

Ordinance No. 1-1974

Ordinance authorizing the issuance of water supply system revenue bonds by the Township of Ely, County of Marquette, Michigan, for the purpose of constructing improvements to the water supply system for said Township, prescribing the form of bonds; providing for the collection of revenue from said system sufficient for the purpose of paying the costs of operation and maintenance thereof, providing an adequate reserve fund therefore, and providing for the payment of said revenues; and, providing for the rights of the holders of said bonds in enforcement thereof and providing for other matters relative to said bonds and said system.

The Township of Ely ordains:

Section 1: Necessity; Description of Project

It is hereby determined to be necessary for the public health and welfare of the Township of Ely (herein sometimes called Township) to proceed to acquire and construct, in accordance with detailed maps, plans and specifications therefore prepared by U.P. Engineering and Architectural Associates, Inc., Consulting Engineers of Houghton, Michigan, improvements to the Townships water supply system consisting of a new well, pump, and pump control system, together with all necessary equipment, appurtenances and attachments thereto (hereinafter referred to as "Project").

Section 2: Cost; Useful Life

The cost of said public improvements has been estimated by said engineer to be Two Hundred Thousand (\$200,000.00) Dollars including the payment of incidental expenses as specified in Section 3 of this Ordinance which estimate cost is hereby approved and confirmed, and the period of usefulness of said public improvements is estimated to be not less than forty (40) years.

Section 3: Payment of Cost; Useful Life

To pay part of the cost of acquiring and constructing the Project including the payment of legal, engineering and financial expenses, and other expenses incident thereto and incident to the issuance and sale of the bonds, it is hereby determined that the Township of Ely borrow the sum of One Hundred Forty Thousand (\$140,000.00) Dollars and that revenue bonds to be issued therefore pursuant to provisions of Act 94, Public Acts of Michigan, 1933, as amended, which bonds are referred to in this Ordinance as "the bonds". The balance of the cost of the Project will be paid for from funds of the Township and from the proceeds of federal grants. The useful life of the Project is estimated to be not less than forty (40) years.

Section 4: Definitions

Whenever the words "the System" are referred to in this Ordinance, they shall be understood to mean the Township of Ely Water Supply System and all extensions and improvements thereto hereafter made.

Whenever the words “public improvements” are used in this Ordinance, they shall be understood to mean the improvements authorized to be acquired and constructed under the provisions of this Ordinance.

Whenever the words “revenues” and “net revenues” are used in this Ordinance, it shall be understood to have the meaning as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Whenever the word “acquired” is used in this Ordinance it shall be construed to include acquisition by purchase, construction or by any other method.

Whenever the words “Township” and “Township Board” are used in this Ordinance they shall be understood to mean the Township of Ely, Michigan and the Township Board of said Township.

Whenever the word “government” is used in this Ordinance it shall be understood to mean the Government of the United States of America.

Section 5: Bond Data

Said bonds shall be designed WATER SUPPLY SYSTEM REVENUE BONDS, shall be dated as of the date of delivery, shall be in the denomination of \$1000.00 each and shall be numbered 1 to 140, inclusive.

The bonds will bear interest not exceeding five per cent (5%) per annum, all interest to be payable on January 1, 1975, and semi-annually thereafter on July 1 and January 1 of each year until payment of the principal amount of such bond. Said bonds shall be numbered in direct order of maturity from 1 to 140, inclusive, and shall mature serially on January 1st of each year as follows:

\$1,000.00	1975 to 1978, inclusive;
\$2,000.00	1979 to 1989, inclusive;
\$3,000.00	1990 to 1995, inclusive;
\$4,000.00	1996 to 2001, inclusive;
\$5,000.00	2002 to 2005, inclusive;
\$6,000.00	2006 to 2013, inclusive;
\$4,000.00	2014.

Said bonds shall be signed by the Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Township impressed thereon, and shall have interest coupons attached bearing the facsimile signature of the Supervisor and the Township Clerk. After execution, the bonds shall be held by the Township Treasurer for delivery to the purchaser.

Both principal and interest shall be payable in lawful money of the United States of America at the Peninsula Bank, Ishpeming, Michigan or at the option of the holder at a bank or trust company located in the City of Marquette, Michigan, to be designated by the original purchaser of the bonds with the approval of the Township. Bonds may be registered as to principal only or

as to principal and interest. In the case of registered bonds payment of principal and interest (if registered) shall be made to the registered holder at the address shown on the registration books of the Township.

