

# MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

Meeting of January 28, 2014  
2 pm - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

### I Call to Order

### II Roll Call

### III Approval of Agenda

At this time the Brownfield Redevelopment Authority can take action to approve the January 28, 2014 Agenda.

### IV Approval of Minutes

At this time Brownfield Redevelopment Authority can take action to approve the October 29, 2013 meeting Minutes.

### V Public Hearing

### VI Financial Reports

#### Approval of Invoices

At this time the Brownfield Redevelopment Authority can take action to approve invoices for payment

### VII New Business

#### Election of Officers

According to the By-Laws of the City of Manistee Brownfield Redevelopment Authority their annual election of Officers is held at their annual meeting in January.

At this time the meeting will be turned over to Ed Bradford who will ask for nominations.

**Chair** - The Brownfield Redevelopment Authority will select a Chair for 2014.

**Vice-Chair** - The Brownfield Redevelopment Authority will select a Vice Chair for 2014.

**Secretary/Treasurer** - The Brownfield Redevelopment Authority will select a Secretary for 2014.

#### Appointment of a Recording Secretary 2014

At this time the Brownfield Redevelopment Authority Secretary appointed for 2014 may appoint a Recording Secretary for 2014.

### **By Law Review**

According to the By-Laws of the City of Manistee Brownfield Redevelopment Authority shall annually review their By-Laws at their annual meeting in January.

At this time the Brownfield Redevelopment Authority could take action to make changes to their By-Laws if necessary.

### **Oath of Office/Section 6 Conflict of Interest**

Annually the Brownfield Redevelopment Authority members will take an Oath of Office and agree to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

At this time the members of the Brownfield Redevelopment Authority will take their Oath of Office and agree to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

### **US EPA Grant Status**

Staff will update the Brownfield Redevelopment Authority on the status of current projects.

### **BRA Financing**

Finance Director Ed Bradford will give a financial status update on the Grants and Brownfield Redevelopment Authority Funds.

### **VIII Old Business**

#### **IX Public Comments and Communications**

At this time the Chair will ask if there are any public comments.

#### **X Correspondence**

At this time the Chair will ask if any correspondence has been received to be read into the record.

#### **XI Staff Reports**

At this time the Chair will ask Staff for their report.

#### **XII Members Discussion**

At this time the Chair will ask members of the Brownfield Redevelopment Authority if they have any items they want to discuss.

#### **XIII Adjournment**



## MEMORANDUM

Planning & Zoning  
231.398.2805  
Fax 231.723-1546  
www.manisteemi.gov

TO: Brownfield Redevelopment Authority Directors

FROM: Denise Blakeslee  
Planning & Zoning

DATE: January 23, 2014

RE: January 28, 2014 Brownfield Redevelopment Authority Meeting

Directors, the annual meeting of the Brownfield Redevelopment Authority will be on Tuesday, January 28, 2014 at 2 pm in the Council Chambers. We have the following items on the Agenda.

**Approval of Invoices** – A copy of the Invoice Summary is included in your packet for your review.

**Election of Officers** – According to the By-Laws of the City of Manistee Brownfield Redevelopment Authority their annual election of Officers is held at their annual meeting in January.

**Appointment of a Recording Secretary 2014** - The Brownfield Redevelopment Authority Secretary appointed for 2014 may appoint a Recording Secretary for 2014.

**Oath of Office/Section 6 Conflict of Interest** - Annually the Brownfield Redevelopment Authority members will take an Oath of Office and agree to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

**US EPA Grant Status** – T. Eftaxiadis will update the BRA on current grants and projects.

**BRA Financing** – Finance Director Ed Bradford will give a financial status update on the Grants and Brownfield Redevelopment Authority Funds.

Included in your packets are copies of the current Brownfield Redevelopment Financing Act and the Manistee Brownfield Redevelopment Authority List of Action – 2013.

If you are unable to attend the meeting please call me at 398.2805.

:djb

# MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

October 29, 2013

A meeting of the Manistee City Brownfield Redevelopment Authority was held on Tuesday, October 29, 2013 at 2 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 2:05 pm by Vice Chair Steve Brower

Roll Call:

Members Present: W. Frank Beaver, Steve Brower, Donald Kuk, Marlene McBride, Clinton McKinven-Copus

Members Absent: Dave Carlson, Jeffrey Stege (excused)

Others: Mitch Deisch, (City Manager), T. Eftaxiadis (BRA Consultant), Ed Bradford (BRA Administrator), Denise Blakeslee (BRA Recording Secretary)

### APPROVAL OF AGENDA

Motion by Frank Beaver, seconded by Don Kuk that the agenda be approved with the addition of "City of Manistee Housing Commission - Demolition of former Manistee Plating Building" under New Business

With a Voice Vote this motion passed unanimously.

Chair Clinton McKinven-Copus entered the meeting at 2:07 pm.

### APPROVAL OF MINUTES

Motion by Steve Brower, seconded by Don Kuk that the minutes of the July 30, 2013 Brownfield Redevelopment Authority meeting be approved as prepared.

With a Voice Vote this motion passed unanimously.

### PUBLIC HEARING

None

### FINANCIAL REPORTS

**Approval of Invoices** - Members reviewed the summary of Invoices Submitted for Payment.

MOTION by Frank Beaver, seconded by Steve Brower to approve payment of invoices as follows:

<b>Invoice summary for BRA Meeting 10/29/13</b>				
<b>VENDOR NAME</b>	<b>INVOICE DATE</b>	<b>INVOICE NUMBER</b>	<b>INVOICE AMOUNT</b>	<b>SERVICE DESCRIPTION</b>
Northern Analytical Services LLC	05/22/13	2013-77	\$900.00	EPA Grant - PETROLEUM; Asbestos/Lead Survey: 166 Cleveland Street site
Northern Analytical Services LLC	05/22/13	2013-78	\$900.00	EPA Grant - PETROLEUM; Asbestos/Lead Survey: 100 Washington Street site
Environmental Data Resources Inc	07/26/13	3674175	\$325.00	EPA Grant - HAZARDOUS; EDR reports: Armory-LHL Area
Eftaxiadis Consulting Inc.	08/03/13	CMBRA-133-H	\$2,000.00	EPA Grant - HAZARDOUS; Phase I ESA and Report; 133 16th Street site
Eftaxiadis Consulting Inc.	08/03/13	CMBRA-166-P	\$2,000.00	EPA Grant - PETROLEUM; Phase I ESA and Report; 166 Cleveland Street site
Eftaxiadis Consulting Inc.	08/13/13	CMBRA-1307	\$297.50	Technical assistance to CMBRA; misc issues and projects
Eftaxiadis Consulting Inc.	08/13/13	CMBRA-1307-H	\$2,210.00	EPA Grant - HAZARDOUS; technical project coordination and Brownfield redevelopment assistance; Rengo Property, Manistee Iron Works, 133 16th Street, 518 1st Street site and Armory-LHL area
Eftaxiadis Consulting Inc.	08/13/13	CMBRA-1307-P	\$722.50	EPA Grant - PETROLEUM; technical project coordination MAPS site, and various sites
Environmental Data Resources Inc	08/30/13	3671493	\$325.00	EPA Grant - HAZARDOUS; EDR reports: 518 First Street site
NTH Consultants Ltd	09/04/13	590887	\$645.80	EPA Grant - PETROLEUM; Phase II ESA (partial): Former MAPS Vocational Training site
NTH Consultants Ltd	09/04/13	590888	\$636.71	EPA Grant - PETROLEUM; Phase II ESA (partial):166 Cleveland site
NTH Consultants Ltd	09/04/13	590889	\$5,168.05	EPA Grant - HAZARDOUS; Phase II ESA (partial): 133 16th Street site
NTH Consultants Ltd	09/04/13	590890	\$1,200.00	EPA Grant - HAZARDOUS; Baseline Environmental Assessment:133 16th Street site
Eftaxiadis Consulting Inc.	09/06/13	CMBRA-1308	\$191.25	Technical assistance to CMBRA with 334 River grant closeout
Eftaxiadis Consulting Inc.	09/06/13	CMBRA-1308H	\$1,742.50	EPA Grant - HAZARDOUS; technical project coordination and Brownfield redevelopment assistance; North Channel Outlet, Rengo Property, Manistee Iron Works, 133 16th Street; services for August '13
Eftaxiadis Consulting Inc.	09/06/13	CMBRA-1308P	\$361.25	EPA Grant - PETROLEUM; technical project coordination
Northern Analytical Services LLC	09/12/13	2013-139	\$4,700.00	EPA Grant - HAZARDOUS; Asbestos/Lead Survey: Manistee Iron Works site
Eftaxiadis Consulting Inc.	10/07/13	CMBRA-1309H	\$488.75	EPA Grant - HAZARDOUS; technical project coordination; North Channel Outlet, 133 16th Street; services for September '13
Eftaxiadis Consulting Inc.	10/07/13	CMBRA-1309P	\$340.00	EPA Grant - PETROLEUM; technical project coordination; 166 Cleveland Street and MAPS sites; services for September '13
NTH Consultants Ltd	10/08/13	591358	\$352.97	EPA Grant - HAZARDOUS; Phase II ESA final payment:133 16th Street site
<b>TOTAL:</b>			<b>\$25,507.28</b>	

With a Voice Vote this motion passed unanimously.

## **NEW BUSINESS**

### **Schedule Meeting Dates 2014**

The City of Manistee Brownfield Redevelopment Authority has regularly scheduled meetings in the months of January, April, July and October. Special Meetings can be scheduled as issues arise that need immediate review by the board. Staff has recommended that the meetings be scheduled the last Tuesday of the month (January 28, 2014, April 29, 2014, July 29, 2014 and October 28, 2014).

MOTION by Don Kuk, seconded by Frank Beaver to schedule the Brownfield Redevelopment Authority meetings for 2:00 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan for 2014 as follows:

January 28, 2014	April 29, 2014	July 29, 2014	October 28, 2014
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With a Voice Vote this motion passed unanimously.

### **US EPA Grant Status**

T. Eftaxiadis updated the members of the Brownfield Redevelopment Authority on both grants and current projects as follows:

Received notification that both grants have been extended until March 31, 2014.

- Asbestos & Lead Survey of the former Iron Works Building has been completed.
- Started Phase 1 ESA for the former Rengo Building, 518 River Street, however, the owner has put property up for sale; owner will be contacted to find out if need to proceed with work.
- Contacted bank that now owns former North Channel Outlet, 84 & 86 Washington Street property, concerning Phase I and Phase II ESAs, ACM/LBP Survey and Structural Survey requested by interested redeveloper of the property. Bank is not willing to provide access for any work in the building unless an offer to purchase is in place. Therefore, the assessments are currently on hold.
- Per property owner, parking Lot on NE corner of Water and Oak Street may contain an underground fuel storage tank and other waste. Based on preliminary research required for an Eligibility Determination, no evidence of buried fuel tank was found. Per discussion with property owner, decided to not proceed with Phase I ESA, unless a development plan is prepared for property. Will prepare cover letter with available databases as attachments, and provide to owner.
- Completed preliminary review of Armory Property and First Street Beach Area (locations of former lumbering & salt/brining operations) as needed for the preparation of Eligibility Determinations. No adequate Sandborn Maps and other relevant information is available for properties. No need to expend additional effort at this time.
- Veterans Memorial Park. A Phase I ESA was completed several months ago; no Phase 2 ESA was performed. Will talk with MSDDA to determine whether there are new plans for area that

would justify proceeding with Phase 2 ESA.

Remaining funds estimated at \$8,000 Petroleum Grant and \$50,000 +/- Hazardous Grant.

The Board asked Mr. Eftaxiadis what will be done once USEPA grant funding is no longer available following the expiration of the grants. Mr. Eftaxiadis briefly discussed funding sources available to the BRA for its administrative expenses and for supporting environmental and redevelopment activities.

Mr. Bradford discussed the past use of General Fund dollars to support some of the BRA's administration costs, accountability and the need to reimburse the General Fund if funds are available.

The members determined that a Planning Session needs to be scheduled as part of the January 28, 2014 meeting to discuss a business plan and budget for the BRA; the BRA members, the City Manager and the BRA staff will be involved in this planning session. Relevant material will be prepared in advance by staff for the planning session.

### **City of Manistee Housing Commission - Demolition of former Manistee Plating Building**

Director McKinven-Copus declared a Conflict of Interest

Mr. Eftaxiadis explained that the City of Manistee Housing Commission received a grant from the State of Michigan to demolish the former Manistee Plating Building. Due to the complexity of the procurement requirements for hiring a contractor under the Housing Commission/HUD guidelines and the need to expedite the process, the Housing Commission is asking the Brownfield Redevelopment Authority to facilitate the procurement of the demolition contractor. The procurement process would be similar to the one that the BRA employed for the procurement of the demolition and remediation contractor for the 334 River Street project last year. The procurement would be done at no cost to the BRA or the City. The Housing Commission will pay all fees associated with the procurement of the contractor from the demolition grant funds. The contract to demolish the building will be between the Housing Commission and the selected Contractor, and will not involve the BRA or the City.

MOTION by Don Kuk, seconded by Frank Beaver that the Brownfield Redevelopment Authority facilitates the procurement requirements for the demolition of the former Manistee Plating Building (parcel code #51-211-106-02). Any contracts for the work will be between the City of Manistee Housing Commission and the Contractor. All costs associated with the procurement and demolition will be paid by the Housing Commission.

With a Voice Vote this motion passed unanimously, with Director McKinven-Copus abstaining due to a conflict of interest.

### **OLD BUSINESS**

#### **Oath of Office/Section 6 Conflict of Interest**

Annually the Brownfield Redevelopment Authority member take an Oath of Office and agrees to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

Denise Blakeslee in her capacity as a Notary Public administered the Oath of Office for Director Steve Brower and he signed an Agreement to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority before today's meeting began.

#### **PUBLIC COMMENTS AND COMMUNICATIONS**

None

#### **CORRESPONDENCE**

None

#### **STAFF REPORTS**

**T. Eftaxiadis, BRA Consultant** – Mr. Eftaxiadis spoke of the need to schedule a Public Hearing/Special Meeting for a Brownfield Plan for the River Parc Place II redevelopment project. Mr. Eftaxiadis represents the developer for this project, therefore he will be unable to assist the BRA with this project. Drafts of the Brownfield Plan and the Act 351 Work Plan will be prepared by the developer and will be submitted to, and reviewed by the BRA's Administrator and Kathy Morin, AES Director. Recommendations for action on the two documents will be provided to the BRA by the Administrator and Ms. Morin.

After discussion, the members of the Brownfield Redevelopment Authority agreed to schedule a Public Hearing/Special Meeting on Wednesday, December 4<sup>th</sup>, 2013 at 3:00 pm for the Brownfield Plan for River Parc Place II.

**Denise Blakeslee, BRA Recording Secretary** – January is the Annual Meeting for the Brownfield Redevelopment Authority. The Agenda will include Election of Officers, Appointment of a Recording Secretary, Review of By Laws. Members will take their Oath of Office and agree to abide by Section 6 Conflict of Interest.

The Brownfield Redevelopment Authority will hold a Public Hearing/Special meeting on Wednesday, December 4, 2013 at 3 pm to review the Brownfield Plan for River Parc Place II redevelopment project.

The next regular meeting of the Brownfield Redevelopment Authority will be held on Tuesday, January 28, 2014.

