

TOWNSHIP OF BIRCH RUN
COUNTY OF SAGINAW, MICHIGAN

At a regular meeting of the Township Board of the Township of Birch Run, held at the Government Room, 11935 Silver Creek Drive, Birch Run, Michigan 48415, on the 10th day of June 2025, at 7:00 p.m.

PRESENT: Herrick, K. Kiessling, R. Letterman, DiBerardino, D. Trinklein Jr., R. Kiessling, A. Letterman

The following preamble and resolution were offered by Clerk R. Kiessling and seconded by Trustee DiBerardino

RESOLUTION NO. 2025-10

**RESOLUTION REGARDING ESTABLISHMENT OF
BUILDING AUTHORITY FOR PROPOSED BIRCH RUN
EXPO CENTER AND MATTERS RELATED THERETO**

WHEREAS, the Township of Birch Run (the “Township”), the Village of Birch Run (the Village”), the Township of Birch Run Downtown Development Authority (the “Township DDA”), and the Village of Birch Run Downtown Development Authority (the “Village DDA”), have examined the feasibility of constructing, acquiring, financing, and operating a proposed Expo Center (the “Project”) to be located on property within both the Township and the Village and within the development districts of the Township DDA and the Village DDA, all within the County of Saginaw (the “County”); and

WHEREAS, the proposed Project would attract businesses, tourists, conventions and gatherings to the County and increase tax revenues to the County, the Township, and the Village for the long-term; and

WHEREAS, the Michigan Legislature previously enacted the Building Authorities Act, Act 31 of the Public Acts of Michigan of 1948, as amended (“Act 31”), to provide for the incorporation of authorities for the purpose of acquiring, furnishing, equipping, owning,

improving, enlarging, operating and maintaining a building or buildings, automobile parking lots or structures, including recreational facilities, and the necessary site or sites therefore, together with appurtenant properties and facilities necessary or convenient for the effective use of the facilities, for use for any legitimate public purpose of a county, city, village, or township, the use of any combination of 2 or more counties, cities, villages, or townships; and

WHEREAS, the Legislature also enacted the Excise Tax on Business of Providing Accommodations statute, Act 263 of the Public Acts of Michigan of 1974, as amended (“Act 263”), to permit counties and local units of government to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests, and to provide for the disposition of the proceeds of the excise tax; and

WHEREAS, Act 31 and Act 263 provide a means to fund the acquisition, construction, operation, and maintenance of a facility such as the proposed Project; and

WHEREAS, in accordance with and pursuant to Act 263, the County has adopted Ordinance No. 103, adopted June 15, 1976, amended thereafter, and imposed such an excise tax; and

WHEREAS, the Township and the Village may establish a building authority pursuant to and in accordance with Act 31 for the construction, acquisition, financing, and operation of the Project (the “Joint Building Authority”); and

WHEREAS, the ability of the County to utilize a portion of the revenues from the levy of the County excise tax levied pursuant to and in accordance with Act 263 is of critical importance to the success and viability of the Project and the intended benefits thereof, including attracting businesses, tourists, conventions and gatherings to the County and increasing tax revenues to the County, the Township, and the Village; and

WHEREAS, to attract businesses, tourists, conventions and gatherings to the County and increase tax revenues to the County, the Township, and the Village over the long term, it is necessary for the County, the Joint Building Authority, and the Township, Village, and the Township DDA and Village DDA (as necessary), to enter into a long-term agreement, in accordance with Act 263, for the use of the excise taxes to pay for all or a portion of the costs of the construction, acquisition, and financing of the Project; and

WHEREAS, to attract businesses, tourists, conventions and gatherings to the County and increase tax revenues to the County, the Township and the Village for the long-term, it is the intent of this Township Board to establish a Joint Building Authority to undertake the Project with the support of the County and a commitment by the County to enter into the necessary agreement(s) with respect to the use of excise taxes to pay for the costs of the construction, acquisition, and financing of the Project.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

1. The Township Board hereby determines that it is in the best interest of the Township to undertake the Project, subject to the provisions of this resolution.
2. The Township Board hereby declares its intent to work cooperatively with the Village of Birch Run (and the Township DDA and Village DDA, as necessary) to establish the Joint Building Authority under the provisions of Act 31 to provide for the construction, acquisition, financing, and operation and maintenance of the Project.
3. The Township Board requests the County Board to adopt a resolution: (a) supporting the construction, acquisition, financing and operation of the Project, (b) supporting the establishment of the Joint Building Authority, and (c) committing to allocation of a portion of the County Act 263 excise tax revenues to attract businesses, tourists, conventions and gatherings to

the County and increase tax revenues to the County, the Township and the Village for the long-term to support the construction, acquisition, and financing of the Project by the Joint Building Authority, subject to the negotiation, approval and execution of an agreement between the County, the Joint Building Authority, and the Township, the Village, the Township DDA, and the Village DDA (all as necessary) to that effect.

4. The Township recognizes that the establishment of the Joint Building Authority is contingent upon certain commitments from the County, requiring the negotiation, approval, and execution of an agreement between the County, the Township, the Village, the Township DDA, and Village DDA (all as necessary). Accordingly, Township officials, with the assistance of legal counsel, are directed to proceed as necessary to support the establishment of the Joint Building Authority, including discussions with the County Board and negotiation, execution, and delivery of a long-term Agreement with the County, the Township, the Village, the Township DDA, and Village DDA (all as necessary) with respect to the use of Act 263 excise tax revenues, subject to discretionary approvals by the Township Board.

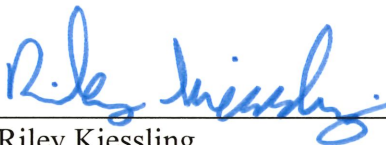
5. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

YEAS : Herrick, R. Letterman, DiBerardino, D. Trinklein Jr., R. Kiessling, A. Letterman,

NAYS: K. Kiessling

ABSENT: None

RESOLUTION DECLARED ADOPTED.

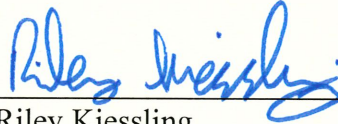


Riley Kiessling
Township Clerk

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township at a regular meeting on June 10th, 2025, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1986, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the 11th day of June 2025.



Riley Kiessling
Township Clerk



