

EXECUTIVE COMMITTEE

Tuesday, June 15, 2021 – 4:00 p.m.

111 S. Michigan Ave., Rm. 200, Saginaw, MI 48602

VIA ZOOM PER PA 254 of 2020 (MCL 15.263)

Members: Carl Ruth - Chairman, James Theisen, Sheldon Matthews, Michael Webster, Dennis Krafft
Others: Controller, Civil Counsel, Finance Director, Personnel Director, County Clerk, Board Staff

The Executive Committee meeting will be held via Zoom.

As the County Building is closed to the public except by appointment, the meeting is open remotely to allow for participation during the public portion of the meeting, as follows:

County of Saginaw is inviting you to a scheduled Zoom meeting.

Topic: **See Agenda below**

Date/Time: **June 15, 2021 4:00 PM EST**

Join Zoom Meeting: <https://zoom.us/j/8024441727> Meeting ID: **802 444 1727**

INSTRUCTIONS using ZOOM audio conferencing:

Dial: 1 (877) 853-5257 or 1 (888) 475-4499 and enter Meeting ID: **802 444 1727**

- I. Call to Order
- II. Welcome
- III. Correction/Approval of Minutes (*April 20, 2021 Special Meeting – Attached*)
- IV. Public Comment
 - *Speakers limited to 3 minutes*
 - *Please utilize the “Raise Hand” option if on Zoom or *9 if calling in*
- V. Agenda
 1. **Updates from Committee Chairs** (*Minutes to be distributed prior to meeting*)
 - A) Human Services – Jim Theisen, Chair (*Did not meet*)
 - B) Courts & Public Safety – Sheldon Matthews, Chair
 - C) County Services – Michael Webster, Chair
 - D) Budget/Audit – Dennis Krafft, Chair
 - E) Labor Relations – Michael Webster, Chair
 - F) Legislative – Jim Theisen, Chair (*Did not meet*)
 - G) Intergovernmental Cooperation – Jim Theisen, Chair (*Did not meet*)
 2. **Campus Partners 1, [Roger Swets, Saginaw County Bond Counsel], re:**
 - **6-22-36** Submitting a request to hold a Public Hearing and approve a Resolution for the Issuance of Bonds to finance a project for Campus Partners 1 related to acquiring and improving certain charter school facilities within Saginaw County, specifically North Saginaw Charter Academy, 2332 Trautner Dr., Saginaw, MI 48604
- VI. Miscellaneous
- VII. Adjournment

MINUTES

SPECIAL EXECUTIVE COMMITTEE

Tuesday, April 20, 2021 – 3:00 p.m.

111 S. Michigan Ave., Rm. 200, Saginaw, MI 48602

VIA ZOOM PER PA 267 of 1976 and

Local Emergency Declaration dated April 8, 2021

Present: Carl Ruth – Chairman (*Saginaw, MI*), James Theisen (*Thomas Twp, MI*), Sheldon Matthews (*Spaulding Twp., MI*), Michael Webster (*Saginaw, MI*), Dennis Krafft (*Frankenmuth, MI*)

Others: Robert Belleman, Dave Gilbert, Vanessa Guerra, Kyle Bostwick, Jennifer Broadfoot, Hunter Koch, Keaton Rahn, Peter Wiltse, Cynthia Winiecke, Patrick Wurtzel, Cheryl Hadsall, Chris Taylor, Kelly Suppes, Gladys, Jessica Sargent, Judi Lincoln, Justin Pomerville, Kathy Dwan, Kitty Packard, Brian Wendling, Brian Keenan-Lechel, Angie Miller, Andrea, Trent Boyd, AD, Lurasue Holcomb, Mike Hanley, Norm Bamberger, Tom, WSGW – Ric Antonio, Suzy Koeplinger, Cindy Louchart, Sue Arceo

The Special Executive Committee meeting was held via Zoom.

As the County Building is closed to the public, this meeting was held remotely pursuant to and consistent with PA 267 of 1976 and a Local Emergency Declaration dated April 8, 2021.

