

**EXHIBIT A**

ORDINANCE NO. 2023-03

ELECTRIC LIEN ORDINANCE

AN ORDINANCE to establish a lien as security for the collection of charges for electricity sold by the City of Holland Board of Public Works to Park Township customers and to provide for the placement of unpaid electric charges on the Township's tax roll and collection in the same manner as Township taxes.

THE TOWNSHIP OF PARK, COUNTY OF OTTAWA, AND STATE OF MICHIGAN,  
ORDAINS:

Section 1. Creation of Lien. Pursuant to the Revenue Bond Act of 1933, as amended, and except as otherwise provided or limited by state law, the Township hereby establishes, as security for the collection of all charges for electric service provided by the City of Holland Board of Public Works (the "BPW"), a lien in favor of the BPW upon the premises in the Township to which such electric services were supplied. Such lien shall become effective immediately upon the distribution or supplying of such electric service or services to such premises. The term "charges for electric service" shall mean the rates, fees, rentals and all other charges for furnishing such service and all repairs, maintenance and alterations of such service which the BPW determines to be the responsibility of the service customer.

Section 2. Entering Lien on Tax Roll. Those charges for electric service which are delinquent for six months or more on August 31 of each year shall be certified by the chief administrative officer of the BPW to the Township. The Township Board shall then certify the charges for electric service that are delinquent six months or more to the Supervisor, who shall enter the lien for such charges on the Township tax roll for that year against the premises to which the services have been rendered. The charges for electric service shall then be collected and the lien shall be enforced in the same manner as provided by law for the collection of taxes upon the roll and the enforcement of the lien for the taxes.

Section 3. Notice of Lease; Security Deposit. If the owner of a premises in the Township which receives electric services provided by the BPW shall lease such premises to a tenant who agrees to be responsible for the payment of the charges for electric service, and such premises owner notifies the BPW, in writing, of such fact, and furnishes a true copy of the lease of the affected premises, if there be one, then the charges for electric service provided to such premises shall not become a lien against the premises after the date on which such notice and a true copy of the lease, if there be one, are received by the BPW.

Immediately after the filing of such notice and lease, if there be one, the BPW, shall be entitled to withhold electric services to the premises until a cash deposit is received by the BPW from the tenant as security for the payment of charges for electric service. The amount of such deposit may be established from time to time by the BPW.

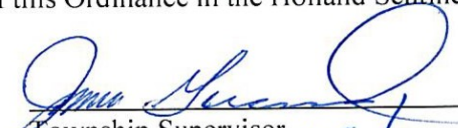
Section 4. Severability. This Ordinance and the various parts, sections, sentences, phrases

and clauses thereof are hereby declared to be severable. If any part, section, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 5. Repeal. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. Administrative Liability. No officer, agent, employee or member of the Township Board shall render himself or herself personally liable for any damage which may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 7. Effective Date. The foregoing Ordinance was approved and adopted by the Township Board on September 14, 2023. This Ordinance shall be effective on \_\_\_\_\_, 2023, which is at least one day after publication of this Ordinance in the Holland Sentinel.

  
\_\_\_\_\_  
Township Supervisor

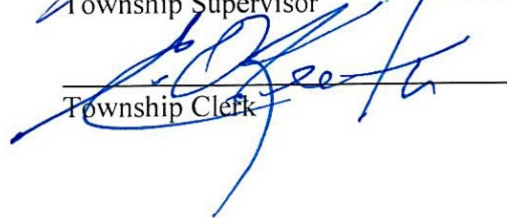
  
\_\_\_\_\_  
Township Clerk

EXHIBIT B

CERTIFICATE

I, Skip Keeter, Clerk for the Township of Park, Ottawa County, Michigan, do hereby certify that the foregoing Park Township Electric Lien Ordinance was adopted at a regular meeting of the Park Township Board held on September 14, 2023.

The following members of the Township Board were present at that meeting:

Gerard ;  
Keeter ;  
Steggerda ;  
DeHaan ; and,  
Spoelhof .

