

**OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009**

May 24th, 2022

Refer to www.oshtemo.org home page for Virtual Meeting Information

**REGULAR MEETING
6:00 P.M.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Regular Session Items

WORK SESSION ITEMS

4. Consideration of Support for Designation of a Kalamazoo Area Urban Bird Treaty Community through US Fish & Wildlife Service
5. Update on GIS Consulting
6. Other Updates & Business

BREAK (Time Permitting) – 7:05 P.M.

REGULAR SESSION ITEMS – 7:15 P.M.

7. Consent Agenda
 - a. Approve Minutes May 10th, 2022 Regular Meeting & May 14th, 2022 Special Meeting
 - b. Receipts & Disbursements Report
 - c. Employee Benefits Ordinance – Second Reading
 - d. Budget Amendments
8. DNR Public Hearing – Inclusion of Bow & Arrow in Non-Discharge Zone
9. Consideration of PILOT Ordinance Amendments – First Reading
10. Consideration of June Pride Month in Oshtemo Township
11. Public Comment
12. Board Member Comments
13. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 868 1946 8760**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **868 1946 8760#**

Participant controls in the lower-left corner of the Zoom screen:



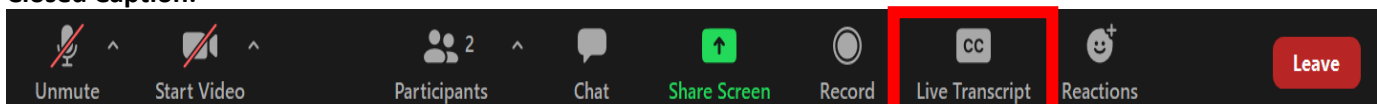
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

MEMORANDUM



Date: May 3, 2022
To: Township Board
From: Legal Department
Subject: Repeal of Township Ordinances 275, 408, 409, 410, and 411 and Amendment of Ordinance No. 407

OBJECTIVE:

To repeal of Township Ordinances 275, 408, 409, 410, and 411 and revise Ordinance No. 407 to include all benefits as the Township's "Employee Benefits Ordinance".

BACKGROUND:

During the revision of the Employee Handbook, some inconsistencies were discovered between the current Township Ordinances governing employee benefits, the terms of the Handbook, and the Township's practices. The HR Board Work Group determined that the Pension Plan Ordinance should be revised to reflect some of these changes. However, in reviewing the Pension Plan Ordinance, it became clear that additional duplication exists, unnecessarily, within the existing Township Ordinances governing employee benefits (while some benefits are not currently covered by the ordinances at all- e.g., vision insurance).

The Township currently has six separate Ordinances to cover employee benefits:

- Pension Plan Ordinance No. 275 (last revised 2012)
- Fringe Benefits Ordinance No. 407 (last revised 2017)
- Health Insurance Plan Ordinance No. 408 (last revised 2012)
- Life and Dismemberment Insurance Ordinance No. 409 (last revised 2015)
- Short and Long Term Disability Income Plan Ordinance No. 410 (last revised 2001)
- Dental Insurance Plan Ordinance No. 411 (last revised 2012)

Accordingly, a total revision of these existing Ordinances into one, more comprehensive, Ordinance was presented to the HR Board Work Group for consideration. After some additional revisions, the proposed new Employee Benefits Ordinance was accepted by the HR Board Work Group for submission to the Township Board for first reading. Revising the Ordinance(s) is important to allow the Employee Handbook revisions (which are based off the Ordinances) to continue to move forward.

INFORMATION PROVIDED:

A redline and clean copy of the revised ordinance (along with the originals) are attached for the Board's review and consideration.

STATEMENT OF REQUESTED BOARD ACTION:

My recommendation is that the Board adopt the amendment to Ordinance No. 407 (repealing Ordinances 275, 408, 409, 410, and 411) to create a single "Employee Benefits Ordinance".

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance repeals Oshtemo Charter Township Pension Plan Ordinance, being Ordinance No. 275, as amended; Oshtemo Charter Township Health Insurance Plan Ordinance, being Ordinance No. 408 as amended; Oshtemo Charter Township Life and Dismemberment Insurance Plan Ordinance, being Ordinance No. 409 as amended; and Oshtemo Charter Township Short and Long-Term Disability Income Plan Ordinance, being Ordinance No. 410 as amended; and Oshtemo Charter Township Dental Insurance Plan Ordinance, being Ordinance No. 411, as amended, in their entirety, the amendments thereto, and repeals all Ordinances or parts of Ordinances in conflict. This Ordinance further amends the Oshtemo Charter Township Fringe Benefits Ordinance, being Ordinance No. 407, as amended.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. REPEAL OF ORDINANCE NO. 275. This Ordinance repeals the Oshtemo Charter Township Pension Plan Ordinance No. 275 in its entirety.

SECTION II. REPEAL OF ORDINANCE NO. 408. This Ordinance repeals the Oshtemo Charter Township Health Insurance Plan Ordinance No. 408 in its entirety.

Section III. REPEAL OF ORDINANCE NO. 409. This Ordinance repeals the Oshtemo Charter Township Life and Dismemberment Insurance Ordinance No. 409 in its entirety.

Section IV. REPEAL OF ORDINANCE NO. 410. This Ordinance repeals the Oshtemo Charter Township Short and Long Term Disability Income Plan Ordinance No. 410 in its entirety.

Section V. REPEAL OF ORDINANCE NO. 411. This Ordinance repeals the Oshtemo Charter Township Dental Insurance Plan Ordinance No. 411 in its entirety.

SECTION VI. AMENDMENT OF COMPILED SECTION 105.001, TITLE. Compiled Section 105.001 is amended to read as follows:

105.001 – Title.

