

ARTICLES OF INCORPORATION
OF THE
NORTHEAST INGHAM EMERGENCY SERVICE AUTHORITY

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ARTICLES OF INCORPORATION
OF THE
NORTHEAST INGHAM EMERGENCY SERVICE AUTHORITY

These Articles of Incorporation are adopted by the incorporating municipalities for the purpose of creating an emergency service authority pursuant to the provisions of Public Act 57 of 1988 (“Emergency Services Act”), being section 124.601, *et seq.* of the Michigan Compiled Laws.

ARTICLE I: NAME

The name of the Authority shall be the Northeast Ingham Emergency Service Authority (the “Authority”).

ARTICLE II: PURPOSE

The Authority is organized to provide “emergency services” as defined in the Emergency Services Act, including, but not limited to, providing apparatus, equipment, personnel and/or services for fire protection, fire suppression, ambulance service, inhalator service, emergency medical service, rescue service or any other emergency health or safety service authorized by contract between the Authority and one or more incorporating or contracting municipalities. The purpose of the Authority is not for profit.

ARTICLE III: INCORPORATING MUNICIPALITIES

The incorporating municipalities at the time of creation of the Authority are as follows:

Township of Locke

Township of Leroy

Village of Webberville

Township of Wheatfield

City of Williamston

Township of Williamstown

All of the incorporating municipalities at the time of creation of this Authority are located within the County of Ingham, State of Michigan.

Any county, city, village, or township may hereafter become a part of the Authority by amendment to the Authority's Articles of Incorporation, adopted by the legislative body of the municipality that desires to become an incorporating municipality and by the legislative body of every current incorporating municipality of the Authority.

ARTICLE IV: TERRITORIAL JURISDICTION

The Authority's jurisdiction shall be comprised of the total territory within the incorporating municipalities. This article shall not prevent the Authority from providing emergency services by contract or mutual aid arrangement to areas outside its jurisdiction or to prevent an incorporating municipality from contracting with other emergency service providers for service within the Authority's jurisdiction.

ARTICLE V: EXISTENCE AS A BODY CORPORATE

The Authority shall be a body corporate, with power to sue or be sued in any court of this state. The duration of the existence of the Authority shall be perpetual unless dissolved by act of the parties or by law, provided however that the Authority shall not be dissolved if such dissolution could operate as an impairment of any of its contracts. The governing board of the Authority may adopt a corporate seal, and may alter the seal, and use it by causing it or a facsimile to be affixed, impressed, or reproduced in any other manner.

ARTICLE VI: POWERS

The Authority possesses all the powers necessary to carry out the purposes of its incorporation, and those incident to those purposes. The enumeration of any powers in these articles shall not be construed as a limitation upon the Authority's general powers. The enumerated powers of the Authority are:

A. Acquisition and ownership of property.

The Authority may acquire real or personal property, or an interest in real or personal property, either within or without its corporate limits, by purchase, lease, gift, bequest, devise, condemnation or any other lawful means. The Authority may hold, manage, control, sell, convey, lease, exchange, transfer, or otherwise dispose of any of its property by any lawful means. The Authority may mortgage, pledge or create a security interest in any of its property by any lawful means. For the purpose of condemnation, it may proceed under Public Act 149 of 1911, being sections 213.1 to 213.25 of the Michigan Compiled Laws, and the Uniform Condemnation Procedures Act, Public Act 87 of 1980, being sections 213.51 to 213.77 of the

Michigan Compiled Laws.

B. General power to contract

Subject to the provisions of paragraphs C and D, the Authority may enter into any contract with any other entity not prohibited by law, including, without limitation: contracts with private individuals, corporations, partnerships, associations or entities; intergovernmental contracts between municipal corporations under Public Act 35 of 1951, being section 124.1, *et seq.*, of the Michigan Compiled Laws; contracts under the urban cooperation act of 1967, Public Act 7 of 1967 (Ex. Sess.), being section 124.501, *et seq.*, of the Michigan Compiled Laws; contracts to provide police or fire apparatus, equipment, or personnel or police or fire protection pursuant to section 6(3) of Public Act 33 of 1951, as amended, being section 41.806(3) of the Michigan Compiled Laws; and contracts to provide ambulance or inhalator services pursuant to section 1 of Public Act 50 of 1960, as amended, being section 41.711 of the Michigan Compiled Laws.