The following members of the Township Board were absent:

Serne ; and,  
Jones .  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Ordinance was adopted by the Township Board with members of the Board

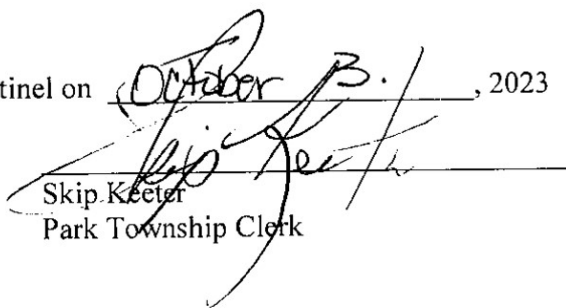
Gerard ;  
Keeter ;  
Steggerda ;  
DeHaan ; and,  
Spoelhof ;

voting in favor and members of the Board

none ;  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and,  
\_\_\_\_\_ .

voting in opposition.

The Ordinance was published in the Holland Sentinel on October 3, 2023

  
\_\_\_\_\_  
Skip Keeter  
Park Township Clerk

## CONTRACT

This Contract ("Contract") is entered into this 14th day of September, 2023 by and between the CITY OF HOLLAND, a Michigan municipal corporation of Ottawa and Allegan Counties, Michigan, acting by and through its BOARD OF PUBLIC WORKS ("BPW"), which has offices located at 625 Hastings Avenue, Holland, Michigan 49423 and the PARK TOWNSHIP, a Michigan general law township and municipal corporation of Ottawa County, whose address is 52 152<sup>nd</sup> Avenue, Holland, Michigan 49424, hereinafter referred to as "Township."

In consideration of the promises below, the parties mutually agree as follows:

### Article 1 - Recitals

1.1) Michigan Public Act 35 of 1951, as amended, authorizes inter-governmental contracts between municipalities for the performance, jointly or by one municipality on behalf of another, of any service which each would have the power to perform separately.

1.2) The BPW has a franchise granted by the Township for the operation of an electrical utility in the Township.

1.3) Pursuant to that franchise, the BPW has electric customers located in the Township.

1.4) Historically the BPW has required that certain electric customers in the Township post a security deposit as a condition of electric service in order to guarantee to the BPW payment for electric service provided.

1.5) The BPW does not require a similar deposit for electric customers located within the City of Holland because, pursuant to state law, City Charter and City ordinance, those charges are a lien on the premises served and because the charges can be collected as part of the City taxes.

1.6) The BPW and the Township are entering into this Contract pursuant to Public Act 35 and the Revenue Bond Act of 1933, as amended, to provide for a lien on the premises served for the charges for electric service provided to Township BPW customers and to provide for the collection of these charges as part of the Township taxes.

### Article 2 - Terms and Conditions

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained in this Contract, it is agreed as follows:

2.1) Ordinance Adoption. Contemporaneously with the entry of this contract the Township shall adopt, and maintain in effect, during the term of this Contract, the Ordinance (the "Ordinance") attached hereto as **Exhibit A**. The Ordinance shall not be amended by the Township during the term of this Contract without the prior written consent of the BPW.

2.2) Implementation of Ordinance. The Township shall implement the terms and provisions of this Ordinance and, pursuant thereto, shall cause the Supervisor to enter the lien for electric charges on the Township tax roll and shall then cause such taxes to be collected by the Township as provided by law. The BPW shall cooperate with the Township in implementing the terms and provisions of the Ordinance.

2.3) Remittance of Collections. Periodically, but no less frequently than monthly, the Township shall remit to the BPW 100 percent of the proceeds of all liens for electric charges placed on the Township tax bill as is provided in Section 2 of the Ordinance. This remittance shall include all interest and penalties which are attributable to the amount of the electric charge that is collected as taxes.

2.4) BPW Notification to Township. The BPW shall advise the Township promptly in writing when any electric charges previously certified to the Township for placement on the tax roll have been paid.

2.5) Termination. This Contract shall have an initial term of 20 years. Thereafter, it shall be automatically renewed for additional terms of 20 years each. However, notwithstanding that the initial term or any renewal term has not expired, either party can terminate this Contract, on 30 days' prior written notice to the other, in the event the other party fails or refuses to perform any of its duties and responsibilities under this Contract. In addition, if it shall become legally impossible for either party to perform its duties and responsibilities pursuant to this Contract, then this Contract shall automatically terminate.

2.6) No Guarantee. This Contract shall not be construed or interpreted as a guarantee by the Township to pay to the BPW any delinquent electric charges. The Township's sole payment obligation to the BPW shall be to remit collections as specified in Section 2.3 above.

