

**SUBSTITUTE FOR
HOUSE BILL NO. 4679**

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 sections 1, 3, 4, and 7 (MCL 125.1651, 125.1653, 125.1654, and 125.1657), sections 1 and 3 as amended by 2005 PA 13, section 4 as amended by 1987 PA 66, and section 7 as amended by 2004 PA 196.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

1 (a) "Advance" means a transfer of funds made by a municipality
2 to an authority or to another person on behalf of the authority in
3 anticipation of repayment by the authority. Evidence of the intent
4 to repay an advance may include, but is not limited to, an executed
5 agreement to repay, provisions contained in a tax increment
6 financing plan approved prior to the advance, or a resolution of
7 the authority or the municipality.

8 (b) "Assessed value" means 1 of the following:

9 (i) For valuations made before January 1, 1995, the state
10 equalized valuation as determined under the general property tax
11 act, 1893 PA 206, MCL 211.1 to 211.157.

12 (ii) For valuations made after December 31, 1994, the taxable
13 value as determined under section 27a of the general property tax
14 act, 1893 PA 206, MCL 211.27a.

15 (c) "Authority" means a downtown development authority created
16 pursuant to this act.

17 (d) "Board" means the governing body of an authority.

18 (e) "Business district" means an area in the downtown of a
19 municipality zoned and used principally for business.

20 (f) "Captured assessed value" means the amount in any 1 year
21 by which the current assessed value of the project area, including
22 the assessed value of property for which specific local taxes are
23 paid in lieu of property taxes as determined in subdivision (y),
24 exceeds the initial assessed value. The state tax commission shall
25 prescribe the method for calculating captured assessed value.

26 (g) "Chief executive officer" means the mayor or city manager
27 of a city, the president or village manager of a village, or the

1 supervisor of a township or, if designated by the township board
2 for purposes of this act, the township superintendent or township
3 manager of a township.

4 (h) "Development area" means that area to which a development
5 plan is applicable.

6 (i) "Development plan" means that information and those
7 requirements for a development plan set forth in section 17.

8 (j) "Development program" means the implementation of the
9 development plan.

10 (k) "Downtown district" means that part of an area in a
11 business district that is specifically designated by ordinance of
12 the governing body of the municipality pursuant to this act. A
13 downtown district may include 1 or more separate and distinct
14 geographic areas in a business district as determined by the
15 municipality if **THE MUNICIPALITY ENTERS INTO AN AGREEMENT WITH A**
16 **QUALIFIED TOWNSHIP UNDER SECTION 3(7) OR IF** the municipality is a
17 city that surrounds another city and that other city lies between
18 the 2 separate and distinct geographic areas. If the downtown
19 district contains more than 1 separate and distinct geographic area
20 in the downtown district, the separate and distinct geographic
21 areas shall be considered 1 downtown district.

22 (l) "Eligible advance" means an advance made before August 19,
23 1993.

24 (m) "Eligible obligation" means an obligation issued or
25 incurred by an authority or by a municipality on behalf of an
26 authority before August 19, 1993 and its subsequent refunding by a
27 qualified refunding obligation. Eligible obligation includes an

1 authority's written agreement entered into before August 19, 1993
2 to pay an obligation issued after August 18, 1993 and before
3 December 31, 1996 by another entity on behalf of the authority.

4 (n) "Fire alarm system" means a system designed to detect and
5 annunciate the presence of fire, or by-products of fire. Fire alarm
6 system includes smoke detectors.

7 (o) "Fiscal year" means the fiscal year of the authority.

8 (p) "Governing body of a municipality" means the elected body
9 of a municipality having legislative powers.

10 (q) "Initial assessed value" means the assessed value, as
11 equalized, of all the taxable property within the boundaries of the
12 development area at the time the ordinance establishing the tax
13 increment financing plan is approved, as shown by the most recent
14 assessment roll of the municipality for which equalization has been
15 completed at the time the resolution is adopted. Property exempt
16 from taxation at the time of the determination of the initial
17 assessed value shall be included as zero. For the purpose of
18 determining initial assessed value, property for which a specific
19 local tax is paid in lieu of a property tax shall not be considered
20 to be property that is exempt from taxation. The initial assessed
21 value of property for which a specific local tax was paid in lieu
22 of a property tax shall be determined as provided in subdivision
23 (y). In the case of a municipality having a population of less than
24 35,000 that established an authority prior to 1985, created a
25 district or districts, and approved a development plan or tax
26 increment financing plan or amendments to a plan, and which plan or
27 tax increment financing plan or amendments to a plan, and which

