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Finch's Amoco, Traverse City



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# Act 381 Sample Notices and Documents

Pursuant to the  
Brownfield Redevelopment Financing Act,  
1996 PA 381, as amended  
Gretchen Whitmer, Governor



MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

Liesl Eichler Clark, Director  
Michigan Department of Environment, Great Lakes,  
and Energy  
[www.michigan.gov/eglebrownfields](http://www.michigan.gov/eglebrownfields)



MICHIGAN ECONOMIC  
DEVELOPMENT CORPORATION

Jeff Mason, CEO  
Michigan Economic Development Corporation  
<https://www.miplace.org/programs/brownfield-tax-increment-financing/>

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## Sample Notices and Documents for Establishing a BRA

### Resolution of Intent to Create a Brownfield Redevelopment Authority (BRA)

\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_

RESOLUTION OF INTENT TO CREATE AND PROVIDE FOR THE OPERATION OF A BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE \_\_\_\_ OF \_\_\_\_ 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 \_\_\_\_ [Council, Board, or Commission] of the [City, Village, Township] \_\_\_\_ of \_\_\_\_ , \_\_\_\_ County, Michigan (the "Local Unit"), held in the Local Unit on the \_\_\_\_ day of \_\_\_\_ [month], \_\_\_\_ [year], at \_\_\_\_ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the \_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_ of \_\_\_\_ has received and reviewed testimony that there are or may be certain environmentally distressed, functionally obsolete and/or blighted areas in the \_\_\_\_ of \_\_\_\_ and that the continued existence of such areas can limit, hinder or delay redevelopment or revitalization of properties within the \_\_\_\_ [City, Village, Township, or County], and, accordingly, that it is in the best interest of the public to facilitate identification and treatment of environmentally distressed, functionally obsolete and/or blighted areas and promote revitalization within the municipal limits of \_\_\_\_; and

WHEREAS, in order to further such interests, it is appropriate for the \_\_\_\_ [Council, Board, or Commission] to create and provide for the operation of a Brownfield Redevelopment Authority within the \_\_\_\_ of \_\_\_\_ 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, pursuant to the Act, this \_\_\_\_ [Council, Board, or Commission] is required (a) to hold a public hearing on the adoption of a proposed resolution creating a Brownfield Redevelopment Authority under the Act (the "Authority") and (b) to publish notice of the public hearing in a newspaper of general circulation in the \_\_\_\_ of \_\_\_\_, all in accordance with Section 4(2) of the Act.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The \_\_\_\_ [Council, Board, or Commission] hereby determines that is in the best interest of the public to promote the redevelopment of environmentally distressed, functionally obsolete and/or blighted areas of the \_\_\_\_ [City, Village, Township, or County].
2. The \_\_\_\_ [Council, Board, or Commission] hereby declares its intention to create and provide for the operation of the Authority within the \_\_\_\_ of \_\_\_\_ pursuant to and in accordance with the provisions of the Act.



**Resolution of Concurrence by Municipality to Join County BRA**

\_\_\_\_\_ [City, Village, Township] OF \_\_\_\_\_

RESOLUTION CONSENTING TO INCLUSION OF MUNICIPALITY IN COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

At a regular meeting of the \_\_\_\_\_ [Council, Board, or Commission] of the [City, Village, Township] \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Michigan (the "Local Unit"), held in the Local Unit on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), authorizes the County of \_\_\_\_\_ (the "County") to establish a Brownfield Redevelopment Authority; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to establish and provide for the operation of a Brownfield Redevelopment Authority ("Authority") pursuant to the Act; and

WHEREAS, subject to changes that may hereafter be made pursuant to the Act, the Authority may exercise its power over property located within the boundaries of the County, provided that the Authority does not exercise its power over property located within a city, village or township located in the County unless such city, village or township has adopted a resolution concurring with the inclusion of such property; and,

WHEREAS, the Local Unit has determined that it is in the best interest of the Local Unit to join the Authority, so it permits property located within its municipal boundaries to be included in the Brownfield Redevelopment Authority of the County of \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED:

1. The Local Unit hereby agrees to opt into the Authority so that all property located within its municipal boundaries shall be included under the Brownfield Redevelopment Authority of the County of \_\_\_\_\_.
2. The \_\_\_\_\_ Clerk shall promptly file a certified copy of this Resolution with the \_\_\_\_\_ County Clerk.
3. All resolution and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES:

NAYES:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN                    )  
  
  )ss.  
  
