

RESOLUTION 2014-073

RESOLUTION CREATING A LOCAL DEVELOPMENT FINANCE AUTHORITY FOR THE CITY OF CLARE, DESIGNATING BOUNDARIES OF THE AUTHORITY DISTRICT AND PROVIDING FOR OTHER MATTERS

City of Clare
Counties of Clare and Isabella, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Clare, Counties of Clare and Isabella, State of Michigan, held on June 16, 2014, at 6:00 p.m. prevailing Eastern Time.

PRESENT: Commissioners: Bob Bonham, Pat Humphrey, and Karla Swanson.

ABSENT: Commissioners: Jean McConnell and Carolyn Murphy.

The following preamble and resolution were offered by Commissioner Bonham and supported by Commissioner Swanson:

WHEREAS, the City of Clare, Counties of Clare and Isabella, State of Michigan (the "City") is authorized by the provisions of Act 281, Public Acts of Michigan, 1986, as amended ("Act 281"), to create a local development finance authority; and

WHEREAS, pursuant to Act 281 the City is required to hold a public hearing on the establishment of a local development finance authority and the creation of an authority district in which the local development finance authority will exercise its powers; and

WHEREAS, on April 14, 2014, the City Commission conducted a public hearing on the establishment of a local development finance authority and on the designation of the proposed boundaries of the authority district; and

WHEREAS, not less than 60 days has passed since the public hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Determination of Necessity; Purpose. The City Commission hereby determines that it is necessary and in the best interests of the City to create a local development finance authority pursuant to Act 281 in order to eliminate causes of unemployment, underemployment and joblessness and to promote economic growth in the City.

2. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 281 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Act 281" means Act No. 281 of the Public Acts of Michigan of 1986, as amended.

“Authority” means the Local Development Finance Authority of the City of Clare created by this resolution.

“Authority District” means the authority district designated by this resolution as now existing or hereafter amended, and within which the Authority shall exercise its powers.

“Board” or “Board of Directors” means the Board of Directors of the Authority, the governing body of the Authority.

“Chief Executive Officer” means the Mayor of the City.

“City” means the City of Clare, Counties of Clare and Isabella, Michigan.

“Commission” or “City Commission” means the City Commission of the City.

3. Creation of Authority. There is hereby created pursuant to Act 281 a local development 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 “LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF CLARE.” 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 resolution and Act 281. The enumeration of a power in this resolution or in Act 281 shall not be construed as a limitation upon the general powers of the Authority.

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

5. Description of Authority District. The Authority District shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereafter be made pursuant to this resolution and Act 281.

6. Board of Directors. The Authority shall be under the supervision and control of the Board. The Board shall consist of eleven (11) board members, 7 of whom shall be appointed by the Chief Executive Officer, subject to approval by the Commission, 1 of whom shall be appointed by the County Board of Commissioners for the County of Clare, 1 of whom shall be appointed by the chief executive officer of the community college and 2 of whom shall be appointed by the chief executive officer of the local school district. 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 1 year, 2 years, 3 years, and 4 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 in the same manner as the original appointment but 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 Commission. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of

Fifty Thousand Dollars (\$50,000) payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the City.

7. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

8. Fiscal Year; Adoption of Budget.

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

(b) The Board shall prepare annually a budget and shall submit it to the Commission 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 Commission. 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 resolution authorizing the revenue bonds.

(c) The Authority shall submit financial reports to the Commission at the same time and on the same basis as departments of the City are required to submit reports. 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 Commission.

9. Repealer. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

10. Publication, Recording and Filing. This resolution shall be published once after its adoption in full in the *Clare County Review*, a newspaper of general circulation in the City of Clare and the City Clerk shall file a certified copy of this resolution with the Michigan Secretary of State promptly after its adoption.

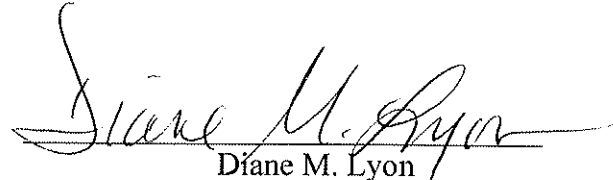
11. Ratification of Publication of Notice of Public Hearing. The prior publication of the notice of public hearing on the creation of a local development finance authority and the designation of authority district boundaries in the *Clare County Review* and the *Mt. Pleasant Morning Sun* is hereby approved, ratified and confirmed.

12. Effective Date. This resolution shall take effect immediately upon its publication.

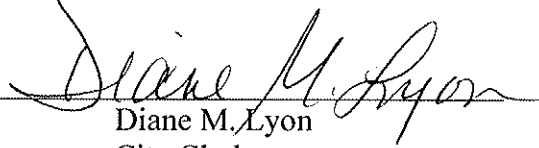
AYES: Commissioners: Bonham, Humphrey, and Swanson.

NAYS: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

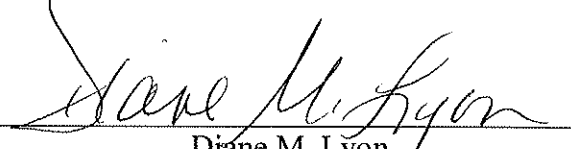

Diane M. Lyon
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Clare, Counties of Clare and Isabella, State of Michigan, at a regular meeting held on June 16, 2014, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings 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.



Diane M. Lyon
City Clerk

I hereby certify that the foregoing resolution received legal publication in the *Clare County Review* on June 20, 2014, and that a certified copy of the foregoing resolution was filed with the Michigan Secretary of State on June 18, 2014.



Diane M. Lyon
City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY TO BE INCLUDED IN THE
PROPOSED AUTHORITY DISTRICT

A 60 acre parcel of land located on the north side of Colonville Road approximately one-third of a mile East of Clare Avenue on the north side of the City of Clare as shown in the below map.