#### **ADJOURNMENT**

Motion by Don Kuk, seconded by Marlene McBride that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 3:07 pm

MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

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Denise J. Blakeslee, Recording Secretary

**CITY OF MANISTEE  
BROWNFIELD REDEVELOPMENT AUTHORITY**

**SUMMARY OF INVOICES SUBMITTED FOR PAYMENT**

**REPORTING PERIOD:**

November 1, 2013 through January 20, 2014

<b>VENDOR NAME</b>	<b>INVOICE DATE</b>	<b>INVOICE NUMBER</b>	<b>INVOICE AMOUNT</b>	<b>SERVICE DESCRIPTION</b>
Swidorski Bros	11/01/13	2787	\$252.00	EPA Grant -HAZARDOUS; Remedial Design Exploratory Test Pits: Manistee Plating site
Eftaxiadis Consulting Inc	12/13/13	CMBRA-1311	\$658.75	Joslin Cove, 334 River, CMBRA Technical Support Services
Eftaxiadis Consulting Inc	12/13/13	CMBRA-1311H	\$3,145.00	EPA Grant - HAZARDOUS; Phase II ESAs, Remedial Planning, Brownfield Planning, Outreach, Program Mgmt (Veterans Memorial Park, Manistee Plating, 346 River, Hokanson, North Channel Outlet, Century Boat Works)
Eftaxiadis Consulting Inc	12/13/13	CMBRA-1311P	\$425.00	EPA Grant - PETROLEUM; Technical Program Mgmt
Abonmarche Engineering	01/20/14	108241	\$3,500.00	EPA Grant - PETROLEUM; Veterans Memorial Park survey
Eftaxiadis Consulting Inc	01/13/14	CMBRA-1321H	\$191.25	EPA Grant - HAZARDOUS; Phase II ESAs, Remedial Planning, Brownfield Planning, Program Mgmt (Veterans Memorial Park, Manistee Plating, Peninsula)
<b>TOTAL:</b>			<b>\$8,172.00</b>	

# BYLAWS OF THE CITY OF MANISTEE BROWNFIELD REDEVELOPMENT AUTHORITY

## ARTICLE 1: NAME AND ADDRESS

**Name:** The name of the Authority is the City of Manistee Brownfield Redevelopment Authority (hereinafter referred to as the Authority).

**Address:** The address of the Authority is: 70 Maple Street, P.O Box 358, Manistee, Michigan 49660.

## ARTICLE 2: DIRECTORS

- 2.1 **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.
- 2.2 **Board of Directors.** The Board of Directors (hereinafter referred to as the Board) of the Authority shall consist of not less than five (5) persons and not more than nine (9) persons. BRA Board members are to be city residents or persons with an interest in property in the City of Manistee.
- 2.3 **Terms, Replacement and Vacancies.** Of the initial members appointed, an equal number, or as near as practicable, shall be appointed for one year, two years and three years. Thereafter, each member 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 Council. A Director may be reappointed with the advice and consent of the City Council 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 Council within thirty (30) days to hold office for the remainder of the term of office so vacated.
- 2.4 **Board Absences.** In order to maintain the maximum participation of all appointed Brownfield Redevelopment Authority members at all scheduled meetings, the following is the attendance guide and Board member replacement policy for "excused" or "unexcused" absences.
1. When appointed, each Board Member should state his/her willingness and intention to attend each scheduled meeting of the Brownfield Redevelopment Authority.
  2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Board Member from attending the scheduled meeting; the Commission Chair or Staff Liaison to the Brownfield Redevelopment Authority should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Board Member upon this notification will receive an "excused absence" for the involved scheduled meeting.
  3. If any Board Member is absent from three (3) consecutive scheduled meetings without an "excused absence" for any of the three (3) meetings, the Board Member shall be reported in writing to the City Manager. The City Manager will contact the Board Member in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.

4. There will be no limit on the number of consecutive “excused absences” for any Board Member. However, if the Board Member is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Board Member in writing and question the member’s continued ability or interest to be on the Commission. The Board Member will be considered for an appointment nullification when the absences total six in the calendar year.
  5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.
- 2.5 **Removal.** A Director may be removed from office for inefficiency, neglect of duty, or misconduct or malfeasance, by a majority vote of the City Council.
  - 2.6 **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, which disclosure shall become a part of the record of the Authority’s official proceedings. The interested Director shall further refrain from participation in the Authority’s action 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.
  - 2.7 **Meetings.** Meetings of the Board may be called by or at the request of the Chairperson of the Board or any two Directors. The meetings of the Board shall be public, and the appropriate notice of such meetings shall be provided to the public. Regular meetings of the Brownfield Redevelopment Authority shall be held in each calendar quarter of each year. In no event shall there be less than four (4) meetings per year. The Board shall hold an Annual Meeting in January of each year at which time officers of the Board shall be elected as provided in Article 3, Section 2.
  - 2.8 **Notice.** Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976).
  - 2.9 **Quorum.** A majority of the members of the Directors then in office constitutes a quorum for the transaction of business at any meeting of the Board, provided, that a majority of the Board present may adjourn the meeting from time to time without any further notice. The vote of the majority of the Directors present at a meeting at which a quorum is present constitutes the 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 members of the Board then in office.
  - 2.10 **Participation by Communication Equipment.** A member of the Board or of a committee designated by the Board may participate in a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this provision constitutes presence at the meeting.
  - 2.11 **Committees.** The Board may, by resolution passed by a majority of the whole board, designate one or more committees, each committee to consist of two or more of the Directors of the Authority. The Board may designate one or more Directors as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. In the absence or disqualification of a member of a committee, the members thereof present at a meeting and not

disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in place of such an absent or disqualified member. A committee, and each member thereof, shall serve at the pleasure of the Board. A committee so designated by the Board, to the extent provided in the resolution by the Board, may exercise all powers and authority of the Board in the management of the business and affairs of the Authority, except that such committee so may exercise all powers and authority to: (a) recommend to members a dissolution of the Authority, or revocation of dissolution, (b) amend the Bylaws of the Authority, or (c) fill vacancies in the Board.

### **ARTICLE 3: OFFICERS**

- 3.1 **Officers.** The 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 excluded, acknowledged, or verified by two or more officers.
- 3.2 **Nomination, Election and Term of Office.** The officers of the Authority shall be elected by the Board at an Annual Meeting held in January of each year. Candidates shall be nominated by any Brownfield Redevelopment Authority Board member present at the meeting.
- 3.3 **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.
- 3.4 **Chairperson and Vice Chairperson.** The Chairperson shall be the chief executive officer of the Authority, but he or she may from time to time delegate all or any part of his/her duties to the Vice Chairperson. He or she, or in his/her absence, the Vice Chairperson, shall preside at all meetings of the Board, he or she shall have general and active management of the business of the Authority and shall perform all the duties of the office as provided by law or these Bylaws. He or she shall be ex-officio a member of all standing committees, and shall have the general powers and duties of supervision and management of the Authority.
- 3.5 **Secretary/Treasurer and Recording Secretary.** The Secretary/Treasurer shall attend all meetings of the Board and record all votes and the minutes of all proceedings in a book to be kept for that purpose, and shall perform like duties for the standing committees when required. They shall further perform all duties of the office of Secretary/Treasurer as provided by law or these Bylaws. They shall be sworn to the faithful discharge of these duties. For the purposes of recording minutes the Secretary/Treasurer may appoint a Recording Secretary.
- 3.6 **Delegation of Duties of Offices.** 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, or any of them, of such officer to any other officer, or to any Director, provided a majority of the Board then in office concurs therein.

- 3.7 **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 \$500.00 for any expense listed as an eligible item for expenditure under the approved Authority funding guidelines. The Executive Committee must report any such expenditures to the Board at the next regularly scheduled Board meeting.

#### **ARTICLE 4: CONTRACTS, LOANS, CHECKS AND DEPOSITS**

- 4.1 **Contracts.** The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and such authority may be general or confined to specific instances.
- 4.2 **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 Council. Such authority may be general or confined to specific instances.
- 4.3 **Checks, Drafts, etc.** All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Authority, shall be signed by such officer or officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the Board.
- 4.4 **Deposits.** All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority in such banks, trust companies or other depositories as the Board may select.

#### **ARTICLE 5: FISCAL YEAR**

The fiscal year of the Authority shall correspond at all times to the fiscal year of the City of Manistee.

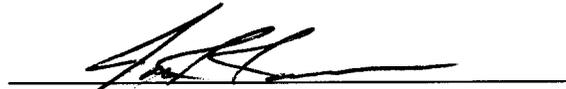
#### **ARTICLE 6: Miscellaneous**

- 6.1 **Seal.** The Board shall provide a corporate seal which shall be the official seal of the Authority.
- 6.2 **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 7: REVIEW AND AMENDMENTS**

These Bylaws will be reviewed annually at the Annual Meeting. These Bylaws may be altered, amended or repealed by the affirmative vote of a majority of the Board then in office at any regular or special meeting called for that purpose. Any proposed changes are subject to review and approval of the City Council.

I HEREBY CERTIFY that the above Bylaws were adopted the 4th day of June, 2013.

  
Jon Rose, BRA Administrator

[Annotation: Article III Officers, Section 7 Executive Committee amended to be authorized to spend up to \$5,000.00. Approved by BRA 7/27/06]

[Annotation: As approved by the City Council at their June 2, 2009 Meeting – Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws. Approved by BRA 7/7/09]

[Annotation: Article II Directors, Section 2, Board of Directors was amended to add “BRA Board members are to be city residents or persons with an interest in property in the City of Manistee.” Article III Officers, Section 2. Nomination, Election and Term of Office was amended by adding “any Brownfield Redevelopment Authority Board member present at the meeting” DELETING “a nomination 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 persons shall hold the same office for more than three successive terms.” Approved by BRA 9/7/10]

[Annotation: Article II, Directors, Section 2, Board of Directors was amended to delete “unless an EDC, DDA, TIFA, or LDFA board was appointed.” Section 7, Meetings, was amended to delete “second calendar quarter of each year” and add “third calendar quarter of each year.” Article VII, Review and Amendments, was amended to change “Organizational Meeting” to “Annual Meeting.” Article III, Officers, Section 2, Nomination, Election and Term of Office was amended to delete “during the second calendar quarter of each year” and add “during the third calendar quarter of each year.” Approved by BRA 6/7/11]

[Annotation: Article 2, Directors, Section 2.7 Meetings was amended by adding: “Regular meetings of the Brownfield Redevelopment Authority shall be held in each calendar quarter of each year. In no event shall there be less than four (4) meetings per year. The Board shall hold an Annual Meeting in January” deleting “during the third calendar quarter” and Article 3 Officers, Section 3.2 Nomination, Election and Term of Office adding “held in January” deleting “during the third calendar quarter”]

Approved by the City of Manistee Council

6/18/2013  
Date

  
Colleen Kenny, Mayor

# Memo

**To:** City of Manistee Brownfield Redevelopment Authority Directors and Administrator

**From:** T. Eftaxiadis, Eftaxiadis Consulting Inc.

**Date:** January 28, 2014

**Re:** USEPA Grants Status

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1. The two Grants (Petroleum and Hazardous) were extended by the USEPA to March 31, 2014. As of end of December 2013 the estimated balance remaining in the Grants is approximately \$30,063 for the Hazardous and \$6,315 for the Petroleum.

An extension of the period of the Hazardous Grant to September 2014 would allow the completion of projects delayed due to severe adverse weather and/or lack of site access.

2. The status of "open" projects since the last BRA meeting (October 29, 2013) is as follows:
  - i. North Channel Outlet. A prospective redeveloper of the property is still interested in assistance with performing environmental due diligence work and asbestos and structural surveys through the Grants. To date, formal access to the property from the property owner is not available. We continue to work with the prospective developer on available Brownfield programs for that property.
  - ii. 518 First Street Property (former Rengo property). The property owner has provided access for environmental due diligence work (Phase I and II ESAs) through the Grants, prior to listing the property for sale. We are waiting for the owner to provide access to the interior of the building for the site walk component of the Phase I ESA. Additionally, a Phase II ESA would have to be delayed due to the cold and snowy conditions.
  - iii. River Parc Place. The developer, the DDA, the BRA Administrator and the City Manager are in the process of determining the components of a Brownfield Plan, for future public hearing and action by the BRA and City Council. A special meeting of the BRA may be required in February or March.
  - iv. 308 River Street. The property owner has expressed interest in performing Phase I and II ESAs and asbestos survey through the Grants. While there are no enough funds remaining in the Petroleum Grant for this work, an Eligibility Determination Request will be submitted to the US EPA for use of the Hazardous Grant funds for this property.
  - v. Veterans Memorial Park. We are assisting the Community Foundation, AES and the veterans group by providing topographic survey for the planning of the memorial's expansion, as well as technical support related to infrastructure improvements through Brownfield TIF.
  - vi. Douglas Park Area. The City is applying for State of Michigan grants for the development of, and improvements at various sections of Douglas Park. A Phase I ESA is needed to identify potential environmental impacts to the development efforts due to historic brine extraction and processing activities at the site.

3. Additionally, the following currently inactive projects may require assistance through the EPA grants, prior to Grant expiration, to undertake Grant eligible activities:
  - a. MAPS Vocational Training Facility – Brownfield Plan and Act 381 Work Plan.
  - b. Bookmart – Asbestos/Lead Survey, Baseline Environmental Assessment (BEA), Brownfield Plan and Act 381 Work Plan.
  - c. Manistee Iron Works - Brownfield Plan and Act 381 Work Plan.
  - d. Century Boat Works – Phase I ESA, BEA, Brownfield Plan and Act 381 Work Plan.
  - e. Hotel Northern - BEA, Brownfield Plan and Act 381 Work Plan.

Please let me know if you have any questions or require additional information.



## Finance\Treasurer's Office

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**Memo to:** Brownfield Redevelopment Authority Board  
T. Eftaxiadis, Brownfield Consultant

**From:** Edward Bradford, CFO, BRA Administrator 

**Re:** BRA Finances

**Date:** January 23, 2014

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The purpose of this memo is to explain the current and historical state of BRA finances and discuss options for managing the finances of the BRA moving forward.

As of December 31, 2013 the BRA had \$21,514 in cash and a \$15,321 receivable from the State of Michigan. I have attached a summary of the entire financial history of the BRA which shows how this number was derived.

Revenues of \$67,000 are comprised of permit fees, service charges and City general fund transfers. Over \$40,000 of this are City general fund transfers. Expenses of \$30,000 are made up of supplies, printing, professional services and some State of Michigan fees. The vast majority are for professional services.

The reason for the current positive cash balance is that at the end of the 2013 fiscal year, the City had to transfer \$30,000 from the general fund to the BRA to avoid having a deficit balance. At the time, we were waiting for some money for the 334 River Street project to be disbursed from the State, which was eventually received.

However, in discussion with T. Eftaxiadis, the situation is a bit more complicated. The City uses the services of Eftaxiadis Consulting for both City and BRA projects. When Jon Rose was the Brownfield Administrator, frequently the services requested of Eftaxiadis Consulting by the City were simply charged to the BRA instead of being split between the City and BRA. Mr. Eftaxiadis estimates that of the \$26,000 in fees charged, only \$6,000 were properly allocable to "pure" BRA Administration, and the remainder to City projects. What this means is that when this is considered, the BRA has run about a \$5,000 deficit. Once the receivable from the State is received, the BRA would have about \$35,000 in cash. This all could be refunded to the City general fund, leaving \$5,000 remaining to be paid back.

However, that would cause cash flow problems for the BRA moving forward. I believe that all but \$10,000 should be refunded to the City general fund. If and when the BRA has the funds to

sustain its operations and generate a surplus, the remaining \$15,000 owed to the general fund could be paid back to the City.

Moving forward presents some challenges. The key takeaway is that the fees being brought in have not been sufficient to fund the operations of the BRA. With the pending expiration of the EPA grants, this situation will worsen as whenever acceptable, we charge expenses to these grants rather than to the BRA directly.

There are three ways to deal with this shortfall in the future.