COUNTY OF                            )

I, the undersigned, the duly qualified and acting Clerk of the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IN WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

\_\_\_\_\_  
CLERK  
  
\_\_\_\_\_ OF \_\_\_\_\_

**Notice of Public Hearing to Establish BRA**

NOTICE OF PUBLIC HEARING

[for publication and posting]

\_\_\_\_\_ [City, Village, Township of County] OF \_\_\_\_\_

NOTICE OF PUBLIC HEARING

ON THE ADOPTION OF A PROPOSED RESOLUTION ESTABLISHING A BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE \_\_\_\_\_ OF \_\_\_\_\_ PURSUANT TO AND IN ACCORDANCE WITH ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

PLEASE TAKE NOTICE THAT a Public Hearing shall be held before the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m. in the \_\_\_\_\_ [location] \_\_\_\_\_ [address], on the adoption of a proposed resolution establishing a Brownfield Redevelopment Authority for the \_\_\_\_\_ of \_\_\_\_\_, within the municipal limits of which the Authority shall exercise its powers, all 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.

## Resolution Establishing a BRA and Appointing Board Members

\_\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_\_

RESOLUTION ESTABLISHING A BROWNFIELD REDEVELOPMENT AUTHORITY FOR THE \_\_\_\_\_ OF \_\_\_\_\_ 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 \_\_\_\_\_ [Council, Board, or Commission] of the [City, Village, Township] \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, Michigan (the "Local Unit"), held in the Local Unit on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_, by Resolution adopted on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year] (the "Resolution of Intent"), determined that it is in the best interest of the public to facilitate identification and treatment of environmentally distressed, functionally obsolete and/or blighted areas to promote revitalization within the municipal limits of \_\_\_\_\_, and declared its intention to provide for the operation of a Brownfield Redevelopment Authority for the \_\_\_\_\_ of \_\_\_\_\_ (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 (the "Act"); and

WHEREAS, on this date, pursuant to and in accordance with the Act and the Resolution of Intent, the \_\_\_\_\_ [Council, Board, or Commission] 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 \_\_\_\_\_ of \_\_\_\_\_ 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, Board, or Commission] desires to proceed with the establishment of the Authority for the \_\_\_\_\_ of \_\_\_\_\_ within the boundaries 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, Board, or Commission] by the Act, the Authority is hereby established and shall be known as the \_\_\_\_\_ of \_\_\_\_\_ 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 [or other title of chief executive officer] of the \_\_\_\_\_ of \_\_\_\_\_, in accordance with the membership provisions set forth in Section 5(1) of the Act, subject

to the approval of the \_\_\_\_\_ [Council, Board, or Commission]. 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 \_\_\_\_\_ of \_\_\_\_\_.
4. **Powers and Duties of the Authority.** The Authority shall have the full extent of powers and duties provided by and in accordance with the Act. Among other matters, the exercise of its powers, the Board shall prepare Brownfield Plans for eligible property(ies) pursuant to Section 13 of the Act and submit the plan to the \_\_\_\_\_ [Council, Board, or Commission] 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 meetings in accordance with Sections 5(3) and 5(5) of the Act, and after adoption by the Board shall immediately forward a copy of the bylaws and rules to the \_\_\_\_\_ [Council, Board, or Commission] in care of the Clerk of the \_\_\_\_\_ of \_\_\_\_\_ (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the \_\_\_\_\_ [Council, Board, or Commission]. However, if the \_\_\_\_\_ [Council, Board, or Commission] 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, Board, or Commission].
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/her office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$\_\_\_\_\_ with a \$\_\_\_\_\_ 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, Board, or Commission] of all matters pertaining to the Authority or its Board shall be by resolution.
8. **Severability.** Should any section, clause or phase of this Resolution be declared invalid by the courts, 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 resolutions 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 Michigan Department of State, Office of the Great Seal, promptly after adoption and to take all other actions incident upon such adoption pursuant to applicable charter or other provisions.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN                    )  
  
  )ss.

