

ORDINANCE NO. 121-1 of 2025

AN ORDINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY IN BALDWIN TOWNSHIP PURSUANT TO ACT 197, PUBLIC ACT OF MICHIGAN, 1975; TO DERERMIN THE NECESSITY THEREOF; TO PROVIDE FOR THE CREATION OF THE AUTHORITY; TO DEFINE THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT DISTRICT; TO PROVIDE FOR THE ESTABLISHMENT OF THE BOARD OF DIRECTORS FOR THE AUTHORITY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE FISCAL YEAR OF THE AUTHORITY; TO PROVIDE FOR THE SEVERABILITY OF THE ORDINANCE; TO PROVIDE FOR THE REPAL OF CONFILCTING ORDINANCES; TO PROVIDE FOR THE NOTICE AND EFFECTIVE DATE THEREOF.

Baldwin Township, Iosco County Ordains:

Section 1. Title of Ordinance. The Ordinance shall be known and may be cited as the “Downtown Development Authority Ordinance.”

Section 2. Definitions. The terms used in this Ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this Ordinance:

“Act 197” means Act No. 197 of the Public Acts if Michigan of 1975, as now in effect or hereafter amended.

“Authority” means the Downtown Development Authority of Baldwin Township created by this Ordinance.

“Board” or “Board of Directors” means the Board of Directors of the Authority, the governing body of the Authority.

“Township” means Baldwin Township, Iosco County, Michigan.

“Township Board” means the Township Board of Trustees of Baldwin Township.

Section 3. Determination of Necessity. The Township Board hereby determines that it is necessary for the best interests of the Township to halt property value deterioration and increase property tax valuation where possible in the business district of the Township, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197.

Section 4. Creation of Authority. There is hereby created pursuant to Act 197 a Downtown Development Authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its powers under the title “Downtown Development Authority of Baldwin Township.” 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 purpose of its

incorporation as provided by this Ordinance and Act 197. The enumeration of a power in this Ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Description of Downtown District. The Downtown District in which the Authority shall exercise its power as provided by Act 197 shall consist of the described territory in the Township, subject to this Ordinance and Act 197, as set forth in Exhibit A, attached hereto and made part hereof.

Section 6. Board of Directors. The Authority shall be under the supervision and control of the Board of Directors consisting of the chief executive of the Township, **a liaison of the Township Planning Commission** and not less than ~~eight (8)~~ **seven (7)** or more than ~~twelve (12)~~ **eleven (11)** members as determined by the Township Board. The members shall be appointed by the chief executive officer of the Township, subject to the approval by the Township Board. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. **Members of the Board of Directors that do not have an interest in property located in the Downtown District shall be Baldwin Township residents or Baldwin Township Property owners.** 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 ~~with~~ **within** it. Of the members first appointed, an equal number, as near as is practical, shall be appointed for one year, two years, three years, and four years. Members shall hold office until the members' 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 Township for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

Section 7. Powers of authority. The Authority shall have all powers enumerated or implied by law in Act 197.

Section 8. Fiscal Year; Adoption of Budget. (a) The fiscal year of the Authority shall begin on January 1 of each year and end on December 31 of that same year, or such other fiscal year as may hereafter be adopted by the Township. (b) The Board shall annually prepare a budget and shall submit it to the Township Board on the same date that the proposed budget for the Township is required by law to be submitted to the Township Board. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township Board. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the Ordinance authorizing the revenue bonds. (c) The Authority shall submit financial reports to the Township Board at the same time and on the same basis as departments of the Township are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the Township and copies of the audit report shall be filed with the Township Board.

Section 9. Section Headings: Severability; Repealer. Section headings are provided for convenience only and are not intended to be part of this Ordinance. If any portion of this Ordinance shall be held to be unlawful. The remaining portions shall remain in full force and effect. All ordinances and parts of ordinance in conflict herewith are hereby repealed.

Section 10. Publication, Recording and Filing. This Ordinance shall be published once after its adoption in full in the News Herald, a newspaper of general circulation in the Township and the Township Clerk shall file a certified copy of the Ordinance with the Michigan Secretary of State promptly after its adoption.

This Ordinance shall be effective immediately.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Board of Trustees of Baldwin Township, at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Board of Trustee Members were present at said meeting:

and that the following Board of Trustees Members were absent:

I further certify that the following Board of Trustees Member \_\_\_\_\_ moved adoption oof said Ordinance, and that said motion was supported by Board of Trustees Member \_\_\_\_\_.

I further certify that the following Board of Trustees Members voted for adoption of said Ordinance:

And the following Board of Trustees Members voted against adoption of said Ordinance:

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Cathy Pittsley, Clerk

I hereby approve the foregoing Ordinance.

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Christopher Martin, Supervisor