1 plan expired by its terms December 31, 1991, the initial assessed
2 value for the purpose of any plan or plan amendment adopted as an
3 extension of the expired plan shall be determined as if the plan
4 had not expired December 31, 1991. For a development area
5 designated before 1997 in which a renaissance zone has subsequently
6 been designated pursuant to the Michigan renaissance zone act, 1996
7 PA 376, MCL 125.2681 to 125.2696, the initial assessed value of the
8 development area otherwise determined under this subdivision shall
9 be reduced by the amount by which the current assessed value of the
10 development area was reduced in 1997 due to the exemption of
11 property under section 7ff of the general property tax act, 1893 PA
12 206, MCL 211.7ff, but in no case shall the initial assessed value
13 be less than zero.

14 (r) "Municipality" means a city, village, or township.

15 (s) "Obligation" means a written promise to pay, whether
16 evidenced by a contract, agreement, lease, sublease, bond, or note,
17 or a requirement to pay imposed by law. An obligation does not
18 include a payment required solely because of default upon an
19 obligation, employee salaries, or consideration paid for the use of
20 municipal offices. An obligation does not include those bonds that
21 have been economically defeased by refunding bonds issued under
22 this act. Obligation includes, but is not limited to, the
23 following:

24 (i) A requirement to pay proceeds derived from ad valorem
25 property taxes or taxes levied in lieu of ad valorem property
26 taxes.

27 (ii) A management contract or a contract for professional

1 services.

2 (iii) A payment required on a contract, agreement, bond, or note
3 if the requirement to make or assume the payment arose before
4 August 19, 1993.

5 (iv) A requirement to pay or reimburse a person for the cost of
6 insurance for, or to maintain, property subject to a lease, land
7 contract, purchase agreement, or other agreement.

8 (v) A letter of credit, paying agent, transfer agent, bond
9 registrar, or trustee fee associated with a contract, agreement,
10 bond, or note.

11 (t) "On behalf of an authority", in relation to an eligible
12 advance made by a municipality, or an eligible obligation or other
13 protected obligation issued or incurred by a municipality, means in
14 anticipation that an authority would transfer tax increment
15 revenues or reimburse the municipality from tax increment revenues
16 in an amount sufficient to fully make payment required by the
17 eligible advance made by the municipality, or eligible obligation
18 or other protected obligation issued or incurred by the
19 municipality, if the anticipation of the transfer or receipt of tax
20 increment revenues from the authority is pursuant to or evidenced
21 by 1 or more of the following:

22 (i) A reimbursement agreement between the municipality and an
23 authority it established.

24 (ii) A requirement imposed by law that the authority transfer
25 tax increment revenues to the municipality.

26 (iii) A resolution of the authority agreeing to make payments to
27 the incorporating unit.

1 (iv) Provisions in a tax increment financing plan describing
2 the project for which the obligation was incurred.

3 (u) "Operations" means office maintenance, including salaries
4 and expenses of employees, office supplies, consultation fees,
5 design costs, and other expenses incurred in the daily management
6 of the authority and planning of its activities.

7 (v) "Other protected obligation" means:

8 (i) A qualified refunding obligation issued to refund an
9 obligation described in subparagraph (ii), (iii), or (iv), an
10 obligation that is not a qualified refunding obligation that is
11 issued to refund an eligible obligation, or a qualified refunding
12 obligation issued to refund an obligation described in this
13 subparagraph.

14 (ii) An obligation issued or incurred by an authority or by a
15 municipality on behalf of an authority after August 19, 1993, but
16 before December 31, 1994, to finance a project described in a tax
17 increment finance plan approved by the municipality in accordance
18 with this act before December 31, 1993, for which a contract for
19 final design is entered into by or on behalf of the municipality or
20 authority before March 1, 1994 or for which a written agreement
21 with a developer, titled preferred development agreement, was
22 entered into by or on behalf of the municipality or authority in
23 July 1993.