- I. Call to Order---***Carl Ruth at 3:01 p.m.***
- II. Welcome/Roll-Call w/location---***Roll-call with location was taken by the County Clerk***
- III. Correction/Approval of Minutes (*March 9, 2021 – Attached*) – Motion
---***Moved by Krafft, seconded by Theisen, to approve. Motion carried unanimously.***
- IV. Public Comment---***None***
- V. Agenda
 1. Motion to declare the office of Saginaw County Commissioner, District #1, vacant as of March 25, 2021 because the officeholder is no longer a registered voter of the district as required by law, and acceptance of the resignation of Kathleen K. Dwan as County Commissioner District #1
---***Moved by Krafft (with regret), seconded by Matthews, to approve. Motion carried by unanimous roll-call vote.***
 2. Applicant Interviews*
 - **Hunter Koch**
 - **Keaton Rahn**
 - **Peter Wiltse**
 - **Cynthia Winiecke**
 - **Patrick Wurtzel**

*Chairman Ruth introduced the applicants and stated what the process would be for interviews. Commissioner Webster asked if Civil Counsel has verified that the Executive Committee was following legal procedures. Dave Gilbert advised the Executive Committee is functioning as the nominating committee and will make its recommendation to the full board, along with allowing nominations to come from the floor. These actions track with past practice.

*Interviews with each applicant were held in the order they appear above.

3. Discussion and recommendation of applicants to fill the District #1 vacancy

---Chairman Ruth asked the applicants for their party affiliation and stated the committee members would now discuss the applicants and make a determination

---Jim Theisen stated that because it's the middle of a term he believes a Republican should replace a Republican, just as a Democrat should replace a Democrat. He would nominate Patrick Wurtzel to complete the term because of his background and he brings the most qualifications needed right now.

---Moved by Theisen, seconded by Matthews, to approve a recommendation of two (2) individuals to the full board with the understanding that further nominations can also come from the floor. Motion carried by unanimous roll-call vote.

---Dennis Krafft – "Republicans have been in a minority role for 60 years on the Saginaw County Board of Commissioners (BOC). Republicans and Democrats on this board have a great working relationship and make decisions based on the benefits to Saginaw County residents. And yes, we do represent our constituents as best we can. We have been able to come together and make a decision that is best for the health and well-being of Saginaw County overall. Sometimes it doesn't work quite that well for the constituents in our area, but we've learned how to operate. I feel the same way that Commissioner Theisen does, that because this is a Republican seat right now that it would be best that we have a Republican slate to choose from. I am not trying to slight Democrats at all, but I am just trying to honor how the people of District #1 voted. On that basis I would nominate Pat Wurtzel, second Pete Wiltse as a second candidate."

---Michael Webster – "As we look at the Board as a governing body for the County I hope that we would not be constrained, not be handcuffed by partisan leanings. And, that we look at this as an opportunity to best benefit #1, the County. We would look at candidates as an opportunity to best benefit our Board considering we have to work as a team; we do have to work to resolve issues; we do have to work to move the County forward. So, as we consider candidates we would keep those things in mind in regard to what individual would bring a strong set of qualifications to the table; what individual would bring a strong demeanor of working collaboratively to the table; and what individual would bolster our board if we see that we don't have a skillset or a point of view that is not represented on our board and so we have a great opportunity to add to the value and strength of our board. I would also implore us not to lose sight of that particular opportunity."

---Carl Ruth stated if there is no additional discussion from the committee, the floor is open for nominations for two (2) candidates to move forward to the full board.

---Theisen nominated Patrick Wurtzel

---Matthews nominated Cynthia Winiecke

---Krafft nominated Peter Wiltse

---Carl Ruth announced there are three (3) nominations and asked three (3) times for further nominations. Hearing none, he asked for a motion that nominations be closed and that the Clerk take a roll-call vote on Candidates #1 and #2 for the committee to forward to the full board.

---Moved by Krafft, seconded by Theisen, to close nominations and instruct the Clerk to take a roll-call vote on the nominated candidates. Motion carried unanimously.