Bonds numbered 1 to 16, inclusive, maturing in the years 1975 to 1984, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 17 to 140, inclusive, maturing in years 1985 to 2014, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1984, at par and accrued interest to the date fixed for redemption.

Thirty days' notice of the call of any bonds for redemption shall be given by publication in a newspaper or publication circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty days' notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

The bonds and coupons will be payable to bearer or at the option of the purchaser the bonds may be registered as to principal only or registered as to the principal and interest on the books of the Township, kept for that purpose by the Township Treasurer upon presentation thereof which registration shall be noted thereon by the Township Treasurer and the interest coupons attached thereto removed by the Township Treasurer, after which no transfer shall be valid unless made on said book and similarly noted on the bonds. No charge should be made for registration.

Transferability by delivery may be restored, at the expense of the holder, by registration to bearer and in the case of registered interest reattachment of unmaturing interest coupons or surrender of this bond and issuance of a new coupon bond.

Section 6. Bond Form

The form and tenor of said bonds shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MARQUETTE
TOWNSHIP OF ELY
WATER SUPPLY REVENUE BOND

No. R \$1,000.00

KNOW ALL MEN BY THESE PRESENTS that the Township of Ely, County of Marquette, State of Michigan, for value received, hereby promises to pay the bearer hereof, or, if registered, to the registered holder hereof, but only out of the revenues of the Water Supply System of the Township of Ely; including all appurtenances, additions, extensions and improvements thereto, and the sum of ONE THOUSAND DOLLARS on the first day of January, A.D., _____, with interest thereon from the date hereof until paid at the rate of _____ percent per annum, payable on January 1, 1975 and semiannually thereafter on the first day of January and July of each year. Both principal of and interest on this bond are payable in lawful money of the United States of American at _____, Michigan, or at the option of holder at _____ or if registered, to the registered holder at the address shown on the registration books of the Township, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of one hundred forty (140) bonds of even date and like tenor, except as to date of maturity, aggregating the principal sum of \$140,000.00 numbered consecutively in direct order of maturity from the one upwards, issued pursuant to Ordinance No. 1974-1, duly adopted by the Township on June 21, 1974, delete and under and in substantial compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply System of the Township consisting of a well, pump and pump control system, together with the necessary appurtenances, attachments and equipment related thereto. For a complete statement of the revenues from which, and conditions under which this bond is payable, a statement of the conditions, under which the additional bonds of equal standing may hereafter be issues, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Bonds numbered 1 to 16, inclusive, maturing in the years 1975 to 1984, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 17 to 140, inclusive, maturing in the years 1985 to 2014, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1984, at par and accrued interest to the date fixed for redemption.

Thirty days' notice of the call of any bonds for redemption shall be given by publication in a paper circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty days' notice shall be given by mail to the registered holder at the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

Said bonds may be registered as to principal only, or as to principal and interest on the books kept by the Treasurer of the Township as registrar in the name of the holder an unmatured interest coupons detached from said bond after which it shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney in fact. Such transfer shall be noted upon the books of the Township kept for that purpose. Said bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to bearer, upon surrender of this bond to the borrower at the office of the Treasurer of the Township.

This bond is a self-liquidating bond, and is not a general obligation of the Township and does not constitute an indebtedness of said Township within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely from the revenues of the Water Supply System of the Township. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Township hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by said Water Supply System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefore, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said Water Supply System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, The Township of Ely, County of Marquette, State of Michigan, by its Township Board has caused this bond to be signed in the name of said Township by its Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed and has caused the annexed interest coupons to be executed with the facsimile signatures of said Supervisor and Township Clerk, all as of _____ 19____.

TOWNSHIP OF ELY
COUNTY OF MARQUETTE
STATE OF MICHIGAN
By Supervisor

Countersigned:

Township Clerk

REGISTRATION
 NOTHING TO BE WRITTEN HEREON EXCEPT
 BY THE TOWNSHIP TREASURER AS REGISTRAR

Date of Registration	Name of Registered Owner	Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

No. _____
 On the first day of _____, A.D., 19____, the Township of Ely, County of Marquette, State of Michigan, will pay to the bearer hereof the sum of _____ Dollars, in the manner and out of the revenues described in said bond at _____ being the semi-annual interest due that date on its Water Supply System Revenue Bond, dated _____, No. _____.