COUNTY OF                                )

I, the undersigned, the duly qualified and acting Clerk of the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IN WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

\_\_\_\_\_  
CLERK  
  
\_\_\_\_\_ OF \_\_\_\_\_

**Letter to Michigan Department of State, Office of the Great Seal**  
[City, Village, Township, or County Letterhead]

\_\_\_\_\_ [month, day], \_\_\_\_\_ [year]

Michigan Department of State Office of the Great Seal  
7064 Crouner Boulevard  
Lansing, MI 48918

Dear Sir or Madam:

Enclosed for filing with the Michigan Department State, Office of the Great Seal, as required by Section 4(3) of Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act") is a true copy of Resolution of the of establishing a Brownfield Redevelopment Authority for the \_\_\_\_\_ of \_\_\_\_\_ pursuant to and in accordance with the provisions of the Act.

Sincerely,

\_\_\_\_\_  
CLERK

\_\_\_\_\_ OF \_\_\_\_\_

## **Bylaws**

BYLAWS OF THE \_\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_\_ BROWNFIELD REDEVELOPMENT AUTHORITY

### **ARTICLE I: Name and Address**

**Name.** The name of the Authority is the \_\_\_\_\_ [City, Village, Township, or County] of \_\_\_\_\_ Brownfield Redevelopment Authority (hereinafter referred to as the "Authority"). The address of the Authority is \_\_\_\_\_ [Street, City, State, ZIP].

### **ARTICLE II: Directors**

Section 1. **General Powers.** The business and affairs of the Authority shall be managed by its Board, except as otherwise provided by statute or by these Bylaws.

Section 2. **Board of Directors.** The Board of Directors (hereafter referred to as the "Board") of the Authority shall consist of not less than five (5) persons and not more than nine (9) persons ("Directors"), unless an EDC, DDA, TIFA or LDFA board was appointed.

Section 3. **Terms, Replacement and Vacancies.** An equal or near equal number of the initial Directors appointed shall be appointed to terms of one year, two years, and three years. Thereafter, each Director shall serve for a term of three years. Subsequent Directors shall be appointed in the same manner as original appointments at the expiration of each Director's term of office. A Director whose term of office has expired shall continue to hold office until his/her successor has been appointed with the advice and consent of the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission]. A Director may be reappointed with the advice and consent of the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] to serve additional terms. If a vacancy is created by death or resignation, a successor shall be appointed with the advice and consent of the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] within thirty (30) days to hold office for the remainder of the term of the vacated office.

Section 4. **Removal.** A Director may be removed from office for inefficiency, neglect of duty, misconduct, or malfeasance, by a majority vote of the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] or the Board.

Section 5. **Conflict of Interest.** A Director who has a direct interest in any matter before the Authority shall disclose his/her interest prior to any discussion of that matter by the Authority. The disclosure shall be recorded in the Authority's official proceedings. The interested Director shall further refrain from participation in the Authority's action relating to the matter. Each Director, upon taking office and annually thereafter, shall acknowledge in writing that they have read and agree to abide by this section.

Section 6. **Meetings.** Meetings of the Board may be called by or at the request of the Board Chairperson or any two Directors. Board meetings shall be public, and notice of such meetings shall be provided to the public. The Board shall hold an annual meeting in the second calendar quarter of each year at which time officers of the Board shall be elected as provided in Article III, Section 2.