Sec. I. This Ordinance shall be known and cited as the “Oshtemo Charter Township Employee Benefits Ordinance”.

SECTION VII. AMENDMENT OF COMPILED SECTION 105.002, AUTHORITY. Compiled Section 105.002 is amended to read as follows:

105.002 – Authority.

Sec. II. Pursuant to MCL 41.110b, Oshtemo Charter Township hereby creates and establishes for the benefit of its eligible officers and employees, as established herein, the following benefits: (a) a non-ERISA defined contribution plan, (b) an ERISA deferred compensation plan, (c) retiree health care defined contribution plan, (d) life and dismemberment insurance, (e) a health, dental, and vision insurance plan, (f) a short-term and long-term disability income plan, (g) long term care insurance, and (h) such other additional fringe benefits as it determines through its written policies. To accomplish the purposes herein, Oshtemo Charter Township hereby authorizes the Township Supervisor and the Township Clerk to contract by means of an Adoption Agreement and/or contract, in the name of the Township Board, with any company authorized to transact such insurance, annuity, pension, or other employee benefit related business within the State of Michigan.

SECTION VIII. AMENDMENT OF COMPILED SECTION 105.003, PERSONS COVERED. Compiled Section 105.003 is amended to read as follows:

105.003 – Persons Covered.

Sec. III. The plans created, established, and contracted for under this Ordinance shall cover each person within the following classes of officials and employees:

Benefit Type	Eligible Officers	Eligible Employees
Governmental Non-ERISA Retirement Plan (401(a) defined contribution plan)	Supervisor, Clerk, Treasurer (during their term of office)	Full-Time and Part-Time employees; Paid On-Call firefighters
457(b) Plan (deferred compensation plan)	Supervisor, Clerk, Treasurer, Trustee (during their term of office)	Full-Time and Part-Time employees; Paid On-Call firefighters
Retiree health care defined contribution plan	Supervisor, Clerk, Treasurer	Full-Time employees
Life and dismemberment insurance	Supervisor, Clerk, Treasurer	Full-Time employees; Paid On-Call firefighters
Medical insurance (health, dental, vision, and HRA/FSA plans)	Supervisor, Clerk, Treasurer (during their term of office)	Full-Time employees
Short-term disability income plan	Not covered	Full-Time employees
Long-term disability income plan	Supervisor, Clerk, Treasurer (during their term of office)	Full-Time employees
Long term care insurance	Supervisor, Clerk, Treasurer (during their term of office)	Full-Time employees
Additional fringe benefits	Determined by the Township's written policies	Determined by the Township's written policies

SECTION IX. AMENDMENT OF COMPILED SECTION 105.004, VALIDITY OF FRINGE BENEFITS. Compiled Section 105.004 is amended to read as follows:

105.004 – Validity of Prior Plans.

Sec. IV. The Oshtemo Charter Township Board hereby ratifies and confirms the validity of any annuity, defined contribution, pension, deferred compensation, health (including dental and/or vision) insurance, life and dismemberment insurance, long term care, disability, or other fringe benefit plan in existence on the effective date of this Ordinance.

SECTION X. AMENDMENT OF COMPILED SECTION 105.005, EFFECTIVE DATE AND REPEAL. Compiled Section 105.005 is amended to read as follows:

105.005 –Non-ERISA Defined Contribution Plan .

Sec. V. Oshtemo Charter Township has plan created, established, and contracted for a Governmental Non-ERISA Retirement Plan under this Ordinance.

- A. Township Contribution. Oshtemo Charter Township shall secure funds from the General Fund to contribute a percentage of each eligible official's and/or employee's annual compensation (as defined and set forth in the Governmental Non-ERISA Retirement Plan Agreement). Contributions shall be made for each person within the class of officials and employees enumerated in the table in Section III. Oshtemo Charter Township shall make an additional matching contribution equal to one hundred percent (100%) of an eligible official's and/or employee's annual elected deferrals to the Township's 457(b) Deferred Compensation Plan (not to exceed four percent (4%) of their compensation).
- B. Employee Contributions. Each eligible official and/or employee may authorize non-deductible contributions (to the limit(s) set forth in the Adoption Agreement with the contracting company) to their 401(a) Defined Contribution account. The Township is hereby authorized to deduct such contributions from each person's pay, salary, or compensation and apply it to the individual's 401(a) Defined Contribution account.
- C. Eligibility and Allocation Period. Each eligible official or employee (as enumerated in the table in Section III) who is employed on the effective date of the Governmental Non-ERISA Retirement Plan shall be eligible for coverage on that day (provided that they meet the eligibility requirements of the Adoption Agreement). Paid On-Call firefighters are not eligible for Township contribution matching. The allocation period for Township matching of eligible official and/or employee contributions shall be established in the Governmental Non-ERISA Retirement Plan.
- D. Vesting and Retirement. Each person covered under the Governmental Non-ERISA Retirement Plan shall have a vested right or interest in the Plan. Vesting rights and the normal retirement age shall be established and/or set forth by in the Adoption Agreement approved by the Township Board by resolution, or any subsequent amendment thereto, in compliance with all state and federal laws.

SECTION XI. Section 105.006, 457(b) DEFERRED COMPENSATION PLAN.

105.006 - 457(b) Deferred Compensation Plan.

Sec. VI.

