

BY-LAWS

DOWNTOWN DEVELOPMENT AUTHORITY

CITY OF LUDINGTON

(A public Authority and Governmental subdivision formed pursuant to Act 197 of the Public Acts of 1975, as amended)

ARTICLE I

Public Authority

The authority is a public downtown development authority incorporated pursuant to Act 197, Public Acts of Michigan, 1975, as amended. Any net earnings of the authority beyond that necessary for the retirement of indebtedness or to implement the public purposes or program of the City of Ludington may not inure to the benefit of a person other than the City of Ludington and, upon dissolution of the authority shall belong to the City. Upon dissolution of the authority title to all property owned by the authority, subject to existing rights in other parties, shall vest in the City of Ludington.

ARTICLE II

Name

The name of this corporation is the Ludington Downtown Development Authority. (Revision March 20, 1989)

ARTICLE III

Offices

Section 1. Registered Office. The initial registered office of the authority is the Ludington Municipal Complex, 400 S. Harrison, City of Ludington, Mason County, Michigan.

Section 2. Principal Office. The Authority shall have its principal office at the location of the Registered Office, and it may also maintain offices at such other place or places as the board of directors may from time to time designate.

ARTICLE IV

Purpose

The authority is organized and incorporated as authorized by and pursuant to the Downtown Development Authority Act (Act 197, Public Acts of 1975, as amended). The purpose for which the authority is created is to correct and prevent deterioration in business

districts; to encourage historic preservation; to authorize the acquisition and disposal of interest in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing. To accomplish the foregoing essential public purposes, the authority, pursuant to Act 197, P.A. 1975, may do the following:

- a) Prepare an analysis of economic changes taking place in the downtown district.
- b) Study and analyze the impact of city growth upon the downtown district.
- c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, and 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 downtown district.
- d) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- e) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.
- f) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- g) Acquire by purchase or otherwise, on terms and in a manner the authority deems 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 therein, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.
- h) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwelling, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- i) Fix, charge, and collect fees, rents and charges for the use of any building or property under its control or any part thereof, of facility therein, and pledge the fees, rents and charges for the payments of revenue bonds issued by the authority.
- j) Lease any building or property under its control, or any part thereof.
- k) Accept grants and donations of property, labor or other things of value from a public or private source.
- l) Acquire and construct public facilities.
- m) In general and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Act 197 P.A. 1975, as amended.

- n) The board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality.
- o) 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.
- p) 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.
- q) The board may retain legal counsel to advise the board in proper performance of its duties.
- r) The board may employ other personnel deemed necessary by the board.
- s) The board shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and a finally equalized in the downtown district at a rate of not more than two (2) mills each year. (Revision November 15, 1993)

ARTICLE V

Director

Section 1. General Powers. The business and affairs of the authority shall be managed by its board of directors except as otherwise provided by stature, by the articles of incorporation or by the by-laws.

Section 2. Number, Tenure and Qualification. The authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and not less than 8 or more than 12 members as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the Municipality, subject to approval by the governing body of the municipality. 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. Of the members first appointed, and equal number of the 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. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. The chairperson of the board shall be elected by the board.

Section 3. Director, Bond of Director. If a director is employed as authorized by Section 5 of Act 197, he shall post bond in the penal sum of \$5,000 as required by said Section of said Statutes.

Section 4. Removal. A director may be removed from office for cause by majority vote of the City Council.

Section 5. Conflict of Interest. A director who has a direct interest in any matter before the authority shall disclose his interest prior to the authority taking any action with respect to the matter, which disclosure shall become a party of record of the corporation's official proceedings, and the interested director shall further refrain from participation in the authorities proceedings relating to the matter.

Section 6. Compensation. Board members shall serve without salary, but may be reimbursed through mutual expenses incurred in the performance of their official duties, and may receive per diem. However, nothing herein contained shall be construed to preclude any Board member from serving the authority in any other capacity of executive director of the authority.

Section 7. By-Law Revision. By-Laws may be amended at any lawful meeting of the Board of Directors by a majority affirmative vote of the members present and in good standing at such meeting. (Revision – Addition March 27, 1989)

Section 8. Meeting Attendance. Should a member miss four consecutive regularly scheduled Board of Directors meetings that member shall be deemed to have resigned from the Board. (Revision December 3, 2018)

By-Laws adopted February 18, 1985