C. Contracts with incorporating municipalities for providing emergency services

The Authority may enter into a contract with any incorporating municipality for the provision of emergency services in the incorporating municipality for a period not exceeding 30 years. The emergency services may be established or funded in conjunction with any municipal emergency services, and any municipal emergency service may be delegated by contract to the Authority. The charges specified in a contract shall be subject to increase by the Authority, if necessary, in order to provide funds to meet its obligations. Provided, however, that existing contracts between the county sheriff's department and any incorporating municipality shall remain in effect for the lifetime of those contracts.

D. Contracts with non-incorporating municipalities for providing emergency services

The Authority may also enter into contracts with a city, village, or township that is not an incorporating municipality, for a period not exceeding 30 years except that the charges for services under a contract with a non-incorporating municipality may be greater than the charges to an incorporating municipality, and shall be subject to change from time to time without notice.

E. Officers, employees and agents

The Authority may elect, appoint or hire officers, employees, and other agents, prescribe their duties, fix their compensation and the compensation of members of the Board, and indemnify members of the Board, officers, employees and agents.

1. Transferred employees

Any employees of a municipal emergency service whose duties are transferred to the Authority and any members and beneficiaries of any pension or retirement system or other benefits established by a municipal emergency service that is transferred to the Authority shall have the rights specified in section 10 of the Emergency Services Act.

2. Collective bargaining

The Authority may bargain collectively and enter into agreements with labor organizations pursuant to the Public Employment Relations Act, Public Act 336 of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws. If the duties of a municipal emergency service are transferred to the Authority, the provisions of section 10 of the Emergency Services Act regarding any existing labor agreements and the representation of transferred employees for collective bargaining shall apply.

F. Volunteers

The Authority may accept the services of volunteers, prescribe their duties, fix their compensation and indemnify them.

G. Bylaws and rules

The Authority may adopt bylaws and rules of administration to accomplish the purposes of these Articles and the Emergency Services Act. Bylaws shall be adopted by the affirmative vote of not less than two-thirds of the members of the Board entitled to vote.

H. Grants, loans, or contributions

The Authority may apply for and accept grants, loans, or contributions from the federal government or any of its agencies, the state, or other public or private agencies to be used for any of the purposes of the Emergency Services Act. and to do any and all things within its express or implied powers necessary or desirable to secure that financial or other aid or cooperation in the carrying out of any of the purposes of the Emergency Services Act.

I. Investigation of needs, etc

The Authority may investigate emergency services requirements, needs, and programs and engage, by contract, consultants as may be necessary and cooperate with the federal government, state, political subdivisions, and other authorities in those investigations.

J. Obtaining services

The Authority may, subject to the terms and conditions prescribed in the Emergency Services Act and sub-article E of this Article, hire or contract with employees, attorneys, accountants, consultants and others as the Authority considers necessary to carry out the purposes of the Authority.

ARTICLE VII: LEVY OF PROPERTY TAXES

The Authority may levy a tax on all of the taxable property within the limits of the Authority for the purposes of these articles and the Emergency Services Act. The tax authorized under this article shall not be levied without the approval of a majority of the registered electors residing in the jurisdiction of the Authority and qualified to vote and voting on the tax at a general or special election. The election may be called by resolution of the Board. The election shall be conducted in accordance with section 12 of the Emergency Services Act, being section 124.612 of the Michigan Compiled Laws, and other applicable law. Each municipal clerk and all other municipal officials of an incorporating municipality shall undertake those steps necessary to properly submit the proposition to the electors of the incorporating municipality at the election specified in the resolutions of the Authority. Not more than one election may be held in the Authority in a calendar year for approval of the tax authorized under this article.