This coupon is not a general obligation of the Township, but is payable out of certain revenues as set forth in the bond to which it pertains.

 Supervisor

 Township Clerk

Section 7: Security for Bonds

The bonds hereby authorized, together with interest thereon, shall not be a general obligation of the Township but shall be payable solely from the net income and revenues to be derived from the operation of the System. To pay such principal and interest as and when the same shall become due, there is hereby created a statutory first lien upon the whole of the net revenues of said System to continue until the payment in full of the principal and interest on said bonds and said revenues and shall be set aside for the purpose and identified as the "Water Supply System Revenue Bond – Bond and Interest Redemption Fund Account", as herein specified.

Section 8: Custodian of Funds; Supervised Bank Accounts; Funds

The Treasurer of said Township shall be the custodian of all funds belonging to and or associated with the Township's System and such funds shall be deposited in the Peninsula Bank Ishpeming, Michigan (herein call "depository bank"), which bank is a member of the Federal Deposit Insurance Corporation. In the event that the government is a holder of any of the bonds herein authorized, all monies in the excess of \$10,000 in the supervised bank account shall be secured by the depository bank in advance in accordance with the United States Treasury Department

Circular No. 176 and the Township Treasurer shall execute a fidelity bond in an amount not less than \$10,000 with a surety company approved by the government, and the United States and the Township shall be named as co-beneficiaries in such bond and amount thereof shall not be reduced without the prior written consent of the government. The Township Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the System shall be deposited, which account shall be established and maintained except as otherwise provided, so long as any of the bonds hereby authorized remain unpaid.

A. CONSTRUCTION ACCOUNT. The proceeds of the bonds hereby authorized and a sum from funds on hand of not less than \$10,000.00 or such other amount as may be necessary to complete the cost of the Project shall be deposited in the Construction Account in the depository bank. In the event the government is a holder of any of the bonds herein authorized, then said account shall be established as a supervised bank account and such proceeds shall be withdrawn on the orders of the Township of Ely only on checks signed by the Treasurer of the Township and countersigned by the County Supervisor of the Farmers Home Administration. Said monies shall be used solely for the purposes for which the bonds were issued.

Any unexpended balance of the proceeds of sale remaining after completion of the Project herein authorized may in the discretion of the Township Board, to the extent of fifteen percent (15%) of the amount of the bonds authorized by this Ordinance, be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Municipal Finance Commission. Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Fund and shall be used for such purposes as allowed by law.

In the event that the government is a holder of any or all of the bonds any unexpended balance of the proceeds of the sale remaining after completion of the Project herein authorized shall be paid immediately into the bond and interest redemption as hereinafter specified and shall be used only for the redemption, or purchase at not more than the fair market value, of outstanding bonds issued pursuant to the provisions of this Ordinance.

After completion of the Project and disposition of remaining bond proceeds, if any, pursuant to the provisions of this Section, the Construction Account shall be closed.

B. WATER SUPPLY SYSTEM RECEIVING FUND ACCOUNT. Upon the effective date of the Ordinance, the gross income and revenue shall be set aside into a separate account to be designated the Water Supply System Receiving Fund Account, and monies so deposited therein shall be expended and used only in the manner and order as follows:

1) Operation and Maintenance Account- Prior to the beginning of each fiscal year the Township will prepare an annual budget of said system for the ensuing fiscal year itemized on the basis of monthly requirements, a copy of such budget shall be mailed without request to the

Farmers Home Administration as long as the government is holder of any said bonds prior to adoption for review and upon written request to any other bond holders. Upon the effective date of this Ordinance, there shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the Operation and Maintenance account to pay the reasonable and necessary current expenses of administration operating and maintaining said system for the ensuing quarter.

2) Water Supply System Revenue Bond – Bond and Interest Redemption Fund– After the transfer required in (1) above, there shall be transferred each quarter from the Water Supply System Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the Water Supply System Revenue Bond – Bond and Interest Redemption Fund Account for payment of principal and interest on the bonds a sum equal to at least ½ of the principal maturing on January 1, 1975 and January 1st of each year thereafter. If for any reason there is a failure to make such quarterly deposit than an amount equal to the deficiency shall be set aside and deposited in the Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account into which there shall be paid in equal quarterly installments from the revenues of the System after provision has been made for the Operation and Maintenance Fund and current requirements of the Bond and interest Redemption Fund, the sum of at least \$150.00 per quarter until there is accumulated in such fund the sum of \$9,000.00. Except as hereinafter provided, no further deposits need be made into the Bond and Interest Redemption Fund for the purposes of the Bond Reserve Account once the sum of \$9,000.00 has been deposited therein. The monies in the said Bond Reserve Account shall be used solely for the payment of the principal and interest on said bonds as to which there would otherwise be default.

