

CHARTER TOWNSHIP OF WHITE LAKE

AN ORDINANCE TO AMEND CHAPTER 12, COMMUNITY DEVELOPMENT, ARTICLE II – CORRIDOR IMPROVEMENT AUTHORITY, OF THE WHITE LAKE TOWNSHIP CODE OF ORDINANCES

An Ordinance to Amend Chapter 12, Article II of the Charter Township of White Lake Code of Ordinance, in its entirety, to update the statutory references to Public Act 57 of 2018, to update the parcel numbers of the established corridor improvement authority development area, to change the number of authority board members, and to update the instances when amendments to this Ordinance will be filed with the secretary of state to be consistent with Public Act No. 57 of 2018.

THE CHARTER TOWNSHIP OF WHITE LAKE ORDAINS:

ARTICLE I: AMENDMENT

Sec. 12-19. Purpose.

The township board has determined that it is necessary for the best interests of the public to redevelop its commercial corridors to correct and prevent deterioration in business districts, to encourage historic preservation and to promote economic growth. To do so, this article establishes a corridor improvement authority pursuant to Public Act No. 57 of 2018 (MCL 125.4602 et seq.).

Sec. 12-20. Definitions.

The terms used in this article shall have the same meaning as given to them in Act 57 or as hereafter defined, unless the context clearly indicated otherwise. As used in this article:

Act 57 means Public Act No. 57 of 2018 (MCL 125.4602 et seq.), as now in effect and hereafter amended.

Authority means the Charter Township of White Lake Corridor Improvement Authority, as created herein.

Authority board or *board* means the governing body of the authority.

Development area or *corridor improvement authority development area* means the territory within the township described in section 12-22, within which the authority may exercise its power as provided by Act 57.

Public facility means a street, plaza, pedestrian mall, and any improvements to a street, plaza or pedestrian mall, including street furniture and beautification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency.

Sec. 12-21. Creation of the authority.

There is hereby created pursuant to Act 57 a corridor improvement authority for the township. The authority shall be a public body corporate and shall be known and exercise its powers as the "Charter Township of White Lake Corridor Improvement Authority."

Sec. 12-22. Description of the corridor improvement authority development area; parcel numbers.

(a) The corridor improvement authority development area, which is the territory in which the authority shall exercise its power as provided by Act 57, shall consist of the following described territory in the township, subject to such changes as may hereinafter be made pursuant to this article and Act 57.

(b) The development area shall consist of the following parcel numbers¹:

- 12-09-476-005
- 12-13-351-004
- 12-13-376-004
- 12-13-376-010
- 12-13-376-011
- 12-13-376-012
- 12-13-376-014
- 12-13-376-015
- 12-13-451-011
- 12-13-454-005
- 12-13-454-006
- 12-13-454-013
- 12-13-454-015
- 12-13-454-018
- 12-13-454-019
- 12-13-454-046
- 12-13-454-047
- 12-13-455-008
- 12-13-455-009
- 12-13-455-017
- 12-13-455-020
- 12-13-455-021
- 12-13-455-024
- 12-13-476-001
- 12-13-476-003
- 12-13-476-004
- 12-13-476-007
- 12-13-476-008

¹ While the parcel numbers were updated by this amendment, the development area remains consistent with the originally established corridor improvement authority development area.

12-13-476-009
12-13-476-010
12-13-477-002
12-13-478-001
12-13-478-003
12-13-478-007
12-13-478-008
12-14-300-019
12-14-451-002
12-14-451-003
12-14-476-002
12-14-476-007
12-14-476-009
12-14-476-010
12-14-476-011
12-14-476-012
12-14-476-013
12-14-476-015
12-16-176-001
12-16-176-002
12-16-200-023
12-16-200-024
12-16-200-025
12-16-301-011
12-19-101-016
12-19-101-017
12-19-101-021
12-19-101-023
12-19-101-024
12-19-101-025
12-19-101-027
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12-19-101-033
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12-19-101-036
12-19-101-037
12-19-201-001
12-19-201-003
12-19-201-006
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12-20-151-008
12-20-176-001
12-20-226-003
12-20-251-019
12-20-251-020
12-20-276-005
12-20-276-013
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12-20-276-026
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12-20-276-029
12-20-276-030
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12-20-276-035
12-20-276-036
12-20-300-003
12-20-300-011
12-20-300-018
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12-24-126-004
12-24-126-005
12-24-126-009
12-27-100-014
12-28-226-001

Sec. 12-23. Authority board.

