

ORDINANCE NO. 290-17
~~2017~~

VILLAGE OF BANCROFT
(Enacted August 9, 2017)

ORDINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY

The Village of Bancroft Ordains:

Section 1. Title.

This Ordinance shall be known and may be cited as the "Downtown Development Authority Ordinance."

Section 2. Definitions.

The terms used in this Ordinance shall have the same meaning as given to them in Act 197 of 1975 being Michigan Compiled Law 125.1651 et seq. or as hereafter defined provided, unless the context clearly indicates to the contrary. As used in this Ordinance:

- 2.1. "Authority" shall mean the Bancroft Downtown Development Authority.
- 2.2. "Act 197" shall mean Act No 197 of the Public Acts of Michigan of 1975 as now in effect and hereafter amended, being Michigan Compiled Law (MCL) 125.1651 et seq.
- 2.3. "Board" shall mean the governing body of the Authority.
- 2.4. "Business district" means an area in the downtown of the Village zoned and used principally for business.
- 2.5. "Council" or "Village Council" shall mean the Bancroft Village Council.
- 2.6. "Downtown District" means that part of an area in a business district that is specifically designated by ordinance as now existing or hereafter amended, of the governing body of the municipality pursuant to Act 197.
- 2.7. "Development area" means that area to which a development plan is applicable as specifically designated by ordinance as now existing or hereafter amended.

Section 3. Creation and Purpose.

- A. In order to implement the intent of the Village of Bancroft's Resolution to Create the Bancroft Downtown Development Association passed on February 22, 2017 and pursuant to Michigan Compiled Law 125.1652 (MCL 125.1652), there is hereby created a downtown development authority (DDA) for the Village of Bancroft. The Authority shall be a public body corporate and shall be known and exercise its power under the title of the "Bancroft Downtown Development Authority."
- B. The Authority shall develop the plans necessary or appropriate which, in the opinion of the Village Council, aids in the economic growth of the developmental area. Once the plans are approved by the Council, the Authority shall implement any plans for development in the developmental area necessary to achieve the purpose determined by the Village through its adoption of such plans and other purposes as provided in Act 197.

Section 4. Description of Downtown District and Developmental Area.

Pursuant to MCL 125.1658 and MCL 125.3815, the Downtown District, shall be the Village limits of the Village of Bancroft, County of Shiawassee, and the State of Michigan and more precisely described as provided in the legal description and the map outlining the Village boundaries, both attached as Exhibit A. The developmental area shall include the highlighted area in the map attached as Exhibit B.

Section 5. Establishment of Governing Board.

- 5.1 Membership qualifications, terms, vacancy, compensation and expenses, chairperson.

The Authority shall be supervised and controlled by a Board consisting of the President of the Village of Bancroft and not less than eight, nor more than 12 other members, none of whom may simultaneously be members of the Village Council. The members of the Board shall be appointed by the President subject to the approval of the Village Council. Not less than a majority of the members of the Board shall be persons having an interest in property located in the development area or officers, members, trustees, principals, or employees of a legal entity having an interest in property located in the development area. At least one of the members shall be a resident of the development area, if the development area has 100 or more persons residing within the development area. Of the members first appointed, an equal number of members as near as is practicable, shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. Thereafter each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the President for the remainder of that unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for all actual and necessary expenses. The chairperson of the Board shall be elected by the members of the Board.

5.2 Oath.

Before assuming the duties of the office, a member shall qualify by taking and subscribing to the Constitutional oath of office.

5.3 Open Meetings Act, Compliance; Rules; Special Meetings.

The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with Act No. 267 of the Public Acts of 1976 (Open Meetings Act), being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976. The Board shall adopt rules consistent with Act No. 267 of the Public Acts of the 1976 governing its procedure and the holding of regular meetings, subject to the approval of the Council. Special meeting may be held when called in the manner provided in the rules of the Board. The Board shall meet on second Monday of each month, unless changed by Resolution of the land.

5.4 Removal of Board Members for Cause; Judicial Review.

Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the Village Council. Removal of a member is subject to review by the Circuit Court.

5.5 Expenses and Financial Records, Open to Public.

All expenses items of the Authority shall be publicized monthly and the financial records shall be open to the public.

5.6 Freedom of Information Act, Compliance.

In addition to the items and records prescribed in subsection 5.5 above, a writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws (Freedom of Information Act).

