

RESOLUTION CERTIFICATION

At a regular meeting of the Evangeline Township Board, Charlevoix County, held in the Evangeline Township Hall, located at 02746 Wildwood Harbor Road, Boyne City, Michigan, on June 3, 2002, at 7:30 P.M.

PRESENT: Adams, Coateight, Howell, Lory, Shields
ABSENT: X


It was moved by Howell and supported by Coateight that the following Resolution be adopted:

(See attached EVANGELINE TOWNSHIP RESOLUTION)

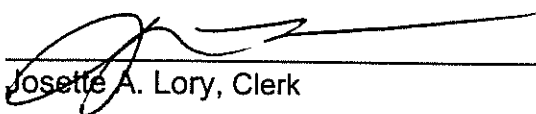
YES: Adams, Coateight, Howell, Lory, Shields
NO: X

RESOLUTION DECLARED ADOPTED.

EVANGELINE TOWNSHIP

By: 
R. Douglas Shields, Supervisor

I, the undersigned, the Clerk of the Township of Evangeline, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Evangeline Township Board of said County at its regular meeting held on June 3, 2002, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act.

Dated: 8/6/02

Josette A. Lory, Clerk

Note: The Resolution and this Resolution Certification should be placed in the Township Resolution Book.

Minutes of the regular meeting of the Evangeline Township Board held at the Evangeline Town Hall, Wildwood Harbor Road, on Monday, June 3, 2002.

JUNE 3, 2002
EVANGELINE
TOWNSHIP BOARD

Supervisor Shields called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

CALL TO ORDER

Board present: Treasurer Jodie Adams, Trustee Michelle Cortright, Trustee James Howell, Clerk Josette Lory, Supervisor Douglas Shields.

ROLL CALL

Public: There were four residents in attendance.

**MEETING
ATTENDANCE**

Cortright moved, Howell seconded approval of the May 13, 2002 Township Board minutes as amended.

**APPROVAL OF
MINUTES**

Residents in the Pine Hurst Shores area, represented by Mike and Ralph (Judy) Stowe, are requesting road improvements to Pine Hurst Shores/Pine Boulevard through the creation of a special assessment district.

**SPECIAL
ASSESSMENT
REQUEST FOR PINE
HURST SHORES**

The township will obtain a current estimate from the County Road Commission as well as contact the Township Attorney for direction on this process.

**ROAD
IMPROVEMENTS**

The May treasurer's report was submitted noting a total of \$282,618.51 in the general fund for May 2002. Lory moved, Cortright seconded approval of the May 2002 treasurer's report as presented. This general fund figure reflects the general checking and operating fund.

**TREASURER'S
REPORT**

Roll Call

Aye: Adams, Cortright, Howell, Lory, Shields.

Nay: None.

Abstain: None.

Absent: None.

Motion Carried.

Review of accounts payables. Shields moved, Lory seconded a motion to approve the June 3, 2002 payables, as amended, in the amount of \$3,370.71.

**ACCOUNTS
PAYABLE**

Roll Call

Aye: Cortright, Howell, Lory, Shields, Adams.

Nay: None.

Abstain: None.

Absent: None.

Motion Carried.

Verbal report received from Supervisor Shields regarding gravel work on Springwater Beach Road and progress on the location of a dry hydrant in the Pine Hurst Shores area (Nelson Road/Chris Park/Pine Boulevard).

**REPORTS OF
OFFICERS**

Written reports from Planner/Zoning Administration Chuck Stewart and the Township Planning Commission were received.

The board received conceptual park design presentations from Site Planning Development, Inc. for Kim Park and Glenwood Beach Park.

Suggestions: In the Glenwood Beach area include one handicap parking space.

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to accept the conceptual design plans as presented for Kim Park and Glenwood Beach Park, and direct Site Planning Development, Inc. to prepare design plans so the Township may pursue bids for park improvements.

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to adopt the Fire Clean-up Resolution and Procedures for Evangeline Township as presented. (Insert resolution here.)

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to accept the Charlevoix County Road Commission contract for Springwater Beach and Terrace Roads at an estimated cost of \$7,402.50.

Howell moved, Lory seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Nuisance Ordinance as presented. (Insert ordinance here.)

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Lake Access and Parks Ordinance as presented. (Insert ordinance here.)

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Dangerous Structures Ordinance as presented. (Insert ordinance here.)

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to approve the proposed Kim Park temporary entrance and barrier structure as presented, with the addition of reflectors.

The next regular meeting of the Evangeline Township Board is scheduled for Monday, July 1, 2002, at 7:30 p.m.

Shields moved, Adam seconded a motion to adjourn the Monday, June 3, 2002, Evangeline Township Board meeting at 9:30 p.m.

**CONCEPTUAL
PARK DESIGNS
GLENWOOD BEACH
KIM PARK**

**FIRE CLEAN-UP
RESOLUTION**

**SPRINGWATER
BEACH/TERRACE
ROAD
IMPROVEMENTS**

**NUISANCE
ORDINANCE**


**LAKE
ACCESS/PARKS
ORDINANCE**

**DANGEROUS
STURCTURES
ORDINANCE**

**TEMPORARY
ENTRANCE/BARRIER
AT KIM PARK**

NEXT MEETING

**MEETING
ADJOURNED**



Josette A. Lory, Evangeline Township Clerk

**EVANGELINE TOWNSHIP
RESOLUTION NO. 1 OF 2002**

WHEREAS, the provisions of Act 495 of the Public Acts of 1980 provide that a portion of certain casualty losses from fire or explosion otherwise payable by insurers may be withheld in escrow by certain municipalities in order to secure the repair, replacement or removal of damaged structures (Act 495 program) when said structures are in violation of the Evangeline Township health or safety standards; and

WHEREAS Evangeline Township has determined that participation in such a program would be beneficial to the public health, safety and welfare and wishes to be included in the list of participating municipalities published by the Michigan Commissioner of Insurance; and

WHEREAS Evangeline Township desires to implement all procedures necessary to administer this program by i) designating the official responsible for administering the program and ii) establishing an escrow account for said program.

