

**Appendix G**

**Tuscarora Township**

**Downtown Development Authority**

**Downtown Development Authority By-Laws**

**Adopted 1996**

**Amended August 18, 2025**

**Bylaws of the Tuscarora Township  
Downtown Development Authority**

**Article I. Name**

The name of this organization shall be the Tuscarora Township Downtown Development Authority (the "Authority")

**Article II. Purpose**

The purpose of this organization is to act as a downtown development authority in accordance with Act 197 of the Public Acts of Michigan of 1975, as amended, (the "Act") and include, but not limited to, the prevention of deterioration in the downtown district, the encouragement of historic preservation, the creation and implementation of development plans in the downtown district, to increase property values in the downtown district, and to promote economic growth therein. The power or authority given under Public Act 197 is as follows.

- A. Prepare and analyze the economic changes taking place in the downtown district;
- B. Study and analyze the impact of growth upon the downtown district;
- C. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of public facilities, and existing buildings or multi-family dwelling units 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 Township Board and Township Planning Commission which are chiefly responsible for planning in the Township of Tuscarora, designed to halt the deterioration of property values in 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 power and performance of its duties;
- G. Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper, own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property real or personal, or rights of 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 buildings including multi-family dwellings, and any necessary or desirable appurtenance 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 or facility therein, and pledge the fees, rents, and charges for the payment 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.

### **Article III. Offices**

*Section 1.* Registered Office. The registered office of the Authority shall be the Tuscarora Township Hall, 3546 South Straits Highway, Indian River, Michigan 49749.

*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 Trustees may from time to time designate.

### **Article IV. Board of Trustees**

*Section 1.* Number, Qualifications and Selection. The Board of Directors shall be composed of the following nine (9) members: The Supervisor and (8) persons who shall be

appointed by the Supervisor; such appointments are subject to approval by a majority vote of the members-elect of the Township Board. 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 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more people residing in it. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

*Section 2. Compensation.* Board members shall serve without salary but shall be reimbursed for actual expenses incurred in the performance of their official duties.

*Section 3. Attendance.* If a Board member is absent from three (3) consecutive meetings without a valid reason, as determined by the Board, the Board shall recommend to the Township Board that such member be removed for cause.

*Section 4 . Disclosure of Interest.* A Board member who has any interest in any matter before the Authority shall disclose said interest prior to the Board taking any action with respect to that matter, which disclosure shall become part of the record of the Authority's official proceedings and the interested Board member shall refrain from participation in the proceedings related to that matter.

## **Article V. Officers**

*Section 1. Officers.* The officers of the Authority shall be a chairperson, vice chairperson, secretary, and treasurer.

*Section 2.* The officers of the Board of Trustees shall be elected each year for a one-year term by the Board of Trustees at their first regular meeting in May and shall hold office until their successors are elected and assume office. An affirmative vote of six (6) Trustees is necessary for election. If, for any reason, election of officers should not occur in May, the board shall elect officers at a regular or special meeting within 90 days.

*Section 3. Terms of Office.* The terms of the office of the members of the Board of Trustees shall begin on the first day of July nearest the date of their appointment. The terms of office of each member of the Board of Trustees shall be four (4) years expiring on June 30<sup>th</sup> of the 4<sup>th</sup> year. All members shall hold office until their successors are appointed.

*Section 4. Vacancies.* A vacancy in office because of death, resignation, removal or otherwise may be filled at any meeting of the Board of Trustees for the unexpired portion of the term of such office.

*Section 5. Chairperson.* The Chairperson shall preside at meetings, appoint members to all committees and perform other duties as directed by the Board.

*Section 6. Vice Chairperson.* In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers and be subject to all restrictions of the Chairperson. The Vice Chairperson shall also perform duties as assigned by the Board.

*Section 7. Secretary.* The Secretary shall prepare agendas, maintain accurate records of the proceedings of the Authority, sign documents and correspondence as authorized by the Board and perform other duties as assigned by the Board.

*Section 8. Treasurer.* When determined necessary by the Board, a Treasurer shall be elected. If required, the Treasurer shall give a bond for the faithful discharge of duties in such sum and with such surety or sureties as the Board shall determine. The Treasurer shall perform all the duties incident to the Office of Treasurer and such other duties as shall be assigned by the Board.

*Section 9. Delegation of Duties.* In the absence of any officer of the Authority, or for any other reason that the Board may deem sufficient, the Board may delegate, from time to time and for such time as it may deem appropriate, the powers or duties of such officer to any other officer, or to any Trustee, provided a majority of the Board then in office concurs therein.

## **Article VI. Meetings**

*Section 1. Annual Meeting.* The annual meeting shall be held on the third Monday of July at the hour of 7:00 p.m., in the Tuscarora Township Hall, 3546 South Straits Highway, Indian River, Michigan, or such other place or places as the Board shall hereafter determine. The election of officers shall occur at the annual organizational meeting. If the election of officers should not occur on the day designated, or in the adjournment thereof, the Board shall cause the election to be held at a regular or special meeting of the Board within ninety days of the annual meeting.