- A. Contributions. Each eligible official and/or employee may authorize contributions to the 457(b) Deferred Compensation Plan (to the limit(s) set forth in the Adoption Agreement with the contracting company) created, established and contracted for under this Ordinance.. The Township is hereby authorized to deduct such contributions from each person's pay, salary, or compensation and apply the same to it to the individual's 457(b) Deferred Compensation Plan account.
- B. Eligibility. Each eligible official or employee (as enumerated in the table in Section III) who is employed on the effective date of the 457(b) Deferred Compensation Plan shall be eligible for coverage on that day (provided that they meet the eligibility requirements of the Adoption Agreement).
- C. Vesting and Retirement. Each person covered under the 457(b) Deferred Compensation Plan shall have a fully vested and nonforfeitable interest in their contributions to the Plan. Normal retirement age shall be established and/or set forth by in the Adoption Agreement approved by the Township Board by resolution, or any subsequent amendment thereto, in compliance with all state and federal laws.

SECTION XII. Section 105.006, RETIREE HEALTH CARE DEFINED CONTRIBUTION PLAN.

105.007 - Retiree Health Care Defined Contribution Plan.

Sec. VII. The Oshtemo Charter Township Board shall determine the annual reimbursement for retirees' medical insurance premiums and the annual contribution the Township will make toward the Retiree Health Care Defined Contribution Plan created, established, and contracted for under this Ordinance. Each eligible official or employee (as enumerated in the table in Section III) who is employed by the Township on December 31st is eligible for the Retiree Health Care Defined Contribution Plan. Individuals eligible for retiree health benefits prior to November 21, 2012, shall be reimbursed for medical, dental, and vision insurance premiums for themselves, and/or for their spouse (during the employee's lifetime), up to the annual set amount determined by the Township Board and are not entitled to participate in the Retiree Health Care Defined Contribution Plan.

SECTION XIII. Section 105.008, LIFE AND DISMEMBERMENT INSURANCE.

105.008 - Life and Dismemberment Insurance.

Sec. VIII. The Life and Dismemberment Plan created, established, and contracted for under this Ordinance shall provide coverage for eligible officials and employees (as enumerated in the table in Section III). The Oshtemo Charter Township Board provides each eligible official and/or employee life and dismemberment insurance at no cost to the official or employee. Coverage shall start in accordance with the terms of the insurance plan(s).

SECTION XIV. Section 105.009, MEDICAL INSURANCE PLAN.

105.009 - Medical Insurance Plan.

Sec. IX.

- A. Premium Costs. The Oshtemo Charter Township Board shall determine the share that the Township shall contribute to the premium costs for officials and employees eligible to receive health, dental, and vision insurance under the medical insurance plan created, established, and contracted for under this Ordinance.
- B. Eligibility and Effective Date. The officials and employees eligible to participate in the Township Medical Insurance are enumerated in the table in Section III. Insurance coverage shall start in accordance with the terms of the insurance plan(s).
- C. Coverage. Coverage is available for eligible officials, employees, and their plan-eligible dependents (as defined and set forth in the plan documents with the contracting company or companies). Employees and officials eligible for, and electing, medical insurance through the Township will be automatically enrolled in a health reimbursement arrangement (HRA). The Township paid HRA is applied annually to the deductible amount of eligible officials, employees, and their plan-eligible dependents.
- D. Opt-Out and Termination of Coverage. Eligible officials and employees who do not elect medical insurance through the Township will be entitled to a payment in an amount annually established by the Township Board. The Township will provide Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage to eligible employees, officials, and their dependents, in compliance with state and federal law, when applicable.

SECTION XV. Section 105.010, SHORT-TERM AND LONG-TERM DISABILITY INCOME PLAN.

105.010 - Short-Term and Long-Term Disability Income Plan.

Sec. X. The Short-Term and Long-Term Disability Income Plan created, established, and contracted for under this Ordinance shall provide coverage for eligible officials and employees (as enumerated in the table in Section III) at no cost to the official or employee. Insurance coverage shall start in accordance with the terms of the insurance plan(s).

SECTION XVI. Section 105.011, LONG TERM CARE INSURANCE.

105.011 - Long Term Care Insurance.

Sec. XI. The Long Term Care Insurance Plan created, established, and contracted for under this Ordinance shall provide coverage for eligible officials and employees (as enumerated in the table in Section III) in the amount determined by the Oshtemo Charter Township Board at no cost to the official or employee. Coverage is available to eligible officials and employees only. Eligible individuals may purchase additional insurance beyond the Township provided plan at their own expense for themselves and/or their eligible dependents (provided that they meet applicable eligibility requirements).

SECTION XVII. Section 105.012, ADDITIONAL FRINGE BENEFITS.

105.012 - Additional Fringe Benefits.

Sec. XII. The Oshtemo Charter Township Board may determine through its written policies additional fringe benefits not explicitly enumerated herein. Any such additional benefit plans may be created, established, and contracted for under the authority granted by this Ordinance to the Township Supervisor and Township Clerk. The Oshtemo Charter Township Board shall determine through said written policies the classes of officials and employees that will receive such fringe benefits.

SECTION XVIII. Section 105.013, OPT-OUT.

105.013 - Opt-Out.

Sec. XIII. An eligible Township official or employee may “opt-out” of any contract, plan, or arrangement described in this Ordinance requiring a contribution from the official

or employee. The person desiring not to be insured or covered shall give written notice to the Township that they desire not to be insured or covered under the specified contract, plan, or arrangement. If the notice is received before the person has become insured or covered under the specified contract, plan, or arrangement, they shall not be covered or insured thereunder. If the notice is received after the individual has become insured or covered, their coverage under the specified contract, plan, or arrangement shall cease as provided for in the contract or arrangement governing such insurance or coverage.

SECTION XIX. Section 105.014, CONFLICT.

105.014 – Conflict.