24 (iii) An obligation incurred by an authority or municipality
25 after August 19, 1993, to reimburse a party to a development
26 agreement entered into by a municipality or authority before August
27 19, 1993, for a project described in a tax increment financing plan

1 approved in accordance with this act before August 19, 1993, and
2 undertaken and installed by that party in accordance with the
3 development agreement.

4 (iv) An obligation incurred by the authority evidenced by or to
5 finance a contract to purchase real property within a development
6 area or a contract to develop that property within the development
7 area, or both, if all of the following requirements are met:

8 (A) The authority purchased the real property in 1993.

9 (B) Before June 30, 1995, the authority enters a contract for
10 the development of the real property located within the development
11 area.

12 (C) In 1993, the authority or municipality on behalf of the
13 authority received approval for a grant from both of the following:

14 (I) The department of natural resources for site reclamation
15 of the real property.

16 (II) The department of consumer and industry services for
17 development of the real property.

18 (v) An ongoing management or professional services contract
19 with the governing body of a county which was entered into before
20 March 1, 1994 and which was preceded by a series of limited term
21 management or professional services contracts with the governing
22 body of the county, the last of which was entered into before
23 August 19, 1993.

24 (vi) A loan from a municipality to an authority if the loan was
25 approved by the legislative body of the municipality on April 18,
26 1994.

27 (vii) Funds expended to match a grant received by a

1 municipality on behalf of an authority for sidewalk improvements
2 from the Michigan department of transportation if the legislative
3 body of the municipality approved the grant application on April 5,
4 1993 and the grant was received by the municipality in June 1993.

5 (viii) For taxes captured in 1994, an obligation described in
6 this subparagraph issued or incurred to finance a project. An
7 obligation is considered issued or incurred to finance a project
8 described in this subparagraph only if all of the following are
9 met:

10 (A) The obligation requires raising capital for the project or
11 paying for the project, whether or not a borrowing is involved.

12 (B) The obligation was part of a development plan and the tax
13 increment financing plan was approved by a municipality on May 6,
14 1991.

15 (C) The obligation is in the form of a written memorandum of
16 understanding between a municipality and a public utility dated
17 October 27, 1994.

18 (D) The authority or municipality captured school taxes during
19 1994.

20 (w) "Public facility" means a street, plaza, pedestrian mall,
21 and any improvements to a street, plaza, or pedestrian mall
22 including street furniture and beautification, park, parking
23 facility, recreational facility, right-of-way, structure, waterway,
24 bridge, lake, pond, canal, utility line or pipe, building, and
25 access routes to any of the foregoing, designed and dedicated to
26 use by the public generally, or used by a public agency. Public
27 facility includes an improvement to a facility used by the public

1 or a public facility as those terms are defined in section 1 of
2 1966 PA 1, MCL 125.1351, which improvement is made to comply with
3 the barrier free design requirements of the state construction code
4 promulgated under the Stille-DeRossett-Hale single state
5 construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

6 (x) "Qualified refunding obligation" means an obligation
7 issued or incurred by an authority or by a municipality on behalf
8 of an authority to refund an obligation if the obligation is issued
9 to refund a qualified refunding obligation issued in November 1997
10 and any subsequent refundings of that obligation issued before
11 January 1, 2010 or the refunding obligation meets both of the
12 following:

13 (i) The net present value of the principal and interest to be
14 paid on the refunding obligation, including the cost of issuance,
15 will be less than the net present value of the principal and
16 interest to be paid on the obligation being refunded, as calculated
17 using a method approved by the department of treasury.

18 (ii) The net present value of the sum of the tax increment
19 revenues described in subdivision ~~-(aa)-(ii)-~~ **(BB)(ii)** and the
20 distributions under section 13b to repay the refunding obligation
21 will not be greater than the net present value of the sum of the
22 tax increment revenues described in subdivision ~~-(aa)-(ii)-~~ **(BB)(ii)**
23 and the distributions under section 13b to repay the obligation
24 being refunded, as calculated using a method approved by the
25 department of treasury.

26 **(Y) "QUALIFIED TOWNSHIP" MEANS A TOWNSHIP THAT MEETS ALL OF**
27 **THE FOLLOWING REQUIREMENTS:**

1 (i) WAS NOT ELIGIBLE TO CREATE AN AUTHORITY PRIOR TO JANUARY 3,
2 2005.