1. Increase the revenue brought into the BRA by bringing in more projects and/or relevant grants. This activity would generate permit fees, charges for service, TIF capture and administration fees that could be used to fund the operations of the BRA. We may need to reevaluate the fees we charge for some of our activities.
2. Continue to subsidize the BRA with the City's general fund. Unfortunately, in past years this general fund contribution was never considered during the regular budgeting process, only indirectly in year-end budget amendments. This will have to change moving forward. That will be difficult given the fiscal challenges the City is facing.
3. Consider dissolving the City BRA and using the County BRA instead. Obviously, this would require a great deal of discussion before any decision was made.

In any event, the BRA will need to adopt a formal budget prior to July 1, 2014. I will be working with Mr. Eftaxiadis to prepare a budget for consideration at a future meeting. In the interim, the \$10,000 cash balance left in the BRA account should provide ample funds for the remaining months of the current fiscal year.

# City of Manistee

## BRA Financial Summary

12/31/2013

<b>Cash</b>	\$	21,514
Due from State	\$	15,321
	\$	<b>36,835</b>

### Revenue

Permits	\$	3,000	Rieth-Riley, Jim Matthews
Charge for Service	\$	19,500	Rieth-Riley, American Materials, Amptech, Mariah Power
Rieth-Riley	\$	4,139	
Net Transfers In	\$	40,357	City of Manistee General Fund
<b>Total Revenue</b>	\$	<b>66,996</b>	

### Expense

Supplies	\$	252
Printing	\$	175
Professional Services	\$	26,799
State of Michigan	\$	2,935
<b>Total Expenses</b>	\$	<b>30,161</b>
<b>Net</b>	\$	<b>36,835</b>

**BROWNFIELD REDEVELOPMENT FINANCING ACT**  
**Act 381 of 1996**

AN ACT to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004.

*The People of the State of Michigan enact:*

**125.2651 Short title.**

Sec. 1. This act shall be known and may be cited as the "brownfield redevelopment financing act".

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

**Compiler's note:** For transfer of powers and duties of department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

**125.2652 Definitions.**

Sec. 2. As used in this act:

(a) "Additional response activities" means response activities identified as part of a brownfield plan that are in addition to baseline environmental assessment activities and due care activities for an eligible property.

(b) "Authority" means a brownfield redevelopment authority created under this act.

(c) "Baseline environmental assessment" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(d) "Baseline environmental assessment activities" means those response activities identified as part of a brownfield plan that are necessary to complete a baseline environmental assessment for an eligible property in the brownfield plan.

(e) "Blighted" means property that meets any of the following criteria as determined by the governing body:

(i) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.

(ii) Is an attractive nuisance to children because of physical condition, use, or occupancy.

(iii) Is a fire hazard or is otherwise dangerous to the safety of persons or property.

(iv) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(v) Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(vi) Is property owned or under the control of a land bank fast track authority, whether or not located within a qualified local governmental unit. Property included within a brownfield plan prior to the date it meets the requirements of this subdivision to be eligible property shall be considered to become eligible property as of the date the property is determined to have been or becomes qualified as, or is combined with, other eligible property. The sale, lease, or transfer of the property by a land bank fast track authority after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(vii) Has substantial subsurface demolition debris buried on site so that the property is unfit for its intended use.

(f) "Board" means the governing body of an authority.

(g) "Brownfield plan" means a plan that meets the requirements of section 13 and is adopted under section 14.

(h) "Captured taxable value" means the amount in 1 year by which the current taxable value of an eligible property subject to a brownfield plan, including the taxable value or assessed value, as appropriate, of the property for which specific taxes are paid in lieu of property taxes, exceeds the initial taxable value of that eligible property. The state tax commission shall prescribe the method for calculating captured taxable value.

(i) "Chief executive officer" means the mayor of a city, the village manager of a village, the township supervisor of a township, or the county executive of a county or, if the county does not have an elected county executive, the chairperson of the county board of commissioners.

(j) "Combined brownfield plan" means a brownfield plan that also includes the information necessary to submit the plan to the department or Michigan strategic fund under section 15(25).

(k) "Department" means the department of environmental quality.

(l) "Due care activities" means those response activities identified as part of a brownfield plan that are necessary to allow the owner or operator of an eligible property in the plan to comply with the requirements of section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a.

(m) "Economic opportunity zone" means 1 or more parcels of property that meet all of the following:

(i) That together are 40 or more acres in size.

(ii) That contain or contained a manufacturing facility that consists or consisted of 500,000 or more square feet.

(iii) That are located in a municipality that has a population of 30,000 or less and that is contiguous to a qualified local governmental unit.

(n) "Eligible activities" or "eligible activity" means 1 or more of the following:

(i) Baseline environmental assessment activities.

(ii) Due care activities.

(iii) Additional response activities.

(iv) For eligible activities on eligible property that was used or is currently used for commercial, industrial, or residential purposes that is in a qualified local governmental unit, that is owned or under the control of a land bank fast track authority, or that is located in an economic opportunity zone, and is a facility, historic resource, functionally obsolete, or blighted, and except for purposes of section 38d of former 1975 PA 228, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(E) Assistance to a land bank fast track authority in clearing or quieting title to, or selling or otherwise conveying, property owned or under the control of a land bank fast track authority or the acquisition of property by the land bank fast track authority if the acquisition of the property is for economic development purposes.

(F) Assistance to a qualified local governmental unit or authority in clearing or quieting title to, or selling or otherwise conveying, property owned or under the control of a qualified local governmental unit or authority or the acquisition of property by a qualified local governmental unit or authority if the acquisition of the property is for economic development purposes.

(v) Relocation of public buildings or operations for economic development purposes.

(vi) For eligible activities on eligible property that is a qualified facility that is not located in a qualified local governmental unit and that is a facility, functionally obsolete, or blighted, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(vii) For eligible activities on eligible property that is not located in a qualified local governmental unit and that is a facility, historic resource, functionally obsolete, or blighted, the following additional activities:

(A) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(B) Lead or asbestos abatement.

(viii) Reasonable costs of developing and preparing brownfield plans, combined brownfield plans, and work plans.

(ix) For property that is not located in a qualified local governmental unit and that is a facility, functionally obsolete, or blighted, that is a former mill that has not been used for industrial purposes for the immediately preceding 2 years, that is located along a river that is a federal superfund site listed under the comprehensive

environmental response, compensation, and liability act of 1980, 42 USC 9601 to 9675, and that is located in a city with a population of less than 10,000 persons, the following additional activities:

(A) Infrastructure improvements that directly benefit the property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(x) For eligible activities on eligible property that is located north of the 45th parallel, that is a facility, functionally obsolete, or blighted, and the owner or operator of which makes new capital investment of \$250,000,000.00 or more in this state, the following additional activities:

(A) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(B) Lead or asbestos abatement.

(xi) Reasonable costs of environmental insurance.

(o) Except as otherwise provided in this subdivision, "eligible property" means property for which eligible activities are identified under a brownfield plan that was used or is currently used for commercial, industrial, public, or residential purposes, including personal property located on the property, to the extent included in the brownfield plan, and that is 1 or more of the following:

(i) Is in a qualified local governmental unit and is a facility, historic resource, functionally obsolete, or blighted and includes parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property.

(ii) Is not in a qualified local governmental unit and is a facility, and includes parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property.

(iii) Is tax reverted property owned or under the control of a land bank fast track authority.

(iv) Is not in a qualified local governmental unit, is a qualified facility, and is a facility, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(vi).

(v) Is not in a qualified local governmental unit and is a facility, historic resource, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(vii).

(vi) Is not in a qualified local governmental unit and is a facility, functionally obsolete, or blighted, if the eligible activities on the property are limited to the eligible activities identified in subdivision (n)(ix).

(vii) Is located north of the 45th parallel, is a facility, functionally obsolete, or blighted, and the owner or operator makes new capital investment of \$250,000,000.00 or more in this state. Eligible property does not include qualified agricultural property exempt under section 7ee of the general property tax act, 1893 PA 206, MCL 211.7ee, from the tax levied by a local school district for school operating purposes to the extent provided under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.

(viii) Is a transit-oriented development.

(ix) Is a transit-oriented facility.

(x) Is located in a qualified local governmental unit and contains a targeted redevelopment area, as designated by resolution of the governing body and approved by the Michigan strategic fund, of not less than 40 and not more than 500 contiguous parcels. A qualified local governmental unit is limited to designating no more than 2 targeted redevelopment areas for the purposes of this section in a calendar year. The Michigan strategic fund may approve no more than 5 redevelopment areas for the purposes of this section in a calendar year.

(p) "Environmental insurance" means liability insurance for environmental contamination and cleanup that is not otherwise required by state or federal law.

(q) "Facility" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(r) "Fiscal year" means the fiscal year of the authority.

(s) "Functionally obsolete" means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

(t) "Governing body" means the elected body having legislative powers of a municipality creating an authority under this act.

(u) "Historic resource" means that term as defined in section 90a of the Michigan strategic fund act, 1984 PA 270, MCL 125.2090a.

(v) "Infrastructure improvements" means a street, road, sidewalk, parking facility, pedestrian mall, alley, bridge, sewer, sewage treatment plant, property designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, waterway, waterline, water storage facility, rail line, utility line or pipeline, transit-oriented development, transit-oriented facility, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, owned or used by a public agency or functionally connected to similar or supporting property owned or used by a public agency, or designed and dedicated to use by, for the benefit of, or for the protection of the health, welfare, or safety of the public generally, whether or not used by a single business entity, provided that any road, street, or bridge shall be continuously open to public access and that other property shall be located in public easements or rights-of-way and sized to accommodate reasonably foreseeable development of eligible property in adjoining areas. Infrastructure improvements also include 1 or more of the following whether publicly or privately owned or operated or located on public or private property:

- (i) Underground parking.
- (ii) Multilevel parking structures.
- (iii) Urban storm water management systems.

(w) "Initial taxable value" means the taxable value of an eligible property identified in and subject to a brownfield plan at the time the resolution adding that eligible property in the brownfield plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the brownfield plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that eligible property in the brownfield plan is adopted. Property exempt from taxation at the time the initial taxable value is determined shall be included with the initial taxable value of zero. Property for which a specific tax is paid in lieu of property tax shall not be considered exempt from taxation. The state tax commission shall prescribe the method for calculating the initial taxable value of property for which a specific tax was paid in lieu of property tax.

(x) "Land bank fast track authority" means an authority created under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774.

(y) "Local taxes" means all taxes levied other than taxes levied for school operating purposes.

(z) "Michigan strategic fund" means the Michigan strategic fund created under the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2094.

(aa) "Municipality" means all of the following:

- (i) A city.
- (ii) A village.
- (iii) A township in those areas of the township that are outside of a village.
- (iv) A township in those areas of the township that are in a village upon the concurrence by resolution of the village in which the zone would be located.

(v) A county.

(bb) "Owned or under the control of" means that a land bank fast track authority has 1 or more of the following:

- (i) An ownership interest in the property.
- (ii) A tax lien on the property.
- (iii) A tax deed to the property.
- (iv) A contract with this state or a political subdivision of this state to enforce a lien on the property.
- (v) A right to collect delinquent taxes, penalties, or interest on the property.
- (vi) The ability to exercise its authority over the property.

(cc) "Qualified facility" means a landfill facility area of 140 or more contiguous acres that is located in a city and that contains a landfill, a material recycling facility, and an asphalt plant that are no longer in operation.

(dd) "Qualified local governmental unit" means that term as defined in the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797.

(ee) "Qualified taxpayer" means that term as defined in sections 38d and 38g of former 1975 PA 228, or section 437 of the Michigan business tax act, 2007 PA 36, MCL 208.1437, or a recipient of a community revitalization incentive as described in section 90a of the Michigan strategic fund act, 1984 PA 270, MCL 125.2090a.

(ff) "Response activity" means either of the following:

(i) Response activity as that term is defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(ii) Corrective action as that term is defined in section 21302 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21302.

(gg) "Specific taxes" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572; the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668; the enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123; 1953 PA 189, MCL 211.181 to 211.182; the technology park development act, 1984 PA 385, MCL 207.701 to 207.718; the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797; the neighborhood enterprise zone act, 1992 PA 147, MCL 207.771 to 207.786; the commercial rehabilitation act, 2005 PA 210, MCL 207.841 to 207.856; or that portion of the tax levied under the tax reverted clean title act, 2003 PA 260, MCL 211.1021 to 211.1025a, that is not required to be distributed to a land bank fast track authority.

(hh) "State brownfield redevelopment fund" means the state brownfield redevelopment fund created in section 8a.

(ii) "Tax increment revenues" means the amount of ad valorem property taxes and specific taxes attributable to the application of the levy of all taxing jurisdictions upon the captured taxable value of each parcel of eligible property subject to a brownfield plan and personal property located on that property, regardless of whether those taxes began to be levied after the brownfield plan was adopted. Tax increment revenues do not include any of the following:

(i) Ad valorem property taxes specifically levied for the payment of principal of and interest on either obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit, and specific taxes attributable to those ad valorem property taxes.

(ii) For tax increment revenues attributable to eligible property also exclude the amount of ad valorem property taxes or specific taxes captured by a downtown development authority, tax increment finance authority, or local development finance authority if those taxes were captured by these other authorities on the date that eligible property became subject to a brownfield plan under this act.

(iii) Ad valorem property taxes levied under 1 or more of the following or specific taxes attributable to those ad valorem property taxes:

(A) The zoological authorities act, 2008 PA 49, MCL 123.1161 to 123.1183.

(B) The art institute authorities act, 2010 PA 296, MCL 123.1201 to 123.1229.

(jj) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(kk) "Taxes levied for school operating purposes" means all of the following:

(i) The taxes levied by a local school district for operating purposes.

(ii) The taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(iii) That portion of specific taxes attributable to taxes described under subparagraphs (i) and (ii).

(ll) "Transit-oriented development" means infrastructure improvements that are located within 1/2 mile of a transit station or transit-oriented facility that promotes transit ridership or passenger rail use as determined by the board and approved by the municipality in which it is located.

(mm) "Transit-oriented facility" means a facility that houses a transit station in a manner that promotes transit ridership or passenger rail use.

(nn) "Work plan" means a plan that describes each individual activity to be conducted to complete eligible activities and the associated costs of each individual activity.

(oo) "Zone" means, for an authority established before June 6, 2000, a brownfield redevelopment zone designated under this act.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 254, Imd. Eff. May 1, 2002;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004;—Am. 2003, Act 277, Imd. Eff. Jan. 8, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005;—Am. 2006, Act 32, Imd. Eff. Feb. 23, 2006;—Am. 2007, Act 204, Imd. Eff. Dec. 27, 2007;—Am. 2010, Act 241, Imd. Eff. Dec. 14, 2010;—Am. 2010, Act 246, Imd. Eff. Dec. 14, 2010;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012;—Am. 2013, Act 67, Imd. Eff. June 19, 2013.

### **125.2653 Brownfield redevelopment authority; establishment; exercise of powers; alteration or amendment of boundaries; authority as public body corporate; written agreement with county.**

Sec. 3. (1) A municipality may establish 1 or more authorities. Except as provided in subsection (4), an authority with zones established before the effective date of the amendatory act that added subsection (2) shall exercise its powers within its designated zones. Except as provided in subsection (4), an authority established after the effective date of the amendatory act that added subsection (2) shall exercise its powers over any eligible property located in the municipality.

(2) An authority with zones established before the effective date of the amendatory act that added this

subsection may alter or amend the boundaries of those zones if the authority holds a public hearing on the alteration or amendment using the procedures under section 4(2), (3), and (4).

(3) The authority shall be a public body corporate that may sue and be sued in a court of competent jurisdiction. The authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act is not a limitation upon the general powers of the authority. The powers granted in this act to an authority may be exercised whether or not bonds are issued by the authority.

(4) An authority established by a county shall exercise its powers with respect to eligible property within a city, village, or township within the county only if that city, village, or township has concurred with the provisions of a brownfield plan that apply to that eligible property within the city, village, or township.

