

September 2009

**HOW TO ESTABLISH A
BROWNFIELD REDEVELOPMENT AUTHORITY
AND
ADOPT A BROWNFIELD PLAN**



Pursuant to the
Brownfield Redevelopment Financing Act,
1996 PA 381, as amended through December 27, 2007

Jennifer M. Granholm, Governor



Steven E. Chester, Director
Michigan Department of Environmental Quality
Remediation and Redevelopment Division
www.michigan.gov/deqbrownfields



D. Gregory Main, President and Chief Executive Officer
Michigan Economic Development Corporation

www.themedc.org/brownfields

This guidance material explains how a local unit of government can establish a Brownfield Redevelopment Authority (Authority) and adopt a brownfield plan pursuant to Act 381.¹ This guide includes sample documents (notices, resolutions, letters, brownfield plan, etc.) necessary for the Authority formation, preparing a brownfield plan, and the brownfield plan approval process. Also, there are internet links to relevant state and federal statutes that may be helpful.

Any local unit of government (city, village, township, county) can establish an Authority. An Authority is a financial resource that may use tax increment financing to assist with the redevelopment of eligible brownfield properties. Tax increment financing is the capture of increased property tax revenues, under an approved brownfield plan, resulting from the investment in, and redevelopment of, eligible property. Eligible brownfield properties include properties that are contaminated, blighted, or functionally obsolete.

A local governing body must approve a brownfield plan that includes specific brownfield properties when:

- 1) The Authority will use tax increment financing to reimburse the costs of: addressing environmental contamination, demolition, lead or asbestos abatement, and, for qualified local units of government (see current list at www.michigan.gov/brownfieldauthority), infrastructure improvements, or site preparation that is not a response activity; relocation of public buildings or operations for economic development purposes; and assistance to a land bank fast track authority; and/or
- 2) The Authority wants to make qualified taxpayers eligible to claim a credit against the Michigan Business Tax for their eligible investment in buildings and equipment at brownfield redevelopment projects.

HOW TO ESTABLISH A BROWNFIELD REDEVELOPMENT AUTHORITY

STEP 1

Hold one or more meetings with community leaders (i.e., mayor/president/chairperson, commission/council/board of trustees, finance department, planning departments, etc.) to explain the purpose and powers of a Brownfield Redevelopment Authority and the benefits to the community.

Tips

- Representatives of the Michigan Department of Environmental Quality (MDEQ) and the Michigan Economic Development Corporation (MEDC) can provide assistance to the local unit of government throughout this process.
- If contemplating a county Authority, it is a good idea to meet with each of the local units of government within the county to solicit their participation.
- Link to the [Brownfield Redevelopment Financing Act](#), 1996 PA 381, as amended.

STEP 2 (2A, 2B)

The local governing body (i.e., a city council, commission, township board, county commission) must adopt a resolution of intent to establish an Authority. The resolution sets a date for a public hearing on the adoption of a resolution creating the Authority.

Tips

- For a county Authority, all participating local governing bodies must concur by resolution to be included in the county's Authority. (The Act does not indicate when such

¹ This guide was prepared using documents originally developed in 2000 by the former Consumers Renaissance Development Corporation and has been updated to reflect all of the amendments to the Brownfield Redevelopment Financing Act, 1996 PA 381, through December 2007.

concurrence must be obtained; however, it would be prudent to obtain a concurring resolution from the participating local units of government before adopting the resolution of intent to establish an Authority.)

- A county Authority is only able to exercise its powers over any eligible property within the municipal limits of those local governing units which have adopted a resolution to join the county Authority and have concurred with the provisions of a brownfield plan.

Sample Documents:

- Resolution of Intent to Create an Authority (Sample A – Exhibit 1)
- Resolution of Concurrence by Municipality to Join County Authority (Sample A – Exhibit 2).

STEP 3 (3A, 3B)

The local governing body must publish two notices in a newspaper of general circulation in the area. The notices must state the date, time and place of the public hearing on the adoption of a resolution creating the Authority. Both notices must be published not less than 20 or more than 40 days before the hearing date.

