

ORDINANCE NO. 80-822

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE V, DIVISION 2.5 OF THE CODE OF ORDINANCES ENTITLED DOWNTOWN DEVELOPMENT AUTHORITY.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Sections 2-109 through 2-111 of Chapter 2, Article V, Division 2.5 of the Ordinances of the City of Warren, Michigan,

SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 2-109. - Determination of necessity; purpose.

The city council hereby finds that the downtown district as described in Section 2-112 is comprised of the principal business district within the City of Warren. The city council further determines that it is in the best interests of the public to adopt the **Amended** 2005 Downtown District Plan and Tax Increment Financing Plan and to create and authorize a public body corporate named the downtown development authority to implement the plan within the downtown district. The authority shall operate to halt property value deterioration, eliminate the causes of deterioration, promote development in accordance with the amended plan, increase property tax valuation and promote economic growth where possible in the downtown district of the city, pursuant to **Michigan Public Act No. 57 of 2018, as amended, MCLA 125.4101, et. seq.** ~~Michigan Public Act 197 of 1975, as amended, MCLA 125.1651.~~

Sec. 2-110. - Definitions.

The terms used in this division shall have the same meaning as given to them in **Michigan Public Act No. 57 of 2018, as amended, Part 2, specifically, MCLA 125.4201.** ~~Public Act 197 of 1975 as amended, MCLA 125.1651,~~ or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this division:

Authority means the downtown development authority created by this division.

Act 57 means Part 2 of No 57 of the Public Acts of 2018, as amended, the Re-codified Tax Increment Financing Act, specifically captioned, "Downtown Development Authorities", at MCLA 125.4201 to 125.4230. ~~197 means Act No. 197 of the Public Acts of Michigan of 1975, as amended, entitled the Downtown-Development Authority Act, found at MCLA 125.1651.~~

Board or board of directors means the board of directors of the downtown development authority.

Chief executive officer means the mayor of the city.

City means the City of Warren, Michigan.

Council or city council means the City Council of the City of Warren.

Development plan means the plan prepared in compliance with section **217 of Public Act 57 of 2018, MCLA 125.4217**, ~~17 of Public Act 197 of 1975; MCLA 125.1667~~ designating boundaries of the downtown district development area and proposed development, construction, renovation, rehabilitation, land acquisition and improvement.

Downtown district or district means the business district designated by this division in section 2-112, as now existing or hereafter amended and within which the authority shall exercise its powers.

Downtown district development plan means the tax increment financing plan together with the development plan approved by the downtown development authority and adopted by the city council. Such plan may be amended as provided by **Public Act 57 of 2018, MCLA 125.4201 to MCLA 125.4230**. ~~Public Act 197 of 1975; MCLA 125.1651.~~

Tax increment financing plan means the financing plan for the activities of the downtown development authority prepared in compliance with **sections 211, 4214, 4215 and 4216 of Act 57 of 2018, formerly**, sections 14 to 16 of Public Act 197 of 1975; MCLA 125.1664 to 125.1666, submitted to and approved by the city council.

Sec. 2-111. - Creation of authority; powers.

The **downtown development authority exists pursuant to section 202 of Act 57, and was established hereby created pursuant Public Act 57 of 2018, MCLA 135.4201 to MCL 125.4230, formerly** Public Act 197 of 1975, as amended, MCLA 125.1651, **as** the downtown development authority for the City of Warren. The authority shall be a public body corporate and shall be known and exercise its powers under title of the "Downtown Development Authority of the City of Warren". 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 purposes of its incorporation as provided by this division and **Act 57, generally, MCLA 125.4205 to MCLA 125.4207**. ~~Public Act 197 of 1975, MCLA 125.1651.~~ The enumeration of a power in this or in ~~Public Act 197 of 1975~~ shall not be construed as a limitation upon the general powers of the authority.

SECTION 2. That Section 2-114 of Chapter 2, Article V, Division 2.5 of the Ordinances of the City of Warren, Michigan,

SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 2-114 - Board of directors.

The authority shall be under the supervision and control of the board. The board shall consist of the chief executive officer plus eight (8) members. 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 interest in property located in the downtown district, **or officers, members, trustees, principals, or employees of a legal entity having an interest in property, located in the downtown district.** ~~(Not less than one (1) of the members shall be the representative of the Warren Consolidated Schools.)~~ If the district has one hundred (100) or more persons residing within it, not less than one (1) of the members shall be a resident of the district. Members shall be appointed to serve for a term of four (4) years. ~~except that of the members first appointed, two (2) shall be appointed for terms of one (1) year, two (2) shall be appointed for terms of two (2) years, two (2) shall be appointed for terms of three (3) years, and two (2) shall be appointed for terms of four (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 by the chief executive officer for the unexpired term only. Members of the board shall serve without compensation, but may 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 council. The board may employ and fix the compensation of a director, subject to the approval of the city council. Such director shall furnish a bond in the penal sum of fifty thousand dollars (\$50,000.00) payable to the authority for use and benefit of the Authority and shall file the same with the city clerk of the city.

SECTION 3. That Chapter 2, Article V, Division 2.5 shall be amended to correct references to the former statute "Act 197" with "Act 57" in any place where "Act 197" appears.

SECTION 4. Except as amended all other parts or provisions of the division shall remain unchanged and in effect.

SECTION 5. This Ordinance shall take effect on October 23, 2024.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-822 was adopted by the Council of the City of Warren at its meeting held on September 24, 2024.


SONJA BUFFA
City Clerk

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