

06-77
6/06/06

CITY OF MANISTEE

**RESOLUTION ESTABLISHING A
BROWNFIELD REDEVELOPMENT AUTHORITY
FOR THE CITY OF MANISTEE
AND APPOINTING BOARD MEMBERS PURSUANT TO AND IN ACCORDANCE
WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF
THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the City Council of the City of Manistee, Manistee County, Michigan, held in the chambers of said City Council, on the sixth day of June 2006, at 7:00 p.m.

PRESENT: Kenny, Fuller, Hornkohl, Yonkman, Mack, and Marshall

ABSENT: Goodspeed.

MOTION BY: Fuller

SUPPORTED BY: Hornkohl

WHEREAS, the City Council of the City of Manistee, by Resolution adopted on April 18, 2006, (the "Resolution of Intent"), determined that it is in the best interests of the public to facilitate the implementation of Brownfield Plans relating to the identification and treatment of environmentally distressed, functionally obsolete and/or blighted areas so as to promote revitalization within the municipal limits of the City of Manistee and declared its intention to provide for the operation of a Brownfield Redevelopment Authority for the City of Manistee (the "Authority") pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, on this date, pursuant to and in accordance with the Act and the Resolution of Intent, the Council held a public hearing, notice of which was given as required by Section 4(2) of the Act on the adoption of a resolution creating the Authority; and

WHEREAS, all citizens, taxpayers and property owners of the City of Manistee and officials of the affected taxing jurisdictions had the right and opportunity to be heard at the public hearing on the establishment of the Authority; and

WHEREAS, the Council desires to proceed with the establishment of the Authority for the City of Manistee within the municipal limits of which the Authority shall exercise its powers, all pursuant to and in accordance with the Act.

NOW THEREFORE, BE IT RESOLVED THAT:

1. **Authority Created.** Pursuant to the authority vested in the Council by the Act, the Authority is hereby established and shall be known as the City of Manistee Brownfield Redevelopment Authority.
2. **Supervision of the Authority.** The Authority shall be under the supervision and control of a board (the "Board") appointed by the Mayor of the City of Manistee, in accordance with the

membership provisions set forth in Section 5(1) of the Act, subject to the approval of the Council. The members of the Board shall hold office, and the Board shall conduct its procedures in accordance with the Act, and, in particular, Section 5 thereof.

3. Jurisdiction of the Authority. The Authority shall exercise its powers within the area of the City of Manistee.

4. Powers and Duties of the Authority. The Authority shall have the powers and duties to the full extent as provided and in accordance with the Act. Among other matters, the exercise of its powers, the Board shall prepare Brownfield Plan(s) for eligible property(ies) pursuant to Section 13 of the Act and submit the plan(s) to the Council for consideration pursuant to Section 14 of the Act.

5. Bylaws and Rules of the Authority. The Authority shall elect officers and adopt bylaws and rules governing its procedures and the holding of its meetings all in accordance with Sections 5(3) and 5(5) of the Act, and shall immediately forward a copy of the bylaws and rules after adoption by the Board to the Council in care of the Clerk of the City of Manistee (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the Council. If the Council fails to either approve or disapprove the Authority's bylaws and rules at its next regular meeting after receipt of a copy thereof by the Clerk, the Authority's bylaws and rules shall be deemed to have been approved by the Council for all purposes.

6. Director's Bond. In the event the Board elects to employ a director as authorized by Section 6(1) of the Act, the director, before entering upon the duties of his office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$100,000 with a \$1,000 deductible payable to the Authority for the use and benefit of the Authority, which shall be approved by the Board and filed with the Clerk. The premium on the bond furnished by the director shall be deemed to be an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.

7. Form of Approvals. Except as may otherwise be provided by the Act or other applicable law, approvals by the Council of all matters pertaining to the Authority of its Board shall be by resolution.

8. Severability. Should any section, clause or phase of this Resolution be declared by the courts invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

9. Repeals. All resolutions or parts of resolution in conflict with any of the provisions of this Resolution are hereby repealed.

10. Publication. The Clerk is hereby directed to file a true and complete copy with the secretary of the State of Michigan promptly after adoption and to take all other actions incident upon such adoption pursuant to applicable charter or other provisions.

AYES: Kenny, Fuller, Hornkohl, Yonkman, Mack, and Marshall

NAYES: None

ABSTAINED: None

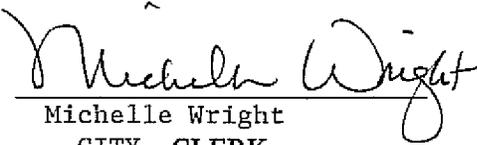
RESOLUTION DECLARED ADOPTED:

STATE OF MICHIGAN

COUNTY OF MANISTEE

I, the undersigned, the duly qualified and acting Clerk of the City of Manistee, County of Manistee, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Manistee at a regular meeting held on the Sixth day of June, 2006, the original of which resolution on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 6th day of June, 2006.


Michelle Wright
CITY CLERK

City of Manistee