Sec. XIV. If any portion of this Ordinance conflicts with the terms of any contract, plan, or arrangement covered hereunder, the terms of the contract, plan, or arrangement shall control for eligibility and/or coverage terms. If any portion of this Ordinance is found to be contrary to state or federal law or regulation, that portion of the Ordinance shall be deemed severed from the remainder, which shall continue with full force and effect.

SECTION XX. Section 105.015, EFFECTIVE DATE.

105.015 – Effective Date.

Sec. XV. Effective Date. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

Budget Amendment Request Worksheet

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
5/19/2022	Karen High	Parks	107-756-80800	Consultant	\$ 6,000.00	107-751-46000	Donations Restricted	\$ 6,000.00	Survey and engineered design of protective barrier fence in steep area of Fruit Belt Rail Corridor. Made possible in 2022 with funding from Consumers Energy Foundation Planet Award grant	Yes	No
			Total		\$ 6,000.00	Total		\$ 6,000.00			

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Explanation of Request	Previously Discussed	Within Apprvd Budget
			GL Number	Description	Amount	GL Number	Description	Amount			
5/19/2022	Karen High	Parks	107-756-97400	Capital Outlay/Imp	\$ 90,000.00	107-751-46000	Donations Restricted	\$ 90,000.00	2022 Fruit Belt Rail Corridor work to include construction of protective barrier fence, installation of sign and safety improvements, and Kalamazoo Nature center ecological restoration. Also Consumers Energy Foundation Planet Award.	Yes	No
			Total		\$ 90,000.00	Total		\$ 90,000.00			

Grand Total	\$ 96,000.00
Total Added to Budget (Projects not completed/not spent in 2021)	\$ 96,000.00
Total Not Previously Discussed with TB	\$ -

REVIEW DATE 5/20/2022

SIGNATURE



MEMORANDUM



Date: May 23, 2022
To: Township Board
From: Legal Department
Subject: Update re: Revisions to Tax Exemption Ordinance (Ordinance No. 344)

Following the submission of the Revisions to Tax Exemption Ordinance (Ordinance No. 344) for the May 24th, 2022 Board meeting packet, additional proposed revisions were received from the Michigan State Housing Development Authority with the request that the Township include in their revised Ordinance:

- Two minor typographical corrections.
- Changes to **270.005 Annual Service Charge.**
 - **Add to end of paragraph V(A):**

The Township acknowledges that the Sponsor and the Authority, in the case of a Sponsor receiving an Authority-financed Mortgage Loan, or the Sponsor and the mortgage lender, in the case of a Sponsor receiving a Federally-aided Mortgage Loan, have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing projects for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, the Township will accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes.

- **Modify # V(B)(1) to read:** The payment of **all the** Mortgage Loans in full.
- **Remove # V(B)(2)- and renumber subsequent subparts:** The termination of the Authority's interest in the Housing Development or the associated real property.

Those changes were reviewed and integrated into the Ordinance revision (new clean and redline copies are attached to this memo) for the Board's review and consideration.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Tax Exemption Ordinance (Ordinance No. 344, as amended), specifically Sections 270.002, 270.003, 270.004, 270.005, 270.006, 270.007, 270.008, 270.009, 270.010, 270.011, 270.012, and, 270.013; the renumbering of sections to accomplish such revisions; to repeal all Ordinances or parts of Ordinances in conflict; and to provide for a service charge in lieu of taxes for housing projects for low income persons and families financed with a federally-aided or State Housing Development Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq (the "Act").

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 270.002, PREAMBLE.
Compiled Section 270.002, is amended to read as follows:

270.002 – Preamble.

Sec. II

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its elderly citizens and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Authority Act of 1966 (1966 PA 346, as amended, MCLA 125.1401 et. seq.; MSA 16.114(1) et. seq.). It is further acknowledged that such housing for persons and families of low income and low income is a public necessity, and as the Township will be benefited and improved by

such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is acknowledged that the Act allows a municipality to provide that the *ad valorem* tax exemption does not apply to certain classes of housing projects. The Oshtemo Charter Township is authorized by the Act to establish, or change, the—a service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act, at any amount it chooses, not to exceed the taxes that would be paid but for this Act, and the through this Ordinance, at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the PILOT in lieu of all ad valorem property taxes during the periods contemplated in this Ordinance are essential to the determination of economic feasibility of Housing Developments that are constructed or rehabilitated with financing extended in reliance on such tax exemption.

However, the Township recognizes that a significant amount of the Township’s residential housing stock has been developed into rental property (approximately 50 percent), much of which serves the needs of low- and moderate-income persons, and the Township has ~~It is~~ determined that only certain classes of housing projects should ~~not~~ be exempt from *ad valorem* taxation. The Township has further determined and/or that the percentage of annual rents for Qualified Housing Projects paid as a payment in lieu of taxes (“PILOT”) shall be calculated ~~in order to ensure~~ that the taxes/PILOT generated by such projects adequately covers the value of services received by the project(s) annually.

SECTION II. AMENDMENT OF COMPILED SECTION 270.003 DEFINITIONS.

Compiled Section 270.003, Elderly Persons, is hereby amended to read as follows:

270.003 Definitions.

Sec. III.

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended, MCLA 125.1401 et. seq.

Annual Service Charge refers to the annual PILOT amount paid by a Housing Development approved under this Ordinance.

Annual Shelter Rents means the total collections during an agreed annual period from all occupants of a ~~Housing~~ ~~Development~~ representing rents ~~of~~ occupancy charges ~~and~~ exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants ~~Utilities~~.

Authority means the Michigan State Housing Development Authority.

~~Act~~ means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

Contract Rents means the total "Contracted Rents" (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period, exclusive of Utilities, ~~are defined for the purpose of the within Ordinance as the rent payable to the owner of a qualified housing project under the owner's contract for the same, including the portion of the rent payable by the tenant, as well as that payable under any governmental subsidy.~~

Elderly Person(s) means any person permitted to occupy housing designated for elderly by the United States Department of Housing and Urban Development.

