that the following Members were absent: None

I further certify that Member Arehart moved for adoption of said resolution and that Member Showers supported said motion.

I further certify that the following Members voted for adoption of said resolution: Mary Rademacher, David Pohl, Robert Showers, John Arehart, Claude A. Vail, Virginia Zeeb and Larry Martin and that the following Members voted against adoption of said resolution: None

Diane Zuker, County Clerk