(5) A city, village, or township including a city, village, or township that is a qualified local governmental unit may enter into a written agreement with the county in which that city, village, or township is located to exercise the powers granted to that specific city, village, or township under this act.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

**125.2654 Resolution by governing body; adoption; notice; public hearing; proceedings establishing authority; presumption of validity; exercise as essential governmental function; implementation or modification of plan.**

Sec. 4. (1) A governing body may declare by resolution adopted by a majority of its members elected and serving its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall set a date for holding a public hearing on the adoption of a proposed resolution creating the authority. The notice of the public hearing shall state the date, time, and place of the hearing. At that hearing, a citizen, taxpayer, official from a taxing jurisdiction whose millage may be subject to capture under a brownfield plan, or property owner of the municipality has the right to be heard in regard to the establishment of the authority.

(3) Not more than 30 days after the public hearing, if the governing body intends to proceed with the establishment of the authority, the governing body shall adopt, by majority vote of its members elected and serving, a resolution establishing the authority. The adoption of the resolution is subject to all applicable statutory or charter provisions with respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of a resolution over his or her veto. This resolution shall be filed with the secretary of state promptly after its adoption.

(4) The proceedings establishing an authority shall be presumptively valid unless contested in a court of competent jurisdiction within 60 days after the filing of the resolution with the secretary of state.

(5) The exercise by an authority of the powers conferred by this act shall be considered to be an essential governmental function and benefit to, and a legitimate public purpose of, the state, the authority, and the municipality or units.

(6) If the board implements or modifies a brownfield plan that contains a qualified facility, the governing body shall mail notice of that implementation or modification to each taxing jurisdiction that levies ad valorem property taxes in the municipality. Not more than 60 days after receipt of that notice, the governing body of a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality in which the qualified facility is located. The resolution takes effect when filed with that clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2005, Act 101, Imd. Eff. July 22, 2005;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

**125.2655 Designation of board by governing body; membership; trustees; applicability of subsection (2); election of chairperson, vice-chairperson, and other officers; oath; procedural rules; meetings; special meetings; removal of member; records open to public; quorum.**

Sec. 5. (1) Each authority shall be under the supervision and control of a board chosen by the governing body. Subject to subsection (2), the governing body may by majority vote designate 1 of the following to constitute the board:

(a) The board of directors of the economic development corporation of the municipality established under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The trustees of the board of a downtown development authority established under 1975 PA 197, MCL 125.1651 to 125.1681.

(c) The trustees of the board of a tax increment financing authority established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(d) The trustees of the board of a local development financing authority established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(e) Not less than 5 nor more than 9 persons appointed by the chief executive officer of the municipality subject to the approval of the governing body. Of the initial members appointed, an equal number, as near as practicable, shall be appointed for 1 year, 2 years, and 3 years. A member shall hold office until the member's successor is appointed and qualified. Thereafter, each member shall serve for a term of 3 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for reasonable actual and necessary expenses.

(2) The governing body of a municipality in which a board described in subsection (1)(b), (c), or (d) has been established shall designate the trustees of 1 of those boards to constitute the board. This subsection shall only apply in the event a board described in subsection (1)(b), (c), or (d) is authorized under subsection (1) to serve as the board of the authority.

(3) The members shall elect 1 of their membership as chairperson and another as vice-chairperson. The members may designate and elect other officers of the board as they consider necessary.

(4) Before assuming the duties of office, a member shall qualify by taking and subscribing to the oath of office provided in section 1 of article XI of the state constitution of 1963.

(5) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public, in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) After notice and an opportunity to be heard, a member of the board appointed under subsection (1)(e) may be removed before the expiration of his or her term for cause by the governing body. Removal of a member is subject to review by the circuit court.

(7) All financial records of an authority shall be open to the public under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) A majority of the members of the board appointed and serving shall constitute a quorum. Action may be taken by the board at a meeting upon a vote of the majority of the members present.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

### **125.2656 Appointment or employment of director, treasurer, secretary, personnel, and consultants; assistance provided by municipality; retirement and insurance programs.**

Sec. 6. (1) The board may employ and fix the compensation of a director of the authority, subject to the approval of the governing body creating the authority. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of the office, the director shall take and subscribe to the oath of office provided in section 1 of article XI of the state constitution of 1963 and shall furnish bond by posting a bond in the sum specified in the resolution establishing the authority. The bond shall be payable to the authority for the use and benefit of the authority, approved by the board, and filed with the clerk of the municipality. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the oath of office referenced in this subsection and furnish bond as required of the director. The director shall furnish the board with information or reports governing the operation of the authority, as the board requires.

(2) The board may appoint or employ and fix the compensation of a treasurer who shall keep the financial records of the authority and who, together with the director, if a director is appointed, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may appoint or 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. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform other duties as may be delegated by the board.

(4) The board may employ and retain personnel and consultants as considered necessary by the board,

including legal counsel to advise the board in the proper performance of its duties and to represent the authority in actions brought by or against the authority.

(5) Upon request of the authority, the municipality may provide assistance to the authority in the performance of its powers and duties.

(6) The employees of an authority may be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees on the same basis as civil service employees.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

### **125.2657 Powers of authority; determining captured taxable value; transfer of municipality funds to authority.**

Sec. 7. (1) An authority may do 1 or more of the following:

(a) Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.

(b) Incur and expend funds to pay or reimburse a public or private person for costs of eligible activities attributable to an eligible property.

(c) As approved by the municipality, incur costs and expend funds from the local site remediation revolving fund created under section 8 for purposes authorized in that section.

(d) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, and loan agreements.

(e) On terms and conditions and in a manner and for consideration the authority considers proper or for no monetary consideration, own, mortgage, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines are reasonably necessary to achieve the purposes of this act, and grant or acquire licenses, easements, and options with respect to the property.

(f) Acquire, maintain, repair, or operate all devices necessary to ensure continued eligible activities on eligible property.

(g) Accept grants and donations of property, labor, or other things of value from a public or private source.

(h) Incur costs in connection with the performance of its authorized functions, including, but not limited to, administrative costs and architect, engineer, legal, or accounting fees.

(i) Study, develop, and prepare the reports or plans the authority considers necessary to assist it in the exercise of its powers under this act and to monitor and evaluate the progress under this act.

(j) Procure insurance against loss in connection with the authority's property, assets, or activities.

(k) Invest the money of the authority at the authority's discretion in obligations determined proper by the authority, and name and use depositories for its money.

(l) Make loans, participate in the making of loans, undertake commitments to make loans and mortgages, buy and sell loans and mortgages at public or private sale, rewrite loans and mortgages, discharge loans and mortgages, foreclose on a mortgage, commence an action to protect or enforce a right conferred upon the authority by a law, mortgage, loan, contract, or other agreement, bid for and purchase property that was the subject of the mortgage at a foreclosure or other sale, acquire and take possession of the property and in that event compute, administer, pay the principal and interest on obligations incurred in connection with that property, and dispose of and otherwise deal with the property, in a manner necessary or desirable to protect the interests of the authority.

(m) Borrow money and issue its bonds and notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of tax increment revenues.

(n) Do all other things necessary or convenient to achieve the objectives and purposes of the authority, this act, or other laws that relate to the purposes and responsibilities of the authority.

(2) The authority shall determine the captured taxable value of each parcel of eligible property. The captured taxable value of a parcel shall not be less than zero.

(3) A municipality may transfer the funds of the municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

### **125.2658 Local site remediation revolving fund.**

Sec. 8. (1) An authority may establish a local site remediation revolving fund. A local site remediation revolving fund shall consist of money available under section 13(5) and may also consist of money appropriated or otherwise made available from public or private sources.

(2) The local site remediation revolving fund may be used only to pay the costs of eligible activities on eligible property that is located within the municipality.

(3) An authority or a municipality on behalf of an authority may incur an obligation for the purpose of funding a local site remediation revolving fund.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

#### **125.2658a Brownfield redevelopment fund.**

Sec. 8a. (1) The state brownfield redevelopment fund is created as a revolving fund within the department of treasury to be administered as provided in this section. The state treasurer shall direct the investment of the state brownfield redevelopment fund. Money in the state brownfield redevelopment fund at the close of the fiscal year shall remain in the state brownfield redevelopment fund and shall not lapse to the general fund.

(2) The state treasurer shall credit to the fund money from the following sources:

(a) All amounts deposited into the state brownfield redevelopment fund under section 13(21).

(b) The proceeds from repayment of a loan, including interest on those repayments, under subsection (5)(f).

(c) Interest on funds deposited into the state brownfield redevelopment fund.

(d) Money obtained from any other source authorized by law.

(3) The state brownfield redevelopment fund may be used only for the following purposes:

(a) To pay administrative costs of all of the following:

(i) The Michigan strategic fund to implement this act.

(ii) The department to implement this act.

(iii) The department to implement part 196 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19601 to 324.19616.

(b) To fund a grant and loan program for the costs of eligible activities described in section 13(15) on eligible property as provided in subsection (5).

(c) To make deposits into the clean Michigan initiative bond fund under section 19606(2)(d) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19606, for use in providing grants and loans under part 196 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19601 to 324.19616.

(4) Not more than 15% of the amounts deposited annually into the state brownfield redevelopment fund may be used for purposes of subsection (3)(a).

(5) The state brownfield redevelopment fund may be used to fund a grant and loan program for the costs of eligible activities described in section 13(15) on eligible property under this subsection. The grant and loan program shall provide for all of the following:

(a) The Michigan strategic fund shall create and operate a grant and loan program to provide grants and loans to fund eligible activities described in section 13(15) on eligible property. The Michigan strategic fund shall develop and use a detailed application, approval, and compliance process adopted by resolution of the board of the Michigan strategic fund. This process shall be published and available on the Michigan strategic fund website. Program standards, guidelines, templates, or any other forms to implement the grant and loan program shall be approved by the board of the Michigan strategic fund. The Michigan strategic fund may delegate its approval authority under this subsection to a designee.

(b) A person may apply to the Michigan strategic fund for approval of a grant or loan to fund eligible activities described in section 13(15) on eligible property.

(c) The Michigan strategic fund shall approve or deny an application not more than 90 days after receipt of an administratively complete application. If the application is neither approved nor denied within 90 days, it shall be considered by the board of the Michigan strategic fund, or its designee if delegated, for action at, or by, the next regularly scheduled board meeting. The Michigan strategic fund may delegate the approval or denial of an application to the chairperson of the Michigan strategic fund or other designees determined by the board.

(d) When an application is approved under this subsection, the Michigan strategic fund shall enter into a written agreement with the applicant. The written agreement shall provide all the conditions imposed on the applicant and the terms of the grant or loan. The written agreement shall also provide for penalties if the applicant fails to comply with the provisions of the written agreement.

(e) After the Michigan strategic fund and the applicant have entered into a written agreement under subdivision (d), the Michigan strategic fund shall distribute the proceeds to the applicant according to the terms of the written agreement.

(f) Any proceeds from repayment of a loan, including interest on those repayments, under this subsection

shall be paid into the state brownfield redevelopment fund.

**History:** Add. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

#### **125.2659 Authority as instrumentality of political subdivision.**

Sec. 9. The authority shall be considered an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2660 Taking, transfer, and use of private property.**

Sec. 10. A municipality may transfer private property taken under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, to the authority for use as authorized in the brownfield plan, on terms and conditions it considers appropriate. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2661 Financing sources of authority activities.**

Sec. 11. The activities of the authority shall be financed from 1 or more of the following sources:

(a) Contributions, contractual payments, or appropriations to the authority for the performance of its functions or to pay the costs of a brownfield plan of the authority.

(b) Revenues from a property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(c) Subject to the limitations imposed under sections 8, 13, and 15, 1 or both of the following:

(i) Tax increment revenues received under a brownfield plan established under sections 13 and 14.

(ii) Proceeds of tax increment bonds and notes issued under section 17.

(d) Proceeds of revenue bonds and notes issued under section 12.

(e) Revenue available in the local site remediation revolving fund for the costs described in section 8.

(f) Money obtained from all other sources approved by the governing body of the municipality or otherwise authorized by law for use by the authority or the municipality to finance activities authorized under this act.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2662 Bonds and notes of authority.**

Sec. 12. (1) The authority may borrow money and issue its negotiable revenue bonds or notes to finance all or part of the costs of eligible activities or of another activity of the authority under this act. Revenue bonds and notes issued under this section are subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. The costs that may be financed by the issuance of revenue bonds or notes may include the costs of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with an activity authorized under this act; engineering, architectural, legal, accounting, or financial expenses; the costs necessary or incidental to the borrowing of money; interest on the bonds or notes during the period of construction; a reserve for payment of principal and interest on the bonds or notes; and a reserve for operation and maintenance until sufficient revenues have developed. The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and all money, revenues, or income received in connection with the property.

(2) A pledge made by the authority shall be valid and binding from the time the pledge is made. The money or property pledged by the authority immediately shall be subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of a pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(3) Bonds or notes issued under this section shall be exempt from all taxation in this state except estate and transfer taxes, and the interest on the bonds or notes shall be exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(4) Unless otherwise provided by a majority vote of the members of its governing body, the municipality shall not be liable on bonds or notes of the authority issued under this section and the bonds or notes shall not be a debt of the municipality.

(5) The bonds and notes of the authority may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations,

investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is supplemental and in addition to all other authority granted by law.

*History:* 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

### **125.2663 Brownfield plan; provisions.**

Sec. 13. (1) Subject to section 15, the board may implement a brownfield plan. The brownfield plan may apply to 1 or more parcels of eligible property whether or not those parcels of eligible property are contiguous and may be amended to apply to additional parcels of eligible property. Except as otherwise authorized by this act, if more than 1 eligible property is included within the plan, the tax increment revenues under the plan shall be determined individually for each eligible property. Each plan or an amendment to a plan shall be approved by the governing body of the municipality and shall contain all of the following:

(a) A description of the costs of the plan intended to be paid for with the tax increment revenues or, for a plan for eligible properties qualified on the basis that the property is owned or under the control of a land bank fast track authority, a listing of all eligible activities that may be conducted for 1 or more of the eligible properties subject to the plan.

(b) A brief summary of the eligible activities that are proposed for each eligible property or, for a plan for eligible properties qualified on the basis that the property is owned or under the control of a land bank fast track authority, a brief summary of eligible activities conducted for 1 or more of the eligible properties subject to the plan.

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from the eligible property. The plan may provide for the use of part or all of the captured taxable value, including deposits in the local site remediation revolving fund, but the portion intended to be used shall be clearly stated in the plan. The plan shall not provide either for an exclusion from captured taxable value of a portion of the captured taxable value or for an exclusion of the tax levy of 1 or more taxing jurisdictions unless the tax levy is excluded from tax increment revenues in section 2(ii), or unless the tax levy is excluded from capture under section 15.

(d) The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality.

(e) The maximum amount of note or bonded indebtedness to be incurred, if any.

(f) The beginning date and duration of capture of tax increment revenues for each eligible property as determined under subsection (22).

(g) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located.

(h) A legal description of the eligible property to which the plan applies, a map showing the location and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property, and a statement of whether personal property is included as part of the eligible property. If the project is on property that is functionally obsolete, the taxpayer shall include, with the application, an affidavit signed by a level 3 or level 4 assessor, that states that it is the assessor's expert opinion that the property is functionally obsolete and the underlying basis for that opinion.

(i) Estimates of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, the plan shall include a demographic survey of the persons to be displaced, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(j) A plan for establishing priority for the relocation of persons displaced by implementation of the plan.

(k) Provision for the costs of relocating persons displaced by implementation of the plan, and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646.

(l) A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332.

(m) A description of proposed use of the local site remediation revolving fund.

(n) Other material that the authority or governing body considers pertinent.