3 (ii) ADJOINS A MUNICIPALITY THAT PREVIOUSLY CREATED AN
4 AUTHORITY.

5 (iii) ALONG WITH THE ADJOINING MUNICIPALITY THAT PREVIOUSLY
6 CREATED AN AUTHORITY, IS A MEMBER OF THE SAME JOINT PLANNING
7 COMMISSION UNDER THE JOINT MUNICIPAL PLANNING ACT, 2003 PA 226, MCL
8 125.131 TO 125.143.

9 (Z) ~~-(y)-~~ "Specific local tax" means a tax levied under 1974
10 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act,
11 1978 PA 255, MCL 207.651 to 207.668, the technology park
12 development act, 1984 PA 385, MCL 207.701 to 207.718, and 1953 PA
13 189, MCL 211.181 to 211.182. The initial assessed value or current
14 assessed value of property subject to a specific local tax shall be
15 the quotient of the specific local tax paid divided by the ad
16 valorem millage rate. However, after 1993, the state tax commission
17 shall prescribe the method for calculating the initial assessed
18 value and current assessed value of property for which a specific
19 local tax was paid in lieu of a property tax.

20 (AA) ~~-(z)-~~ "State fiscal year" means the annual period
21 commencing October 1 of each year.

22 (BB) ~~-(aa)-~~ "Tax increment revenues" means the amount of ad
23 valorem property taxes and specific local taxes attributable to the
24 application of the levy of all taxing jurisdictions upon the
25 captured assessed value of real and personal property in the
26 development area, subject to the following requirements:

27 (i) Tax increment revenues include ad valorem property taxes

1 and specific local taxes attributable to the application of the
2 levy of all taxing jurisdictions other than the state pursuant to
3 the state education tax act, 1993 PA 331, MCL 211.901 to 211.906,
4 and local or intermediate school districts upon the captured
5 assessed value of real and personal property in the development
6 area for any purpose authorized by this act.

7 (ii) Tax increment revenues include ad valorem property taxes
8 and specific local taxes attributable to the application of the
9 levy of the state pursuant to the state education tax act, 1993 PA
10 331, MCL 211.901 to 211.906, and local or intermediate school
11 districts upon the captured assessed value of real and personal
12 property in the development area in an amount equal to the amount
13 necessary, without regard to subparagraph (i), to repay eligible
14 advances, eligible obligations, and other protected obligations.

15 (iii) Tax increment revenues do not include any of the
16 following:

17 (A) Ad valorem property taxes attributable either to a portion
18 of the captured assessed value shared with taxing jurisdictions
19 within the jurisdictional area of the authority or to a portion of
20 value of property that may be excluded from captured assessed value
21 or specific local taxes attributable to such ad valorem property
22 taxes.

23 (B) Ad valorem property taxes excluded by the tax increment
24 financing plan of the authority from the determination of the
25 amount of tax increment revenues to be transmitted to the authority
26 or specific local taxes attributable to such ad valorem property
27 taxes.

1 (C) Ad valorem property taxes exempted from capture under
2 section 3(3) or specific local taxes attributable to such ad
3 valorem property taxes.

4 (iv) The amount of tax increment revenues authorized to be
5 included under subparagraph (ii) or (v), and required to be
6 transmitted to the authority under section 14(1), from ad valorem
7 property taxes and specific local taxes attributable to the
8 application of the levy of the state education tax act, 1993 PA
9 331, MCL 211.901 to 211.906, a local school district or an
10 intermediate school district upon the captured assessed value of
11 real and personal property in a development area shall be
12 determined separately for the levy by the state, each school
13 district, and each intermediate school district as the product of
14 sub-subparagraphs (A) and (B):

15 (A) The percentage that the total ad valorem taxes and
16 specific local taxes available for distribution by law to the
17 state, local school district, or intermediate school district,
18 respectively, bears to the aggregate amount of ad valorem millage
19 taxes and specific taxes available for distribution by law to the
20 state, each local school district, and each intermediate school
21 district.

22 (B) The maximum amount of ad valorem property taxes and
23 specific local taxes considered tax increment revenues under
24 subparagraph (ii) or (v).