Elderly Person(s) of Low Income means ~~an elderly persons~~ Elderly Person(s) who meet the eligibility criteria set by the Authority and/or federal government.

Housing Development(s) ~~means for the purpose of this Ordinance refers to a residential development which contains a significant element of housing (i.e., multiple dwelling units) for~~ ~~Elderly~~ ~~Persons~~, Elderly Person(s) of Low Income, or ~~Low-~~ ~~Income~~ ~~Person(s)~~ and Families in addition to such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the ~~Housing D~~development as it relates to housing for ~~such persons of low income~~.

Low Income Person(s) and Families ~~of Low Income~~ means persons and families eligible to move into a Housing Development.

PILOT stands for payment in lieu of taxes and refers to the percentage of Annual Rents for Qualified Housing Project(s) paid to the Township instead of *ad valorem* taxes during the duration provided under this Ordinance.

Mortgage Loan means a loan ~~to be made~~ that is federally-aided (as defined in Section 11 of the Act) or a loan or grant made, or to be made, by the Authority (as defined by the Act) ~~or Farmers Home Administration or the Department of Housing and Urban Development~~ to the Sponsor for the construction, rehabilitation, acquisition, and/or permanent financing of the Housing Development, or a Mortgage Loan insured by HUD, and secured by a mortgage on the Housing Development.

Municipal Emergency Services Agreement refers to the contractual agreement executed between a Sponsor and the Township, following approval by the Township Board, which provides the terms for the Annual Service Charge payment to the Township.

Utilities means charges for fuel, water, sanitary sewer service, ~~and/or~~ electrical service, and other utilities furnished to their occupants and paid by ~~which are paid by~~ the Housing Development.

Sponsor means persons or entities which have applied for, received, or assumed to either the Authority ~~for~~ a Mortgage Hoan to finance a Housing Development ~~or to another governmental entity for a federally-aided loan, as defined by the Act.~~

Qualified Housing Development refers to the portion of a Housing Development which is eligible for a PILOT as provided in this Ordinance.

~~**Annual Shelter Rents** means the total collections during an agreed annual period from all occupants of a housing development representing rents of occupancy charges exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.~~

SECTION III. AMENDMENT OF COMPILED SECTION 270.003 CLASS OF HOUSING DEVELOPMENTS.

Compiled Section 270.004, Class of housing developments, is hereby amended to read as follows:

270.004 Classes of Housing Developments.

Sec. IV.

A. Qualified Housing Developments. It is determined that the class of ~~Housing~~ ~~Developments~~ to which the tax exemption shall apply, and for which a ~~service charge~~ PILOT shall be paid, ~~in lieu of such taxes~~ shall be limited to those Housing Developments (or portions of such Housing Developments) multiple dwellings exclusively and especially designated for, and occupied by, for Elderly Person(s) of Low Income. In order to be a Qualified Housing Development within this Ordinance, such Housing Developments must additionally be elderly persons which are (1) financed by a Mortgage Loan, or assisted by the Authority (pursuant to the Act), or which qualify for state or federal subsidy, and (2)– developed and constructed upon a parcel of land within the Township sufficient for the operation of such Housing Development (but no larger).

B. All Other Housing Developments. ~~Housing projects~~ Developments (or portions of such Housing Developments) for Low Income Person(s) and Families persons of low income (who are not Elderly Persons or Elderly Person(s) of Low Income) "elderly" shall not be exempt from *ad valorem* taxation of property pursuant to MCL 125.1415a(1). Notwithstanding the foregoing, the Township recognizes that, prior to July 23, 1996, it allowed low- and moderate-income Housing Developments (in addition to Housing Developments for low-income elderly persons as defined by the State Housing Authority Act of 1996), to qualify under its Michigan State Housing Development Authority Tax Exemption Ordinance (repealed Ordinance No. 125). Therefore, while not wishing to expand the definition of a "Qualified Housing Development" to include new Housing Developments not meeting the definition of this Ordinance, the Township recognizes the need to include such existing low- and moderate-income Housing Developments previously permitted under the Township's Ordinance No. 125 to make Annual Service Charge payments under its PILOT tax exemption program.

SECTION IV. AMENDMENT OF COMPILED SECTION 270.005 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

Compiled Section 270.005, Establishment of Annual Service Charge, is hereby amended to read as follows:

270.005 ~~Establishment of Annual Service Charge.~~

Sec. V.

A. Establishment. A Qualified Housing Development, or that portion of such Qualified Housing Development, eligible under Section IV, ~~That portion of a housing development exclusively and especially designated for and occupied by low income elderly persons developed and constructed upon a parcel of land within the Township sufficient for the operation of such project (but no larger)~~ shall be exempt from all *ad valorem* property taxation, on which they are or will be located, beginning in the year following commencement of construction ~~and/or rehabilitation.~~ The Township acknowledges that the Sponsor and the Authority, in the case of a Sponsor receiving an Authority-financed Mortgage Loan, or the Sponsor and the mortgage lender, in the case of a Sponsor receiving a Federally-aided Mortgage Loan, have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing projects for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, the Township will accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes.

B. Duration. The eligibility of a Housing Development, as approved by the Township Board as provided this Ordinance, for PILOT and the *ad valorem* property tax exemption shall remain in effect and shall not be terminated until the first occurrence of one of the following: ~~continuing as long as a mortgage loan through said Authority remains outstanding and unpaid and as long as said Authority has any interest in such property; and~~

1. The payment of all Mortgage Loans in full.

2. The expiration of fifty (50) years from the first year that a Sponsor is approved for the tax exemption status under this Ordinance.
3. The cessation of the use of the Housing Development for Low Income Person(s) and Families.
4. The cessation of the use of the Qualified Housing Development for Elderly Persons or Elderly Person(s) of Low Income, or a change in the portion of Qualified Housing Development for such persons.