(2) The percentage of all taxes levied on a parcel of eligible property for school operating expenses that is

captured and used under a brownfield plan and all tax increment finance plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, or the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, shall not be greater than the combination of the plans' percentage capture and use of all local taxes levied for purposes other than for the payment of principal of and interest on either obligations approved by the electors or obligations pledging the unlimited taxing power of the local unit of government. This subsection shall apply only when taxes levied for school operating purposes are subject to capture under section 15.

(3) Except as provided in this subsection and subsections (5), (15), and (16), tax increment revenues related to a brownfield plan shall be used only for costs of eligible activities attributable to the eligible property, the captured taxable value of which produces the tax increment revenues, including the cost of principal of and interest on any obligation issued by the authority to pay the costs of eligible activities attributable to the eligible property, and the reasonable costs of preparing a brownfield plan, combined brownfield plan, or a work plan for the eligible property. For property owned or under the control of a land bank fast track authority, tax increment revenues related to a brownfield plan may be used for eligible activities attributable to any eligible property owned or under the control of the land bank fast track authority, the cost of principal of and interest on any obligation issued by the authority to pay the costs of eligible activities, the reasonable costs of preparing a combined brownfield plan or work plan. Except as provided in subsection (18), tax increment revenues captured from taxes levied by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, or taxes levied by a local school district shall not be used for eligible activities described in section 2(n)(iv)(E).

(4) Except as provided in subsection (5), a brownfield plan shall not authorize the capture of tax increment revenue from eligible property after the year in which the total amount of tax increment revenues captured is equal to the sum of the costs permitted to be funded with tax increment revenues under this act.

(5) A brownfield plan may authorize the capture of additional tax increment revenue from an eligible property in excess of the amount authorized under subsection (4) during the time of capture for the purpose of paying the costs permitted under subsection (3), or for not more than 5 years after the time that capture is required for the purpose of paying the costs permitted under subsection (3), or both. Excess revenues captured under this subsection shall be deposited in the local site remediation revolving fund created under section 8 and used for the purposes authorized in section 8. If tax increment revenues attributable to taxes levied for school operating purposes from eligible property are captured by the authority for purposes authorized under subsection (3), the tax increment revenues captured for deposit in the local site remediation revolving fund also may include tax increment revenues attributable to taxes levied for school operating purposes in an amount not greater than the tax increment revenues levied for school operating purposes captured from the eligible property by the authority for the purposes authorized under subsection (3). Excess tax increment revenues from taxes levied for school operating purposes for eligible activities authorized under subsection (15) by the Michigan strategic fund shall not be captured for deposit in the local site remediation revolving fund.

(6) An authority shall not expend tax increment revenues to acquire or prepare eligible property, unless the acquisition or preparation is an eligible activity.

(7) Costs of eligible activities attributable to eligible property include all costs that are necessary or related to a release from the eligible property, including eligible activities on properties affected by a release from the eligible property. For purposes of this subsection, "release" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(8) Costs of a response activity paid with tax increment revenues that are captured pursuant to subsection (3) may be recovered from a person who is liable for the costs of eligible activities at an eligible property. This state or an authority may undertake cost recovery for tax increment revenue captured. Before an authority or this state may institute a cost recovery action, it must provide the other with 120 days' notice. This state or an authority that recovers costs under this subsection shall apply those recovered costs to the following, in the following order of priority:

(a) The reasonable attorney fees and costs incurred by this state or an authority in obtaining the cost recovery.

(b) One of the following:

(i) If an authority undertakes the cost recovery action, the authority shall deposit the remaining recovered funds into the local site remediation fund created pursuant to section 8, if such a fund has been established by the authority. If a local site remediation fund has not been established, the authority shall disburse the remaining recovered funds to the local taxing jurisdictions in the proportion that the local taxing jurisdictions' taxes were captured.

(ii) If this state undertakes a cost recovery action, this state shall deposit the remaining recovered funds

into the revitalization revolving loan fund established under section 20108a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108a.

(iii) If this state and an authority each undertake a cost recovery action, undertake a cost recovery action jointly, or 1 on behalf of the other, the amount of any remaining recovered funds shall be deposited pursuant to subparagraphs (i) and (ii) in the proportion that the tax increment revenues being recovered represent local taxes and taxes levied for school operating purposes, respectively.

(9) Approval of the brownfield plan or an amendment to a brownfield plan shall be in accordance with the notice and approval provisions of this section and section 14.

(10) Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body.

(11) Notice of the time and place of the hearing on a brownfield plan shall contain all of the following:

(a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section.

(c) Any other information that the governing body considers appropriate.

(12) At the time set for the hearing on the brownfield plan required under subsection (10), the governing body shall ensure that interested persons have an opportunity to be heard and that written communications with reference to the brownfield plan are received and considered. The governing body shall ensure that a record of the public hearing is made and preserved, including all data presented at the hearing.

(13) Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan. At that hearing, an official from a taxing jurisdiction with millage that would be subject to capture under this act has the right to be heard in regard to the adoption of the brownfield plan. Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the department if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities that require the approval of a combined brownfield plan or a work plan by the department under section 15(1)(a) and the Michigan strategic fund, or its designee, if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to subsection (15) or (18).

(14) The authority shall not enter into agreements with the taxing jurisdictions and the governing body of the municipality to share a portion of the captured taxable value of an eligible property. Upon adoption of the plan, the collection and transmission of the amount of tax increment revenues as specified in this act shall be binding on all taxing units levying ad valorem property taxes or specific taxes against property located in the zone.

(15) Except as provided by subsection (18), if a brownfield plan includes the capture of taxes levied for school operating purposes approval of a combined brownfield plan or a work plan by the Michigan strategic fund to use taxes levied for school operating purposes and a development agreement or reimbursement agreement between the municipality or authority and an owner or developer of eligible property are required if the taxes levied for school operating purposes will be used for infrastructure improvements that directly benefit eligible property, demolition of structures that is not response activity under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, lead or asbestos abatement, site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101, relocation of public buildings or operations for economic development purposes, or acquisition of property by a land bank fast track authority if acquisition of the property is for economic development purposes. The eligible activities to be conducted described in this subsection shall be consistent with the work plan submitted by the authority to the Michigan strategic fund. The department's approval is not required for the capture of taxes levied for school operating purposes for eligible activities described in this subsection.

(16) The limitations of section 15(1) upon use of tax increment revenues by an authority shall apply except as follows:

(a) The limitations of section 15(1) upon use of tax increment revenues by an authority shall not apply to the following costs and expenses:

(i) In each fiscal year of the authority, the amount described in subsection (19) for the following purposes for tax increment revenues attributable to local taxes:

(A) Reasonable and actual administrative and operating expenses of the authority.

(B) Baseline environmental assessments, due care activities, and additional response activities conducted by or on behalf of the authority related directly to work conducted on prospective eligible properties prior to approval of the brownfield plan.

(ii) Reasonable costs of preparing a work plan for which tax increment revenues may be used under section 13(3).

(b) The limitations of section 15(1)(a), (b), and (c) upon the use of taxes levied for school operating purposes by an authority shall not apply to the costs of 1 or more of the following incurred by a person other than the authority:

(i) Site investigation activities required to conduct a baseline environmental assessment and to evaluate compliance with section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a.

(ii) Completing a baseline environmental assessment report.

(iii) Preparing a plan for compliance with section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a.

(c) The limitations of section 15(1)(b) upon use of tax increment revenues by an authority shall not apply to the following costs and expenses:

(i) For tax increment revenues attributable to taxes levied for school operating purposes, eligible activities associated with unanticipated response activities conducted on eligible property if that eligible property has been included in a brownfield plan, if the department is consulted on the unanticipated response activities before they are conducted and the costs of those activities are subsequently included in a brownfield plan approved by the authority and a combined brownfield plan or a work plan approved by the department.

(ii) For tax increment revenues attributable to local taxes, any eligible activities conducted on eligible property or prospective eligible properties prior to approval of the brownfield plan, if those costs and the eligible property are subsequently included in a brownfield plan approved by the authority.

(iii) For tax increment revenues attributable to taxes levied for school operating purposes, eligible activities described in section 13(15) and conducted on eligible property or prospective eligible properties prior to approval of the brownfield plan, if those costs and the eligible property are subsequently included in a brownfield plan approved by the authority and a combined brownfield plan or work plan approved by the Michigan strategic fund.

(17) A brownfield authority may reimburse advances, with or without interest, made by a municipality under section 7(3), a land bank fast track authority, or any other person or entity for costs of eligible activities with any source of revenue available for use of the brownfield authority under this act. If an authority reimburses a person or entity under this section for an advance for the payment or reimbursement of the cost of eligible activities and interest thereon, the authority may capture local taxes for the payment of that interest. If an authority reimburses a person or entity under this section for an advance for the payment or reimbursement of the cost of baseline environmental assessments, due care, and additional response activities and interest thereon included in a combined brownfield plan or a work plan approved by the department, the authority may capture taxes levied for school operating purposes and local taxes for the payment of that interest. If an authority reimburses a person or entity under this section for an advance for the payment or reimbursement of the cost of eligible activities that are not baseline environmental assessments, due care, and additional response activities and interest thereon included in a combined brownfield plan or a work plan approved by the Michigan strategic fund, the authority may capture taxes levied for school operating purposes and local taxes for the payment of that interest provided that the Michigan strategic fund grants an approval for the capture of taxes levied for school operating purposes to pay such interest. An authority may enter into agreements related to these reimbursements and payments. A reimbursement agreement for these purposes and the obligations under that reimbursement agreement shall not be subject to section 12 or the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(18) If a brownfield plan includes the capture of taxes levied for school operating purposes, approval of a combined brownfield plan or a work plan by the Michigan strategic fund in the manner required under section 15(14) to (16) or (25) is required in order to use tax increment revenues attributable to taxes levied for school operating purposes for purposes of eligible activities described in section 2(n)(iv)(E) for 1 or more parcels of eligible property. The combined brownfield plan or work plan to be submitted to the Michigan strategic fund under this subsection shall be in a form prescribed by the Michigan strategic fund. The eligible activities to be conducted and described in this subsection shall be consistent with the combined brownfield plan or work plan submitted by the authority to the Michigan strategic fund. The department's approval is not required for the capture of taxes levied for school operating purposes for eligible activities described in this section.

(19) In each fiscal year of the authority, the amount of tax increment revenues attributable to local taxes that an authority can use for the purposes described in subsection (16)(a) shall be determined as follows:

- (a) For authorities that have 5 or fewer active projects, \$100,000.00.
- (b) For authorities that have 6 or more but fewer than 11 active projects, \$125,000.00.
- (c) For authorities that have 11 or more but fewer than 16 active projects, \$150,000.00.
- (d) For authorities that have 16 or more but fewer than 21 active projects, \$175,000.00.
- (e) For authorities that have 21 or more but fewer than 26 active projects, \$200,000.00.
- (f) For authorities that have 26 or more but fewer than 31 active projects, \$300,000.00.
- (g) For authorities that have 31 or more active projects, \$500,000.00.

(20) As used in subsection (19), "active project" means a project in which the authority is currently capturing taxes under this act. The amounts of tax increment revenues attributable to local taxes listed in subsection (19) that an authority can use for the purposes described in subsection (16)(a) may be increased by 2% for each written agreement entered into by an authority in either of the following situations up to a total maximum increase of 10%:

(a) The authority is an authority established by a county and that authority enters into a written agreement with 1 or more municipalities within that county to serve as the only authority for those other municipalities.

(b) The authority enters into a written agreement with 1 or more other authorities to administer 1 or more administrative operations of those other authorities.

(21) Notwithstanding anything to the contrary in this act, for a brownfield plan that includes the capture of taxes levied for school operating purposes from eligible property included in a brownfield plan after January 1, 2013, an authority shall pay to the department of treasury at least once annually an amount equal to 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, that are captured under the brownfield plan for up to the first 25 years of the duration of capture of tax increment revenues for each eligible property included in the brownfield plan. The department of treasury shall deposit these amounts into the state brownfield redevelopment fund. If an authority pays an amount equal to 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on a parcel of eligible property to the department of treasury under this subsection, the percentage of local taxes levied on that parcel and used to reimburse eligible activities for a project under a brownfield plan shall not exceed the percentage of local taxes levied on that parcel that would have been used to reimburse eligible activities for the project under a brownfield plan if the 3 mills of the taxes levied under the state education tax, 1993 PA 331, MCL 211.901 to 211.906, on that parcel were not paid to the department of treasury under this subsection. If, due to an appeal of any tax assessment, an authority is required to reimburse a taxpayer for any portion of the 3 mills that are paid to the department of treasury under this subsection, the department of treasury shall reimburse that amount to the authority within 30 days after receiving a request from the authority for reimbursement.

(22) The duration of capture of tax increment revenues under a brownfield plan for a particular eligible property shall not exceed the lesser of the period authorized under subsections (4) and (5) or 30 years from the beginning date of the capture of tax increment revenues for that eligible property. The beginning date of capture of tax increment revenues for an eligible property shall not be later than 5 years following the date of the resolution including the eligible property in the brownfield plan. The authority may amend the beginning date of capture of tax increment revenues for a particular eligible property to a date not later than 5 years following the date of the resolution including the eligible property in the brownfield plan. The authority may not amend the beginning date of capture of tax increment revenues for a particular eligible property if the authority has begun to reimburse eligible activities from the capture of tax increment revenues from that eligible property. Any tax increment revenues captured from an eligible property before the beginning date of capture of tax increment revenues for that eligible property shall revert proportionately to the respective tax bodies. If an authority amends the beginning date for capture of tax increment revenues that includes the capture of tax increment revenues for school operating purposes, then the authority shall notify the department or the Michigan strategic fund, as applicable, within 30 days after amending the beginning date.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 727, Imd. Eff. Dec. 30, 2002;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005;—Am. 2006, Act 32, Imd. Eff. Feb. 23, 2006;—Am. 2006, Act 467, Imd. Eff. Dec. 20, 2006;—Am. 2007, Act 202, Imd. Eff. Dec. 27, 2007;—Am. 2010, Act 246, Imd. Eff. Dec. 14, 2010;—Am. 2010, Act 288, Imd. Eff. Dec. 16, 2010;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

**Compiler's note:** For transfer of powers and duties of department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

### **125.2664 Brownfield plan as public purpose; determination; amendments to plan; validity of procedure, notice, and findings; presumption.**

Sec. 14. (1) Not less than 10 days after notice of the proposed brownfield plan is provided to the taxing jurisdictions, the governing body shall determine whether the plan constitutes a public purpose. If the governing body determines that the plan does not constitute a public purpose, the governing body shall reject

the plan. If the governing body determines that the plan constitutes a public purpose, the governing body may then approve or reject the plan, or approve it with modification, by resolution, based on the following considerations:

- (a) Whether the plan meets the requirements of section 13.
- (b) Whether the proposed method of financing the costs of eligible activities is feasible and the authority has the ability to arrange the financing.
- (c) Whether the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of this act.
- (d) Whether the amount of captured taxable value estimated to result from adoption of the plan is reasonable.

(2) Except as provided in this subsection, amendments to an approved brownfield plan must be submitted by the authority to the governing body for approval or rejection following the same notice necessary for approval or rejection of the original plan. Notice is not required for revisions in the estimates of captured taxable value or tax increment revenues.

(3) The procedure, adequacy of notice, and findings with respect to purpose and captured taxable value shall be presumptively valid unless contested in a court of competent jurisdiction within 60 days after adoption of the resolution adopting the brownfield plan. An amendment, adopted by resolution, to a conclusive plan shall likewise be conclusive unless contested within 60 days after adoption of the resolution adopting the amendment. If a resolution adopting an amendment to the plan is contested, the original resolution adopting the plan is not therefore open to contest.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

**125.2665 Prohibited conduct; work plan; documents to be submitted for approval; written response; time limitation; additional response activities; review by department; approval or denial of work plan as final decision; appeal; reimbursement of costs; report; review by Michigan strategic fund; duties; distribution of remaining funds; use of school operating taxes; extension of review period; approval of combined brownfield plan.**

Sec. 15. (1) An authority shall not do any of the following:

(a) For eligible activities not described in section 13(15), use taxes levied for school operating purposes captured from eligible property unless the eligible activities to be conducted on the eligible property are eligible activities under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, consistent with a combined brownfield plan or a work plan approved by the department after July 24, 1996.