Tip

- If the notice of the public hearing is published on the same day that the governing body adopts the resolution of intent and if the Authority is created on the same day as the hearing, this process could be completed theoretically in as little as 30 days. To meet this schedule, the notice of the hearing would need to be published twice within about 10 days (for example, on the same day as the adoption of the resolution of intent and 20 days before the hearing date). In most instances it is likely to take longer than 30 days in order to allow the local units of government to effectively communicate and allow others potentially affected by the process to become familiar with the process.

Sample Document:

- Notice of Public Hearing [for publication and posting] (Sample B)

STEP 4

The local governing body must hold the public hearing on the date stated in the notice (in accordance with the Open Meetings Act and any local requirements).

Tip

- Link to the [Open Meetings Act, 1976 PA 267](#).

STEP 5

The local governing body must adopt a resolution establishing the Authority and appointing board members within no more than 30 days after the date of the public hearing. The resolution may be adopted immediately after completing the public hearing, at the same session of the governing body required in Step 4.

Sample Document:

- Resolution Establishing an Authority and Appointing Board Members (Sample C).

STEP 6

Included in the resolution in Step 5, the local governing body must establish the Authority's board. The governing body may designate as the Authority's board, the trustees or governing board of the following:

- Economic Development Corporation (EDC);
- Downtown Development Authority (DDA);

- Tax Increment Finance Authority (TIFA);
- Local Development Finance Authority (LDFA); or,
- The local governing body may establish a completely new board consisting of between five (5) and nine (9) individuals appointed by the chief executive officer of the municipality and approved by the governing body.

Tips

- Establishing the board and appointing the board members may be carried out in the same session in which the public hearing in Step 4 is held.
- The [Incompatible Public Offices statute, 1978 PA 566](#), should be reviewed by the local governing body's attorney when deciding whether to appoint an elected official as an Authority board member. This type of appointment to an Authority board is unusual, but not prohibited by Act 381.

STEP 7

The resolution establishing an Authority, passed by the local governing body in Step 5, must be filed with the State of Michigan promptly after its adoption. Although Section 4(3) of Act 381 specifies filing with the Secretary of State, it should be filed with the Michigan Department of State, Office of the Great Seal.

Tip

- There is a 60-day period after the filing of the resolution establishing the Authority during which any person with standing may challenge the establishment of the Authority in court.

Sample Document:

- Letter to Michigan Department of State, Office of the Great Seal (Sample D)

STEP 8

The Authority's board should conduct an organizational meeting at which it:

- Elects the officers of the board;
- May adopt bylaws by majority resolution;
- Shall adopt rules of governing, its procedure, and the holding of regular meetings; and,
- May employ a director, subject to approval by the governing body that created the Authority.

Tip

- The director may not be a member of the board; however, a local government employee or official (i.e., city/village manager, chamber staff person, local economic development corporation staff person) may serve as the director on a shared-time basis. The Authority may agree to reimburse the municipality for such services.

Sample Documents:

- Bylaws (Sample E)
- Resolution Approving Bylaws (Sample F)

HOW TO ADOPT A BROWNFIELD PLAN

STEP 9

A brownfield plan (plan) must contain a number of provisions as specified in Section 13 (125.2663) of Act 381. The required elements of a plan are described in a-n below:

- (a) A description of the costs intended to be paid for with the tax increment revenues. For a

plan for properties owned or controlled by a land bank fast track authority, a listing of all eligible activities that may be conducted.

(b) A brief summary of the eligible activities proposed for each eligible property. For a plan for properties owned or controlled by a land bank fast track authority, a brief summary of eligible activities that may be conducted on 1 or more of the eligible properties.

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from the eligible property.

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

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

(f) The duration of the plan.

(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, which 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.

(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 federal uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646.

(l) A strategy for compliance with the Relocation Assistance Act, 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.

Tips

- A plan should include whether a qualified taxpayer will seek a brownfield Michigan Business Tax (MBT) credit for the redevelopment project. For more information about the MBT credit, go to www.themedc.org/brownfields.
- Tax parcel identification number(s) should be included in the plan in addition to the legal description.