- Section 7. **Notice.** Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976).
- Section 8. **Quorum.** A majority of the Directors then in office constitutes a quorum for the transaction of business. A vote by the majority of the Directors constitutes an action of the Board, unless the vote of a larger number is required by statute or by these Bylaws. Amendment of the Bylaws by the Board requires the vote of not less than a majority of the Directors then in office. A majority of the Directors present may adjourn the meeting without further notice.
- Section 9. **Participation by Communication Equipment.** A Director or member of a committee designated by the Board may participate in a meeting by telephone or another method by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this provision constitutes presence at the meeting.
- Section 10. **Committees.** The Board may, by resolution passed by a quorum, designate one or more committees. Each committee shall consist of one or more Directors of the Authority. The Board may designate one or more Directors as alternate members of a committee to replace an absent or disqualified Director at a committee meeting. In the absence or disqualification of a Director, other Directors present at a committee meeting and not disqualified from voting, whether or not they constitute a quorum, may appoint another Director to act in place of such an absent or disqualified Director. A committee, and each member thereof, shall serve at the pleasure of the Board. To the extent provided in the Board's resolution, a committee may exercise all powers and authority of the Board in the management of the business and affairs of the Authority, except that the committee may not (a) recommend dissolution of the Authority, or revocation of dissolution, (b) amend the Bylaws of the Authority, or (c) fill vacancies in the Board.

### ARTICLE III: Officers

- Section 1. **Officers.** Officers of the Authority shall be elected by the Board and shall consist of a Chairperson, Vice Chairperson, and Secretary/Treasurer. The Board may also appoint a Recording Secretary who need not be a member of the Board. Two or more offices may be held by the same person, but an officer shall not execute, acknowledge, or verify an instrument in more than one capacity if the instrument is required by law or Bylaws to be executed, acknowledged, or verified by two or more officers.
- Section 2. **Nomination, Election and Term of Office.** Officers of the Authority shall be elected by the Board at an annual meeting held during the second calendar quarter of each year. Candidates shall be nominated by a nominating committee composed of three members appointed by the Chairperson. The term of each office shall be for one (1) year. Each officer shall hold office until his/her successor is appointed. No person shall hold the same office for more than three successive terms.
- Section 3. **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Board for the unexpired portion of the terms of such office.

- Section 4. **Chairperson and Vice Chairperson.** The Chairperson shall be the chief executive officer of the Authority, but he or she may occasionally delegate all or any part of his/her duties to the Vice Chairperson. The Chairperson shall be an ex-officio member of all standing committees, and shall have the general powers and duties of supervision and management of the Authority. In the Chairperson's absence, the Vice Chairperson shall preside at Board meetings, have general and active management of the business of the Authority, and perform all the duties of the office as provided by law or these Bylaws.
- Section 5. **Secretary/Treasurer and Recording Secretary.** The Secretary/Treasurer or Recording Secretary shall attend all meetings of the Board, record votes and minutes of all proceedings, and perform similar duties for the standing committees when required. He/she shall further perform all duties of the office of Secretary/Treasurer as provided by law or these Bylaws. He/she shall be sworn to the faithful discharge of these duties.
- Section 6. **Delegation of Duties of Offices.** In the absence of any officer of the Board, or for any other reason that the Board may deem sufficient, the Board may delegate, for such time as appropriate, some or all powers or duties of an officer to any other officer, or to any Director, provided a majority of the Board then in office concurs.
- Section 7. **Executive Committee.** The Chairperson, Vice Chairperson and Secretary/Treasurer shall comprise the Executive Committee. The Executive Committee, may, upon a majority vote, authorize the expenditure of up to \$\_\_\_\_\_ for any expense listed as an eligible item for expenditure under Authority funding guidelines. The Executive Committee must report any such expenditure to the Board at the next regularly scheduled Board meeting.

#### **ARTICLE IV: Contracts, Loans, Checks and Deposits**

- Section 1. **Contracts.** The Board may authorize any officer(s) or agent(s) to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority. Authority may be general or confined to specific instances.
- Section 2. **Loans/Grants.** No grant or loan shall be contracted on behalf of the Authority and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board and approved by the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission]. Such authority may be general or confined to specific instances.
- Section 3. **Checks, Drafts, etc.** Officer(s) or agent(s) of the Authority must sign all checks, drafts or other orders for the payment of money, or notes or other evidence of indebtedness issued in the name of the Authority. Officers and agents with authority shall be determined by resolution of the Board.
- Section 4. **Deposits.** Authority funds not otherwise employed shall be deposited to the credit of the Authority in a bank, trust company or other depositories selected by the Board.