(b) Use taxes captured from eligible property to pay for eligible activities conducted before approval of the brownfield plan except for costs described in section 13(16).

(c) Use taxes levied for school operating purposes captured from eligible property for response activities that benefit a party liable under section 20126 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20126, except that a municipality that established the authority may use taxes levied for school operating purposes captured from eligible property for response activities associated with a landfill.

(d) Use taxes captured from eligible property to pay for administrative and operating activities of the authority or the municipality on behalf of the authority except for costs described in section 13(16) and for the reasonable costs for preparing a combined brownfield plan or a work plan for the eligible property.

(2) To seek department approval of a work plan under subsection (1)(a), the authority shall submit all of the following for each eligible property:

(a) A copy of the brownfield plan.

(b) Current ownership information for each eligible property and a summary of available information on proposed future ownership, including the amount of any delinquent taxes, interest, and penalties that may be due.

(c) A summary of available information on the historical and current use of each eligible property, including a brief summary of site conditions and what is known about environmental contamination as that term is defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(d) Existing and proposed future zoning for each eligible property.

(e) A brief summary of the proposed redevelopment and future use for each eligible property.

(3) Upon receipt of a request for approval of a work plan under subsection (2) or a portion of a work plan that pertains to only baseline environmental assessment activities or due care activities, or both, the department shall review the work plan according to subsection (4) and provide 1 of the following written responses to the requesting authority within 60 days:

(a) An unconditional approval.

(b) A conditional approval that delineates specific necessary modifications to the work plan to meet the criteria of subsection (4), including, but not limited to, individual activities to be added or deleted from the work plan and revision of costs.

(c) If the work plan lacks sufficient information for the department to respond under subdivision (a), (b), or (d) for any specific activity, a letter stating with specificity the necessary additions or changes to the work plan to be submitted before that activity will be considered by the department. The department shall respond under subdivision (a), (b), or (d) according to this section for the other activities in the work plan.

(d) A denial if the property is not an eligible property under this act, if the work plan contemplates the use of taxes levied for school operating purposes prohibited by subsection (1)(c), or for any specific activity if the activity is prohibited by subsection (1)(b). The department may also deny any activity in a work plan that does not meet the conditions in subsection (4) only if the department cannot respond under subdivision (b) or (c). The department shall accompany the denial with a letter that states with specificity the reason for the denial. The department shall respond under subdivision (a), (b), or (c) according to this section for any activities in the work plan that are not denied under this subdivision. If the department denies all or a portion of a work plan under this subdivision, the authority may subsequently resubmit the work plan.

(4) The department may approve a work plan if the following conditions have been met:

(a) Whether some or all of the activities constitute due care activities or additional response activities other than activities that are exempt from the work plan approval process under subsection (1)(a).

(b) The due care activities and response activities, other than the activities that are exempt from the work plan approval process under subsection (1)(a), are protective of the public health, safety, and welfare and the environment. The department may approve additional response activities that are more protective of the public health, safety, and welfare and the environment than required by section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a, if those activities provide public health or environmental benefit. In review of a work plan that includes activities that are more protective of the public health, safety, and welfare and the environment, the department's considerations may include, but are not limited to, all of the following:

(i) Proposed new land use and reliability of restrictions to prevent exposure to contamination.

(ii) Cost of implementation activities minimally necessary to achieve due care compliance, the incremental cost of all additional response activities relative to the cost of all response activities, and the total cost of all response activities.

(iii) Long-term obligations associated with leaving contamination in place and the value of reducing or eliminating these obligations.

(c) The estimated costs for the activities as a whole are reasonable for the stated purpose. Except as provided in subdivision (b), the department shall make the determination in this subdivision only after the department determines that the conditions in subdivisions (a) and (b) have been met.

(5) If the department fails to provide a written response under subsection (3) within 60 days after receipt of a request for approval of a work plan, the authority may proceed with the activities as outlined in the work plan as submitted for approval. Except as provided in subsection (6), activities conducted pursuant to a work plan that was submitted to the department for approval but for which the department failed to provide a written response under subsection (3) shall be considered approved for the purposes of subsection (1). Within 45 days after receiving additional information requested from the authority under subsection (3)(c), the department shall review the additional information according to subsection (4) and provide 1 of the responses described in subsection (3) to the requesting authority for the specific activity. If the department does not provide a response to the requesting authority within 45 days after receiving the additional information requested under subsection (3)(c), the activity is approved under subsection (1).

(6) The department may issue a written response to a work plan more than 60 days but less than 6 months after receipt of a request for approval. If the department issues a written response under this subsection, the authority is not required to conduct individual activities that are in addition to the individual activities included in the work plan as it was submitted for approval and failure to conduct these additional activities shall not affect the authority's ability to capture taxes under subsection (1) for the eligible activities described in the work plan initially submitted under subsection (5). In addition, at the option of the authority, these additional individual activities shall be considered part of the work plan of the authority and approved for purposes of subsection (1). However, any response by the department under this subsection that identifies additional individual activities that must be carried out to satisfy part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, must be satisfactorily completed for the activities to be considered acceptable for the purposes of compliance with part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(7) If the department issues a written response under subsection (6) to a work plan and if the department's written response modifies an individual activity proposed by the work plan of the authority in a manner that reduces or eliminates a proposed response activity, the authority must complete those individual activities in accordance with the department's response in order for that portion of the work plan to be considered approved for purposes of subsection (1), unless 1 or more of the following conditions apply:

(a) Obligations for the individual activity have been issued by the authority, or by a municipality on behalf of the authority, to fund the individual activity prior to issuance of the department's response.

(b) The individual activity has commenced or payment for the work has been irrevocably obligated prior to issuance of the department's response.

(8) It shall be in the sole discretion of an authority to propose to undertake additional response activities at an eligible property under a brownfield plan. The department shall not require a work plan to include additional response activities.

(9) The department shall review the portion of a work plan that includes additional response activities in accordance with subsection (4).

(10) The department's approval or denial of a work plan submitted under this section constitutes a final decision in regard to the use of taxes levied for school operating purposes but does not restrict an authority's use of tax increment revenues attributable to local taxes to pay for eligible activities under a brownfield plan. If a person is aggrieved by the final decision, the person may appeal under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(11) Through December 31, 2012, the authority shall reimburse the department for the actual cost incurred by the department or a contractor of the department to review a work plan under subsection (1)(a) under this section. Funds paid to the department under this subsection shall be deposited in the cost recovery subaccount of the cleanup and redevelopment fund created under section 20108 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108.

(12) The department shall submit a report each year to each member of the legislature as provided in section 16(4).

(13) To seek Michigan strategic fund approval of a work plan under section 13(15), the authority shall submit all of the following for each eligible property:

(a) A copy of the brownfield plan.

(b) Current ownership information for each eligible property and a summary of available information on proposed future ownership, including the amount of any delinquent taxes, interest, and penalties that may be due.

(c) A summary of available information on the historical and current use of each eligible property.

(d) Existing and proposed future zoning for each eligible property.

(e) A brief summary of the proposed redevelopment and future use for each eligible property.

(f) A separate work plan, or part of a work plan, for each eligible activity described in section 13(15) to be undertaken.

(g) A copy of the development agreement or reimbursement agreement required under section 13(15), which shall include, but is not limited to, a detailed summary of any and all ownership interests, monetary considerations, fees, revenue and cost sharing, charges, or other financial arrangements or other consideration between the parties.

(14) Upon receipt of a request for approval of a work plan, the Michigan strategic fund shall provide 1 of the following written responses to the requesting authority within 65 days:

(a) An unconditional approval that includes an enumeration of eligible activities and a maximum allowable capture amount.

(b) A conditional approval that delineates specific necessary modifications to the work plan, including, but not limited to, individual activities to be added or deleted from the work plan and revision of costs.

(c) A denial and a letter stating with specificity the reason for the denial. If a work plan is denied under this subsection, the work plan may be subsequently resubmitted.

(15) In its review of a work plan under section 13(15), the Michigan strategic fund shall consider the following criteria to the extent reasonably applicable to the type of activities proposed as part of that work plan when approving or denying a work plan:

(a) Whether the individual activities included in the work plan are sufficient to complete the eligible activity.

(b) Whether each individual activity included in the work plan is required to complete the eligible activity.

(c) Whether the cost for each individual activity is reasonable.

(d) The overall benefit to the public.

(e) The extent of reuse of vacant buildings and redevelopment of blighted property.

- (f) Creation of jobs.
- (g) Whether the eligible property is in an area of high unemployment.
- (h) The level and extent of contamination alleviated by or in connection with the eligible activities.
- (i) The level of private sector contribution.
- (j) The cost gap that exists between the site and a similar greenfield site as determined by the Michigan strategic fund.
- (k) If the developer or projected occupant of the new development is moving from another location in this state, whether the move will create a brownfield.
- (l) Whether the project of the developer, landowner, or corporate entity that is included in the work plan is financially and economically sound.
- (m) Other state and local incentives available to the developer, landowner, or corporate entity for the project of the developer, landowner, or corporate entity that is included in the work plan.
- (n) Any other criteria that the Michigan strategic fund considers appropriate for the determination of eligibility or for approval of the work plan.
- (16) If the Michigan strategic fund fails to provide a written response under subsection (14) within 65 days after receipt of a request for approval of a work plan, the eligible activities shall be considered approved and the authority may proceed with the eligible activities described in section 13(15) as outlined in the work plan as submitted for approval.
- (17) The Michigan strategic fund approval of a work plan under section 13(15) is final.
- (18) Through December 31, 2012, the authority shall reimburse the Michigan strategic fund for the actual cost incurred by the Michigan strategic fund or a contractor of the Michigan strategic fund to review a work plan under this section.
- (19) The Michigan strategic fund shall submit a report each year to each member of the legislature as provided in section 16(4).
- (20) All taxes levied for school operating purposes that are not used for eligible activities consistent with a combined brownfield plan or a work plan approved by the department or the Michigan strategic fund or for the payment of interest under section 13 and that are not deposited in a local site remediation revolving fund shall be distributed proportionately between the local school district and the school aid fund.
- (21) An authority shall not use taxes levied for school operating purposes captured from eligible property for eligible activities for a qualified facility or for eligible activities for property located in an economic opportunity zone.
- (22) The department's approval of a work plan under subsection (3)(a) or (b) does not imply an entitlement to reimbursement of the costs of the eligible activities if the work plan is not implemented as approved.
- (23) The applicant and the department can, by mutual agreement, extend the time period for any review described in this section. An agreement described in this subsection shall be documented in writing.
- (24) If a brownfield plan includes the capture of taxes levied for school operating purposes, the chairperson of the Michigan strategic fund may approve combined brownfield plans and work plans that address eligible activities described in section 13(15) totaling an amount of \$500,000.00 or less according to subsections (13), (14), (15), (16), (17), and (18).
- (25) In lieu of seeking approval of a work plan under section 13(15) or subsection (1)(a), an authority may seek approval of a combined brownfield plan from the department or Michigan strategic fund under this subsection as follows:
  - (a) To seek approval of a combined brownfield plan under this subsection, the authority shall, at least 30 days before the hearing on the combined brownfield plan to allow for consultation between the authority and the department or the Michigan strategic fund, provide notice that the authority will be seeking approval of a combined brownfield plan in lieu of a work plan to 1 or more of the following:
    - (i) The department, if the combined brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities that require approval by the department under subsection (1)(a).
    - (ii) The Michigan strategic fund, if the combined brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to subsection (15).
  - (b) After the governing body approves a combined brownfield plan, the authority shall submit the combined brownfield plan to the department under the circumstances described in subdivision (a)(i) or Michigan strategic fund under the circumstances described in subdivision (a)(ii).
  - (c) The department shall review a combined brownfield plan according to subdivision (e). The Michigan strategic fund shall review a combined brownfield plan according to subdivision (f).
  - (d) Upon receipt of a combined brownfield plan under subdivision (b), the department or Michigan strategic fund shall provide 1 of the following written responses to the requesting authority within 65 days:
    - (i) An unconditional approval that includes an enumeration of eligible activities and a maximum allowable

capture amount.

(ii) A conditional approval that delineates specific necessary modifications to the combined brownfield plan, including, but not limited to, individual activities to be added to or deleted from the combined brownfield plan and revision of costs.

(iii) A denial and a letter stating with specificity the reason for the denial. If a combined brownfield plan is denied under this subdivision, the combined brownfield plan may be subsequently resubmitted.

(e) The department may approve a combined brownfield plan if the authority submits the information identified in subsection (2)(b) to (e) and if the conditions identified in subsection (4) are met.

(f) The Michigan strategic fund shall consider the criteria identified in subsection (15)(a) to (n) to the extent reasonably applicable to the type of activities proposed as part of a combined brownfield plan when approving or denying the combined brownfield plan.

(g) If the department or Michigan strategic fund issues a written response to a requesting authority under subdivision (d)(i) or (ii), the governing body or its designee may administratively approve any modifications to a combined brownfield plan required by the written response without the need to follow the notice and approval process required by section 14(2) unless the modifications add 1 or more parcels of eligible property or increase the maximum amount of tax increment revenues approved for the project.

(h) If the department or Michigan strategic fund fails to provide a written response under subdivision (d) within 65 days after receipt of a combined brownfield plan, the eligible activities shall be considered approved as submitted.

(i) The approval of a combined brownfield plan by the department or Michigan strategic fund under this subsection is final.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 727, Imd. Eff. Dec. 30, 2002;—Am. 2003, Act 283, Imd. Eff. Jan. 8, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005;—Am. 2006, Act 32, Imd. Eff. Feb. 23, 2006;—Am. 2007, Act 201, Imd. Eff. Dec. 27, 2007;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

**Compiler's note:** For transfer of powers and duties of department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

**125.2665a Retention and payment of taxes levied under state education tax act; conditions; application for approval by authority; information to be included; approval, modification, or denial of application by department of treasury; appropriation and distribution of amount; calculation of aggregate amount; lien; reimbursement calculations; legislative intent; definitions.**

Sec. 15a. (1) If the amount of tax increment revenues lost as a result of the personal property tax exemptions provided by section 1211(4) of the revised school code, 1976 PA 451, MCL 380.1211, section 3 of the state education tax act, 1993 PA 331, MCL 211.903, section 14(4) of 1974 PA 198, MCL 207.564, and section 9k of the general property tax act, 1893 PA 206, MCL 211.9k, will reduce the allowable school tax capture received in a fiscal year, then, notwithstanding any other provision of this act, the authority, with approval of the department of treasury under subsection (3), may request the local tax collecting treasurer to retain and pay to the authority taxes levied within the municipality under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, to be used for the following:

(a) To repay an advance made not later than 1 year after the effective date of the amendatory act that added this section.

(b) To repay an obligation issued or incurred not later than 1 year after the effective date of the amendatory act that added this section.

(c) To pay or reimburse a developer or owner of eligible property or a municipality that created the authority for eligible activities pursuant to a development and reimbursement agreement entered into not later than 1 year after the effective date of the amendatory act that added this section.

(d) To pay for eligible activities identified in a brownfield plan, or an amendment to that plan approved by board of the authority not later than 90 days after the effective date of the amendatory act that added this section if the plan contains all of the following and the work plan for the capture of school taxes has been approved within 1 year after the effective date of the amendatory act that added this section:

(i) A detailed description of the project.

(ii) A statement of the estimated cost of the project.

(iii) The specific location of the project.

(iv) The name of any developer of the project.

