

Chapter 16

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* **State Law References:** Downtown Development Authority Act 197 of 1975, MCL 125.1651 et seq.

** **Dissolution- State Law References:** Downtown Development Authority Act 197 of 1975, MCL 125.1680.

CHAPTER 16; DOWNTOWN DEVELOPMENT AUTHORITY

- Sec. 16-1** **Title:** This Ordinance shall be known as the “Downtown Development Authority Ordinance” of the Village of Elsie.
- Sec. 16-2** **Purpose:** The purpose of this Ordinance is to create a public body corporate to act in the best interest of the Village, to halt property value deterioration, increase property tax valuation where possible in the business district of the Village, eliminate the cause of the deterioration, and to promote economic growth pursuant to Act 197 of the Public Acts of 1975.
- Sec. 16-3** **Definitions:** The terms used herein shall have the same meaning as given them in Act 197 or as hereinafter in this section provided. Unless the context clearly indicates to the contrary and shall be in addition to the terms provided in Act 197.
- (1) “DDA” means the Village of Elsie Downtown Development Authority.
 - (2) “Act 197” means Act 197 of the Public Acts of Michigan of 1975 as now in effect or hereinafter amended.
 - (3) “Village” means the Village of Elsie, Clinton County.
 - (4) “Council” means the Village Council of the Village of Elsie.
 - (5) “Downtown District” means the downtown district designated herein.
- Sec. 16-4** **Creation of Authority.** There is hereby created pursuant to Act 197 the Village of Elsie Downtown Authority. The DDA shall be a public body corporate and shall be known and exercise its power under title of “Village of Elsie Downtown Development Authority.” The DDA may adopt a seal, may sue or be sued in any court of this State, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided herein and in Act 197. The enumeration of a power herein or in Act 197 shall not be construed as a limitation upon the general powers of the DDA.
- Sec. 16-5** **Description of Downtown District:** The Boundaries of the downtown district in which the DDA shall exercise its power as provided by Act 197 are hereby established as shown on the downtown development authority map (Exhibit A”) and which, with all notations, references and other information shown thereon, shall be as much part of this Chapter as fully described herein.
- Sec.16- 6** **Board:** The DDA shall be under the supervision and control of a Board consisting of the Village President and 8 members. The

members shall be appointed by the President subject to approval by the Village Council. Eligibility for membership on the Board and terms of office shall be provided in Act 197. All members shall hold office until the member's successor is appointed.

- Sec. 16-7** **Bylaws:** The authority shall adopt bylaws consistent with the requirements of Act 197, and in substantial compliance with the bylaws attached to this ordinance as "Exhibit B."
- Sec. 16-8** **Powers of the DDA:** As provided in Act 197, the DDA shall prepare plans for the downtown development district. The DDA must obtain Village Council approval of all financial plans. The DDA shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197 of the Public Acts of 1975.
- Sec.16- 9** **Termination:** Upon completion of its purposes, the DDA may be dissolved by the Village council. The property and assets of the DDA after dissolution and satisfaction of its obligations shall revert to the Village.

(Ord. of, § IX, 8-3-92)

Secs. 16-10--6-25. Reserved.

Article II

An Ordinance to dissolve the Downtown Development Authority for the Village of Elsie pursuant to the provisions of Act 197 Public Acts of Michigan of 1975, as amended; to transfer the property and assets of the said Authority to the general fund of the Village of Elsie after the satisfaction of the obligations of the said Authority; and providing for other matters related thereto.

Sec. 16-25 Termination Purposes

The Village of Elsie Board of Trustees hereby determines that it is in the best interest of the public to dissolve the Downtown Development Authority for the Village of Elsie for the reason that the completion of the purposes for which it was initially incorporated cannot be achieved for lack of funding as the Village of Elsie has elected to exempt its taxes from capture.

Sec.16-26 Dissolution

The Village of Elsie Board of Trustees hereby dissolves the Downtown Development Authority for the Village of Elsie as of the effective date of this Ordinance.

Sec. 16-27 Property and Assets

That effective with the dissolution of the Downtown Development Authority for the Village of Elsie the property and assets of said Authority, after satisfaction its obligations, shall revert to the general fund of the Village of Elsie.

Sec. 16-28 Publication and Copies

That following the last required publication, the Village Clerk shall send a certified copy of this Ordinance, along with copies of the required publications, to the Michigan Secretary of State.

Sec. 16-29 Effective Date

That immediately upon the effective date (effective May 31, 2011) of this Ordinance, Chapter 16 of the Ordinance book of the Village of Elsie is hereby repealed in its entirety.

(Ord. No. 161, §; 5-10-2011)

Secs. 16-30--6-45. Reserved.

ARTICLE III

Sec. 16- 46 Map of Downtown Development Authority-Village of Elsie

EXHIBIT A: DOWNTOWN DEVELOPMENT AUTHORITY MAP

GRAPHIC UNAVAILABLE

Secs. 16-47--6-54. Reserved.

ARTICLE IV

EXHIBIT B:

VILLAGE OF ELSIE DOWNTOWN DEVELOPMENT AUTHORITY BYLAWS

16-55, NAME

- a.) The name shall be VILLAGE OF ELSIE DOWNTOWN DEVELOPMENT AUTHORITY (hereinafter referred to as the “DDA”).
- b.) The DDA is created by the Village of Elsie, Michigan, as an Authority pursuant to Public Act 197 of the Public Acts of Michigan, 1975, as amended.

16-56, PURPOSE

Sec. 1

The DDA may:

- (a) Prepare an analysis of economic changes taking place in the downtown district.
- (b) Study and analyze the impact of metropolitan growth upon the downtown 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 downtown district.
- (d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.
- (e) Develop long range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

- (f) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.
- (g) Make and enter into contracts necessary 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 or own, convey or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this act, 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 including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- (j) Fix, 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 or 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.

