

## **DOWNTOWN DEVELOPMENT AUTHORITY**

### **§ 31.15 ESTABLISHMENT AND NAME.**

(A) (1) A Downtown Development Authority, designated the Village of Kingsley Downtown Development Authority (the “Authority”) is hereby created, established, and incorporated, pursuant to and in accordance with the Public Act 197 of 1975, M.C.L.A. §§ 125.1651 to 125.1681.

(2) The Authority shall be a public body corporate which may sue and be sued in any court of the State of Michigan.

(B) The Authority is established pursuant to the Public Act 197 of 1975, M.C.L.A. §§ 125.1651 to 125.1681 by the village to accomplish the public purposes enumerated in the Public Act 197 of 1975, M.C.L.A. §§ 125.1651 to 125.1681 including, without limitation, the use of tax increment financing and other permitted means to halt property value deterioration and increase property tax valuation where possible in the District and to eliminate the causes of that deterioration and to promote economic growth in the District.

(C) Public Act 197 of 1975 was repealed in its entirety effective January 1, 2019 by Public Act 57 of 2019. Therefore, the Authority shall operate pursuant to Public Act 57 of 2019, as may be amended.

(Ord. 02-10-03, passed 2-10-2003)

### **§ 31.16 DOWNTOWN DISTRICT.**

(A) The boundaries of the District within which the Authority shall exercise its powers are described on Exhibit A, attached to Ordinance 02-10-03.

(B) The District shall be known as Village of Kingsley Downtown Development Authority District No. 1.

(C) The village shall not incorporate additional property into the District without notice and public hearing pursuant to the Public Act 197 of 1975, M.C.L.A. §§ 125.1651 to 125.1681.

(Ord. 02-10-03, passed 2-10-2003)

### **§ 31.17 POWERS.**

To accomplish the public purposes set forth in [§ 31.15](#), the Board of the Authority shall have all the powers granted to it by Public Act 57 of 2019.

### **§ 31.18 BOARD.**

(A) *Generally.*

(1) The Authority shall be under the supervision and control of a Board consisting of the Chief Executive Officer of the Municipality or his or her designee from the governing body of the Municipality and not less than 8 or more than 12 members as determined by the governing body 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 or officers, members, trustees, principals, or employees of a legal entity having an interest in property located in the Downtown District. Not less than 1 of the members shall be a resident of the District, if the Downtown District has 100 or more persons residing within it.

(B) *Terms.*

(1) Each member of the Board shall serve for a term of 4 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.

(2) A member shall hold office until the member's successor is appointed.

(C) *Vacancies.* An appointment to fill a vacancy on the Board shall be made by the Village President for the unexpired portion of the term.

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

(E) *Chairperson.* The Board shall elect a Chairperson.

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

(G) *Rules of procedure.*

(1) The Board shall adopt rules governing its procedure and the holding of regular and special meetings, subject to the approval by the Village Council.

(2) Meetings of the Board shall be open to the public in accordance with the Michigan Open Meetings Act, being M.C.L.A. §§ 15.261 to 15.275.

(H) *Public records.* The financial records of the Authority shall be open to the public in accordance with the Michigan Freedom of Information Act, being M.C.L.A. §§ 15.231 to 15.246.

(I) *Director.*

(1) The Board, in its discretion, may employ and fix the compensation of a Director, subject to the approval of the Village Council.

(2) The Director shall serve at the pleasure of the Board.

(3) The Director shall furnish bond in an amount prescribed by the Board.

(4) A member of the Board is not eligible to hold the position of Director.

(J) *Treasurer.*

(1) One of the Board Members may be elected Treasurer of the Authority, or the Board may employ and fix the compensation of a Treasurer.

(2) The Treasurer shall keep the financial records of the Authority and perform other duties delegated by the Board.

(3) The Treasurer shall furnish bond in an amount prescribed by the Board.

(K) *Secretary.*

(1) One of the Board Members may be elected Secretary of the Authority or the Board may employ and fix the compensation of a Secretary.

(2) The Secretary shall maintain custody of the records, books, documents, and other papers not required to be maintained by the Treasurer.

(3) The Secretary shall attend meetings of the Board, keep a record of its proceedings and perform other duties delegated by the Board.

(L) *Legal counsel.*

(1) The Board may retain legal counsel to advise the Board in the proper performance of its duties.

(2) The legal counsel may represent the Authority in actions brought by or against the Authority.

(Ord. 02-10-03, passed 2-10-2003)

### **§ 31.19 FISCAL YEAR.**

The Authority shall operate on the basis of a fiscal year beginning March 1 and ending the last day of February of the following year.

(Ord. 02-10-03, passed 2-10-2003)

### **§ 31.20 BUDGET.**

(A) 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 prior approval of the Village Council, in accordance with the Public Act 197 of 1975, § 28, M.C.L.A. §§ 125.1678. Such budget shall be provided to the Village Council in a timely manner so that it can be placed on the Village Council's February agenda for approval.

(B) The budget shall generally contain the types of financial information included in village budgets.

(Ord. 02-10-03, passed 2-10-2003)

### **§ 31.21 DISSOLUTION.**

(A) Upon completion of the purposes for which the Authority was organized, the Authority shall be dissolved by ordinance of the Village Council.

(B) The property and assets of the Authority remaining after the satisfaction of all obligations of the Authority shall belong to the Village.

(Ord. 02-10-03, passed 2-10-2003)

**§ 31.22 EFFECTIVE DATE; PUBLICATION AND FILING.**

Sections 31.15 *et seq.* shall take effect upon:

- (A) Its publication in a local newspaper of general circulation within the Village; and
- (B) The filing of a certified copy of [§§ 31.15](#) *et seq.* with the Secretary of State.

(Ord. 02-10-03, passed 2-10-2003)