(2) Not later than June 15 of 2008 and not later than June 1 of each subsequent year, an authority eligible under subsection (1) to have taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained and paid to the authority under this section, shall apply for approval with the department of

treasury. The application for approval shall include the following information:

(a) The property tax millage rates expected to be levied by local school districts within the jurisdictional area of the authority for school operating purposes for that fiscal year.

(b) The tax increment revenues estimated to be received by the authority for that fiscal year based upon actual property tax levies of all taxing jurisdictions within the jurisdictional area of the authority.

(c) The tax increment revenues the authority estimates it would have received for that fiscal year if the personal property tax exemptions described in subsection (1) were not in effect.

(d) A list of advances, obligations, development and reimbursement agreements, and projects included in brownfield plans described in subsection (1), and shall separately identify the payments due on each of those advances, obligations, development agreements, and eligible activities in that fiscal year, and the total amount of all the payments due on all of those in that fiscal year.

(e) The amount of money, other than tax increment revenues, estimated to be received in that fiscal year by the authority that is primarily pledged to, or would be used for, the repayment of an advance, the payment of an obligation, the payment of eligible activities pursuant to a development and reimbursement agreement, or the payment of eligible activities identified in a brownfield plan described in subsection (1). That amount shall not include excess tax increment revenues of the authority that are permitted by law to be retained by the authority for purposes that further the development program. However, that amount shall include money to be obtained from sources authorized by law, which law is enacted on or after December 1, 1993, for use by the municipality or authority to finance a development plan.

(f) The amount of a distribution received pursuant to this act for a fiscal year in excess of or less than the distribution that would have been required if calculated upon actual tax increment revenues received for that fiscal year.

(3) Not later than August 15, based on the calculations under subsection (5), the department of treasury shall approve, modify, or deny the application for approval to have taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained and paid to the authority under this section. If the application for approval contains the information required under subsection (2)(a) through (f) and appears to be in substantial compliance with the provisions of this section, then the department of treasury shall approve the application. If the application is denied by the department of treasury, then the department of treasury shall provide the opportunity for a representative of the authority to discuss the denial within 21 days after the denial occurs and shall sustain or modify its decision within 30 days after receiving information from the authority. If the application for approval is approved or modified by the department of treasury, the local tax collecting treasurer shall retain and pay to the authority the amount described in subsection (5) as approved by the department of treasury. If the department of treasury denies the authority's application for approval, the local tax collecting treasurer shall not retain or pay to the authority the taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906. An approval by the department does not prohibit a subsequent audit of taxes retained in accordance with the procedures currently authorized by law.

(4) Each year the legislature shall appropriate and distribute an amount sufficient to pay each authority the following:

(a) If the amount to be retained and paid under subsection (3) is less than the amount calculated under subsection (5), the difference between those amounts.

(b) If the application for approval is denied by the department of treasury, an amount verified by the department equal to the amount calculated under subsection (5).

(5) Subject to subsection (6), the aggregate amount under this section shall be the sum of the amounts determined under subdivisions (a) and (b) minus the amount determined under subdivision (c), as follows:

(a) The amount by which the tax increment revenues the authority would have received and retained for the fiscal year, excluding taxes exempt under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, if the personal property tax exemptions described in subsection (1) were not in effect, exceed the tax increment revenues the authority actually received for the fiscal year.

(b) A shortfall required to be reported under subsection (2)(f) that had not previously increased a distribution.

(c) An excess amount required to be reported under subsection (2)(f) that had not previously decreased a distribution.

(6) A distribution or taxes retained under this section replacing tax increment revenues pledged by an authority or a municipality are subject to any lien of the pledge described in subsection (1), whether or not there has been physical delivery of the distribution.

(7) Obligations for which distributions are made under this section are not a debt or liability of this state; do not create or constitute an indebtedness, liability, or obligation of this state; and are not and do not constitute a pledge of the faith and credit of this state.

(8) Not later than September 15 of each year, the authority shall provide a copy of the application for approval approved by the department of treasury to the local tax collecting treasurer and provide the amount of the taxes retained and paid to the authority under subsection (5).

(9) Calculations of amounts retained and paid and appropriations to be distributed under this section shall be made on the basis of each development area of the authority.

(10) The state tax commission may provide that the calculations under this section and the calculation of allowable capture of school taxes shall be made for each calendar year's tax increment revenues using a 12-month debt payment period used by the authority and approved by the state tax commission.

(11) It is the intent of the legislature that, to the extent that the total amount of taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, that are allowed to be retained under this section and section 11b of the local development financing act, 1986 PA 281, MCL 125.2161b, section 12b of the tax increment financing act, 1980 PA 450, MCL 125.1812b, and section 13c of 1975 PA 197, MCL 125.1663c, exceeds the difference of the total school aid fund revenue for the tax year minus the estimated amount of revenue the school aid fund would have received for the tax year had the tax exemptions described in subsection (1) and the earmark created by section 515 of the Michigan business tax act, 2007 PA 36, MCL 208.1515, not taken effect, the general fund shall reimburse the school aid fund the difference.

(12) As used in this section:

(a) "Advance" means that term as defined in section 1 of 1975 PA 197, MCL 125.1651.

(b) "Obligation" means that term as defined in section 1 of 1975 PA 197, MCL 125.1651.

History: Add. 2008, Act 154, Imd. Eff. June 5, 2008.

**125.2666 Tax increment revenues; transmission to authority; expenditure; reversion of surplus funds; financial status report; collection and compilation of financial reports by department and Michigan strategic fund; reporting obligations; performance postaudit report by auditor general; report by owner or developer for active project within brownfield plan; abolishment or termination of brownfield plan or amendment.**

Sec. 16. (1) The municipal and county treasurers shall transmit tax increment revenues to the authority not more than 30 days after tax increment revenues are collected.

(2) The authority shall expend the tax increment revenues received only in accordance with the brownfield plan. All surplus funds not deposited in the local site remediation revolving fund of the authority under section 13(5) shall revert proportionately to the respective taxing bodies, except as provided in section 15(20).

(3) The authority shall submit annually to the governing body, the department, and the Michigan strategic fund a financial report on the status of the activities of the authority for each calendar year. The report shall include all of the following:

(a) The amount and source of tax increment revenues received.

(b) The amount and purpose of expenditures of tax increment revenues.

(c) The amount of principal and interest on all outstanding indebtedness.

(d) The initial taxable value of all eligible property subject to the brownfield plan.

(e) The captured taxable value realized by the authority for each eligible property subject to the brownfield plan.

(f) The amount of actual capital investment made for each project.

(g) The amount of tax increment revenues attributable to taxes levied for school operating purposes used for activities described in section 15(1)(a) and section 2(n)(vii).

(h) The number of residential units constructed or rehabilitated for each project.

(i) The amount, by square foot, of new or rehabilitated residential, retail, commercial, or industrial space for each project.

(j) The number of new jobs created at the project.

(k) All additional information that the governing body, the department, or the Michigan strategic fund considers necessary.

(4) The department and the Michigan strategic fund shall collect the financial reports submitted under subsection (3), compile a combined report, which includes the use of local taxes, taxes levied for school operating purposes, and the state brownfield redevelopment fund, based on the information contained in those reports and any additional information considered necessary, and submit annually a report based on that information to each member of the legislature.

(5) Beginning on January 1, 2013, all of the following reporting obligations apply:

(a) The department shall on a quarterly basis post on its website the name, location, and amount of tax increment revenues, including taxes levied for school operating purposes, for each project approved by the department under this act during the immediately preceding quarter.

(b) The Michigan strategic fund shall on a quarterly basis post on its website the name, location, and amount of tax increment revenues, including taxes levied for school operating purposes, for each project approved by the Michigan strategic fund under this act during the immediately preceding quarter.

(6) In addition to any other requirements under this act, not less than once every 3 years beginning not later than June 30, 2008, the auditor general shall conduct and report a performance postaudit on the effectiveness of the program established under this act. As part of the performance postaudit, the auditor general shall assess the extent to which the implementation of the program by the department and the Michigan strategic fund facilitate and affect the redevelopment or reuse of eligible property and identify any factors that inhibit the program's effectiveness. The performance postaudit shall also assess the extent to which the interpretation of statutory language, the development of guidance or administrative rules, and the implementation of the program by the department and the Michigan strategic fund is consistent with the fundamental objective of facilitating and supporting timely and efficient brownfield redevelopment of eligible properties.

(7) The owner or developer for an active project included within a brownfield plan must annually submit to the authority a report on the status of the project. The report shall be in a form developed by the authority and must contain information necessary for the authority to report under subsection (3)(f), (h), (i), (j), and (k). The authority may waive the requirement to submit a report under this subsection. As used in this subsection, "active project" means a project for which the authority is currently capturing taxes under this act.

(8) A brownfield plan or plan amendment may be abolished or terminated according to this subsection subject to all of the following:

(a) The governing body may abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished.

(b) The governing body may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 5 years following the date of the resolution approving the brownfield plan or plan amendment.

(c) If a brownfield plan or plan amendment is terminated under subdivision (b), the governing body may approve a new brownfield plan or plan amendment for the eligible property under which tax increment revenues may be captured for up to 30 years as provided in section 13(22).

(d) Notwithstanding anything in this subsection to the contrary, a brownfield plan or plan amendment shall not be abolished or terminated until the principal and interest on bonds issued under section 17 and all other obligations to which the tax increment revenues are pledged have been paid or funds sufficient to make the payment have been identified or segregated.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2007, Act 203, Imd. Eff. Dec. 27, 2007;—Am. 2012, Act 502, Imd. Eff. Dec. 28, 2012.

### **125.2667 Authorization, issuance, and sale of tax increment bonds and notes.**

Sec. 17. (1) By resolution of its board, the authority may authorize, issue, and sell its tax increment bonds and notes, subject to the limitations set forth in this section, to finance the purposes of a brownfield plan. The bonds or notes shall be payable in the manner and upon the terms and conditions determined, or within the parameters specified, by the authority in the resolution authorizing issuance of the bonds or notes. The resolution authorizing the bonds shall create a lien on the tax increment revenues and other revenues pledged by the resolution that shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may provide the terms upon which additional bonds or notes may be issued of equal standing and parity of lien as to the tax increment revenues and other revenues pledged under the resolution.

(2) The municipality, by majority vote of the members of its governing body, may make a limited tax pledge to support the authority's tax increment bonds or notes or, if authorized by the voters of the municipality, may pledge its unlimited tax full faith and credit for the payment of the principal of and interest on the authority's tax increment bonds or notes.

(3) The bonds or notes issued under this section shall be secured by 1 or more sources of revenue identified in section 7 as sources of financing of activities of the authority, as provided by resolution of the authority.

(4) The bonds and notes of the authority may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for 1 or more of the purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is supplemental and in addition to all other authority granted by law.

(5) The bonds and notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except section 503 of the revised municipal finance act, 2001 PA 34, MCL

141.2503.

(6) For bonds issued under this act, the first principal amount maturity date or mandatory redemption date shall be not later than 5 years after the date of issuance and some principal amount shall mature or be subject to mandatory redemption in each subsequent year of the term of the bond.

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

**Compiler's note:** The following communication was received:

"September 12, 1999

The Honorable John Engler

Capitol Building

Lansing, Michigan

Subject: PA 381 of 1996

Dear Governor Engler:

A review of the Senate and House Journals has revealed an error in Enrolled Senate Bill 923, which was filed with the Secretary of State on July 24, 1996, and assigned Public Act No. 381 of 1996. The bill presented to the Governor on July 17, 1996, did not accurately reflect what was agreed to by both houses of the Legislature. Specifically, Section 17, subsection (1), the third sentence incorrectly stated: 'The terms of the municipal finance act, Act No. 202 of the Public Acts of 1943, apply to bonds issued under this section.'

The sentence agreed to by both houses is:

'Except for the requirement of the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, that the authority receive the approval or an exception from approval from the department of treasury prior to the issuance of bonds under this subsection, the terms of Act No. 202 of the Public Acts of 1943 shall not apply to bonds issued under this section.'

Therefore, we are presenting a correct Enrolled Senate Bill 923 for your signature and filing with the Secretary of State. Upon filing, the defective Enrolled Senate Bill 923 will be replaced with the correct Enrolled Senate Bill 923 and assigned the same public act number. The effective date of the Public Act No. 381 of 1996 will be the date the correct bill is filed.

This procedure ensures the integrity of the process while providing notification to the public. We apologize for any inconvenience this may have caused you or the citizens of the state of Michigan. If you have any questions, please feel free to contact us.

Sincerely,

Carol Morey Viventi Melvin J. DeStigter

Secretary of the Senate Clerk of the House of Representatives

cc: Candice S. Miller, Secretary of State"

#### **125.2668 Operating budget.**

Sec. 18. (1) The authority shall prepare and approve a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Funds of a municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body of the municipality.

(2) The governing body of a municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds of the authority, other than those committed for designated purposes, which cost shall be paid annually by the authority under an appropriate item in its budget.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2669 Dissolution of authority; distribution of tax revenues and interest.**

Sec. 19. (1) An authority that completes the purposes for which it was organized shall be dissolved by resolution of the governing body. Except as provided in subsection (2), the property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality or to an agency or instrumentality designated by resolution of the municipality.

(2) Tax increment revenues and the interest earned on tax increment revenues shall be distributed as provided under section 16(2).

**History:** 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

#### **125.2670 Enforcement proceedings.**

Sec. 20. The state tax commission may institute proceedings to compel enforcement of the requirements of this act.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2671 Taxes levied before December 31, 1996.**

Sec. 21. An authority shall not capture tax increment revenues from taxes levied before December 31, 1996.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

#### **125.2672 Conditional effective date.**

Sec. 22. This act shall not take effect unless Senate Bill No. 919 of the 88th Legislature is enacted into law.

**History:** 1996, Act 381, Eff. Sept. 16, 1996.

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

Date	Agenda Item	Action
1/1/13	Meeting Cancelled	No business conducted
2/5/13	Meeting Cancelled	No business conducted
3/5/13	Financial Reports	MOTION by Don Kuk, seconded by Jeff Stege to approve payment of invoices. With a voice vote motion passed unanimously.
3/5/13	US EPA Grants Status Harbor View	Phase II Environmental Site Assessment (ESA) was completed. Low levels of heavy metals were detected in few soil and groundwater samples at concentrations exceeding cleanup criteria; the site is a "facility". The metals are associated with fill materials, typical throughout City.
3/5/13	US EPA Grants Status Century Terrace	Phase II Environmental Site Assessment (ESA) was completed. Low levels of heavy metals and PNAs were detected in soils at several locations; the site is a "facility". No contamination was detected in the groundwater.
3/5/13	US EPA Grants Status Seng's Marina	A Phase II ESA was requested by owner, due to future expansion considered for portions of the property. The ESA has been completed and we have just received the draft report for review. We will discuss it at next meeting.
3/5/13	US EPA Grants Status River Park Place II	Mr. Eftaxiadis stated that he represents the developer; has cleared potential conflict of interest with attorney. As part of the property transfer, the new owners requested a Baseline Environmental Assessment (BEA) through the EPA grant. The BEA, including an updated Phase I ESA was performed by NTH as required before submitting the BEA to the State. The developer has had discussions with City on collaborating on Brownfield Plan to include Public Infrastructure Improvements in the vicinity of the site. The BRA Plan approved in 2005 through the County BRA was never "activated", as the former developer completed "eligible" activities but did not request reimbursement of eligible costs, therefore the old BRA Plan can be terminated; a new one may be developed for the new and expanded project . This issue will be addressed at a future meeting.
3/5/13	US EPA Grants Status Former Hotel Chippewa	The prospective buyer and its financial institution have requested Phase I & Phase II ESAs and a BEA, if needed. The property had a greenhouse on it and has potential environmental issues associated with pesticides and other chemicals used. We will begin a Phase II ESA when the weather permits, subject to receiving a better redevelopment plan from the developer, in order to justify funding from the EPA grant.
3/5/13	US EPA Grants Status Veterans Memorial Park	A Phase I ESA is being performed at this site, to assist the DDA with assessing the suitability of site conditions for placing buildings or other structures on the site at a future. There are past Leaking UST issues associated with nearby properties that may impact the park site. We just received the draft ESA report from NTH for review. We will report on the findings at the next meeting.
3/5/13	US EPA Grants Status MAPS Vocational Training Building	A redeveloper who has a purchase agreement on the property, has requested the BRA's assistance with performing ESAs at the site due to the past uses of the building (auto dealership and garage). The proposed future use is for an eating and drinking establishment. There are hoists with hydraulic oils, used motor oil, stained floors with floor drains, and asbestos on site. The preliminary findings of the ESAs will be available in the next two weeks. A BRA Plan will be probably required to deal with site environmental conditions, removal of hoists, asbestos, cleaning floors, etc. An application for BRA's financial assistance and a development plan will be required prior to processing a BRA Plan.