Section 6 Board Officers and Personnel.

6.1 Director; Oath and Bond, Chief Executive Officer; Powers and Duties; Report; Acting Director.

The Board may employ and fix the compensation of a director, subject to the approval of the Village Council. The director shall serve at the pleasure of the Board. A member of the Board is not eligible to hold the position of the director. Before entering upon the duties of the office, the director shall take and subscribe to the Constitutional oath, and furnish bond, by posting a bond in the penal sum of Five Thousand Dollars payable to the Authority for use and benefit of the Authority, approved and filed with the Village Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for

expenses of operation. The director shall be the chief executive officer of the Authority. Subject to the approval of the Board, the director shall supervise and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this Ordinance and Act 197. The director shall attend the meetings of the Board, and shall render to the Board and to the Village Council a regular report covering the activities and financial condition of the Authority. If the director is absent, or disabled, the Board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires.

6.2 Treasurer; Duties; Bond.

The Board may employ and fix the compensation of a treasurer, who shall keep the financial records of the Authority and who, together with the director, shall approve all vouchers for expenditure of funds of the Authority. The treasurer shall perform such other duties as may be delegated to him or her by the Board and shall furnish bond in an amount as prescribed by the Board.

6.3 Secretary; Duties.

The Board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the Board and keep a record of its proceedings, and shall perform such other duties delegated by the Board.

6.4 Legal Counsel; Duties.

The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority. The Village Attorney shall be the Attorney for the DDA, unless a conflict arises as defined by law. In which case, the Board shall hire, subject to the approval of the Village Council, a separate attorney for the limited purpose of providing representation on the issue in conflict.

6.5 Other Personnel.

The Board may employ other personnel deemed necessary by the Board.

Section 7. Powers of the Board.

The Board may exercise any powers provided in MCL 125.1657, being section 7 of the Downtown Development Authority Act.

Section 8. Funds.

8.1 Sources.

The activities of the Authority shall be financed from one or more of the following sources:

- a. Donations to the Authority for the performance of its functions.

- b. Proceeds of a tax imposed pursuant to section 12 of Act 197.
- c. Moneys borrowed and to be repaid as authorized by section 13 of Act 197.
- d. Revenues from any property, building or facility owned, leased, licenses or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.
- e. Proceeds of a tax increment financing plan, established under sections 14 to 16 of Act 197.
- f. Moneys obtained from other sources approved by the Village Council.

8.2 Deposit and Payment of Moneys.

Moneys received by the Authority and not covered under subsection 8.1 shall immediately be deposited to the credit of the Authority, subject to disbursement pursuant to this Ordinance. Except as provided in this Ordinance, the Village shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than moneys received by the Village pursuant to this section, for, or on account of the activities of the Authority.

Section 9. Fiscal Year; Adoption of Budget; Financial Reports.

- 9.1 The fiscal year of the Authority shall begin on March 1st of each year and conclude at the end of the last day of February of the following year, or such other fiscal year as may hereafter be adopted by the Village Council.
- 9.2 The Board shall annually prepare a budget and submit that budget to the Village Council on the same date that the proposed budget for the Village is required to be submitted to the Village Council. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Village Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds. The Village Council shall approve all amendments to the budget.
- 9.3 The Authority shall submit financial reports to the Village Council as requested by the Village Council. The Authority shall be audited at the same time and by the same independent auditor auditing the Village accounts and copies of the audit report shall be filed with the Village Council.

Section 10. Termination of Authority.

An Authority that has completed the purposes for which it was organized shall be dissolved by an ordinance of the Village Council. The property and assets remaining after the termination shall belong to the Village of Bancroft.

Section 11. Severability.

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are declared to be severable.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon publication and the filing of a copy of the same with the Secretary of State.

Section 13. Repealer.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Adopted at a regular meeting of the Bancroft Village Council on the 9th day of August, 2017.

Moved by: Bible

Seconded by: Barnum

Yeas: Barnum, Bible, Terpening, A. Miller

Nays: Green, Beebe

Absent: R. Miller


Randy Beebe, Village President

CLERK'S CERTIFICATION

I certify that the above is a true and complete copy of Ordinance No. 290-17, adopted by the Village Council at a meeting held on the 9th day of August 2017, and published in the Argus Press on the 18th day of August, 2017.


Karen Cole, Village Clerk

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