The taxes authorized by this article may be levied at a rate not to exceed five (5) mills and for a period as determined by the Authority in the resolution calling the election and as shall be set forth in the proposition submitted to the electors PROVIDED HOWEVER that any resolution calling for an election on any general purpose millage that would cause the cumulative total of all general purpose millage to exceed two (2) mills, or calling for an election on any special purpose millage, shall require the unanimous affirmative vote of all members of the Board entitled to vote. For purposes of these articles, “general purpose millage” means millage designated for meeting the costs of administering the Authority or providing emergency services that are available and generally useful throughout the geographic jurisdiction of the authority, including but not limited to, basic ambulance service for individuals and fire protection for residential

structures. For purposes of these articles, “special purpose millage” means millage intended for meeting the cost of providing services, personnel or equipment that is of unique or disproportionate value to an identifiable geographic area significantly smaller than the entire geographic jurisdiction of the Authority or of unique or disproportionate value to a type of structure or activity not found generally throughout the entire geographic jurisdiction of the Authority. Special purpose millage includes, but is not limited to, millage intended to pay for equipment or training to deal with hazards associated only with uses or structures that are unlawful outside the industrial zoning districts.

The tax rate authorized by this article shall be levied and collected as are all ad valorem property taxes in the state, and the recording officer of the Authority shall at the appropriate times certify to the proper tax assessing or collecting officers of each tax collecting municipality the amount of taxes to be levied and collected each year by each municipality. The Authority shall determine on which tax roll, if there is more than one, of each incorporating municipality that the taxes authorized by this section shall be collected. Each tax assessing and collecting officer and each county treasurer shall levy and collect the taxes certified by the Authority and shall pay those taxes to the Authority by the time provided in section 43 of the general property tax act, Public Act 206 of 1893, being section 211.43 of the Michigan Compiled Laws.

ARTICLE VIII: LIMITATIONS ON POWERS

A. Political action

The Authority shall be non-partisan and shall not take part in or lend its influence, either directly or indirectly, to the nomination, election or appointment of any candidate for public

office, nor shall it sponsor or participate in any meetings of a political nature, except for millage elections or issues regarding public safety or directly affecting its operations.

B. Service districts.

Service districts shall be as established by Authority and the individual municipalities served. The Authority shall not prevent or hinder an incorporating municipality from contracting with other emergency service providers for service within the Authority's jurisdiction.

For services funded by general purpose millage, if requested by an incorporating municipality, the Authority shall endeavor to provide service of equivalent quality and on similar terms to all locations within its jurisdiction. If the Authority is unwilling or unable to directly provide a particular service funded by general purpose millage to an area within the geographical jurisdiction of the Authority, the Authority shall either: (1) contract with another entity or entities to provide an equivalent level of service in the unserved area or (2) contract with the incorporating municipality having jurisdiction over the unserved area to obtain service from another source. In the latter case, the Authority shall remit to the affected municipality the portion of general purpose millage levied against properties located in the area not served by the Authority that is attributable to the unprovided service. General purpose millage attributable to services provided by the Authority shall not be remitted.

This sub-article shall not be construed to preclude or restrict the ability of the Authority to provide services not funded by general purpose millage.

ARTICLE IX: GOVERNING BODY

The Authority shall be governed by a Board which shall have full and complete authority

for the operation of the Authority. The Board shall be composed and shall function as follows:

A. Membership

The Board shall consist of one regular member and one alternate member appointed by the governing body of each incorporating municipality. In the event that there are an even number of incorporating municipalities, there shall be, in addition, one member-at-large and one alternate member-at-large appointed by the Board. Alternate members may attend all meetings of the Board but may vote only if the regular member from the alternate's appointing municipality is absent or unable to vote on a particular matter due to a conflict of interest.

1. Appointment

Each member of the Board shall be appointed for a term of four (4) years, except where adjustment is necessary to obtain staggered terms. All municipally appointed members shall be qualified electors of their appointing municipalities. A member-at-large shall be a qualified elector residing within the Authority's jurisdiction. All members shall take the oath of office required by Art. 11, § 1 of the Michigan Constitution prior to assuming their duties.

2. Removal

Any member of the Board, appointed by an incorporating municipality as its representative, may be removed at any time for cause or without cause by action of the governing body of the appointing municipality. A member-at-large may be removed at any time for cause or without cause by majority vote of the Board, from which vote the member-at-large shall abstain.

