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**ORDINANCE NO. 104**

An Ordinance amending Ordinance Number 103, adopted by the Township Board of the Township of Chikaming, County of Berrien, State of Michigan, on the 12th day of April, 2001, authorizing and providing for the issue of not to exceed \$1,485,000 Water Supply System Revenue Refunding Bonds, Series 2001, for the purpose of refunding certain outstanding bonds, authorizing the execution of an escrow agreement, prescribing all the details of said bonds, and providing for the collection, segregation and distribution of the revenues of the water supply system of said Township.

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Adopted by the  
Township Board  
on the 13th day of  
September, 2001

ORDINANCE NO. 104

An Ordinance amending Ordinance Number 103, adopted by the Township Board of the Township of Chikaming, County of Berrien, State of Michigan, on the 12th day of April, 2001, authorizing and providing for the issue of not to exceed \$1,485,000 Water Supply System Revenue Refunding Bonds, Series 2001, for the purpose of refunding certain outstanding bonds, authorizing the execution of an escrow agreement, prescribing all the details of said bonds, and providing for the collection, segregation and distribution of the revenues of the water supply system of said Township.

\* \* \*

**PREAMBLES**

WHEREAS, the Township Board of the Township of Chikaming, County of Berrien, State of Michigan (the "*Township*"), on April 12, 2001, adopted Ordinance Number 103 ("*Ordinance number 103*") for the purpose of authorizing and providing for the issue of not to exceed \$1,485,000 Water Supply System Revenue Refunding Bonds, Series 2001, for the purpose of refunding certain outstanding bonds, authorizing the execution of an escrow agreement, prescribing all the details of said bonds, and providing for the collection, segregation and distribution of the revenues of the water supply system of the Township; and

WHEREAS, it is necessary and desirable to amend Ordinance Number 103:

NOW, THEREFORE, The Township of Chikaming, County of Berrien, State of Michigan, Ordains:

*Section 1. Amendment to Section 15(B)(2) of Ordinance Number 103.* Section 15(B)(2) of Ordinance Number 103 is hereby amended by adding the following sentence at the end of the first paragraph:

There shall remain at all time on deposit in the Bond Reserve Account an amount equal to not less than Maximum Annual Debt Service, subject to the provisions for withdrawal, replenishment, credit and use for the payment of debt service as follows.

*Section 2. Amendment to Section 16.* Section 16 of Ordinance Number 103 is hereby amended in its entirety to read as follows:

*Section 16. Rates for Service; Covenant.* (a) Pursuant to Ordinance No. 74, adopted on the 10th day of March, 1994 (the "*Rate Ordinance*"), the Township Board has heretofore fixed the Rates for services furnished by the System. The Rates are sufficient to provide for all the following:

- (1) The payment of Operation and Maintenance Costs;
- (2) The payment of one hundred and ten percent (110%) of principal of and interest on bonds payable from the Revenues, including the Bonds and any Outstanding Bonds;
- (3) The creation of any reserve for the Bonds as required in this Ordinance; and
- (4) Other expenditures and funds for the System as this Ordinance may require.

(b) The Township hereby covenants and agrees to maintain at all times the Rates for services furnished by the System sufficient to provide for the amounts described in (a) above. If in any fiscal year Revenues are insufficient to provide for the amounts describe in (a) above, the Township covenants promptly to have prepared a rate study for the System by an independent consultant employed for that purpose, and further, to take such action as is necessary and as is suggested by such rate study to produce Revenues in an amount sufficient to provide for the amounts described in (a) above.

*Section 3. Severability.* If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

*Section 4. Repealer.* All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. Ordinance Number 103 is hereby expressly amended as provided herein.

*Section 5. Recording and Publication.* This Ordinance shall be recorded in the minutes of the meeting of the Township Board at which it is adopted as soon as practicable after its passage and such record shall be authenticated by the signatures of the Supervisor and Clerk of the Township. This Ordinance shall be published once within ten (10) days of passage hereof by the Township Board in the *Southcounty Gazette*, being a newspaper having general

circulation within the boundaries of the Township. The proceedings of this meeting or alternatively a synopsis of the proceedings prepared by the Clerk and approved by the Supervisor showing the substance of each separate proceeding of the Township Board shall be published once within twenty-one (21) days after the date of this meeting in the *Southcounty Gazette*, being a newspaper having a general circulation within the boundaries of the Township.

*Section 6. Effective Date.* This Ordinance shall be in effect immediately upon its passage by the Township Board.

PASSED by the Township Board on September 13, 2001.

APPROVED: September 13, 2001.

1st Carl R. Anderson

Supervisor  
Carl R. Anderson

AYES: Anderson, Dudeck, Simmons, Gibson and Marske  
NAYS: None  
ABSENT: None

RECORDED in the Township Records on September 17, 2001.