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

Date	Agenda Item	Action
3/5/13	US EPA Grants Status Tuscan Grill	We are working with the City , the buyers and the DDA in dealing with the environmental due diligence issues related to the acquisition of the property We are currently conducting the Phase I & Phase II ESAs; NTH completed the sampling last week. We anticipate the need for a BEA. We are operating under an extremely tight schedule, due to the anticipated purchase of the property in May, wanting to open the restaurant in June. Previous sampling in 2008 (Phase I & II) was done by bank; however we have to have new samples and a Phase I ESA to move forward with the BEA.
4/2/13	Meeting Cancelled	No business conducted
5/7/13	Meeting Cancelled	No business conducted
6/4/13	NTH Rate Increase Request	MOTION by Michael Mackin, seconded by Don Kuk, that the Brownfield Redevelopment Authority approves the request from NTH Consultants, LTD to increase the billing rate for Staff Professional services from \$62 to \$70 for Scott Venman only. With a Voice Vote this MOTION PASSED UNANIMOUSLY.
6/4/13	Financial Reports	MOTION by Don Kuk, seconded by Marlene McBride to approve payment of invoices With a Voice Vote this MOTION PASSED UNANIMOUSLY.
6/4/13	Phase I ESA's	MOTION by Don Kuk, seconded by Michael Mackin WHEREAS, EC&S is no longer able to provide Phase I ES.As, and WHEREAS, NTH Consultants Ltd is no longer able to provide Phase I ESAs to the BRA's USEPA Grants, and WHEREAS, there are four months remaining in the USEPA Grants, and WHEREAS, the single Phase I ESA. rate from EC&S was \$2,400, and WHEREAS, the single Phase I ESA. rate from NTH was \$2,100, and WEHREAS, there is not sufficient time to advertise and procure a new vendor to provide Phase I ESAs, therefore, be it RESOLVED that the City of Manistee Brownfield Redevelopment Authority authorizes T. Eftaxiadis, of Eftaxiadis Consulting Inc. to complete remaining Phase I ESAs for a lump sum rate of \$2,000 each, be it further RESOLVED that Eftaxiadis Consulting Inc. will finish Phase I ESAs for 166 Cleveland Street and 133 16 <sup>th</sup> Street plus up to four additional Phase I ESAs for a total of six by the end of the USEPA Grants period. With a Voice Vote this MOTION PASSED UNANIMOUSLY.
6/4/13	Grant Status - Veterans Memorial Park	The Phase I ESA is complete. We do not anticipate conducting a Phase II ESA at this property.
6/4/13	US EPA Grant Status - Former Hotel Chippewa	The Phase I ESA is complete. The prospective property buyer has not provided a redevelopment plan, therefore, we do not plan to conduct a Phase II ESA or a BEA at this property.
6/4/13	US EPA Grant Status – North Channel Outlet	We are still waiting for formal access to the property from the property owner.
6/4/13	US EPA Grant Status - Seng's Marina	The Phase I ESA has been completed. The property is a "facility" per MDEQ rules. No BEA is needed since no change in ownership is pending.

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

Date	Agenda Item	Action
6/4/13	US EPA Grant Status - MAPS Vocational Training Facility	At the request of the buyer and prospective redeveloper of this property, we have completed a Phase I ESA, a Phase II ESA, and an Asbestos & Lead Survey. The property is a "facility" per MDEQ rules, therefore we also prepared a BEA.
6/4/13	US EPA Grant Status - Former Tuscan Grill	At the request of the DDA-Main Street and the new owners and prospective redevelopers of this property, we have completed a Phase I ESA and a Phase II ESA. The property is a "facility" per MDEQ rules, therefore, we also prepared a BEA.
6/4/13	US EPA Grant Status - 166 Cleveland Street Property (former Auto Value store)	At the request of the new owners and their financial institution, we are currently working on Phase I and Phase II ESAs. The property is a "facility" per MDEQ rules, therefore, we are currently finalizing a BEA. An Asbestos & Lead Survey has been completed.
6/4/13	US EPA Grant Status -133 16th Street Property (former DRK Cabinetry)	At the request of the new owners and their financial institution, we are currently working on Phase I. Based on the preliminary findings of the Phase I ESA, we anticipate that a Phase II ESA and a BEA will be needed.
6/4/13	Membership	MOTION by Don Kuk, seconded by Michael Mackin that the Brownfield Redevelopment Authority recommends to City Council to reduce the number of Board of Directors members from nine to seven. With a Voice Vote this MOTION PASSED UNANIMOUSLY.
6/4/13	Appointment of a Recording Secretary 2013	MOTION by Don Kuk, seconded by Marlene McBride that Denise Blakeslee be appointed as the Brownfield Redevelopment Authority Recording Secretary for 2013. With a Voice Vote this MOTION PASSED UNANIMOUSLY.
6/4/13	By Law Review	Motion by Don Kuk, seconded by Michael Mackin that the Brownfield Redevelopment Authority could amend their By-Laws as follows:  2.7 Meetings. Meetings of the Board may be called by or at the request of the Chairperson of the Board or any two Directors. The meetings of the Board shall be public, and the appropriate notice of such meetings shall be provided to the public. <b>Regular meetings of the Brownfield Redevelopment Authority shall be held in each calendar quarter of each year. In no event shall there be less than four (4) meetings per year. The Board shall hold an Annual Meeting in January</b> <del>in the third calendar quarter</del> of each year at which time officers of the Board shall be elected as provided in Article 3, Section 2. 2. AND 3.2 Nomination, Election and Term of Office. The officers of the Authority shall be elected by the Board at an Annual Meeting <b>held in January</b> <del>during the third calendar quarter</del> of each year. Candidates shall be nominated by any Brownfield Redevelopment Authority Board member present at the meeting.  With a Voice Vote this MOTION PASSED UNANIMOUSLY.

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

Date	Agenda Item	Action
7/30/13	Financial Report	MOTION by Donald Kuk, seconded by Marlene McBride to approve payment of invoices as submitted. With a Voice Vote this MOTION PASSED UNANIMOUSLY.
7/30/13	USEPA Grants Expiration	The two grants (Petroleum and Hazardous) are due to expire on 9/30/13. Work performed through that date can be invoiced after that date. As of the end of July the estimated balance remaining in the Grants is approximately \$38,800 for Hazardous and \$9,200 for Petroleum. Following expiration of the Grants at the end of September the BRA will no longer be able to provide Grant-funded environmental due diligence and redevelopment assistance to prospective developers or other parties. Alternative funding mechanisms will be required.
7/30/13	US EPA Grant Status – North Channel Outlet	An interested redeveloper is expected to request assistance with performing environmental due diligence work through the Grants. Formal access to the property from the property owner and EPA Eligibility Determination will be required.
7/30/13	US EPA Grant Status – Manistee Iron Works	Phase I and II ESA's have been completed under previous USEPA grants. The property is a "facility" per MDEQ rules. The property owner has inquired about the feasibility of performing an Asbestos and Lead survey through the Grants. Subject to funding availability and approval by USEPA, the survey may be performed in late August.
7/30/13	US EPA Grant Status – MAPS Vocational Training Facility	The Phase I and II ESAs, an Asbestos & Lead Survey, and the draft BEA have been completed. We are still waiting for the property owner to provide NTH with the signatures required to submit the BEA to the State.
7/30/13	US EPA Grant Status – 166 Cleveland Street (former Auto Value)	The Phase I and Phase II ESAs, the Asbestos & Lead Survey and the draft BEA have been completed. The BEA will be submitted to the State shortly.
7/30/13	US EPA Grant Status -133 16 <sup>th</sup> Street (former DRK Cabinetry)	The Phase I and Phase II ESAs have been completed. The property is a "facility", therefore a draft BEA has been completed and will be submitted to the State shortly.
7/30/13	US EPA Grant Status -518 First Street (former Rengo property)	The new property owner has expressed interest in environmental due diligence work through the grants and redevelopment expense reimbursement through a Brownfield Plan. We are waiting for the owner to provide background documentation as needed for preparing an Eligibility Determination request for EPA approval.
7/30/13	US EPA Grant Status – 429 River Street (Lloyd Henry Building – empty lot)	The current property owner has expressed interest in obtaining environmental due diligence work through the Grants for the empty lot located behind the building. Preliminary Eligibility Determination work will be performed prior to committing Grant funds for Phase I and/or II ESAs.
7/30/13	Oath of Office Members and/or Officer	Denise Blakeslee in her capacity as a Notary Public administered the Oath of Office for W. Frank Beaver, Donald Kuk, Marlene McBride, Clinton McKinven-Copus
7/30/13	Section 6 Conflict of Interest	Members W. Frank Beaver, Donald Kuk, Marlene McBride, Clinton McKinven-Copus signed an Agreement to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

Date	Agenda Item	Action				
7/30/13	Appointment of Brownfield Director/Administrator	<p>Jon Rose has served as the Brownfield Director/Administrator since the BRA was formed in 2006. Mr. Rose will be retiring from the City of Manistee and moving to Texline, Texas where he has accepted the position of City Manager. With Mr. Rose's departure Finance Director Ed Bradford has been assigned to serve as the Brownfield Director/Administrator.</p> <p>MOTION by Don Kuk, seconded by W. Frank Beaver that Ed Bradford be appointed as the Brownfield Director/Administrator.</p> <p>With a Voice Vote this MOTION PASSED UNANIMOUSLY.</p>				
7/30/13	Oath of Office Director	Denise Blakeslee in her capacity as a Notary Public administered the Oath of Office for Mr. Bradford as the new Brownfield Director/Administrator.				
10/29/13	Financial Reports	<p>MOTION by Frank Beaver, seconded by Steve Brower to approve payment of invoices as submitted.</p> <p>With a Voice Vote this motion passed unanimously.</p>				
10/29/13	Schedule Meeting Dates 2014	<p>MOTION by Don Kuk, seconded by Frank Beaver to schedule the Brownfield Redevelopment Authority meetings for 2:00 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan for 2014 as follows:</p> <table border="1" data-bbox="575 792 1850 829"> <tr> <td data-bbox="575 792 898 829">January 28, 2014</td> <td data-bbox="898 792 1213 829">April 29, 2014</td> <td data-bbox="1213 792 1528 829">July 29, 2014</td> <td data-bbox="1528 792 1850 829">October 28, 2014</td> </tr> </table> <p>With a Voice Vote this motion passed unanimously.</p>	January 28, 2014	April 29, 2014	July 29, 2014	October 28, 2014
January 28, 2014	April 29, 2014	July 29, 2014	October 28, 2014			
10/29/13	US EPA Grant Extension	<p>Received notification that both grants have been extended until March 31, 2014. Remaining funds estimated at \$8,000 Petroleum Grant and \$50,000 +/- Hazardous Grant.</p> <p>The Board asked Mr. Eftaxiadis what will be done once USEPA grant funding is no longer available following the expiration of the grants. Mr. Eftaxiadis briefly discussed funding sources available to the BRA for its administrative expenses and for supporting environmental and redevelopment activities.</p> <p>Mr. Bradford discussed the past use of General Fund dollars to support some of the BRA's administration costs, accountability and the need to reimburse the General Fund if funds are available.</p> <p>The members determined that a Planning Session needs to be scheduled as part of the January 28, 2014 meeting to discuss a business plan and budget for the BRA; the BRA members, the City Manager and the BRA staff will be involved in this planning session. Relevant material will be prepared in advance by staff for the planning session.</p>				
10/29/13	US EPA Grant Status Iron Works Building	Asbestos & Lead Survey of the former Iron Works Building has been completed.				

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

10/29/13	US EPA Grant Status - Former Rengo Building 518 River Street	Started Phase 1 ESA for the former Rengo Building, 518 River Street, however, the owner has put property up for sale; owner will be contacted to find out if need to proceed with work.
10/29/13	US EPA Grant Status - North Channel Outlet 84 & 86 Washington St	Contacted bank that now owns former North Channel Outlet, 84 & 86 Washington Street property, concerning Phase I and Phase II ESAs, ACM/LBP Survey and Structural Survey requested by interested redeveloper of the property. Bank is not willing to provide access for any work in the building unless an offer to purchase is in place. Therefore, the assessments are currently on hold.
10/29/13	US EPA Grant Status - N/E Corner Water & Oak	Per property owner, parking Lot on NE corner of Water and Oak Street may contain an underground fuel storage tank and other waste. Based on preliminary research required for an Eligibility Determination, no evidence of buried fuel tank was found. Per discussion with property owner, decided to not proceed with Phase I ESA, unless a development plan is prepared for property. Will prepare cover letter with available databases as attachments, and provide to owner.
10/29/13	US EPA Grant Status – Armory Property AND First Street Beach Area	Completed preliminary review of Armory Property and First Street Beach Area (locations of former lumbering & salt/brining operations) as needed for the preparation of Eligibility Determinations. No adequate Sandborn Maps and other relevant information is available for properties. No need to expend additional effort at this time.
10/29/13	US EPA Grant Status – Veteran’s Memorial Park	Veterans Memorial Park. A Phase I ESA was completed several months ago; no Phase 2 ESA was performed. Will talk with MSDDA to determine whether there are new plans for area that would justify proceeding with Phase 2 ESA.
10/29/13	City of Manistee Housing Commission – Demolition of former Manistee Plating Building	<p>Mr. Eftaxiadis explained that the City of Manistee Housing Commission received a grant from the State of Michigan to demolish the former Manistee Plating Building. Due to the complexity of the procurement requirements for hiring a contractor under the Housing Commission/HUD guidelines and the need to expedite the process, the Housing Commission is asking the Brownfield Redevelopment Authority to facilitate the procurement of the demolition contractor. The procurement process would be similar to the one that the BRA employed for the procurement of the demolition and remediation contractor for the 334 River Street project last year. The procurement would be done at no cost to the BRA or the City. The Housing Commission will pay all fees associated with the procurement of the contractor from the demolition grant funds. The contract to demolish the building will be between the Housing Commission and the selected Contractor, and will not involve the BRA or the City.</p> <p>MOTION by Don Kuk, seconded by Frank Beaver that the Brownfield Redevelopment Authority facilitates the procurement requirements for the demolition of the former Manistee Plating Building (parcel code #51-211-106-02). Any contracts for the work will be between the City of Manistee Housing Commission and the Contractor. All costs associated with the procurement and demolition will be paid by the Housing Commission.</p> <p>With a Voice Vote this motion passed unanimously, with Director McKinven-Copus abstaining due to a conflict of interest.</p>

## City of Manistee Brownfield Redevelopment Authority List of Action - 2013

10/29/13	Oath of Office Members and/or Officer	Denise Blakeslee in her capacity as a Notary Public administered the Oath of Office for Steve Brower
10/29/13	Section 6 Conflict of Interest	Steve Brower signed an Agreement to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority
12/4/13	Special Meeting	CANCELLED