

Downtown Development Authority Ordinance

An ordinance creating a Downtown Development Authority for the Charter Township of Madison, designating boundaries of the downtown district, and providing for other matters related thereto.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Title

This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Charter Township of Madison (the "Township").

Section 2. Definitions

The terms used in this ordinance shall have the same meaning as given to them in Act 197 (hereinafter defined) or as hereinafter in this section provided unless the context clearly indicate to the contrary. As used in this ordinance:

- 2.1 "Authority" means the Downtown Development Authority of the Charter Township of Madison created by this ordinance.
- 2.2 "Act 197" means Act No. 197 of the Public Acts of Michigan of 1978, as amended.
- 2.3 "Board" or "Board of Directors: means the Board of Directors of the Authority, the governing body of the Authority.
- 2.4 "Chief Executive Officer" means the Supervisor of the Township.
- 2.5 "Township" means the Charter Township of Madison, County of Lenawee, Michigan.
- 2.6 "Township Board" means the Township Board of the Township.
- 2.7 "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 3. Determination of Necessity; Purpose

The Township Board 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 Township, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

Section 4. Creation of Authority

There is hereby created pursuant to Act 197 a downtown development authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "Downtown Development Authority of the Charter Township of Madison". 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 purpose 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 Township Board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Township.

Section 6. Description of Downtown District

The Downtown District shall consist of the territory in the Downtown 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 supervision and control of the Board. The Board shall consist of the Chief Executive Officer and eight members. Members shall be appointed by the Chief Executive Officer, subject to approval by the Township Board. 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 resident of the Downtown District, if the Downtown District has 100 or more person 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 a 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 Township Board. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum established by resolution of the Authority for use and benefit of the Authority and shall file the same with the Clerk of the Township.

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

- 9.1 The fiscal year of the Authority shall begin on Jan. 1 of each year and end Dec. 31 of the same year, or such other fiscal year as may hereafter be adopted by the Township.
- 9.2 The Board shall prepare annually a budget and shall submit it to the Township Board for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not adopt a budget for any fiscal year until the budget has been approved by the Township Board. 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
- 9.3 The Authority shall submit financial reports to the Township Board at the same time and on the same basis as departments of the Township are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the Township and copies of the audit shall be filed with the Township Board.

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 Adrian Daily Telegram, a newspaper of general circulation in the Township and the Township 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.