ATTEST:

1st Jeanne S. Dudeck

Clerk  
Jeanne S. Dudeck

(SEAL)

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF BERRIEN )

**CERTIFICATION OF ORDINANCE AND MINUTES AND OF PUBLICATION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Township of Chikaming, County of Berrien, State of Michigan (the "Township"), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the Township and of the Supervisor and Township Board (the "Township Board") thereof.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the Township Board held on the 13th day of September, 2001, insofar as same relates to the adoption of an ordinance numbered 104 and entitled:

An Ordinance amending Ordinance Number 103, adopted by the Township Board of the Township of Chikaming, County of Berrien, State of Michigan, on the 12th day of April, 2001, authorizing and providing for the issue of not to exceed \$1,485,000 Water Supply System Revenue Refunding Bonds, Series 2001, for the purpose of refunding certain outstanding bonds, authorizing the execution of an escrow agreement, prescribing all the details of said bonds, and providing for the collection, segregation and distribution of the revenues of the water supply system of said Township.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Township Board on the adoption of said ordinance were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all of the news media requesting such notice of said meeting was duly given to all of the news media requesting such notice; that said meeting was called and held in strict accordance with the provisions of Chapter 16 of the Revised Statutes of 1846 (Michigan Compiled Laws, §41.1 *et seq.*), as amended, and the Open Meetings Act of the State of Michigan (Michigan Compiled Laws, §15.261 *et seq.*), as amended, and that the Board has complied with all of the applicable provisions of said statute and said Act and its procedural rules in the adoption of said ordinance.

I do further certify that on the 24 day of September, 2001, the Township Board published said ordinance in the *Southcounty Gazette*, a newspaper having general circulation within the boundaries of the Township.

I do further certify that on the 24 day of September, 2001, said date being a date not more than 21 days after the date of said meeting, the Township Board published the proceedings of the meeting, or alternatively published a synopsis of the proceedings prepared by me as the Clerk of the Township and approved by the Supervisor of the Township showing the substance of each separate proceeding of the Township Board, in the *Southcounty Gazette*, being a newspaper having a general circulation within the boundaries of the Township.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Township, this 17 day of September, 2001.

Jeanne S. Dudeck

Clerk

Jeanne S. Dudeck

(SEAL)

**Chikaming Township**

ORDINANCE NO. 104

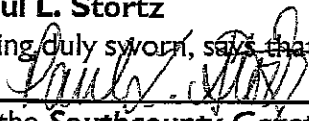
An Ordinance amending Ordinance Number 103, adopted by the Township

ships  
eral law (Chikaming and Niles) and charter townships (Lake) versus general law (Chikaming and Niles) Florida problems would never occur in position), elections (very certain but the county needs to take the leadership from the audience about recycling (a joke, government officials fielded questions following their presentations, the three year we'll work on more of them." 15 miles of our 93 miles of road. Each pening for the better. This year we fixed worked out a plan, did things start hap- the Berrien County Road Commission and township. It wasn't until we sat down with

STATE OF MICHIGAN }  
County of Berrien...}ss.

**Paul L. Stortz**

being duly sworn, says that he is Publisher



of the **Southcounty Gazette & Shopper** a newspaper published and circulated in said county and otherwise qualified according to Supreme Court rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates to-wit:

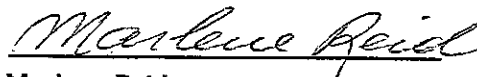
\_\_\_\_\_ September 24 \_\_\_\_\_, 2001

\_\_\_\_\_ \_\_\_\_\_, 2001

\_\_\_\_\_ \_\_\_\_\_, 2001

\_\_\_\_\_ \_\_\_\_\_, 2001

Subscribed and sworn to before me this 24th day of September D. 2001.



**Marlene Reid**  
Notary Public, Berrien County, Michigan  
My commission expires January 3, 2003

Amount \$ 133.00

Paid \_\_\_\_\_, 2001

Chikaming, County of Berrien, State of Michigan, Ordains:  
Section 1. Amendment to Section 15(B)(2) of Ordinance Number 103.  
Section 15(B)(2) of Ordinance Number 103 is hereby amended to read as follows:  
"Fill the position of supervisor on the board. was looking for him. They wanted him to Wisconsin he received a telephone call from his wife saying that the township few years later, while he was fishing in personal reasons after filling half his term. A ship board trustee. He resigned for per- in 1992 when he was elected as a town- Bill Myers, Niles Township government supervisor. rtes of burial. sewer and issues cemetery permits and fits, directs concerns about water and annual budget, manages personnel bene- hand with the township supervisor on the

system as this Ordinance may require. ng of office  
(b) The Township hereby covenants and l and certifi  
agrees to maintain at all times the Rates ys.  
for services furnished by the System suffi- ing 11  
cient to provide for the amounts described  
in (a) above. If in any fiscal year  
sufficient to provide for  
1997. In August, 2000 she faced her first  
death of the former township clerk in  
12 applicants for the position after the  
office, it chose her. She was selected from  
said that she didn't choose to run for  
Lake Township Clerk, Gloria Payne,  
us to be."  
good as what the people tell us they want  
and ambulance services. We're only as  
participation to fill the seats on boards and  
commitments and as volunteers for the fire  
"Townships do, however, rely on citizen  
known at the township office," she said.  
voice when they make their point of view  
meetings. "They have an equally strong