C. Amount of Annual Service Charge. The Annual Service Charge shall be subject to a service charge in lieu of such property taxes in an amount equal to four percent (4%) of the annual shelter rents Annual Shelter Rents or contract rents Contract Rents (whichever is applicable) of the preceding calendar year (exclusive of utilities) ~~charges paid by the project.~~ Notwithstanding the foregoing, in no event shall the Annual Service Charge, at any time, be less than the property taxes upon the subject property for the tax year prior to the date when construction or rehabilitation was commenced. In no event shall the service charge exceed the *ad valorem* taxes that would be paid by the Housing Development but for the Act and this Ordinance.

D. Limitation on the Payment of Annual Service Charge. The Annual Service Charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt but which is occupied by other than Low Income Persons or Families, Elderly Persons, or Elderly Person(s) of Low Income shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

E. Payment of Service Charge. The Annual Service Charge ~~service charge in lieu of taxes~~ as determined here ~~in~~ under shall be payable in the same manner as general property taxes are payable ~~in to~~ the Township and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. ~~of Oshtemo except that~~ The Annual Service Charge ~~annual~~ payment shall be paid on or before February 14 of each year. The entire tax

collection procedure provided by the General Property Tax Act ([1893 PA 206, as amended; MCL 211.1, et. seq.](#)) shall be effective with respect to such payment, including, but not by way of limitation, the provisions providing for interest and penalties on late payments, return of delinquent taxes, and the sale of lands for delinquent taxes.

SECTION V. AMENDMENT OF COMPILED SECTION 270.006 RESOLUTION; CONTRACTUAL EFFECT.

Compiled Section 270.006, Resolution; Contractual Effect, is hereby amended to read as follows:

270.006 Resolution; Contractual Effect; Authorization for Tax Exemption.

Sec. VI.

A. Resolution; Contractual Effect. A Resolution of the Township Board granting tax exemption status, ~~(as provided in this Ordinance), authorizing the Annual Service Charge, and the signing of a Municipal Emergency Services Agreement~~ shall be adopted for each Housing Development qualified hereunder, ~~the terms and provisions of this Ordinance.~~ Notwithstanding the provisions of section 15(a)(5) of the Act, to the contrary, a contract between the Township and the Sponsor, with the Authority as third party beneficiary under the ~~€~~contract, to provide tax exemption and accept the Annual Service Charge ~~payments in lieu of taxes~~ as previously described herein will be effectuated by enactment of such a Resolution by the Township Board.

B. Municipal Emergency Services Agreement. After approval of a Housing Development under this Ordinance, the Sponsor of such Housing Development shall execute a Municipal Emergency Services Agreement with the Township, in compliance with the terms and provisions of this Ordinance, before the tax exemption is applied. ~~All approved housing developments will be required to enter into a~~ The Municipal Emergency Services Agreement will establish the Annual Service Charge equal to the special assessment imposed on similar facilities in the Township for police

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and fire services provided by the Township, subject to the limitations provided ~~therein in the Municipal Emergency Services Agreement.~~

SECTION VI. AMENDMENT OF COMPILED SECTION 270.012 INCONSISTENT ORDINANCES.

Compiled Section 270.012, Inconsistent Ordinances, is hereby amended to read as follows:

270.012 Inconsistent Ordinances.

Sec. XII.

All Ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed. ~~This Ordinance repeals and supersedes Ordinance No. 125.~~

SECTION VII. AMENDMENT OF COMPILED SECTION 270.012 EFFECTIVE DATE.

Compiled Section 270.012, Effective Date, is hereby amended to read as follows:

270.013 Effective Date.

Sec. XIII.

This Ordinance shall take effect upon publication after adoption in accordance with State law on August 5, 1996.

SECTION VIII. RENUMBERING OF OLD COMPILED SECTIONS XI, SEVERABILITY, XII, INCONSISTENT ORDINANCES AND XIII, EFFECTIVE DATE. Old Compiled Sections 270.010, 270.011 and 270.012, and 270.013 are hereby renumbered as Compiled Sections 270.007, 270.008, 270.009, and 270.010.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Tax Exemption Ordinance (Ordinance No. 344, as amended), specifically Sections 270.002, 270.003, 270.004, 270.005, 270.006, 270.007, 270.008, 270.009, 270.010, 270.011, 270.012, and, 270.013; the renumbering of sections to accomplish such revisions; to repeal all Ordinances or parts of Ordinances in conflict; and to provide for a service charge in lieu of taxes for housing projects for low income persons and families financed with a federally-aided or State Housing Development Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq (the "Act").

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 270.002, PREAMBLE.
Compiled Section 270.002, is amended to read as follows:

270.002 – Preamble.

Sec. II

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its elderly citizens and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Authority Act of 1966 (1966 PA 346, as amended, MCLA 125.1401 et. seq.; MSA 16.114(1) et. seq.). It is further acknowledged that such housing for persons and families of low income and low income is a public necessity, and as the Township will be benefited and improved by such housing, the encouragement of the same by providing real estate tax

exemption for such housing is a valid public purpose. It is acknowledged that the Act allows a municipality to provide that the *ad valorem* tax exemption does not apply to certain classes of housing projects. Oshtemo Charter Township is authorized by the Act to establish, or change, the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act, at any amount it chooses, not to exceed the taxes that would be paid but for this Act, through this Ordinance. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the PILOT in lieu of all *ad valorem* property taxes during the periods contemplated in this Ordinance are essential to the determination of economic feasibility of Housing Developments that are constructed or rehabilitated with financing extended in reliance on such tax exemption.

