

# **ORDINANCE #206**

## **AN ODINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO ACT 197 OF THE PUBLIC ACTS OF MICHIGAN, 1975, AS AMENDED, TO PROVIDE FOR ESTABLISHMENT OF A BOARD OF TRUSTEES FOR THE AUTHORITY, TO DEFINE THE BOUNDARIES OF THE DOWNTOWN DISTRICT CONSTITUTING THE DOWNTOWN DEVELOPMENT AUTHORITY; AND TO PROVIDE FOR ALL OTHER MATTERS NECESSARY AND RELATED THERETO:**

### **The Village of Springport Ordains:**

#### **Section 2.270.1 Title**

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

#### **Section 2.270.2 Definitions**

The terms used in this Ordinance shall have the same meaning as given to the in Act 197 of the Public Act of Michigan, 1975, as amended, or as hereinafter in this section

- (a) “Authority” means the Village of Springport Downtown Development Authority as created by this Ordinance.
- (b) (“Act 197” means Act No. 197 of the Public Acts of Michigan, 1975, as amended, as now in effect or hereafter amended being MCLA 125.1651 et seq.; MSA 5.3010(1) et seq.
- (c) “Board” or “Board of Trustees” means the Board of Trustees of the Authority, the governing body of the Authority.
- (d) “Chief Executive Officer” means the President of the Village.
- (e) “Village” means the Village of Springport, Michigan.
- (f) “Downtown District” means the district designated by this Ordinance as now existing or hereafter amended.
- (g) “Council” or Village Council” means the Village Council of the Village of Springport, Michigan.

#### **Section 2.270.3 Determination of Necessity**

The Village Council of Springport hereby determines that it is necessary, and has so expressed its determination in adopting a Resolution of Intent to form a Downtown Development Authority, for the best interests of the Village, to halt property value deterioration and increase property tax valuation where possible in the designated districts of the Village, to eliminate the causes for that economic and physical deterioration and to promote economic growth and development by establishing a Downtown Development Authority pursuant to Public Act 197, as amended.

#### **Section 2.270.4 Creation of Authority**

There is hereby created pursuant to Act 197, as amended, a Downtown Development Authority for the Village of Springport, Michigan. The Authority shall be a public body corporate and shall be known and exercise its powers under title of “Springport Downtown Development Authority”. The Authority may adopt a seal, may sue and be sued in any Court of Law in this State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this Ordinance and Act 197, as amended. The enumeration of a power in this Ordinance or in Act 197, as amended, shall not be construed as a limitation upon the general powers of the Authority.

#### **Section 2.270.5 Description of Downtown District**

The Downtown District in which the Authority shall exercise its powers as provided by Act 197, as amended, shall consist of the following described territory in the Village of Springport, Michigan, subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197, as amended: See Exhibit A.

#### **Section 2.270.6 Board of Trustees**

The 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 of the governing body of the municipality. Not less than a majority of the members of the Board shall be residents of the Village of Springport. Not less than a majority of the members of the Board shall be persons having an interest in property located in the designated downtown district. 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 a term of four (4) years. An appointment to fill a vacancy shall be made by the Chief Executive Officer of the municipality for the unexpired term only. The Chairperson of the Board shall be elected by the Board.

#### **Section 2.270.7 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. The Authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the designated downtown district at the rate of not more than two (2) mills each year if the Village Council annually approves the levy thereof by the Authority.

### **Section 2.270.8 Director, Board of Director**

If a Director is ever employed as authorized by Section 5 of Act 197, as amended, he/she shall post a bond in the penal sum as may be required by the Board of Trustees at the time of appointment and shall be in conformance with Section 5 of Act 197, as amended.

### **Section 2.270.8 By-laws**

The Board of Trustees shall adopt rules and regulations governing its procedures and the holding of regular meetings subject to the approval of the governing body of the Village.

### **Section 2.270.9 Open Meetings Act**

The Board of Trustees shall comply with all provisions of the Open Meetings Act as set forth in Act 267 of the Public Acts of 1976, as amended.

### **Section 2.270.10 Freedom of Information Act**

The Board of Trustees shall comply with all provisions of the Freedom of Information Act as set forth in Act 442 of the Public Acts of 1976, as amended.

### **Section 2.270.11 Fiscal Year: Adoption of Budget**

- (a) The fiscal year of the Authority shall begin on March 1<sup>st</sup> of each year and end on the last day of February of the following year, or such other fiscal year as may hereafter be adopted by the Village.
- (b) The Board shall annually prepare a budget and shall submit it to the Council on the same date that a proposed budget for the Village is required by the Village Charter to be submitted to the 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.
- (c) The Authority shall submit financial reports to the City Council as requested by the Village Council. The Authority shall be audited annually by the same independent auditors auditing the Village and the Council shall sign copies of the audit report.

**Section 2.270.11 Fiscal Year: Adoption of Budget**

If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All Ordinance and parts of Ordinances in conflict hereby repealed.

This Ordinance shall become effective on May 11, 2006.

Reviewed by:

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Village Clerk, Lydia Yoder

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Village Attorney, Stuart Saunders

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Village President, Mary Ward

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Village Manager, Rosalee Terpening