---Clerk Guerra announced that a roll-call vote would be taken based on the three (3) nominations and that commissioners, as called, should state the name of the candidate they support. Commissioner's votes are as follows:

- ***Webster – Winiecke***
- ***Matthews – Winiecke***
- ***Theisen – Wurtzel***
- ***Krafft – Wurtzel***
- ***Ruth – Wurtzel***

---Clerk Guerra announced Patrick Wurtzel received the majority of votes as the first candidate and repeated the procedure for the second candidate as follows:

- ***Matthews – Winiecke***
- ***Theisen – Wiltse***
- ***Krafft – Wiltse***
- ***Webster – Winiecke***
- ***Ruth – Winiecke***

---Clerk Guerra announced Cynthia Winiecke received the majority of votes as the second candidate to be forwarded to the full board.

VI. Miscellaneous---***None***

VII. Adjournment---***Moved by Krafft, seconded by Theisen, to adjourn. Motion carried; time being 4:01 p.m.***

Respectfully submitted,
Carl Ruth, Committee Chair
Vanessa Guerra, County Clerk
Suzy Koeplinger, Committee Clerk

MEMORANDUM

TO Board of County Commissioners of Saginaw County

FROM Ballard, Spahr, Bond and Borrower's Counsel

DATE June 10, 2021

RE Background for Resolution approving, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance of Bonds to finance a project for Campus Partners 1

6-22-36

RECEIVED
SAGINAW COUNTY
BOARD OF COMMISSIONERS
2021 JUN 10 PM 5:05

Campus Partners 1 ("CP1") a non-profit corporation organized and existing under the laws of the State of Michigan and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which is exempt from federal taxation under Section 501(a) of the Code, has requested The Industrial Development Authority of The County of La Paz (the "Authority"), an Arizona nonprofit corporation designated a political subdivision of the State of Arizona, to issue its revenue bonds in one or more series (the "Bonds") pursuant to a plan of finance for the project within this jurisdiction described below in an aggregate principal amount not to exceed 15,000,000 as part of a larger scale multi-state project. Proceeds from the sale of the Bonds will be loaned by the Authority to CP1 and its affiliates, all single member limited liability companies and disregarded entities of CP1 (collectively the "Borrower"), to be used to finance or reimburse all or a portion of the costs of a project that consists of the acquisition and improvement of approximately 70 public charter school facilities across the country for use in their school operations, along with the funding of any required reserves and the payment of the costs of issuance of the Bonds. The Borrower will lease the charter school facilities to qualified 501(c)(3) entities or governmental entities.

CP1 requested the Authority to issue the Bonds because the Authority has the ability to issue bonds for projects throughout the country and thus provides an efficient process and cost savings to the Borrower.

In order for the Bonds to be issued on a tax-exempt basis, Section 147(f) of the Internal Revenue Code requires that the applicable elected representative of the governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue is located, approve the bond issue after a public hearing following reasonable public notice. The Board of Commissioners of the County of Saginaw is the applicable elected representative because net proceeds of the financing will be used to acquire and improve certain charter school facilities within the County. For this reason, we are asking the Board to hold a public hearing with respect to the Bonds and approve the attached resolution.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the COUNTY OF SAGINAW, MICHIGAN, will hold a public hearing on June 22, 2021 at 5:00 p.m. local time, via Zoom teleconference open to all members of the public by dialing the toll free number 1-[888]-475-4499 and using Zoom Meeting ID: 802 444 1727 with no passcode in connection with the proposed issuance by The Industrial Development Authority of the County of La Paz (the "Authority") of qualified 501(c)(3) bonds (the "Bonds") as defined in section 145 of the Internal Revenue Code of 1986, as amended (the "Code") in one or more series pursuant to a plan of finance. The hearing is being held pursuant to section 147(f) of the Code.

The Bonds will be issued for the project described below in an aggregate principal amount not to exceed \$15,000,000.

Proceeds of the sale of the Bond which will be issued as qualified 501(c)(3) bonds will be loaned by the Authority to Campus Partners 1 and its affiliates, all single member limited liability companies and disregarded entities of Campus Partners 1 (collectively, the "Borrower") to be used to finance or reimburse all or a portion of the costs of a project that consists of (1) the acquisition and improvement of certain public charter school facilities (the "Charter School Facilities") identified below for use in their school operations at the locations and in the estimated maximum principal amounts listed below; (2) the funding of any required reserves; and (3) the payment of the costs of issuance of the Bonds. The Borrower will lease the Charter School Facilities to qualified 501(c)(3) entities or governmental entities.

