

TOWNSHIP OF BYRON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Byron, held in the Township Hall, 8085 Byron Center Avenue, Byron Center, Michigan, on the 23rd day of January, 2006, at 7:00 p.m.

PRESENT: Members: Burgess, Houseman, A. Nevins, P. Nevins, Slot, Wustman

ABSENT: Members: Hondorp

The following ordinance was offered by Member Tim Slot and supported by Member Paul Nevins

ORDINANCE NO. 464

**AN ORDINANCE TO ESTABLISH THE BYRON TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY AND TO
DESIGNATE THE BOUNDARIES OF AUTHORITY DISTRICT NO. 1**

WHEREAS, the Township held a public hearing on November 14, 2005, at 7:00 p.m., at the Township offices, to consider the establishment of a downtown development authority and the designation of the boundaries of a downtown district (the "District") in accordance with Act 197 of the Public Acts of 1975, as amended ("Act 197");

WHEREAS, notice of the November 14, 2005 public hearing was duly given by publication on October 18 and October 25, 2005, in the *South Advance*, by first-class mail, directed to the property taxpayers within the proposed District, by certified mail directed to the governing body of each taxing jurisdiction levying taxes that would potentially be subject to capture, and by posting in 20 conspicuous and public places within the proposed District, pursuant to Act 197;

WHEREAS, at the public hearing the Township Board heard public comments concerning the establishment of the Authority and the boundaries of the proposed District, and concerning related matters;

WHEREAS, a description of the land within the proposed District was included in the notices of public hearing described above; and

WHEREAS, it is necessary and in the public interest of the Township and its residents to proceed under Act 197 to establish a downtown development authority and to designate the boundaries of a downtown district.

NOW, THEREFORE, THE TOWNSHIP OF BYRON ORDAINS:

Section 1. *Establishment and Name.* A downtown development authority, designated the Byron Township Downtown Development Authority (the “Authority”), is hereby established, pursuant to and in accordance with Act 197. The Authority shall be a public body corporate which may sue and be sued in any court of the State of Michigan.

The Authority is established in order to accomplish the public purposes enumerated in Section 1a of Act 197 including, without limitation, the use of tax increment financing and other permitted means to halt property value deterioration, to increase property tax valuation where possible in the District, to eliminate the causes of property value deterioration and to promote economic growth in the District.

The Authority shall be deemed an instrumentality of a political subdivision for purposes of Act 227 of the Public Acts of Michigan of 1972, as amended.

Section 2. *Downtown District.* The boundaries of the District within which the Authority shall exercise its powers are described on Exhibit A, attached hereto. The District shall be known as Byron Township Downtown Development Authority District No. 1. The Township shall not incorporate additional property into the District without notice and public hearing pursuant to Act 197.

Section 3. *Powers.* To accomplish the public purposes set forth in Section 1, the Board of the Authority may do the following:

- (a) Prepare an analysis of economic changes taking place in the District.
- (b) Study and analyze the impact of metropolitan growth upon the District.
- (c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the District.
- (d) Plan, propose and implement an improvement to a public facility within the District to comply with the barrier free design requirements of the State Construction Code.
- (e) Develop long-range plans, in cooperation with the Township Planning Commission, designed to halt the deterioration of property values in the District and to promote the economic growth of the District, and take such steps as may be necessary to encourage property owners to implement the plans to the fullest extent possible.
- (f) Implement any plan of development in the District necessary to achieve the purposes of Act 197, in accordance with the powers of the authority as granted by Act 197.
- (g) Make and enter into contracts necessary for or incidental to the exercise of its powers and the performance of its duties.
- (h) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper, and own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights and interests therein, which the Authority determines is reasonably necessary to achieve the purposes of this ordinance, and to grant or acquire licenses, easements and options with respect thereto.
- (i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building or structure, including multiple family

dwellings, and any necessary or desirable appurtenances thereto, within the District for uses permitted by Act 197.

(j) Establish, charge and collect fees, rents and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for the payment of revenue bonds issued by the Authority.

(k) Lease any building, structure or other property under its control, or any part thereof.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

(n) Issue bonds and otherwise finance the authorized activities of the Authority pursuant to the terms and conditions of Act 197.

(o) In general, exercise such other powers which are or hereafter may be conferred by law upon an authority organized pursuant to Act 197, as amended.

Section 4. *Board.* The Authority shall be under the supervision and control of a Board consisting of the Township Supervisor and 10 members. Members shall be appointed by the Township Supervisor, subject to the approval of the Township Board. Not less than a majority of the members shall be persons having an interest in property located in the District. If the Downtown District has 100 or more persons residing within it, at least one of the Board members shall be a resident of the Downtown District.

(a) Terms. Each member of the Board shall serve for a term of four years except that of the members first appointed, an equal number of the members, as near as practicable, shall be appointed for 1 year, 2 years, 3 years and 4 years, respectively. A member shall hold office until the member's successor is appointed. The supervisor shall serve a term that is concurrent with that

person's term as supervisor. The Township Board may remove a member of the Authority Board for cause, after due notice and an opportunity to be heard.

(b) Vacancies. An appointment to fill a vacancy on the Board shall be made by the Township Supervisor for the unexpired portion of the term.

(c) Compensation. Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(d) Chairperson. The Board shall elect a chairperson.

(e) Oath of Office. Before assuming the duties of office, each member shall qualify by taking and subscribing to the constitutional oath of office.

(f) Rules of Procedure. The Board shall adopt rules governing its procedure and the convening of regular and special meetings, subject to the approval by the Township Board. Meetings of the Board shall be open to the public in accordance with the Michigan Open Meetings Act.

(g) Public Records. Records of the Authority, including financial records, shall be open to the public in accordance with the Michigan Freedom of Information Act.

(h) Director. The Board, in its discretion, may employ and fix the compensation of a Director, subject to the approval of the Township Board. The Director shall serve at the pleasure of the Board. The Director shall furnish bond in an amount prescribed by the Board. A member of the Board is not eligible to hold the position of Director. 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. Before assuming the duties of office, a Director shall qualify by taking and subscribing to the constitutional oath of office.

(i) Treasurer. One of the Board Members may be elected Treasurer of the Authority, or the Board may employ and fix the compensation of a Treasurer. The Treasurer shall keep the financial records of the Authority and perform other duties delegated by the Board. The Treasurer shall furnish bond in an amount prescribed by the Board.

(j) Secretary. One of the Board Members may be elected Secretary of the Authority or the Board may employ and fix the compensation of a Secretary. The Secretary shall maintain custody of the records, books, documents and other papers not required to be maintained by the Treasurer. The Secretary shall attend meetings of the Board, keep a record of its proceedings and perform other duties delegated by the Board.

(k) Legal Counsel. The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel may represent the Authority in actions brought by or against the Authority.

Section 5. *Taking, Transfer and Use of Private Property.* The Township may take private property under Act 149 of the Public Acts of Michigan of 1911, as amended, and other applicable statutes, for the purpose of transfer to the Authority. The Township may transfer such property to the Authority on terms and conditions it deems appropriate, and the taking, transfer and use shall be considered necessary for a public purpose and for the benefit of the public.

Section 6. *Fiscal Year.* The Authority shall operate on the basis of a fiscal year beginning January 1 and ending December 31.

Section 7. *Budget.* The Board of the Authority shall prepare and approve a budget for the operation of the Authority for the ensuing fiscal year, subject to the approval of the Township Board, in accordance with Act 197. The budget shall generally contain the types of financial information included in Township budgets.