However, the Township recognizes that a significant amount of the Township's residential housing stock has been developed into rental property (approximately 50 percent), much of which serves the needs of low- and moderate-income persons, and the Township has determined that only certain classes of housing projects should be exempt from *ad valorem* taxation. The Township has further determined that the percentage of annual rents for Qualified Housing Projects paid as a payment in lieu of taxes ("PILOT") shall be calculated to ensure that the taxes/PILOT generated by such projects adequately covers the value of services received by the project(s) annually.

SECTION II. AMENDMENT OF COMPILED SECTION 270.003 DEFINITIONS.

Compiled Section 270.003, Elderly Persons, is hereby amended to read as follows:

270.003 Definitions.

Sec. III.

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended, MCLA 125.1401 et. seq.

Annual Service Charge refers to the annual PILOT amount paid by a Housing Development approved under this Ordinance.

Annual Shelter Rents means the total collections during an agreed annual period from all occupants of a Housing Development representing rents or occupancy charges and exclusive of Utilities.

Authority means the Michigan State Housing Development Authority.

Contract Rents means the total “Contracted Rents” (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period, exclusive of Utilities..

Elderly Person(s) means any person permitted to occupy housing designated for elderly by the United States Department of Housing and Urban Development.

Elderly Person(s) of Low Income means an Elderly Person(s) who meet the eligibility criteria set by the Authority and/or federal government.

Housing Development(s) for the purpose of this Ordinance refers to a residential development which contains a significant element of housing (i.e., multiple dwelling units) for Elderly Persons, Elderly Person(s) of Low Income, or Low Income Person(s) and Families in addition to such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the Housing Development as it relates to housing for such persons.

Low Income Person(s) and Families means persons and families eligible to move into a Housing Development.

PILOT stands for payment in lieu of taxes and refers to the percentage of Annual Rents for Qualified Housing Project(s) paid to the Township instead of *ad valorem* taxes during the duration provided under this Ordinance.

Mortgage Loan means a loan that is federally-aided (as defined in Section 11 of the Act) or a loan or grant made, or to be made, by the Authority (as defined by the Act) to the Sponsor for the construction, rehabilitation, acquisition, and/or permanent financing of

the Housing Development, or a Mortgage Loan insured by HUD, and secured by a mortgage on the Housing Development.

Municipal Emergency Services Agreement refers to the contractual agreement executed between a Sponsor and the Township, following approval by the Township Board, which provides the terms for the Annual Service Charge payment to the Township.

Utilities means charges for fuel, water, sanitary sewer service, electrical service, and other utilities furnished to their occupants and paid by the Housing Development.

Sponsor means persons or entities which have applied for, received, or assumed a Mortgage Loan to finance a Housing Development .

Qualified Housing Development refers to the portion of a Housing Development which is eligible for a PILOT as provided in this Ordinance.

SECTION III. AMENDMENT OF COMPILED SECTION 270.003 CLASS OF HOUSING DEVELOPMENTS.

Compiled Section 270.004, Class of housing developments, is hereby amended to read as follows:

270.004 Classes of Housing Developments.

Sec. IV.

A. Qualified Housing Developments. It is determined that the class of Housing Developments to which the tax exemption shall apply, and for which a PILOT shall be paid, shall be limited to those Housing Developments (or portions of such Housing Developments) exclusively and especially designated for, and occupied by, Elderly Person(s) of Low Income. In order to be a Qualified Housing Development within this Ordinance, such Housing Developments must additionally be (1) financed by a Mortgage Loan, assisted by the Authority (pursuant to the Act), or which qualify for state or federal subsidy, and (2) developed and constructed upon a parcel of land within the Township sufficient for the operation of such Housing Development (but no larger).

B. All Other Housing Developments. Housing Developments (or portions of such Housing Developments) for Low Income Person(s) and Families (who are not Elderly Persons or Elderly Person(s) of Low Income) shall not be exempt from *ad valorem* taxation of property pursuant to MCL 125.1415a(1). Notwithstanding the foregoing, the Township recognizes that, prior to July 23, 1996, it allowed low- and moderate-income Housing Developments (in addition to Housing Developments for low-income elderly persons as defined by the State Housing Authority Act of 1996), to qualify under its Michigan State Housing Development Authority Tax Exemption Ordinance (repealed Ordinance No. 125). Therefore, while not wishing to expand the definition of a “Qualified Housing Development” to include new Housing Developments not meeting the definition of this Ordinance, the Township recognizes the need to include such existing low- and moderate-income Housing Developments previously permitted under the Township’s Ordinance No. 125 to make Annual Service Charge payments under its PILOT tax exemption program.

SECTION IV.

AMENDMENT OF COMPILED SECTION 270.005 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

Compiled Section 270.005, Establishment of Annual Service Charge, is hereby amended to read as follows:

270.005

Annual Service Charge.

Sec. V.

A. Establishment. A Qualified Housing Development, or that portion of such Qualified Housing Development, eligible under Section IV, shall be exempt from all *ad valorem* property taxation, on which they are or will be located, beginning in the year following commencement of construction or rehabilitation. The Township acknowledges that the Sponsor and the Authority, in the case of a Sponsor receiving an Authority-financed Mortgage Loan, or the Sponsor and the mortgage lender, in the case of a Sponsor receiving a Federally-aided Mortgage Loan, have established the economic feasibility of the housing project in reliance upon the enactment

and continuing effect of this Ordinance, and the qualification of the housing projects for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, the Township will accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes.