#### **ARTICLE V: Fiscal Year**

The fiscal year of the Authority shall correspond to the fiscal year of the \_\_\_\_\_ [City, Village, Township, or County] of \_\_\_\_\_.

**ARTICLE VI: Miscellaneous**

Section 1. **Seal.** The Board shall provide a corporate seal which shall be the official seal of the Authority.

Section 2. **Waiver of Notice.** When the Board or any committee thereof may take action after notice to any person or after lapse of a prescribed period of time, the action may be taken without notice and without lapse of the period of time, if at any time before or after the action is completed the person entitled to notice or to participation in the action to be taken submits a signed waiver of such requirements.

**ARTICLE VII: Amendments**

These Bylaws may be altered, amended or repealed by vote of a majority of the Board then in office at any regular or special meeting called for that purpose.

I HEREBY CERTIFY that the above Bylaws were adopted the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

\_\_\_\_\_  
SECRETARY

**Resolution Approving the Bylaws**

\_\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_\_

RESOLUTION APPROVING BROWNFIELD REDEVELOPMENT AUTHORITY BYLAWS 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, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ County, Michigan, held in the \_\_\_\_\_ [meeting location] of said \_\_\_\_\_ [City, Village, Township, or County], on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission], having reviewed the Bylaws of the Board of the \_\_\_\_\_ of \_\_\_\_\_ Brownfield Redevelopment Authority, a public body corporate established on \_\_\_\_\_ [month, day], \_\_\_\_\_ [year] pursuant to the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (hereinafter the "Act"), which Bylaws were adopted at the initial organizational meeting of the Board on \_\_\_\_\_ [month, day], \_\_\_\_\_ [year], approves the Bylaws appended hereto, which constitute the rules governing the procedures and the holding of regular meetings of the Board, as set forth in Section 5(5) of the Act.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN )

)ss.

COUNTY OF )

I, the undersigned, the duly qualified and acting Clerk of the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_

at a regular meeting held on the \_\_\_\_ day of \_\_\_\_ [month], \_\_\_\_ [year], the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IT WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_ day of \_\_\_\_ [month], \_\_\_\_ [year].

\_\_\_\_\_  
CLERK

\_\_\_\_ OF \_\_\_\_

## Sample Notices and Documents for Adopting a Brownfield Plan

### Notice of Public Hearing to Adopt a Brownfield Plan

#### NOTICE OF PUBLIC HEARING

[for publication and posting]

\_\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_\_

#### NOTICE OF PUBLIC HEARING

ON THE ADOPTION OF A BROWNFIELD PLAN FOR THE \_\_\_\_\_ OF \_\_\_\_\_ PURSUANT TO AND IN ACCORDANCE WITH ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

PLEASE TAKE NOTICE THAT a Public Hearing shall be held before the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m. in the \_\_\_\_\_ [location] \_\_\_\_\_ [address], on the adoption of a Brownfield Plan for the \_\_\_\_\_ of \_\_\_\_\_. The Brownfield Redevelopment Authority shall exercise its powers 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 description of the proposed brownfield property is:

Land situated in the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Michigan, described as follows: [description of property to which the plan applies in relation to existing or proposed highways, streets, streams or otherwise].

The proposed brownfield plan would allow [the developer, BRA, or other party] to be reimbursed for eligible costs incurred to prepare the brownfield property for redevelopment. Eligible costs may include environmental and/or site preparation costs. The brownfield plan must first be approved by the [Council, Board, or Commission].

This description of the property along with any maps and a description of the Brownfield Plan are available for public inspection at \_\_\_\_\_.

All aspects of the Brownfield Plan are open for discussion at the public hearing.

