



## Legislation Text

File #: 2023-0230, Version: 1

### Request for Approval of the pre-payment of the City of Rochester Hills assessment for the Oakland-Macomb Interceptor Drain 2020B Project

**Whereas**, pursuant to the petitions received by the Charter Township of Waterford, Oakland County, and the City of Sterling Heights, Macomb County (collectively, the "Petitions") requesting the Maintenance, Extension and Improvement of the Oakland-Macomb Interceptor Drain (the "Drain") pursuant to Section 535 of Michigan Public Act 40 of the Public Acts of 1956 ("Drain Code" or Act 40), as amended, MCL §280.535 and filed with the Director of the Michigan Department of Agriculture, proceedings have been carried out by the Augmented Drainage Board and Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District (the "Drainage District") to acquire, finance, construct, improve, and replace certain wastewater facilities (the "Project") as set forth in Attachment A, and said Project having been determined to be necessary for the public health; and,

**Whereas**, on August 21, 2019, the Drainage Board for the Drainage District confirmed and adopted a Final Order of Apportionment and cost of the Project has been apportioned against the following public corporations in the counties of Oakland and Macomb as follows: (in Oakland County) City of Auburn Hills (4.9705%), Independence Township (includes City of Clarkston) (2.4213%), City of Lake Angelus (0.0185%), City of Rochester (1.9526%), City of Rochester Hills (8.1106%), Oakland Township (1.0393%), Orion Township (3.1494%), Oxford Township (1.2468%), Village of Lake Orion (0.3409%), Village of Oxford (0.5928%), Waterford Township (7.6159%), West Bloomfield Township (1.6414%); (in Macomb County) Chesterfield Township (4.7983%), City of Fraser (2.7237%), City of Sterling Heights (20.8080%), City of Utica (1.1036%), Clinton Township (14.1538%), Harrison Township (4.1556%), Lenox Township (0.6353%), Macomb Township (9.4344%), Shelby Township (6.6490%), Village of New Haven (0.5475%), and Washington Township (1.8907%) (the "Public Corporations"); and,

**Whereas**, on April 19, 2023, the Drainage Board approved and adopted Special Assessment No. 1 Relating to Drain Bonds, Series 2020B (2023 Issue) with respect to the costs of the second segment of the Project not to exceed \$15,600,000, for the improvements to the Northeast Sewage Pumping Station and North Interceptor East-Arm in accordance with the Final Order of Apportionment; and,

**Whereas**, pursuant to the authorization provided in Section 528 of Chapter 21 of the Drain Code (MCL §280.528), the Drainage Board of the Drainage District expects to provide for the issuance of one or more series of bonds to finance the costs of the Project, and the costs of issuance of such bonds, in anticipation of the collection of assessments to be made pursuant to the Drain Code, and to pledge the full faith and credit of the Drainage District for the prompt payment of the principal thereof and the interest thereon; and

**Whereas**, such bonds will be payable from the collection of special assessments against the Public Corporations, said special assessments to be duly confirmed as provided in the Drain Code; and

**Whereas**, prior to the issuance of said bonds for the first segment, the Drainage Board has notified the City of Rochester Hills, to permit, should the City of Rochester Hills determine expedient, to prepay the assessment and avoid interest and finance charges associated with the anticipated Series 2020B (2023 Issue) Bond issue for this Project segment; and,

**Whereas**, the Drainage Board has requested that the City of Rochester Hills adopt a resolution and affirming its intention to prepay its Series 2020B (2023 Issue) drain special assessment for this Project segment, and forward same by May 26, 2023, and make full payment of the assessment by June 27, 2023.

**Now, Therefore, Be It Resolved**, that the City of Rochester Hills hereby confirms that it will pay in full, its drain assessment in the amount of \$1,244,249, pursuant to the Special Assessment No. 1 Relating to Drain Bonds, Series 2020B (2023 Issue).

**Be It Further Resolved**, that the City Chief Financial Officer is directed to notify the Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District by May 26, 2023 and of its intention to submit payment to the no later than June 27, 2023.

**Be It Further Resolved**, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.