16-57, MEMBERSHIP, APPOINTMENT, TERM VACANCIES

Sec. 1 The DDA shall consist of 9 members including the Village President and 8 members appointed by him, subject to the approval of the Village council. Membership may be selected from one or more of the following sectors:

- (a) Representation from the public at large

(b) Representation based on geographic consideration without regard to age, sex, race or religion.

- Sec. 2 At least 5 members excluding the Village President shall be persons having an interest in property within the DDA.
- Sec. 3 Of the 8 members appointed, 2 shall have one year appointments, 2 shall two year appointments, 2 shall have three year appointments, and 2 shall have four year appointments. Members shall hold office until a successor is appointed. After initial appointments have expired, a member shall not serve longer that two 4 year terms. Ex-Officio members of the DDA shall be the Village clerk. Ex-Officio members are non-voting members.
- Sec. 4 the village president shall appoint members of the DDA to fill unexpired terms and terms of those who may resign or who fail to qualify for any reason.
- Sec. 5 Members of the DDA shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the line of duty providing they are approved by the board.
- Sec. 6 Before assuming the duties of an office, a member shall qualify by taking the constitutional oath of office.

16-58, POWERS AND DUTIES

- Sec. 1 The DDA shall adopt its own rules and governing procedures, the meeting dates, etc. subject to the approval of the Village Council. Special meetings may be called by the chairperson and one other board member. Public notice of the time, date and place of all meetings shall be given in the manner required by Act 267 of the Public Acts of 1976, being the "Open Meeting Act." MCLA § 15.261-15.275.
- Sec. 2 meetings of the DDA shall be open to the public and a record shall be maintained of all proceedings. All business which the Board may perform shall be conducted in compliance with Act 267 of the Public Acts of 1976.
- Sec. 3 Meetings shall be held on the third Wednesdays of the month at 7:00 p.m. at the Duplain Twp. Hall, unless otherwise noted by the DDA.
- Sec. 4 One officer and four members shall constitute a quorum for the transaction of business.
- Sec. 5 Any writing prepared, owned, used, in the possession of, or retained by the DDA in the performance of an office function shall be made available to the public in compliance with the "Freedom of Information Act", Act No. 442 of Public Acts of 1976, being MCLA § 15.231-15.246.

16-59, OFFICERS

- Sec. 1 The DDA shall elect a president, also known as chairperson, vice-president, secretary and treasurer at the annual meeting. Other officers shall be elected as necessary. Reelections may be made at the pleasure of the DDA board.
- Sec. 2 The president shall preside at all meetings of the DDA, shall bring matters of immediate attention to the board, shall announce any special meetings to the membership, shall maintain direct communication with the Village Council and/or the Village Planning Commission.
- Sec. 3 the vice president, in the absence of the president, shall assume the duties of the president. Should the chair become vacant by death or resignation, or should the president become otherwise unable to discharge the duties of the office, the vice president shall become the president for the unexpired term and assume all powers and responsibilities of the office.
- Sec. 4 In the event the vice president assumes the duties of the president, anew vice president shall be elected.
- Sec. 5 The secretary shall attend all meetings of the DDA, keep minutes of the meetings, and maintain these records; shall provide the Village Council with a copy of the DDA minutes; shall maintain by-laws as amended or otherwise altered to date; shall see that books, reports, statements and all other documents and records required by law are properly kept and filed.
- Sec. 6. The treasurer shall be responsible to the DDA for the conduct of all financial affairs; shall countersign all checks along with the president or vice-president. All expense items of the DDA shall be available each month and financial records shall be open to the public.

16-60 COMMITTEES

- Sec. 1 Standing committees may be formed and disbanded at the discretion of the DDA. Any committee so formed must have at least one member of the DDA in its membership.
- Sec. 2 The DDA may invite persons to act as advisory members to help guide and supply information to assist in decision making. DDA members may recruit potential advisory members and the appointment shall be affirmed by a majority vote of the membership at a regular DDA meeting.

16-61, REMOVAL OF DDA MEMBERS

- Sec. 1 Pursuant to notice and an opportunity to be heard, a member of the DDA may be removed for cause by the Village Council.
- Sec. 2 DDA members shall be regular in attendance at meetings and any member who is not able to attend regularly, shall resign his membership. By a majority vote, any member may be removed from the DDA for continued absence from regular meetings.

16-62, FISCAL YEAR, BUDGET, REPORTS, AUDITS

- Sec. 1 The fiscal year of the DDA shall be from July 1 to June 30 or such other fiscal year as may hereafter be adopted by the Village Council.
- Sec. 2 The president and treasurer shall prepare an annual budget and submit same for submission to the Village Council. Before the budget may be adopted by the board, it shall be approved by the governing body of the municipality.
- Sec. 3 The DDA shall be audited annually by the CPA firm which audits the Village of Elsie. Copies of the DDA audit shall be filed with the Village Council.
- Sec. 4 All expense items of the authority shall be available monthly at the Village office and the financial records shall always be open to the public.

16-63, CONTRACTS, LIABILITY

- Sec. 1 No member of the DDA shall bind the DDA to any contract or pledge its credit or render it pecuniarily liable for any purpose without the express authorization of the Village Council, and the vote of the DDA. Normal operating expenses shall not be considered to be in this category not exceeding \$500 (five hundred dollars) per year.

16-64, BYLAW AMENDMENTS

- Sec. 1 Bylaws may be amended by a vote of the board at any regular or special meeting called for that purpose, upon prior notice of the proposed action.

(Ord. of, §, 8-3-92)

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