25 (v) Tax increment revenues include ad valorem property taxes
26 and specific local taxes, in an annual amount and for each year
27 approved by the state treasurer, attributable to the levy by this

1 state under the state education tax act, 1993 PA 331, MCL 211.901
2 to 211.906, and by local or intermediate school districts, upon the
3 captured assessed value of real and personal property in the
4 development area of an authority established in a city with a
5 population of 750,000 or more to pay for, or reimburse an advance
6 for, not more than \$8,000,000.00 for the demolition of buildings or
7 structures on public or privately owned property within a
8 development area that commences in 2005, or to pay the annual
9 principal of or interest on an obligation, the terms of which are
10 approved by the state treasurer, issued by an authority, or by a
11 city on behalf of an authority, to pay not more than \$8,000,000.00
12 of the costs to demolish buildings or structures on public or
13 privately owned property within a development area that commences
14 in 2005.

15 Sec. 3. (1) When the governing body of a municipality
16 determines that it is necessary for the best interests of the
17 public to halt property value deterioration and increase property
18 tax valuation where possible in its business district, to eliminate
19 the causes of that deterioration, and to promote economic growth,
20 ~~or to permit the development of a new commercial property with a~~
21 ~~total cash value after development of not less than~~
22 ~~\$100,000,000.00, which includes more than 2 detached buildings~~
23 ~~containing together not less than 500,000 square feet,~~ the
24 governing body may, by resolution, declare its intention to create
25 and provide for the operation of an authority.

26 (2) In the resolution of intent, the governing body shall set
27 a date for the holding of a public hearing on the adoption of a

1 proposed ordinance creating the authority and designating the
2 boundaries of the downtown district. Notice of the public hearing
3 shall be published twice in a newspaper of general circulation in
4 the municipality, not less than 20 or more than 40 days before the
5 date of the hearing. Not less than 20 days before the hearing, the
6 governing body proposing to create the authority shall also mail
7 notice of the hearing to the property taxpayers of record in the
8 proposed district and for a public hearing to be held after
9 February 15, 1994 to the governing body of each taxing jurisdiction
10 levying taxes that would be subject to capture if the authority is
11 established and a tax increment financing plan is approved.
12 Beginning June 1, 2005, the notice of hearing within the time frame
13 described in this subsection shall be mailed by certified mail to
14 the governing body of each taxing jurisdiction levying taxes that
15 would be subject to capture if the authority is established and a
16 tax increment financing plan is approved. Failure of a property
17 taxpayer to receive the notice shall not invalidate these
18 proceedings. Notice of the hearing shall be posted in at least 20
19 conspicuous and public places in the proposed downtown district not
20 less than 20 days before the hearing. The notice shall state the
21 date, time, and place of the hearing, and shall describe the
22 boundaries of the proposed downtown district. A citizen, taxpayer,
23 or property owner of the municipality or an official from a taxing
24 jurisdiction with millage that would be subject to capture has the
25 right to be heard in regard to the establishment of the authority
26 and the boundaries of the proposed downtown district. The governing
27 body of the municipality shall not incorporate land into the

1 downtown district not included in the description contained in the
2 notice of public hearing, but it may eliminate described lands from
3 the downtown district in the final determination of the boundaries.

4 (3) Not more than 60 days after a public hearing held after
5 February 15, 1994, the governing body of a taxing jurisdiction
6 levying ad valorem property taxes that would otherwise be subject
7 to capture may exempt its taxes from capture by adopting a
8 resolution to that effect and filing a copy with the clerk of the
9 municipality proposing to create the authority. The resolution
10 takes effect when filed with that clerk and remains effective until
11 a copy of a resolution rescinding that resolution is filed with
12 that clerk.

13 (4) Not less than 60 days after the public hearing, if the
14 governing body of the municipality intends to proceed with the
15 establishment of the authority, it shall adopt, by majority vote of
16 its members, an ordinance establishing the authority and
17 designating the boundaries of the downtown district within which
18 the authority shall exercise its powers. The adoption of the
19 ordinance is subject to any applicable statutory or charter
20 provisions in respect to the approval or disapproval by the chief
21 executive or other officer of the municipality and the adoption of
22 an ordinance over his or her veto. This ordinance shall be filed
23 with the secretary of state promptly after its adoption and shall
24 be published at least once in a newspaper of general circulation in
25 the municipality.

26 (5) The governing body of the municipality may alter or amend
27 the boundaries of the downtown district to include or exclude lands

1 from the downtown district pursuant to the same requirements for
2 adopting the ordinance creating the authority.