B. Voting

Unless specifically stated otherwise in these Articles or in applicable law, all actions taken by the Board shall require approval of not less than a simple majority of the members of

the Board entitled to vote.

C. Quorum

No action shall be taken except at a meeting at which a quorum of members of the Board entitled to vote is present. A quorum shall consist of not less than a majority of the duly appointed voting members of the Board.

D. Meetings

1. Regular meetings

Regular meetings of the Board shall be held not less than quarterly in accordance with a schedule of meetings adopted, changed (if necessary) and posted in accordance with the provisions of the Open Meetings Act, Public Act 267 of 1976, as amended, being sections 15.261, *et seq.* of the Michigan Compiled Laws.

2. Rescheduled and special meetings

Regular meetings may be rescheduled by the Board. Special meetings may be called by the Chairperson, or by any two (2) members of the Board. Except in the case of regularly scheduled meetings or in the case of an emergency or where waived by the members, notice of the time, place and matters to be discussed shall be given to each member of the Board at least 48 hours in advance of such meeting and posted in accordance with the provisions of the Open Meetings Act. In the case of an emergency, notice shall be given by phone or in person as may be practical. Any member of the Board may waive notice in writing, either before or after the meeting, and attendance of a meeting by a member of the Board shall be deemed waiver of notice by such member.

3. Open Meetings Act compliance

All meetings of the Board shall be held and notice provided in accordance with the Open Meetings Act.

E. Rules of procedure

The Board may adopt rules of procedure for the conduct of its meetings. In the event that rules shall not be adopted by the Board, the Chairperson shall conduct the meeting as he/she shall see fit, provided that the meeting is conducted in accordance with the provisions of these Articles and applicable law.

F. Fiscal year

The Board shall by resolution establish the fiscal year of the Authority.

G. Financial procedures

The Board shall provide by resolution for the depositing of money coming into the hands of the Treasurer and the making and drawing of checks and drafts against the funds of the Authority. The Board shall determine by resolution the procedures and persons responsible for performing the financial transactions of the Authority.

ARTICLE X: OFFICERS

The Board shall select a Chairperson, Vice-chairperson, Secretary and Treasurer to serve for such terms as shall be established by the Board. The officers shall have the following duties and authority in addition to such other duties and authority as shall be established by the Board from time to time:

A. Chairperson

The Chairperson shall preside at all meetings of the Board and shall sign all contracts on behalf of the Authority. The Chairperson shall be elected from among the regular members of the Board.

B. Vice-Chairperson

The Vice-Chairperson shall exercise all duties and authority of the Chairperson in the absence of the Chairperson. The Vice-Chairperson shall be elected from among the regular members of the Board.

C. Secretary

The Secretary shall keep all minutes of the meetings of the Board and all of the records of the Board and shall co-sign all contracts on behalf of the Authority. The Secretary shall certify any records of proceedings of the Authority that so require. The office of Secretary and Treasurer may be held by the same individual. The Secretary may or may not be a regular or alternate member of the Board.

D. Treasurer

The Treasurer shall receive, deposit, invest and reinvest all funds of the Authority. The Treasurer shall keep accurate financial records and shall keep all members of the Board reasonably apprized of the financial status of the Authority at intervals established by the Board. The Treasurer, before entering upon the duties of the office, shall give a bond to the Authority in the sum and with such sureties as the Board shall require and approve, conditioned on the faithful discharge of the duties of the office and further conditioned that the Treasurer will account for and pay over according to law all money that comes into the Treasurer's hands as Treasurer. The Treasurer shall deposit the

funds of the Authority in such banks or depositories authorized by statute for the deposit of public funds as the Board shall direct. The Treasurer may or may not be a regular or alternate member of the Board.

ARTICLE XI: RESIDENT AGENT AND PRINCIPAL OFFICE

A. Principal office

The principal office of the Authority shall be located at 627 East Grand River Avenue, Williamston, Michigan 48895, or at such other location within its jurisdiction as the Board shall from time to time establish by resolution.