<u>Charter School Facility</u>	<u>Location</u>	<u>Maximum Amount in each location</u>
North Saginaw Charter Academy	2332 Trautner Drive, Saginaw, MI 48604-9593	\$15,000,000

All members of the public may attend by telephone by dialing toll free number 1-[888]-475-4499 and using Zoom Meeting ID: 802 444 1727 with no passcode required. Written public comments may be e-mailed to the Saginaw County Board of Commissioners at boc@saginawcounty.com or mailed to 111 S. Michigan Ave., Saginaw, MI 48602.

This notice is published in accordance with, the public notice requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder.

DEBT FINANCINGS OF THE AUTHORITY ARE NOT OBLIGATIONS OF THE COUNTY OF SAGINAW, THE STATE OF MICHIGAN, OR ANY POLITICAL SUBDIVISION THEREOF.

COUNTY OF SAGINAW, MICHIGAN

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF SAGINAW, MICHIGAN**

RESOLUTION NO. ____

APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL
REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO
FINANCE A PROJECT FOR CAMPUS PARTNERS 1

WHEREAS, Campus Partners 1 ("CP1"), has represented that it is a non-profit corporation organized and existing under the laws of the State of Michigan and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which is exempt from federal taxation under Section 501(a) of the Code, and has requested The Industrial Development Authority of the County of La Paz (the "Authority"), an Arizona nonprofit corporation designated a political subdivision of the State of Arizona, to issue its revenue bonds in one or more series pursuant to a plan of finance for the project described below within the County in an aggregate principal amount not to exceed \$15,000,000 (the "Bonds") and to lend the proceeds thereof to CP1 and its affiliates, all single member limited liability companies and disregarded entities of CP1 (collectively, the "Borrower") to be used to finance or reimburse all or a portion of the costs of a project (the "Project") that consists of (1) the acquisition of and improvements to a public charter school facility (the "Charter School Facility") identified below for use in its school operations at the location and in the estimated maximum principal amount listed below; (2) the funding of any required reserves; and (3) the payment of the costs of issuance of the Bonds. CP1 has further represented that the Borrower will lease the Charter School Facility to qualified 501(c)(3) entities or governmental entities, and that the Charter School Facility will be owned by the Borrower as the initial legal owner.

<u>Charter School Facility</u>	<u>Location</u>	<u>Maximum Amount in each location</u>
North Saginaw Charter Academy	2332 Trautner Drive, Saginaw, MI 48604-9593	\$15,000,000

and;

WHEREAS, Section 147(f) of the Code requires that the applicable elected representative of the governmental unit on behalf of which bonds are issued and of each governmental unit having jurisdiction over the area in which any facilities with respect to which financing is to be provided from the net proceeds of such bonds is located, approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, in accordance with Section 147(f) of the Code, a public hearing was held by [this Board] on [DATE] in connection with the issuance of the Bonds at [_____] [by telephone], following [publication][posting] of a notice of such hearing [in newspapers of general circulation in Saginaw County [on this County's website] and [no one from the general public [appeared][commented] at such hearing] [a copy of the minutes of such meeting are attached hereto]; and

WHEREAS, the Saginaw County Board of Commissioners is the applicable elected representative of the governmental unit having jurisdiction over the area in which the Charter School Facility is located.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAGINAW COUNTY THAT:

SECTION 1. The Board of County Commissioners of the County of Saginaw, pursuant to Section 147(f) of the Code, hereby approves the issuance by the Authority of the Bonds in an aggregate principal amount up to \$15,000,000 to finance the Project. The Bonds shall not be in any way a debt or liability of the County of Saginaw and the County of Saginaw shall not have any obligation with respect to the payment of the principal or redemption price of or interest on the Bonds. The County of Saginaw, by adoption of this resolution, assumes no liability to the CP1, the Authority, the Borrower or any other person for any loss or damage that may result from the adoption hereof or from the Project and assumes no responsibility for the Project or any representations made by CP1 to the County.

SECTION 2. The foregoing approval is for the purposes of the applicable provision of the Code as aforesaid, and does not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Project.

SECTION 3. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Board of the County of Saginaw, State of Michigan, at a meeting held on _____, 2021, and that the public notice of the meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Dated: _____, 2021

Clerk, County of Saginaw