3 (6) A municipality that has created an authority may enter
4 into an agreement with an adjoining municipality that has created
5 an authority to jointly operate and administer those authorities
6 under an interlocal agreement under the urban cooperation act of
7 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

8 (7) A MUNICIPALITY THAT HAS CREATED AN AUTHORITY MAY ENTER
9 INTO AN AGREEMENT WITH A QUALIFIED TOWNSHIP TO OPERATE ITS
10 AUTHORITY IN A DOWNTOWN DISTRICT IN THE QUALIFIED TOWNSHIP UNDER AN
11 INTERLOCAL AGREEMENT UNDER THE URBAN COOPERATION ACT OF 1967, 1967
12 (EX SESS) PA 7, MCL 124.501 TO 124.512. THE INTERLOCAL AGREEMENT
13 BETWEEN THE MUNICIPALITY AND THE QUALIFIED TOWNSHIP SHALL PROVIDE
14 FOR, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

15 (A) SIZE AND MAKEUP OF THE BOARD.

16 (B) DETERMINATION AND MODIFICATION OF DOWNTOWN DISTRICT,
17 BUSINESS DISTRICT, AND DEVELOPMENT AREA.

18 (C) MODIFICATION OF DEVELOPMENT AREA AND DEVELOPMENT PLAN.

19 (D) ISSUANCE AND REPAYMENT OF OBLIGATIONS.

20 (E) CAPTURE OF TAXES.

21 Sec. 4. (1) Except as provided in subsections (7), ~~and~~ (8),
22 AND (9), an authority shall be under the supervision and control of
23 a board consisting of the chief executive officer of the
24 municipality and not less than 8 or more than 12 members as
25 determined by the governing body of the municipality. Members shall
26 be appointed by the chief executive officer of the municipality,
27 subject to approval by the governing body of the municipality. Not

1 less than a majority of the members shall be persons having an
2 interest in property located in the downtown district. Not less
3 than 1 of the members shall be a resident of the downtown district,
4 if the downtown district has 100 or more persons residing within
5 it. Of the members first appointed, an equal number of the members,
6 as near as is practicable, shall be appointed for 1 year, 2 years,
7 3 years, and 4 years. A member shall hold office until the member's
8 successor is appointed. Thereafter, each member shall serve for a
9 term of 4 years. An appointment to fill a vacancy shall be made by
10 the chief executive officer of the municipality for the unexpired
11 term only. Members of the board shall serve without compensation,
12 but shall be reimbursed for actual and necessary expenses. The
13 chairperson of the board shall be elected by the board.

14 (2) Before assuming the duties of office, a member shall
15 qualify by taking and subscribing to the constitutional oath of
16 office.

17 (3) The business which the board may perform shall be
18 conducted at a public meeting of the board held in compliance with
19 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
20 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws 1976~~
21 **PA 267, MCL 15.261 TO 15.275.** Public notice of the time, date, and
22 place of the meeting shall be given in the manner required by ~~Act~~
23 ~~No. 267 of the Public Acts of 1976~~ **THE OPEN MEETINGS ACT, 1976 PA**
24 **267, MCL 15.261 TO 15.275.** The board shall adopt rules consistent
25 with ~~Act No. 267 of the Public Acts of 1976~~ **THE OPEN MEETINGS**
26 **ACT, 1976 PA 267, MCL 15.261 TO 15.275,** governing its procedure and
27 the holding of regular meetings, subject to the approval of the

1 governing body. Special meetings may be held if called in the
2 manner provided in the rules of the board.

3 (4) Pursuant to notice and after having been given an
4 opportunity to be heard, a member of the board may be removed for
5 cause by the governing body. Removal of a member is subject to
6 review by the circuit court.

7 (5) All expense items of the authority shall be publicized
8 monthly and the financial records shall always be open to the
9 public.

10 (6) In addition to the items and records prescribed in
11 subsection (5), a writing prepared, owned, used, in the possession
12 of, or retained by the board in the performance of an official
13 function shall be made available to the public in compliance with
14 the freedom of information act, ~~Act No. 442 of the Public Acts of~~
15 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws~~
16 **1976 PA 442, MCL 15.231 TO 15.246.**

17 (7) By resolution of its governing body, a municipality having
18 more than 1 authority may establish a single board to govern all
19 authorities in the municipality. The governing body may designate
20 the board of an existing authority as the board for all authorities
21 or may establish by resolution a new board in the same manner as
22 provided in subsection (1). A member of a board governing more than
23 1 authority may be a resident of or have an interest in property in
24 any of the downtown districts controlled by the board in order to
25 meet the requirements of this section.

