

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 08-2011**

**AN ORDINANCE TO AMEND THE ORDINANCES CODE OF THE CITY OF
THE VILLAGE OF DOUGLAS, MICHIGAN BY CREATING A WATER
IMPROVEMENT TAX INCREMENT FINANCE AUTHORITY**

THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN AS FOLLOWS:

That the Ordinance Code of the City of the Village of Douglas, Michigan, is hereby amended by adding Chapter 36, Section 36.01 – 36.11 To Title II to read as follows:

WATER IMPROVEMENT TAX INCREMENT FINANCING AUTHORITY

Section

- 36.01 Title
- 36.02 Determination of Necessity; Purpose
- 36.03 Definitions
- 36.04 Creation of Authority
- 36.05 Description of Water Resource Improvement District
- 36.06 Board of Directors
- 36.07 Powers of Authority
- 36.08 Fiscal Year; Adoption of Budget
- 36.09 Termination
- 36.10 Section Heading; Severability; Repealer
- 36.11 Effective Date
- 36.12 Publication

§ 36.01 TITLE.

This ordinance shall be known as the “Water Improvement Tax Increment Finance Authority Ordinance” of the City of the Village of Douglas.

§ 36.02 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, for the purpose of correcting and preventing deterioration in the water resources of Kalamazoo Lake; increase property valuation where possible in the water resource improvement district, and promote economic growth, pursuant to Act 94 of Public acts of Michigan, 2008, as amended.

§ 36.03 DEFINITIONS.

The terms used in this ordinance shall have the same meaning as given them in Act 94 or as hereinafter in this section provided unless the context clearly indicates to the contrary as used in this ordinance.

AUTHORITY. means a water resource improvement tax increment finance authority created under this Ordinance pursuant to Act 94 of PA 2008, as amended.

BOARD or BOARD OF DIRECTORS. means The Board of Directors of The Authority, which should serve as its governing body.

CHIEF EXECUTIVE OFFICER. means the mayor or his or her city or administrative manager of a city or supervisor of a township.

CITY. means the City of the Village of Douglas.

COUNCIL OR CITY COINCIL. means the governing body of the City having legislative powers.

WATER RESOURCE IMPROVEMENT DISTRICT OR DISTRICT. means that portion of the Kalamazoo Lake lying within the City boundaries and parcels of land that are contiguous to its shoreline up to one mile from the shoreline as designated herein designated by this ordinance, as now existing or hereafter amended, and within which The Authority shall exercise its powers.

§ 36.04 CREATION OF AUTHORITY

There is hereby created pursuant to Act 94 a Water Resource Improvement Tax Increment Finance Authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers Under Title of the “Water Resource Improvement Tax Increment Finance Authority of the City of the Village of Douglas”. The Authority may sue or 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 under this ordinance and Act 94. The enumeration of a power in this ordinance or Act 94 shall not be construed as a limitation upon the general powers of The Authority.

§ 36.05 DESCRIPTION OF WATER RESOURCE IMPROVEMENT DISTRICT

The Water Resource Improvement District shall consist of the Territory in the City of the Village of Douglas described below and inclusive of all parcels delineated on the map attached as Exhibit A and made a part hereof, subject to such charges as may hereinafter be made pursuant to this ordinance and Act 94:

all properties that fall within a district that would be created by drawing a line starting at the intersection of Ferry Street and Campbell Road and proceeding West along Campbell Road to a point approximately 200 feet West of McVea Dr., then turning South at that point and proceeding in a straight line to Center Street, then turning East on Center Street and proceeding to a point approximately 650 feet West of intersection of Center and

Ferry Streets, then turning South at that point and proceeding in a straight line to Wiley Road, then turning East on Wiley Road proceeding to the eastern boundary of the City, then turning North and following the boundary of the city to a point in Lake Kalamazoo that marks the dividing line between the City of Douglas and Saugatuck Township, then following that line in Lake Kalamazoo that goes West and North West to a point that aligns with the point of beginning at Ferry Street and Campbell Road.

§ 36.06. BOARD OF DIRECTORS.

The Authority shall be under the supervision and control of The Board. The Board shall consist of the Chief Executive Officer of the City or his or her designee and not less than five (5) and not more than nine (9) members as determined by Council. Members shall be appointed by the chief executive officer, subject to approval by the Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in The District. At least one member shall be a resident of The District or of an area within one-half mile of any part of The District. Of the members first appointed, an equal number of members, as near as practical, shall serve until the member's successor is appointed. After initial appointment, each member shall serve for a term of four (4) years. Any appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term only. Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson shall be elected by The Board. The Board shall adopt Bylaws governing its procedures subject to the approval of Council. Subject to the provisions of Section 36.08, the Board may employ and fix the compensation of a Director who shall serve at the pleasure of the Board and such other secretary and treasurer and such other personnel as considered necessary. A member of the Board is not eligible to serve as a Director.

§ 36.07. POWERS OF AUTHORITY.

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

§ 36.08. FISCAL YEAR: ADOPTION OF BUDGET.

- (a) The fiscal year of The Authority shall begin on July 1st of each year as may hereafter be adopted by the Council.
- (b) The Board shall cause the preparation of an annual budget for the operation of The Authority for each fiscal year. The budget shall contain the same information required of City departments. After review by The Board, the budget shall be submitted to Council for approval, which shall occur before final adoption by The Board.
- (c) The Authority shall submit financial reports to Council at the same time and on the same basis as departments of the City if so required. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit shall be filed with Council.

§ 36.09. TERMINATION.

Upon completion of its purpose for which it was organized, The Authority may be dissolved by the Council. The property and assets of The Authority remaining after the satisfaction of the obligations of The Authority belong to the municipality.

§ 36.10. SECTION HEADINGS: SEVERABILITY: REPEALER.

Section headings are provided for convenience only and are not intended to be part of the 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.

§ 36.11. EFFECTIVE DATE.

This subchapter shall become effective twenty (20) days after adoption and publication.

§ 36.12. PUBLICATION.

This ordinance shall be published after its adoption in The Local Observer newspaper; a newspaper of general circulation in the City of the Village of Douglas.

Ordinance Offered by: Greenwood

Ordinance Supported by: Hoexter

Ayes: Bailey, Greenwood, Harvath, Hoexter, Mayer, Smith, Wiley

Nays: None

Abstain: None

Absent: None

ORDINANCE DECLARED ADOPTED.

_____ Date: December 5, 2011
James I. Wiley, Mayor

_____ Date: December 5, 2011
Jean E. Neve, City Clerk

Ordinance Adoption Date: December 5, 2011

Ordinance Effective Date: December 30, 2011

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 08-2011, duly adopted by the City Council of the City of the Village of Douglas, County of Allegan, State of Michigan at a regular meeting held on December 5, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Diane Bailey, Lisa Greenwood, Greg Harvath, Martha Hoexter, Jane Mayer, Eric Smith and James Wiley.

And that there were no Members absent.

I hereby certify that the foregoing ordinance received legal publication in the Local Observer newspaper on _____, and that a certified copy of the foregoing ordinance was filed with the Michigan Secretary of State on _____, 20__.

Jean E. Neve, CMC
City of the Village of Douglas Clerk

EXHIBIT A
WATER RESOURCE IMPROVEMENT DISTRICT
MAP