**Notice to All Affected Taxing Jurisdictions**

NOTICE TO ALL TAXING JURISDICTIONS

THE \_\_\_\_\_ (city/village/township/county council/board/commission) OF \_\_\_\_\_ PROPOSES TO APPROVE A BROWNFIELD PLAN FOR THE \_\_\_\_\_ PROPERTY LOCATED AT \_\_\_\_\_, \_\_\_\_\_ MICHIGAN PRESENTLY KNOWN AS \_\_\_\_\_

The \_\_\_\_\_ (village/city/township council/board/commission) of \_\_\_\_\_ has established a Brownfield Redevelopment Authority (the "Authority") in accordance with the Brownfield Redevelopment Act, Act 381 Public Acts of the State of Michigan of 1996, as amended (the "Act").

The Act provides a means for local units of government to facilitate the revitalization of environmentally distressed, functionally obsolete and/or blighted areas. The Authority has prepared and adopted a Brownfield Plan for redevelopment of the \_\_\_\_\_ property located \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_ Michigan. The proposed reuse for this property is \_\_\_\_\_. The property is contaminated with hazardous substances under environmental laws and regulations, and/or was determined by an assessor to be functionally obsolete or blighted. This document is notification to local taxing units of the Brownfield Plan for the noted property, and of the (village/city/township/county)'s intent to approve the Brownfield Plan.

The Act permits the Authority to use tax increment financing for redevelopment projects included in a Brownfield Plan. Tax increment financing allows the Authority to capture tax revenues attributable to increases in the taxable value of real and personal property located on the "eligible property," which may include adjacent or contiguous parcels. Increases in taxable value may be attributable to various factors, including remediation, new construction, rehabilitation, remodeling, alterations, additions, and installation of personal property on the contaminated, functionally obsolete or blighted property.

The plan will be adopted at the \_\_\_\_\_ (date) meeting of the \_\_\_\_\_ (village/city/township council/county board of commissioners) held at p.m. at [location]. If you have any questions or comments concerning the Brownfield Redevelopment Authority you may attend the meeting and express those concerns during the public comment period. You may also direct inquires to the\_(village/city/township council/county board of commissioners) office or to \_\_\_\_\_ at ( ) \_\_\_\_\_.

Dated: \_\_\_\_\_,20\_\_

\_\_\_\_\_  
Clerk

**Resolution Adopting Brownfield Plan**

\_\_\_\_\_ [City, Village, Township, or County] OF \_\_\_\_\_

RESOLUTION APPROVING A BROWNFIELD PLAN FOR THE \_\_\_\_\_ OF \_\_\_\_\_ 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, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ County, Michigan, held in the \_\_\_\_\_ [meeting location] of said \_\_\_\_\_ [City, Village, Township, or County], on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], at \_\_\_\_\_ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the \_\_\_\_\_ of \_\_\_\_\_, 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"), has prepared and recommended for approval by the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission], a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Authority has, at least ten (10) days before the meeting of the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Financing Plan about the fiscal and economic implications of the proposed Financing Plan, and the \_\_\_\_\_ [Council, Board, or Commission] has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan in accordance with Sections 14(4) and (5) of the Act; and

WHEREAS, the \_\_\_\_\_ [Council, Board, or Commission] has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations

of the Taxing Jurisdictions, the \_\_\_\_\_ [Council, Board, or Commission] wishes to approve the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Plan Approved.** Pursuant to the authority vested in the \_\_\_\_\_ [Council, Board, or Commission] by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit "A" to this Resolution.
2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN                    )  
  
  )ss.  
  
COUNTY OF                            )

I, the undersigned, the duly qualified and acting Clerk of the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the \_\_\_\_\_ [City, Village, Township, or County] \_\_\_\_\_ [Council, Board, or Commission] of the \_\_\_\_\_ of \_\_\_\_\_ at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year], the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IT WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_\_ day of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

\_\_\_\_\_  
CLERK  
  
\_\_\_\_\_ OF \_\_\_\_\_