

CHAPTER 280
Downtown Development Authority

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CROSS REFERENCES

Municipal bonds - see M.C.L.A. Secs. 117.4a, 117.4b, 117.4e, 117.4g, 117.5, 117.14a, 117.35a

Improvements in home rule cities - see M.C.L.A. Secs. 117.4d et seq.

Downtown Development Authority - see M.C.L.A. Secs. 125.1651 et seq.

280.01 TITLE.

This chapter shall be known as the "Downtown Development Authority Ordinance" of the City of Litchfield.
(Ord. 97-3. Passed 8-11-97.)

280.02 DETERMINATION OF NECESSITY; PURPOSE.

The City Council 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 City, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.
(Ord. 97-3. Passed 8-11-97.)

280.03 DEFINITIONS.

The terms used in this chapter shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this chapter:

- (a) "Act 197" means Act 197 of the Public Acts of Michigan of 1975, as amended.
 - (b) "Authority" means the Downtown Development Authority of the City of Litchfield created by this chapter.
 - (c) "Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.
 - (d) "Chief Executive Officer" means the Mayor of the City.
 - (e) "City" means the City of Litchfield, County of Hillsdale, Michigan.
 - (f) "City Council" means the City Council of the City.
 - (g) "Downtown District" means the downtown district designated by this chapter, as now existing or hereafter amended, and within which the Authority shall exercise its powers.
- (Ord. 97-3. Passed 8-11-97.)

280.04 CREATION OF AUTHORITY.

There is hereby created pursuant to Act 197 a Downtown Development Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of the "Downtown Development Authority of the City of Litchfield." 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 chapter and Act 197. The enumeration of a power in this chapter or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

(Ord. 97-3. Passed 8-11-97.)

280.05 TERMINATION.

Upon completion of its purposes, the Authority may be dissolved by the City Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

(Ord. 97-3. Passed 8-11-97.)

280.06 DESCRIPTION OF DOWNTOWN DISTRICT.

The Downtown District shall consist of the territory in the City described in Exhibit "A" attached to original Ordinance 97-3, passed August 11, 1997, and made a part hereof by reference, subject to such changes as may hereinafter be made pursuant to this chapter and Act 197.

(Ord. 97-3. Passed 8-11-97.)

280.07 BOARD OF DIRECTORS.

(a) The Authority shall be under the supervision and control of the Board. The Board shall consist of the Chief Executive Officer of the City and eight members. Members shall be appointed by the Chief Executive Officer, subject to approval by the City Council. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than one of the members shall be a resident of the Downtown District if the Downtown District has 100 or more persons 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 one year, two years, three years, and four years. A member shall hold office until the 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 City Council. 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 City Clerk of the City.

(Ord. 97-3. Passed 8-11-97.)

- (b) (1) The office of any member of the Board shall be declared vacant if such member shall miss two consecutive regular meetings of the Board, unless such absence shall be excused by the Board Chairperson and the reason therefore entered in the proceedings of the Board at the time of each absence.
- (2) Vacancies on the Board occurring as a result of unexcused absences shall be filled in the manner provided for making the original appointment. In the case of a member of the Board appointed for a definite term, such appointment shall be for the unexpired term.

(Ord. 2001-03. Passed 6-11-01.)

280.08 POWERS OF AUTHORITY.

Except as specifically otherwise provided in this chapter, the Downtown Development Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

(Ord. 97-3. Passed 8-11-97.)

280.09 FISCAL YEAR; ADOPTION OF BUDGET.

(a) The fiscal year of the Authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the City.

(b) The Board shall prepare annually a budget and shall submit it to the City Council for approval in the manner and at the time, and which budget shall contain the information, required of Municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City 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 be audited annually by the same independent auditors auditing the City, and copies of the audit report shall be filed with the City Council. The governing body of the City may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the Authority, other than those committed, which costs shall be paid annually by the Board pursuant to an appropriate item in its budget.

(Ord. 97-3. Passed 8-11-97.)