

HOUSE BILL No. 5557

December 21, 2001, Introduced by Rep. Jamnick and referred to the Committee on Commerce.

A bill to amend 1975 PA 197, entitled

"An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,"

by amending section 4 (MCL 125.1654), as amended by 1987 PA 66.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Except as provided in subsections (7) and (8),
2 an authority shall be under the supervision and control of a
3 board consisting of the chief executive officer of the
4 municipality and not less than 8 or more than 12 members as
5 determined by the governing body of the municipality. Members

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1 shall be appointed by the chief executive officer of the
2 municipality, subject to approval by the governing body of the
3 municipality. Not less than a majority of the members shall be
4 persons having an interest in property located in the downtown
5 district. BEGINNING OCTOBER 1, 2002, ALL MEMBERS SHALL HAVE AN
6 INTEREST IN PROPERTY LOCATED IN THE DOWNTOWN DISTRICT OR BE AN
7 OFFICER OF A NONPROFIT BUSINESS THAT OPERATES IN THE DOWNTOWN
8 DISTRICT TO ENHANCE THE ECONOMIC GROWTH AND SUCCESS OF THE DOWN-
9 TOWN DISTRICT. Not less than 1 of the members shall be a resident
10 of the downtown district, if the downtown district has 100 or
11 more persons residing within it. Of the members first appointed,
12 an equal number of the members, as near as is practicable, shall
13 be appointed for 1 year, 2 years, 3 years, and 4 years. A member
14 shall hold office until the member's successor is appointed.
15 ~~Thereafter~~ SUBSEQUENTLY, each member shall serve for a term of
16 4 years. An appointment to fill a vacancy shall be made by the
17 chief executive officer of the municipality for the unexpired
18 term only. Members of the board shall serve without compensa-
19 tion, but shall be reimbursed for actual and necessary expenses.
20 The chairperson of the board shall be elected by the board.

21 (2) Before assuming the duties of office, a member shall
22 qualify by taking and subscribing to the constitutional oath of
23 office.

24 (3) The business ~~which~~ THAT the board may perform shall be
25 conducted at a public meeting of the board held in compliance
26 with the open meetings act, ~~Act No. 267 of the Public Acts of~~
27 ~~1976, being sections 15.261 to 15.275 of the Michigan Compiled~~

1 ~~Laws~~ 1976 PA 267, MCL 15.261 TO 15.275. Public notice of the
2 time, date, and place of the meeting shall be given in the manner
3 required by ~~Act No. 267 of the Public Acts of 1976~~ THE OPEN
4 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. The board shall
5 adopt rules consistent with ~~Act No. 267 of the Public Acts of~~
6 ~~1976~~ THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275,
7 governing its procedure and the holding of regular meetings,
8 subject to the approval of the governing body. Special meetings
9 may be held if called in the manner provided in the rules of the
10 board.

11 (4) Pursuant to notice and after having been given an oppor-
12 tunity to be heard, a member of the board may be removed for
13 cause by the governing body. Removal of a member is subject to
14 review by the circuit court.

15 (5) All expense items of the authority shall be publicized
16 monthly and the financial records shall always be open to the
17 public.

18 (6) In addition to the items and records prescribed in sub-
19 section (5), a writing prepared, owned, used, in the possession
20 of, or retained by the board in the performance of an official
21 function shall be made available to the public in compliance with
22 the freedom of information act, ~~Act No. 442 of the Public Acts~~
23 ~~of 1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
24 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

25 (7) By resolution of its governing body, a municipality
26 having more than 1 authority may establish a single board to
27 govern all authorities in the municipality. The governing body

1 may designate the board of an existing authority as the board for
2 all authorities or may establish by resolution a new board in the
3 same manner as provided in subsection (1). A member of a board
4 governing more than 1 authority may be a resident of or have an
5 interest in property in any of the downtown districts controlled
6 by the board in order to meet the requirements of this section.

7 (8) By ordinance, the governing body of a municipality that
8 has a population of less than 5,000 may have the municipality's
9 planning commission created ~~pursuant to Act No. 285 of the~~
10 ~~Public Acts of 1931, being sections 125.31 to 125.45 of the~~
11 ~~Michigan Compiled Laws~~ UNDER 1931 PA 285, MCL 125.31 TO 125.45,
12 serve as the board provided for in subsection (1).

13 (9) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8), AND
14 EXCEPT AS PROVIDED IN SUBSECTION (1) FOR THE CHIEF EXECUTIVE
15 OFFICER, A MEMBER OF THE BOARD OF THE AUTHORITY SHALL NOT BE AN
16 EMPLOYEE OF THIS STATE OR OF THE MUNICIPALITY IN WHICH THE
17 AUTHORITY IS LOCATED.