If at any time it shall be necessary to use monied in the Bond Reserve Account for such payment, then the monies so used shall be replaced from the net revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance of for current principal and interest on said bonds as to which there would otherwise be default.

No further payments need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in said Fund (including the Bond Reserve account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the bonds then remaining outstanding.

3) General Purpose Account- The balance of income and revenue after the transfers required in (1) and (2) above have been made, shall be deposited to a General Purpose Account which Account shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the system which may be caused by any unforeseen catastrophe, for the Redemption Fund Account and Bond Reserve Account is not sufficient to meet such payments,

then these funds shall be transferred to the redemption Fund. The total of such deposits to the General Purpose Account and balance of said account need not exceed the sum of \$10,000.00. The funds in the General Purpose may be invested in obligations of the United States. Any such investment will be a part of the General Purpose Account.

4) Surplus Monies- Whenever there shall accumulate in the Redemption Fund Account amounts in excess of the requirements during the next eighteen (18) months for paying the principal of bonds falling due and interest in outstanding bonds, and in excess of the requirements of the Operation and Maintenance Account and the Reserve Account hereinafter established, such excess may be used by the Township for redemption of bonds in the manner set out below.

All monies remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements shall be transferred to the Bond and Interest Redemption Fund and used to call bonds or redemption, or at the option of the Township transferred to the General Purpose Account and used for the purpose of which said Account was established; Provided, however, that if there should be a deficit in the Operation and Maintenance Fund, Bond and Interest Redemption Fund or the General Purpose Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such funds remaining in the Receiving Fund to such funds in the priority and order named, to the extent of such deficits. Surplus monies may be used to retire junior bond issues.

Section 9: Rates and Charges

Prior to the issuances of the bonds, rates and charges for the services of said utility will be fixed in an amount sufficient to pay the costs of operation and maintaining the said System and to leave an amount of revenues adequate for the principal and interest, debt services, reserve, replacements and improvements requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of said System and the cost of maintaining, repairing and operating the same and the amounts necessary for the retirement of all bonds and accruing interest on all bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this and the preceding section. The charges for water service which are, under the provision of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien and whenever any such charges against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on September 1st of each year to the Township tax assessing officer the fact of such delinquency, whereupon such delinquent charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash

deposit of not less than one full year's service shall have been made as security for payment of such charges and service.

Section 10: No Free Service

No free service shall be furnished by said System to any individual, firm, or corporation, public or private or to any public Agency or instrumentality.

Section 11: Covenants

The Township covenants and agrees that so long as any of the bonds hereby authorized remain unpaid as follows:

a) It will comply with applicable State laws and regulations and continually operate and maintain the system in good condition.

b) (I) It will maintain complete books and records relating to the operation of the System and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and as long as the government is the holder of any of the bonds, will furnish Farmers Home Administration, without request, a copy of each audit report and will furnish any other holder of any bonds a copy of such report upon written request. As long as the government is the holder of any of the bonds herein authorized the Farmers Home Administration shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.

(II) It will file with the Municipal Finance Commission each year, as soon as is possible, not later than ninety days after the close of the fiscal year, a report on forms prepared by the commission, made in accordance with the accounting method of the municipality, completely setting forth the financial operation of such fiscal year for its own purposes. A copy of such report shall be concurrently furnished the Farmers Home Administration as long as the government is a holder of any of the bonds herein authorized.

(III) The Township Board will also cause an annual audit of such books of record and account for the preceding operating year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the Farmers Home Administration if the government is the holder of the bonds or to the manager of the syndicate or account purchasing the bonds. Such audit shall be completed and so made available not later than three (3) months after the close of each operating year, and said audit may, at the option of the Township Board be used in lieu of the statement on forms prepared by the Municipal Finance Commission and all purposes for which said forms are required to be used by this Ordinance.

c) The Township will maintain and carry, for the benefit of the holders of the bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by the municipalities engaged in the operation of water supply systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds. As long as the government is a holder of any of the bonds herein authorized, said insurance will be in an amount not less than such amounts as may be specified by LETTER OF INTENT TO MEET CONDITIONS, Form FHA 422.46 and said insurance shall be approved Administration.

d) It will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the revenues or otherwise encumber the System so as to impair revenues therefrom, without obtaining the prior written consent of the Government if the government is a holder of any of the bonds authorized herein nor shall it transfer or use any portion of the revenues derived in the operation of the system for any purpose not herein specifically authorized.

e) It will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in lands, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the government if the government is a holder of any of the bonds herein authorized.

f) Any extension or improvements of the System shall be made according to sound engineering principles and plans and specifications shall be submitted to the Government for prior review, only so long as it is holder of any of the bonds.