BE IT THEREFORE RESOLVED:

1. That Evangeline Township does hereby become a participating municipality in the Act 495 program, and does hereby declare its intention to apply the provisions of that program to all property within the township.
2. That the township clerk is designated as the official responsible for the Act 495 program and the compliance with the rules promulgated by the Michigan Commissioner of Insurance.
3. That the party designated in paragraph 2, above, shall establish an escrow account with _____ for the purpose of receiving and holding deposits of money received from insurers pursuant to the Act 495 program, which account shall be separately maintained from all other township accounts, and which may be an interest bearing account.
4. That the township official set forth in paragraph 2, above, is authorized to execute such documents as are required to enroll the township in the Act 495 program, including but not limited to form INS 376.

EVANGELINE TOWNSHIP

By: _____

R. Douglas Shields, Supervisor

By: _____

Josette A. Lory, Clerk

Fire Insurance Settlement Withholding Plan

Enrollment and Notification

Please type or print clearly

Michigan Insurance Bureau
Research and Analysis Division
PO Box 30220
Lansing MI 48909-7720
Ph. (517)373-2984

Name of Municipality	Type of Municipality (choose one) <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township	Located in the Michigan County of:
Name and title of Contact Person		
Contact Person complete address	Please enroll this municipality in the Fire Insurance Settlement Withholding plan.	
Contact Person phone number (with area code) ()	Authorized signature _____ Date signed _____	
	Signer's name and title, typed or printed	

P.A. 495 of 1980 requires submission of this information by municipalities that wish to enroll in the Fire Insurance Settlement Withholding Plan

NOTICE REQUIREMENTS AND TIMEFRAMES OF P.A. 495

1. A municipality adopts a resolution electing to apply the provisions of P.A. 495.
 2. The municipality notifies the state insurance commissioner of election. The commissioner prepares and maintains a current list of all participating municipalities which is sent to all insurance companies transacting property insurance in the state.
 3. The insurance commissioner notifies the municipality and all relevant insurance companies of the effective date for the municipality to begin applying the law. The effective date must be at least 30 days after insurance companies receive notice.
 4. A claim is filed with an insurer for a loss occurring in a participating municipality after the effective date as determined by the insurance commissioner.
 5. A judgment or settlement is reached.
 6. The insurer withholds the lesser of:
 - a. 15% of the actual cash value of the judgment; or
 - b. 15% of the final settlement
 7. The insurer sends notice of the withholding to:
 - a. Municipality
 - b. Insured
 - c. Mortgagees
 8. The municipality has 15 days from the above notice to show cause for the withholding by having the chief fire official prepare an affidavit that the insured property violates relevant standards. The municipality must forward the affidavit to:
 - a. Insured
 - b. Insurer
 - c. Mortgagees
 - d. Court of judgment (if any)
- If the municipality fails to show cause within 15 days, the insurer must pay the withheld amount to the insured.**
9. The insurer, upon receipt of affidavit, forwards the withheld amount to the municipality's treasurer.
 10. The insurer sends notice of forwarding to:
 - a. Insured
 - b. Mortgagees

11. The municipality places the withheld amount in an escrow account. The account may be interest bearing and the municipality may use the interest to defray expenses.
12. If a mortgagee submits a written request showing mortgage on insured property is in default, the municipality may release all or part of the withheld proceeds to the mortgagee within (but not later than) 10 days of receiving request.

NOTE: A municipality may cease to apply this law upon not less than 30 days written notice to the insurance commissioner and for a period of not less than six months. the commissioner shall determine the effective date of the cessation which must be at least 30 days after notice of cessation is received by appropriate insurance companies. Losses occurring before the effective cessation date remain subject to the provisions of this law.

13. The municipality has 30 days after escrowing the withheld amount to apply to circuit court for an order establishing its rights to the escrowed proceeds. **If the municipality fails to apply for declaratory relief within the 30 days, the municipality must pay withheld amount to the insured.**
14. Pursuant to a court order, the municipality may hold the withheld amount in escrow for 445 days (approximately one year, 2½ months) from the date of receiving the proceeds from the insurer, unless (within the 445) one of the following occurs:
 - a. The chief fire official receives proof that the insured structure has been repaired or replaced, in which case any amount not needed to complete the repair or replacement must be returned to the insured;
 - b. The chief fire official receives proof that the insured structure has been removed in compliance with local code requirements, in which case the withheld amount must be returned to the insured;
 - c. The chief fire official receives proof that the insured has entered a contract for repair, replacement or removal services, **and the insured consents to the municipality paying funds directly to the contractor**, in which case the withheld amount will be paid **only to the contractor** with any unused portion returned to the insured.
15. If 445 days pass without the occurrence of one of the above conditions for release of the withheld amount, the municipality may use the proceeds to secure the necessary repair, replacement, or removal in accordance with local codes. Any unused proceeds must be returned to the insured.