B. Mailing address

The mailing address of the Authority shall be Post Office Box 29, Williamston, Michigan 48895, or at such other location within its jurisdiction as the Board shall from time to time establish by resolution.

C. Resident agent

The name of the initial resident agent of the Authority for purposes of accepting service of process is Mr. Kirt Hunt. The resident agent may be changed as the Board shall from time to time provide by resolution.

ARTICLE XII: RECORDS

All records of the Authority shall be maintained by the Secretary and made available to the public in accordance with the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended, being sections 15.231, *et seq.* of the Michigan Compiled Laws.

ARTICLE XIII: AUDITS

The Board shall commission a Certified Public Accountant to conduct an annual financial audit following the end of each fiscal year. In addition to furnishing copies of the audit to any appropriate federal and state agencies, copies of the audit shall be furnished to each member of the Board and to the Clerk of each incorporating municipality.

ARTICLE XIV: WITHDRAWAL OF INCORPORATING MUNICIPALITIES

An incorporating municipality may withdraw from the Authority by resolution of the municipality's legislative body approving the withdrawal. A municipality that withdraws from the Authority shall continue to be subject to any tax levied in its jurisdiction under section 12 of the Emergency Services Act for the duration of the period of that tax as determined pursuant to section 12(3) of the Emergency Services Act.

Employees of the Authority who perform emergency services in the jurisdiction of a municipality that withdraws from the Authority shall be protected in relation to the municipality to the same extent as employees of an incorporating municipality are protected in relation to the Authority under section 10 of the Emergency Services Act.

A municipality that withdraws from the Authority shall remain liable for a proportion of the debts and liabilities of the Authority incurred while the municipality was a part of the Authority. The proportion of the Authority's debts for which a municipality is liable under this subsection shall be determined by dividing the state equalized value of the real property in the municipality by the state equalized value of all real property in the Authority at the time of the withdrawal. The withdrawing municipality shall not be entitled to return of any property or funds donated or conveyed to the

Authority nor to any setoff or credit for property or funds donated or conveyed, unless otherwise specifically provided in a written agreement between the Authority and the withdrawing municipality.

A municipality that withdraws from the Authority shall remain liable to the Authority for the performance of any contracts in effect between the withdrawing municipality and the Authority unless otherwise specifically provided in a written agreement between the Authority and the withdrawing municipality.

ARTICLE XV: DISSOLUTION

The Authority may be dissolved upon a two-thirds majority vote of the members of the Board, provided, however, that the dissolution shall be effective only if ratified in writing by the governing bodies of two-thirds of the incorporating municipalities.

Should this Authority be dissolved, all outstanding obligations shall be liquidated within one hundred eighty (180) days of the termination date.

Upon termination or dissolution of the Authority, assets of the Authority in excess of its liabilities shall be distributed pursuant to unanimous agreement by the incorporating municipalities, provided, however, in the event such agreement cannot be reached, they shall be distributed as follows:

A. Real property

Real property shall be sold and the proceeds applied to the outstanding liabilities of the Authority.

B. Equipment and personal property:

Equipment and personal property shall be sold or disbursed among the incorporating

municipalities with each receiving value approximately equal to its determined equity in the capital assets of the Authority. The equity of the incorporating municipalities shall be determined by the ratio which the then current state equalized value of each bears to the total state equalized value of all the incorporating municipalities.

C. Surplus funds:

All surplus funds shall be disbursed to the participating municipalities in accordance with the average percentage contribution for operating expenses to the Authority made over the duration of the Authority.

D. Property on loan:

Property on loan to the Authority shall be returned to the loaning party in accordance with the terms of the loan.

E. Leased personal property:

Property leased shall be disposed of in accordance with the provisions of the lease and any outstanding obligations shall be shared in a manner consistent with the provisions of Article XIV.