2.7) Miscellaneous. This Contract and all rights and obligations hereunder shall not be assignable unless both parties agree in writing to such assignment. This Contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns. This Contract represents the entire understanding and agreement between the parties hereto. All prior oral or written understandings and agreements are specifically merged herein. All exhibits attached hereto are incorporated herein by reference as though fully stated herein.

{Signatures on next page}

IN WITNESS WHEREOF, the parties hereto have executed this Contract.

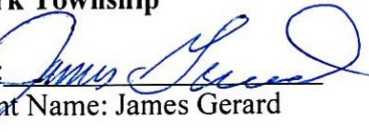
**Holland Board of Public Works**

By: \_\_\_\_\_  
David G. Koster

Its General Manager

Date: \_\_\_\_\_, 2023

**Park Township**

By:   
Print Name: James Gerard

Its Supervisor

Date: September 14, 2023

APPROVED AS TO FORM  
CITY OF HOLLAND

By: \_\_\_\_\_  
Vincent L. Duckworth  
City Attorney

Dated: \_\_\_\_\_

# LOCALIQ

Petoskey News-Review | The Monroe News  
Holland Sentinel | Gaylord Herald Times  
Daily Telegraph | Hillsdale Daily News  
The Daily Reporter | Sturgis Journal  
The Sault News | Cheboygan Daily Tribune

# Order Confirmation

Not an Invoice

<b>Account Number:</b>	710117
<b>Customer Name:</b>	Park Township
<b>Customer Address:</b>	Park Township 52 152ND AVE HOLLAND MI 49424
<b>Contact Name:</b>	Julie Northrup
<b>Contact Phone:</b>	
<b>Contact Email:</b>	inorthrup@parktownship.org
<b>PO Number:</b>	9342977

<b>Date:</b>	09/28/2023
<b>Order Number:</b>	9342977
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
<b>Line Count:</b>	55.0000
<b>Height in Inches:</b>	0.0000

## Print

Product	#Insertions	Start - End	Category
HOL Holland Sentinel	1	10/03/2023 - 10/03/2023	Public Notices
HOL hollandsentinel.com	1	10/02/2023 - 10/02/2023	Public Notices

Order Confirmation Amount

\$137.75

# LOCALiQ

Petoskey News-Review  
The Monroe News | Holland Sentinel  
Gaylord Herald Times | Daily Telegram

PO Box 630491 Cincinnati, OH 45263-0491

## **PROOF OF PUBLICATION**

Park Township  
Park Township  
52 152ND AVE

HOLLAND MI 49424

STATE OF MICHIGAN, COUNTY OF OTTAWA & ALLEGAN

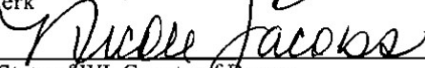
The Holland Sentinel, a newspaper distributed in the counties of Ottawa & Allegan, published in the City of Holland, County of Ottawa, State of Michigan printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

10/03/2023

and that the fees charged are legal.  
Sworn to and subscribed before on 10/03/2023



Legal Clerk



Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	\$137.75	
Order No:	9342977	# of Copies:
Customer No:	710117	1
PO #:	9342977	

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

NICOLE JACOBS  
Notary Public  
State of Wisconsin

## **NOTICE OF ORDINANCE ADOPTION TO THE RESIDENTS OF PARK TOWNSHIP OTTAWA COUNTY, MICHIGAN**

The Park Township Board, at a meeting at the Township Office at 52 - 152nd Avenue, on Thursday, September 14, 2023 approved an Electric Lien Ordinance, [as new section Chapter 34, Article 1 to the Park Township Code] which establishes a lien as security for the collection of charges for electricity sold by the City of Holland Board of Public Works to Park Township customers and to provide for the placement of unpaid electric charges on the Township's tax roll and collection in the same manner as Township taxes. The lien created in favor of the Holland Board of Public Works is upon premises in the Township to which such electric services were supplied and shall become effective immediately upon the distribution or supplying of such electric service or services to such premises as described in the Ordinance. The Ordinance further describes how charges for electric service will be certified as delinquent, placed on the tax roll and collected. The Ordinance also describes how a security deposit may be made by the owner of leased premises in lieu of a lien against such premises.

E. O. Keeter, Clerk  
Park Township  
52 - 152nd Avenue  
Holland, MI 49424  
(616) 399-4520

Dated: September 28, 2023