

CITY OF BUCHANAN
(Berrien County, Michigan)
Resolution No. 2023.01/02

**RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT
CAPITAL IMPROVEMENTS AND TO PUBLISH
NOTICE OF INTENT TO ISSUE MUNICIPAL SECURITIES**

Minutes of a regular meeting of the City Commission of the City of Buchanan, Berrien County, Michigan, held in the City Hall on January 9, 2023, at 7 p.m. local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, the City Commission deems it to be in the best interest of the City of Buchanan (the “City”) to design, acquire, and construct certain capital improvements, including without limitation, streetscape improvements, including without limitation, signage, pavement marking, paving and decorative paving, decorative intersection art, sidewalk improvements, site amenities (bike racks, planters, tree grates, benches, etc.), landscape trees, landscaping and perennials, decorative columns, outdoor fire pit, decorative arch, screening walls, retaining walls, fencing, placemaking signage, irrigation system, street lighting, and pedestrian and traffic light modifications and improvements, and restoration; storm sewer improvements, including without limitation storm sewers and structures and restoration; sidewalk improvements and restoration; and related facilities to the foregoing improvements, as well as all work, equipment, and appurtenances necessary or incidental to these improvements; and such other capital improvements as the City shall determine to make, and to pay the costs of issuance of municipal securities (the “Improvements”) and to finance the Improvements by the issuance of municipal securities which pledge the City’s limited tax general obligation pursuant to Section 517 of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”); and

WHEREAS, the City may proceed to acquire the Improvements prior to the issuance of the municipal securities; and

WHEREAS, the City may incur substantial capital expenditures for the Improvements prior to the issuance of the municipal securities and desires to be reimbursed for such expenditures from the proceeds of the municipal securities; and

WHEREAS, pursuant to Section 517 of Act 34, it is necessary to publish a Notice of Intent to Issue Municipal Securities for the Property.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Commission hereby determines to purchase, acquire, and construct the Improvements and to pay for the cost through the issuance of one or more series of municipal securities, which pledge the City's limited tax full faith and credit, pursuant to Section 517 of Act 34, in an amount of not to exceed \$6,000,000 (the "Municipal Securities").

2. A Notice of Intent to Issue Municipal Securities be published in accordance with Section 517 of Act 34, and the City Clerk is authorized and directed to publish the Notice of Intent to Issue Municipal Securities in a newspaper of general circulation in the City, which Notice shall be substantially in the form as set forth on Exhibit A attached hereto with such changes as are approved by the City Manager, and shall be at least one-quarter (1/4) page size in the newspaper.

3. The City may proceed to acquire and construct the Improvements using available funds of the City from the general fund, a fund for the general operations of the City, the street fund, a fund for the improvement of streets, and other funds of the City.

4. At such time as the City issues the Municipal Securities for the long-term financing of the acquisition of the Improvements, the City shall be reimbursed for its expenditures for the Property out of the proceeds of the Municipal Securities.

5. This resolution and the expression of intent to seek reimbursement from future proceeds of the Municipal Securities is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

YEAS: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

Kalla Langston, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Commission of the City of Buchanan, Berrien County, Michigan, at a meeting held on January 9, 2023, and that the public notice of the meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Dated: _____, 2023

Kalla Langston, Clerk

EXHIBIT A

[NOTE TO PUBLISHER - PUBLICATION MUST BE 1/4 PAGE SIZE]

NOTICE OF INTENT TO ISSUE MUNICIPAL SECURITIES TO THE ELECTORS OF THE CITY OF BUCHANAN

PLEASE TAKE NOTICE that the City Commission of the City of Buchanan (the “City”) intends to issue municipal securities in one or more series, in an amount of not to exceed \$6,000,000 (the “Municipal Securities”).

The Municipal Securities shall be issued for the purpose of defraying the cost to design, acquire and construct certain capital improvements, including without limitation, streetscape improvements, including without limitation, signage, pavement marking, paving and decorative paving, decorative intersection art, sidewalk improvements, site amenities (bike racks, planters, tree grates, benches, etc.), landscape trees, landscaping and perennials, decorative columns, outdoor fire pit, decorative arch, screening walls, retaining walls, fencing, placemaking signage, irrigation system, street lighting, and pedestrian and traffic light modifications and improvements, and restoration; storm sewer improvements, including without limitation storm sewers and structures and restoration; sidewalk improvements and restoration; and related facilities to the foregoing improvements, as well as all work, equipment, and appurtenances necessary or incidental to these improvements; and such other capital improvements as the City shall determine to make and to pay the costs of issuance of municipal securities and capitalized interest, if any.

The Municipal Securities of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law. The Municipal Securities shall be issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”).

SOURCE OF PAYMENT

The principal of and interest on the Municipal Securities will be limited tax full faith and credit general obligations of the City, payable from any available funds of the City. Pursuant to this pledge of its limited tax full faith and credit, the City will be obligated to levy such ad valorem taxes upon all taxable property in the City as shall be necessary to make the payments of principal and interest on the Municipal Securities, which taxes, however, will be limited by applicable constitutional, statutory and charter limitations on the taxing power of the City.

RIGHT OF REFERENDUM

This notice is given, by order of the City Commission of the City, to and for the benefit of the electors of the City in order to inform them of their right to petition for a referendum upon the question of the issuance of the Municipal Securities. The Municipal Securities will be issued, without submitting such a question to a vote of the electors, unless within 45 days after the date of publication of this notice a petition requesting a referendum upon such question, signed by not less than 10% or 15,000 of the registered electors residing within the City, whichever is the lesser, shall have been filed with the undersigned City Clerk. In the event that such a petition is filed, the Municipal Securities will not be issued unless and until the issuance thereof shall have been approved by the vote of a majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 517 of Act 34.

Kalla Langston, Clerk
City of Buchanan