

ORDINANCE NO. 99-326

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF TAYLOR, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

THE CITY OF TAYLOR ORDAINS:

Section 1. Title. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the City of Taylor.

Section 2. Determination of Necessity; Purpose. The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the City, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

Section 3. Definitions. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

"Authority" means the Taylor Downtown Development Authority created by this ordinance.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, as amended.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City.

"City" means the City of Taylor, Michigan.

"Council" or "City Council" means the City Council of the City.

"Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

Section 4. Creation of Authority. There is hereby created pursuant to Act 197 a downtown development Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "TAYLOR DOWNTOWN DEVELOPMENT AUTHORITY". The Authority may adopt a seal, may sue and be sued in any

court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Termination. Upon completion of its purposes, the Authority may be dissolved by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

Section 6. Description of Downtown District. The Downtown District shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

Section 7. Board of Directors. The Authority shall be under the supervision and control of the Board. The Board shall consist of the Chief Executive Officer and 12 members. Members shall be appointed by the Chief Executive Officer, subject to approval by the Council. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than 1 of the members shall be a resident of the Downtown District, if the Downtown District has 100 or more persons residing within it. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt Bylaws governing its procedures subject to the approval of the Council. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of One Hundred Dollars (\$100.00) payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the City.

Section 8. Powers of Authority. Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

Section 9. Fiscal Year; Adoption of Budget.

(a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the Council.

(b) The Board shall prepare annually a budget and shall submit it to the Council for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the 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.

(c) The Authority shall submit financial reports to the Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall be filed with the Council.

Section 10. Section Headings; Severability; Repealer. Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication, Recording and Filing. This ordinance shall be published once after its adoption in full in The News-Herald, a newspaper of general circulation in the City of Taylor and the City Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

Section 12. Effective Date. This ordinance shall take effect immediately upon its publication.

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 99-326 duly adopted by the City Council of the City of Taylor, County of Wayne, State of Michigan, at a regular meeting held on April 6, 1999, 1999, and 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, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

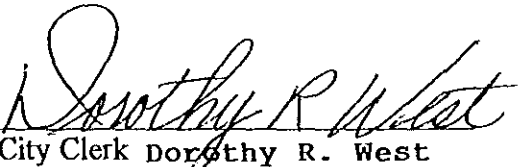
I further certify that the following Members were present at said meeting Rilley, McDermott, Geiss, Chorkaluk, Bzura and that the following Members were absent Molner, Ettore.

I further certify that Member Rilley moved adoption of said Ordinance and Member Chorkaluk supported said motion.

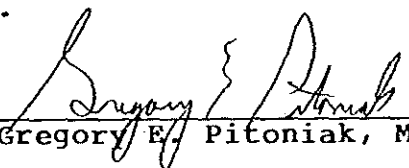
I further certify that the following Members voted for adoption of said Ordinance Bzura, Rilley, McDermott, Geiss, Chorkaluk, and that the following Members voted against adoption of said Ordinance None.

Unanimously adopted.

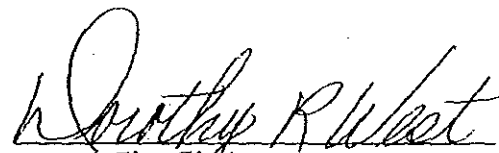
Resolution No. 4.271-99

  
City Clerk Dorothy R. West  
City of Taylor

I hereby approve the foregoing Ordinance.

  
Gregory E. Pitoniak, Mayor

I hereby certify that the foregoing ordinance received legal publication in The News-Herald on \_\_\_\_\_ and April 11, 1999 and that a certified copy of the foregoing ordinance was filed with the Michigan Secretary of State on April 20, 1999.

  
City Clerk

Dorothy R. West  
City of Taylor

EXHIBIT A

The boundaries for the proposed downtown district within which the downtown development authority shall exercise its powers are properties adjoining Goddard Road between Telegraph and Allen Roads with ID#'s as follows:

|              |              |              |              |
|--------------|--------------|--------------|--------------|
| 033990017000 | 033990018000 | 035010208000 | 035010209000 |
| 035010210000 | 035010211000 | 035010212005 | 035010213004 |
| 035010214005 | 035010215005 | 035010267000 | 035010270002 |
| 035010273001 | 035020001001 | 035020002002 | 035020031300 |
| 035020033000 | 035020034000 | 035020035000 | 035020036000 |
| 035020037000 | 035020038000 | 035020039000 | 035020040000 |
| 035020068302 | 035020069000 | 035020070000 | 035020071000 |
| 035020072000 | 035990006000 | 035990007000 | 036010001000 |
| 036010003000 | 036010004000 | 036010005000 | 036010006000 |
| 036010007000 | 036010008000 | 036010010000 | 036010011302 |
| 036010016300 | 036990001001 | 036990001002 | 039020001000 |
| 039020003300 | 039020004002 | 039020005002 | 039020036303 |
| 039020037004 | 039020038000 | 039020040000 | 039020041000 |
| 039020042000 | 039020043000 | 039020044003 | 039990001000 |
| 039990003000 | 039990004000 | 039990005000 | 039990006000 |
| 039990009000 | 039990013000 | 039990014002 | 039990015000 |
| 040010041001 | 040010042001 | 040010043001 | 040010044001 |
| 040010045001 | 040010046001 | 040010047001 | 040010048003 |
| 040010048004 | 040010054003 | 040990013000 | 040990014000 |
| 040990016000 | 040990017000 | 040990018000 | 040990019000 |
| 040990020000 | 040990021000 | 040990022000 | 040990023000 |
| 040990024002 | 040990025000 | 040990026000 | 040990048000 |
| 040990049000 | 057020001000 | 057020003000 | 057020005000 |
| 057020006000 | 057020008000 | 057020009300 | 057020011000 |
| 057020012000 | 057020013000 | 057020014000 | 057020015000 |
| 057030001000 | 057030003000 | 057030004300 | 057030006000 |
| 057040021000 | 057040022000 | 057040066000 | 057040067000 |
| 057990001000 | 057990002000 | 057990005000 | 058010001001 |
| 058010015001 | 058010020001 | 058010023001 | 058010024001 |
| 058010026001 | 058010029001 | 058010031001 | 058010032001 |
| 058010035302 | 058010041001 | 058010042001 | 058010043301 |
| 058010049302 | 058010050303 | 058010053001 | 058010054301 |
| 058010058001 | 058010305000 | 058030001300 | 058030003000 |
| 058030004000 | 058030005000 | 058030006000 | 058030007000 |

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|              |              |              |              |
|--------------|--------------|--------------|--------------|
| 058990001000 | 058990020000 | 058990022000 | 058990030000 |
| 061010132000 | 061010140001 | 061010254001 | 061010255001 |
| 061010256001 | 061010257001 | 061010258001 | 061010259001 |
| 061010261001 | 061020396000 | 061020397000 | 061020398000 |
| 061020399000 | 061020460004 | 061020460005 | 061020462005 |
| 061020464001 | 061020498002 | 061020499002 | 061020500306 |
| 061020500307 | 061020502001 | 061020503000 | 061020504001 |
| 061020504002 | 061020540006 | 061020541307 | 061020542004 |
| 061020543000 | 061990001003 | 061990002000 | 062010001000 |
| 062010002000 | 062010003000 | 062010068000 | 062010069000 |
| 062010072300 | 062020068000 | 062020069000 | 062020099000 |
| 062990001000 |              |              |              |

DELIB:2034382.1\088758-00047

declare its intention to create and provide for the operation of an authority.

**Public hearing on adoption of ordinance and boundaries, notice, manner, contents; individual rights; incorporation and elimination of lands.]** (2) In the resolution of intent, the governing body shall set a date for the holding of a public hearing on the adoption of a proposed ordinance creating the authority and designating the boundaries of the downtown district. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 nor more than 40 days before the date of the hearing. Notice shall also be mailed to the property taxpayers of record in the proposed district not less than 20 days before the hearing. Failure to receive the notice shall not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed downtown district. A citizen, taxpayer, or property owner of the municipality has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed downtown district. The governing body of the municipality shall not incorporate land into the downtown district not included in the description contained in notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.

**Adoption of ordinance; subject to applicable statutory or charter provisions; filing and publication.]** (3) After the public hearing, if the governing body of the municipality intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members, an ordinance establishing the authority and designating the boundaries of the downtown district within which the authority shall exercise its powers. The adoption of the ordinance is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of an ordinance over his veto. This ordinance shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

**Alteration or amendment of boundaries.]** (4) The governing body of the municipality may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district in accordance with the same requirements prescribed for adopting the ordinance creating the authority. (MCL § 125.1653.)

**§ 5.3010(3a) Downtown district; managing authority; obligations; bonds; effectivity.]** Sec. 3a. If a downtown district is part of an area annexed to or consolidated with another municipality, the authority managing that district shall become an authority of the annexing or consolidated municipality. Obligations of that authority incurred under a development or tax increment plan, agreements

related to a development or tax increment plan, and bonds issued under this act shall remain in effect following the annexation or consolidation. (MCL § 125.1653a.)

History. Added by Pub Acts 1985, No. 159, imd eff November 15.

**§ 5.3010(4) Board, membership; qualifications; terms; vacancy; compensation and expenses; chairperson.]** Sec. 4.

(1) [Except as provided in subsections (7) and (8),] an authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and not less than 8 or more than 12 members as determined by the governing body of the municipality.

Members shall be appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.

**Oath of office.]** (2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

**Open Meetings Act, compliance; rules; special meetings.]** (3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, 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 No. 267 of the Public Acts of 1976. The board shall adopt rules consistent with Act No. 267 of the Public Acts of 1976 governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

**Removal of board member for cause; judicial review.]** (4) 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 governing body. Removal of a member is subject to review by the circuit court.

**Expenses and financial records; open to public.]** (5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