Section 12: Additional Bonds

The Township may issue additional bonds for the following purposes on the following conditions:

a) To complete construction of the Project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.

b) For the purpose of making reasonable repair, replacement or extension of the System additional bond of equal standing may be issued if:

(I) The net revenues of the System for the fiscal year preceding the year in which such additional bonds are to be issued were 120 percent of the average annual debt service requirements of all bonds then outstanding and those proposed to be issued; or,

(II) The holders of at least 75 percent of the then outstanding indebtedness consent to such issue in writing. The funds herein established shall be applied to all additional bonds issued pursuant to this section as if said bonds were part of the original bond issue and all revenue from any such extension or replacement constructed by the proceeds of and additional bond issue shall be paid to the Water Supply Receiving Fund Account mentioned in this ordinance.

Except as otherwise specifically provided so long as any of such bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said System shall be incurred or issued by the Township unless the same shall be junior and subordinate in all respects to the bonds herein authorized.

Section 13: Ordinance Shall Constitute Contract

The provisions of the ordinance shall constitute a contract between the Township and the bond holders and after the issuance of such bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Township adopt any law, ordinance or resolution in any way adversely affecting the rights of the holders so long as said bonds or interest thereon remains unpaid.

Section 14: Refunding of Bonds

If at any time it shall appear to the Government that the Township is able to refund, upon call for redemption or with consent of the Government the then outstanding bonds by obtaining a loan for such purposes for responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and a period of time, the Township, will upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

Section 15: Default of Township

If there shall be default in the Redemption Fund provisions of this ordinance or in the payment of principal or interest of any of the bonds, upon the filing of a suit by twenty percent of the holder of the bonds any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the Township with power to charge and collect rates sufficient to provide for the payment of the bonds and for the payment of operation expenses and other applicable income and revenues in accordance with this ordinance and laws of Michigan.

Section 16: Ordinance Subject to Michigan Law and Farmers Home Administration Regulations

The provisions of this ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the Farmers Home Administration not inconsistent with the express provisions hereof and Michigan Law.

Section 17: Fiscal Year of System

The fiscal year for operating the System shall be from April 1 to March 31 of each year.

Section 18: Township Subject to Loan Agreement

So long as the government is holder of any of the bonds, the Township shall be subject to the loan agreement, from F.H.A. 442-47, with the Farmers Home Administration and shall comply with all provisions thereof.

Section 19: Municipal Finance Commission Approval

The Township Clerk is authorized and directed to make application to the Municipal Finance Commission for authority to issue and sell said bonds and for approval of the form of notice of sale of said bonds and for approval of the form of notice of sale of said bonds in accordance with the provision of Act 94, Public Acts of Michigan, 1933, as amended.

Section 20: Conflict and Severability

All ordinances, resolutions and orders or parts thereof in conflict with the provision of this ordinance are to the extent of such conflict hereby repealed, and each section of this ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this ordinance.

Section 21: Paragraph Headings

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 22: Publication and Recordation

This Ordinance shall be published in full in the Mining Journal, a newspaper of general circulation in the Township of Ely qualified under State Law to publish legal notices, promptly after its adoption, and the same shall be recorded into the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and Township Clerk.

Section 23: Effective Date

This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the Peace, Health and safety of the Township and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Township of Ely, Michigan on June 21, 1974, and approved by me on June 21, 1974.

Kenneth Tuominen
Supervisor
Township of Ely

Attest:

Elise Petro
Township Clerk

Yeas: Elise Petro, Audrey Kyllonen, Robert Laakso, Robert Junak, Kenneth A. Tuominen

Nays: None

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Ely, County of Marquette, State of Michigan, at a regular meeting held on June 21, 1974, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least 12 hours prior to the time set for the meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Elise Petro
Township Clerk