*Section 2. Regular Meetings.* Regular meetings of the Board shall be held at 7:00 p.m. on the third Monday of each month in the Tuscarora Township Hall, 3546 South Straits Highway, Indian River, Michigan, or such other place or places as the Board shall hereafter determine. In the event the meeting falls on a holiday, the meeting will occur the following day. At each regular meeting, all expenses of the Authority should be publicized. The

financial records shall always be open to the public. Any regularly scheduled meeting may be canceled for lack of quorum.

*Section 3. Special Meetings.* Special meetings may be called by the Chairperson or by two Board members by providing twenty four (24) hours notice of the date, time and place of said meeting. A special meeting also may be requested by the Township Board.

*Section 4. Notice of Meeting.* All meetings shall be preceded by public notice posted eighteen (18) hours prior to the meeting in accordance with Act 267 of the Public Acts of 1976, as amended.

*Section 5. Agenda.* The Chairperson may prepare the agendas for all meetings and send them to the authority members at least twenty four (24) hours prior to the meeting. Any members of the Authority may request any item to be placed upon the agenda.

*Section 6. Quorum and Voting.* A majority of the voting members of the Board in office shall constitute a quorum for the transaction of business. An affirmative vote of five (5) members shall constitute the action of the Board unless the vote of a larger number is required by statute or elsewhere in these bylaws. In the event that effective membership is reduced because of disclosure of interests (Article II, Section 6), a majority of the remaining members eligible to vote shall constitute the action of the Board.

*Section 7. Rules of Order.* Roberts Rules of Order will govern the conduct of all meetings.

## **Article VII. Committees**

*Section 1.* The Board may, by resolution, designate one or more committees to advise the Board. Committee members shall be members of the Authority. The Chairperson of the Authority shall appoint the members. Committees may be terminated by a vote of the Authority. A majority of the committee will constitute a quorum. A majority of the members at the meeting at which quorum is present, shall be the act of the committee.

## **Article VIII. Budget**

*Section 1.* On or before March 1, each year, the Authority shall prepare a budget and submit it to the Township Clerk for transmittal to the Township Board.

## **Article IX. Contracts and Funds**

*Section 1. Contracts.* The Board may authorize the executive director or an agent or agents of the Authority to enter any contract or execute and deliver any instrument on behalf of the Authority within the limits authorized by Public Act 197.

*Section 2. Funds.* All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Authority shall be signed by the Treasurer and countersigned by the Chairman of the Authority. One other member of the Board may be authorized to execute documents in the absence of the Treasurer or Chairman. Monies received by the Authority shall immediately be deposited to the credit of the Authority, subject to disbursement pursuant to Act 197. The Board shall select banks, trust companies, or other depositories for the deposit of Authority funds. No funds of the Authority shall be disbursed except as provided for in the budget of the Authority. No budget shall be adopted by the Board of the Authority until it has been approved by the Township Board of Trustees of Tuscarora Township.

*Section 3. Contributions and Gifts.* The Board may accept on behalf of the Authority any contribution, gift, bequest or device for general purpose or for any special purpose of the Authority.

## **Article X. Books and Records**

The activities of the Authority shall be financed from one or more of the following sources:

- A. Donations to the Authority for the performance of its functions.
- B. Bonds - The Authority may borrow money and issue its negotiable bonds therefore pursuant to the Act. Bonds issued by the Authority shall not, except as provided in the Act, be deemed a debt to the Township of Tuscarora or the State of Michigan.
- C. Revenues from any property, building, or facility owned, leased, licensed, or operated by the Authority or under its control are subject to the limitations imposed upon the Authority by trusts or other agreements.
- D. Tax Increment Financing. When the Authority determines that it is necessary for the achievement of the purposes of Act 197, Public Acts of 1975, the Authority shall prepare and submit a tax increment financing plan to the Township Board of Trustees of the Township of Tuscarora. The plan shall include a development plan as provided in Section 17, Act 197, Public Acts of 1975, a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the program, and shall be in a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide

for the use of part or all of the captured assessed value, but the portion intended to be used by the Authority shall be clearly stated in the tax increment financing plan.

E. Proceeds from a special assessment district created as provided by law.

F. Money obtained from other sources approved by the Township of Board of Trustees of Tuscarora Township.

#### Article VII. Amendments

These bylaws may be adopted, amended, or repealed by the affirmative vote of two-thirds of the total membership of the Authority provided written notice of the proposed amendment has been subject to approval of the Township Board.

#### 8/19/2025 Amendments:

##### Article IV Section 1:

Added requirement of a resident within the district

Added the requirement of taking the constitutional oath of office

##### Article IV Section 3:

Added the number of years in a term of office

##### Article V Officers Section 2:

Amended by combining Section 2 and 3, removal of requirement that members may not serve in the same office for more than two consecutive terms and added a timeline if election is missed in May.