(a) *Membership qualifications, terms, vacancy, compensation and expenses, chairperson.* The authority shall be supervised and controlled by a board consisting of five (5) members, including the township supervisor, or his or her assignee. The members of the board shall be appointed by the township supervisor, subject to the approval of the township board. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least one of the members shall be a resident of the development area or of an area within half a mile of any part of the development area. Of the members first appointed, an equal number of members, as near as is practicable, shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the township supervisor 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.

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

(c) *Open Meetings Act, compliance; rules; special meetings.* The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by Act No. 267. The board shall adopt rules consistent with Act No. 267 governing its procedure and the holding of regular meetings, subject to the approval of the township board. Special meetings may be held when called in the manner provided in the rules of the board.

(d) *Removal of board members for cause.* Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the township board.

(e) *Expenses and financial records, open to the public.* All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(f) *Freedom of Information Act.* In addition to the items and records prescribed in subsection (e) of this section, a writing prepared, owned, used, in the possession of, or retained by the board in the

performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

Sec. 12-24. Governing board officers and personnel.

(a) *Director, oath and bond, chief executive officer; powers and duties; report; acting director.* The board may employ and fix the compensation of a director, subject to the approval of the township board. The director shall serve at the pleasure of the authority board. A member of the board is not eligible to hold the position of the director. Before beginning his or her duties, the director shall take and subscribe to the constitutional oath, and furnish and post a bond in the sum of \$10,000.00, payable to the authority for use and benefit of the authority and filed with the township clerk. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by Act 57. The director shall attend the meetings of the board and shall provide to the board and to the township board regular reports covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the authority board and township board with information or reports governing the operation of the authority board and township board as the board shall require.

(b) *Treasurer; duties; bond.* The board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform all duties as may be delegated to him by the board and shall furnish a bond in an amount prescribed by the board.

(c) *Secretary; duties.* The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board, keep a record of its proceedings and shall perform all other duties delegated by the board.

(d) *Legal counsel; duties.* The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the authority in actions brought by or against the authority.

(e) *Other personnel.* The board may employ other personnel considered necessary by the board.

Sec. 12-25. Powers of the governing board.

The board established by this article shall possess all of the powers provided by this article or Act 57, including, without limitation, the following:

(1) Prepare an analysis of economic changes taking place in the development area.

- (2) Study and analyze the impact of metropolitan growth upon the development area.
- (3) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.
- (4) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier-free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale Single State Construction Code Act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.).
- (5) Develop long-range plans, in cooperation with the planning commission and any other township planning consultants or engineers, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (6) Implement any plan of development in the development area necessary to achieve the purposes of Act 57 in accordance with the powers of the authority granted by Act 57.
- (7) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (8) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of Act 57, and to grant or acquire licenses, easements and options with respect thereto.
- (9) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- (10) Fix, charge and collect fees, rents and charges for the use of any facility, building or property under its control or any part of the facility, building or property, and pledge the fees, rents and charges for the payment of revenue bonds issued by the authority.
- (11) Lease any building or property under its control, or any part thereof.
- (12) Accept grants and donations of property, labor or other things of value from a public or private source.
- (13) Acquire and construct public facilities.

(14) Conduct market research and public relations campaigns, develop, coordinate and conduct retail and institutional promotions, and sponsor special events and related activities.

Sec. 12-26. Fiscal year; adoption of budget; financial reports.

(a) The fiscal year of the authority shall begin on January 1 of each year and end on December 31 of that year, or such other fiscal year as may hereafter be adopted by the township board.

(b) The director of the authority shall submit a budget to the board for the operation of the authority for each fiscal year before the beginning of the fiscal year. The budget shall be prepared in the manner and contain the information required of and by the township board. After review by the board, the budget shall be submitted to the township board on the same date that the proposed budget for the township is required to be submitted to the township board. The township board must approve the budget before the board may adopt the budget. The township 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 submit financial reports to the township as requested by the township board. The authority shall be audited at the same time and by the same independent auditor auditing the township accounts and copies of the audit report shall be filed with the township clerk.

Sec. 12-27. Termination of the authority.

An authority that has completed the purposes for which it was organized shall be dissolved by ordinance of the township board. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the township.

Sec. 12-28. Amendments.

Any amendments or alterations to the boundaries of the development area to include or exclude lands from the development area, shall be adopted in the same manner as required for the creation of the authority in accordance with Act 57 and shall be filed with the secretary of state promptly after adoption.

ARTICLE II: SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE III: EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE IV: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

ARTICLE V: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the 16th day of May, 2023, and ordered to be given publication in the manner prescribed law.

BY: _____
Rik Kowall, Supervisor

BY: _____
Anthony L. Noble, Clerk