B. Duration. The eligibility of a Housing Development, as approved by the Township Board as provided this Ordinance, for PILOT and the *ad valorem* property tax exemption shall remain in effect and shall not be terminated until the first occurrence of one of the following:

1. The payment of all Mortgage Loans in full.
2. The expiration of fifty (50) years from the first year that a Sponsor is approved for the tax exemption status under this Ordinance.
3. The cessation of the use of the Housing Development for Low Income Person(s) and Families.
4. The cessation of the use of the Qualified Housing Development for Elderly Persons or Elderly Person(s) of Low Income, or a change in the portion of Qualified Housing Development for such persons.

C. Amount of Annual Service Charge. The Annual Service Charge shall be in an amount equal to four percent (4%) of the Annual Shelter Rents or Contract Rents (whichever is applicable) of the preceding calendar year (exclusive of Utilities). Notwithstanding the foregoing, in no event shall the Annual Service Charge, at any time, be less than the property taxes upon the subject property for the tax year prior to the date when construction or rehabilitation was commenced. In no event shall the service charge exceed the *ad valorem* taxes that would be paid by the Housing Development but for the Act and this Ordinance.

D. Limitation on the Payment of Annual Service Charge. The Annual Service Charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt but which is occupied by other than Low Income Persons or Families, Elderly Persons, or Elderly

Person(s) of Low Income shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

E. Payment of Service Charge. The Annual Service Charge as determined herein shall be payable in the same manner as general property taxes are payable to the Township and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The Annual Service Charge payment shall be paid on or before February 14 of each year. The entire tax collection procedure provided by the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, et. seq.) shall be effective with respect to such payment, including, but not by way of limitation, the provisions providing for interest and penalties on late payments, return of delinquent taxes, and the sale of lands for delinquent taxes.

SECTION V.

AMENDMENT OF COMPILED SECTION 270.006 RESOLUTION;
CONTRACTUAL EFFECT.

Compiled Section 270.006, Resolution; Contractual Effect, is hereby amended to read as follows:

270.006 Authorization for Tax Exemption.

Sec. VI.

A. Resolution; Contractual Effect. A Resolution of the Township Board granting tax exemption status (as provided in this Ordinance), authorizing the Annual Service Charge, and the signing of a Municipal Emergency Services Agreement shall be adopted for each Housing Development qualified hereunder. Notwithstanding the provisions of section 15(a)(5) of the Act, to the contrary, a contract between the Township and the Sponsor, with the Authority as third party beneficiary under the contract, to provide tax exemption and accept the Annual Service Charge as previously described herein will be effectuated by enactment of such a Resolution by the Township Board.

B. Municipal Emergency Services Agreement. After approval of a Housing Development under this Ordinance, the Sponsor of such Housing Development shall execute a Municipal Emergency Services Agreement with the Township, in compliance with the terms and provisions of this Ordinance, before the tax exemption is applied. The Municipal Emergency Services Agreement will establish the Annual Service Charge equal to the special assessment imposed on similar facilities in the Township for police and fire services provided by the Township, subject to the limitations provided therein.

SECTION VI. AMENDMENT OF COMPILED SECTION 270.012 INCONSISTENT ORDINANCES.

Compiled Section 270.012, Inconsistent Ordinances, is hereby amended to read as follows:

270.012 Inconsistent Ordinances.

Sec. XII.

All Ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION VII. AMENDMENT OF COMPILED SECTION 270.012 EFFECTIVE DATE.

Compiled Section 270.012, Effective Date, is hereby amended to read as follows:

270.013 Effective Date.

Sec. XIII.

This Ordinance shall take effect upon publication after adoption in accordance with State law.

SECTION VIII. RENUMBERING OF OLD COMPILED SECTIONS XI, SEVERABILITY, XII, INCONSISTENT ORDINANCES AND XIII, EFFECTIVE DATE. Old Compiled Sections 270.010, 270.011 and 270.012, and 270.013 are hereby renumbered as Compiled Sections 270.007, 270.008, 270.009, and 270.010.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

Resolution Proclaiming June 2022 as LGBTQ+ Pride Month

May 24, 2022

WHEREAS, Oshtemo Charter Township is a welcoming community, an exceptional place to live, work, play, learn, build a business, and raise a family; and

WHEREAS, Oshtemo Township recognizes the importance of equality and freedom; and

WHEREAS, our nation was founded on and is guided by a set of principles which include that every person has been created equal, has rights to their life, liberty and pursuit of happiness, and that each shall be accorded the full recognition and protection of the law; and

WHEREAS, Oshtemo Township's Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) community are a vital part of all fields and professionals and contribute to making our community a stronger one; and

WHEREAS, Oshtemo Township is dedicated to fostering acceptance of all of its residents and preventing discrimination, harassment, and bullying based on sexual orientation, gender identity, and expression; and

WHEREAS, Oshtemo Township is strengthened by, and thrives upon, the rich diversity of ethnic, cultural, racial, gender, and sexual identities of its residents; all of which contribute to the vibrant nature of our Township; and

WHEREAS, it is imperative that young people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their peers and community leaders.

NOW THEREFORE BE IT PROCLAIMED, that the Oshtemo Charter Township Board of Trustees, hereby proclaims and recognizes June 2022 as LGBTQ+ Pride Month in Oshtemo Charter Township and urges residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of, equality, liberty, and justice.

A motion was made by _____, and seconded by _____, to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye":

The following voted "Nay":

The following were Absent:

The following Abstained:

The Moderator declared the motion carried and the Resolution duly adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held on May 24, 2022, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ____ day of May, 2022.

Dusty Farmer, Clerk
Oshtemo Charter Township