ARTICLE XVI: DISPUTE RESOLUTION PROCEDURE

Any dispute or disagreement between any of the incorporating municipalities, regarding the terms of or interpretation of these Articles of Incorporation, or any other matter involving the operation of the Authority or involving the rights and liabilities of the parties upon withdrawal from or dissolution of the Authority, shall be resolved by binding arbitration. The municipalities involved in any dispute shall select a single arbitrator, who shall be empowered to take such testimony and receive such evidence as he or she deems appropriate. In the event that the designation of an

arbitrator cannot be agreed upon, each of the municipalities involved may submit a name to the then presiding Chief Circuit Court Judge for the County of Ingham, who shall select the arbitrator. The decision of the arbitrator shall be final in all respects, and may be affirmed by Circuit Court order. The costs of the arbitrator shall be paid by parties involved in the dispute, pro rata based on each municipality's percentage of the state equalized value for municipalities involved in the arbitration proceeding.

ARTICLE XVII: AMENDMENTS TO THESE ARTICLES

Amendments to these Articles may be made if adopted by the legislative body of each and every incorporating municipality. An amendment shall be endorsed and published, and certified printed copies shall be filed in the same manner as the original articles of incorporation, except that the filed printed copies shall be certified by the recording officer of the Authority.

ARTICLE XVIII: PUBLICATION, PRINTING, CERTIFICATION AND FILING

Mr. Mark R. Adams is hereby charged with the responsibility of causing these Articles of Incorporation to be published and printed copies to be certified and filed as provided in Section 2 of the Emergency Services Act.

ARTICLE XIX: EFFECTIVE DATE

The Authority shall become effective at 12:01 a.m. on July 1, 1998.

CERTIFICATION OF INCORPORATING MUNICIPALITIES

IN WITNESS WHEREOF, each of the incorporating municipalities has adopted these Articles of Incorporation by lawful action of its legislative body and has caused the following certification to be endorsed on these Articles of Incorporation by its duly authorized officials in accordance with Section 2 of the Emergency Services Act.

TOWNSHIP OF LEROY

The foregoing articles of incorporation were adopted by the Township Board of Leroy Township, Ingham County, Michigan, at a meeting of said Township Board duly held on the 8th day of June, 1998.

Neil R. West
Township Supervisor

Wilma Whitehead
Township Clerk

TOWNSHIP OF LOCKE

The foregoing articles of incorporation were adopted by the Township Board of Locke Township, Ingham County, Michigan, at a meeting of said Township Board duly held on the 2nd day of June, 1998.

William Harris
Township Supervisor

Dorothy Hart
Township Clerk

VILLAGE OF WEBBERVILLE

The foregoing articles of incorporation were adopted by the Village Council of the Village of Webberville, Ingham County, Michigan, at a meeting of said Village Council duly held on the 1st day of June, 1998.

Allen Hale
Village President

Rosa Jones
Clerk of the Village

TOWNSHIP OF WHEATFIELD

The foregoing articles of incorporation were adopted by the Township Board of Wheatfield Township, Ingham County, Michigan, at a meeting of said Township Board duly held on the 9th day of June, 1998.

Harold Curtis
Township Supervisor

Pat Stoney
Township Clerk

CITY OF WILLIAMSTON

The foregoing articles of incorporation were adopted by the City Council of the City of Williamston, Ingham County, Michigan, at a meeting of said City Council duly held on the 26th day of May, 1998.

James DeForest
Mayor

Alan M. Dolley
Clerk of the City

TOWNSHIP OF WILLIAMSTOWN

The foregoing articles of incorporation were adopted by the Township Board of Williamstown Township, Ingham County, Michigan, at a meeting of said Township Board duly held on the 2nd day of June, 1998.

Norman P. Obst
Township Supervisor

Shirley A. Graham
Township Clerk

CERTIFICATION

I, Mark R. Adams, the person charged with the responsibility of causing these articles of incorporation to be published and printed copies to be certified and filed as provided in section 2 of the Emergency Services Act, hereby certify that:

1. The foregoing is a true copy of the Articles of Incorporation of the Northeast Ingham Emergency Service Authority as executed by the duly authorized officials of the incorporating municipalities;
2. The text of the foregoing Articles of Incorporation was published in the Williamston Enterprise, a newspaper circulating within the territory of the authority, on the _____ day of _____, 1998.

Mark R. Adams