26 (8) By ordinance, the governing body of a municipality that
27 has a population of less than 5,000 may have the municipality's

1 planning commission created pursuant to ~~Act No. 285 of the Public~~
2 ~~Acts of 1931, being sections 125.31 to 125.45 of the Michigan~~
3 ~~Compiled Laws~~ 1931 PA 285, MCL 125.31 TO 125.45, serve as the
4 board provided for in subsection (1).

5 (9) IF A MUNICIPALITY ENTERS INTO AN AGREEMENT WITH A
6 QUALIFIED TOWNSHIP UNDER SECTION 3(7), THE MEMBERSHIP OF THE BOARD
7 MAY BE MODIFIED BY THE INTERLOCAL AGREEMENT DESCRIBED IN SECTION
8 3(7).

9 Sec. 7. The board may:

10 (a) Prepare an analysis of economic changes taking place in
11 the downtown district.

12 (b) Study and analyze the impact of metropolitan growth upon
13 the downtown district.

14 (c) Plan and propose the construction, renovation, repair,
15 remodeling, rehabilitation, restoration, preservation, or
16 reconstruction of a public facility, an existing building, or a
17 multiple-family dwelling unit which may be necessary or appropriate
18 to the execution of a plan which, in the opinion of the board, aids
19 in the economic growth of the downtown district.

20 (d) Plan, propose, and implement an improvement to a public
21 facility within the development area to comply with the barrier
22 free design requirements of the state construction code promulgated
23 under the Stille-DeRossett-Hale single state construction code act,
24 1972 PA 230, MCL 125.1501 to 125.1531.

25 (e) Develop long-range plans, in cooperation with the agency
26 which is chiefly responsible for planning in the municipality,
27 designed to halt the deterioration of property values in the

1 downtown district and to promote the economic growth of the
2 downtown district, and take such steps as may be necessary to
3 persuade property owners to implement the plans to the fullest
4 extent possible.

5 (f) Implement any plan of development in the downtown district
6 necessary to achieve the purposes of this act, in accordance with
7 the powers of the authority as granted by this act.

8 (g) Make and enter into contracts necessary or incidental to
9 the exercise of its powers and the performance of its duties.

10 (h) Acquire by purchase or otherwise, on terms and conditions
11 and in a manner the authority considers proper or own, convey, or
12 otherwise dispose of, or lease as lessor or lessee, land and other
13 property, real or personal, or rights or interests in property,
14 which the authority determines is reasonably necessary to achieve
15 the purposes of this act, and to grant or acquire licenses,
16 easements, and options with respect to that property.

17 (i) Improve land and construct, reconstruct, rehabilitate,
18 restore and preserve, equip, improve, maintain, repair, and operate
19 any building, including multiple-family dwellings, and any
20 necessary or desirable appurtenances to that property, within the
21 downtown district for the use, in whole or in part, of any public
22 or private person or corporation, or a combination of them.

23 (j) Fix, charge, and collect fees, rents, and charges for the
24 use of any building or property under its control or any part
25 thereof, or facility therein, and pledge the fees, rents, and
26 charges for the payment of revenue bonds issued by the authority.

27 (k) Lease any building or property under its control, or any

1 part of a building or property.

2 (l) Accept grants and donations of property, labor, or other
3 things of value from a public or private source.

4 (m) Acquire and construct public facilities.

5 (n) Create, operate, and fund marketing initiatives that
6 benefit only retail and general marketing of the downtown district.

7 (o) Contract for broadband service and wireless technology
8 service in the downtown district.

9 (P) OPERATE AND PERFORM ALL DUTIES AND EXERCISE ALL
10 RESPONSIBILITIES DESCRIBED IN THIS SECTION IN A QUALIFIED TOWNSHIP
11 IF THE QUALIFIED TOWNSHIP HAS ENTERED INTO AN AGREEMENT WITH THE
12 MUNICIPALITY UNDER SECTION 3(7).