- If tax increment revenues will be captured, the plan may be more complex. Learn more about tax increment financing at [www.michigan.gov/treasury/Tax Increment Financing](http://www.michigan.gov/treasury/Tax_Increment_Financing).
- The maximum duration of a plan is 35 years; however, capture of tax increment revenues from an eligible property is limited to the lesser length of time required to reimburse eligible costs and deposit to the local site remediation revolving fund or 30 years.
- A plan should identify if interest costs associated with the financing of the eligible activities will be reimbursed, if school tax increment revenues will be used for interest reimbursement, the interest rate, and interest amount.
- The Authority may adopt multiple plans, each with a single property, or groups of properties, or a single plan with multiple properties.
- The Brownfield Redevelopment Authority Board should approve the plan and forward it to the local governing body for a public hearing and required approval.
- MDEQ and MEDC staff can assist your Authority with preparing a plan.
- Link to the [Uniform Relocation Assistance and Real Property Acquisition For Federal and Federally-Assisted Programs, 49 CFR Part 24](#).
- Link to the [Relocation Assistance Act, 1972 PA 227](#).

Sample Document:

- Brownfield Plan (Sample G)

STEP 10 (10A, 10B)

The local governing body, which must hold a public hearing prior to the approval or amending of a plan, must publish two successive notices in a newspaper of general circulation in the area. Both notices must be published not less than 10 days nor more than 40 days before the hearing date. The notices must state the time and place of the public hearing, in addition to a statement that the property description, maps, description of the plan, and other appropriate information is available for public review at a specified location. The notices must also state that all aspects of the plan are open for discussion at the public hearing.

Tip

- The local governing body may delegate the public hearing process to the Authority or to a subcommittee of the governing body.

Sample Document:

- Notice of Public Hearing [for publication] (Sample H)

STEP 11

The local governing body shall provide notice to all affected taxing jurisdictions, including the Michigan Department of Treasury (see address under *Tips* below), from which tax increment revenues will be captured in the plan. This notice, informing the taxing jurisdictions about the fiscal and economic implications of the proposed plan, must be given at least 10 days prior to the public hearing on the plan. If the plan includes the capture and use of school taxes, the governing body shall also provide notice to the MDEQ and/or the Michigan Economic Growth Authority (MEGA) depending on the types of eligible activities to be reimbursed with school taxes. This notice must also be given at least 10 days prior to the public hearing on the plan.

Tips

- It is recommended that a copy of the draft plan be submitted with the notice to all affected taxing jurisdictions in order to accomplish conveying the fiscal and economic implications of the plan.

- Address: Michigan Department of Treasury
Bureau of Local Government Services
Local Audit & Finance Division
1st Floor Austin Building
P.O. Box 30728
Lansing, MI 48909
- The same notification that is provided to the taxing jurisdictions can be used for notifying the MDEQ and MEGA. For address/contact information, see “Brownfield Plan Notification” at www.michigan.gov/brownfieldauthority.

Sample Document:

- Notice to All Affected Taxing Jurisdictions (Sample I)

STEP 12

The local governing body must hold the public hearing on the date stated in the notice (in accordance with the Open Meetings Act and any local requirements), and note all comments including all data presented at the hearing.

STEP 13

The governing body must determine whether or not the plan constitutes a public purpose. If the plan is determined to constitute a public purpose, the governing body may approve the plan by resolution. The resolution must include a series of factual findings and legal conclusions related to financing and other issues.

Tips

- If the Authority wants to use school taxes for certain environmental response activities, a “work plan” must be submitted and approved by the MDEQ.
- If the Authority wants to use school taxes for infrastructure improvements, lead or asbestos abatement, demolition or site preparation that is not a response activity, a “work plan” must be submitted and approved by the Michigan Economic Growth Authority. In addition, a development agreement or reimbursement agreement between the Authority or municipality and owner or developer of the eligible property is required.
- Procedure, adequacy of notice and findings with respect to purpose and captured tax value shall be presumptively valid unless contested in a court of law within 60 days after the governing body adopts the plan.

Sample Document:

- Resolution Approving Brownfield Plan (Sample J)

Sample Documents and Resolutions

SAMPLE A – Exhibit 1 Resolution of Intent to Create a Brownfield Redevelopment Authority

SAMPLE A – Exhibit 2 Resolution of Concurrence by Municipality to Join County Authority

SAMPLE B Notice of Public Hearing on the Adoption of a Proposed Resolution Establishing an Authority [for publication and posting]

SAMPLE C Resolution Establishing a Brownfield Redevelopment Authority and Appointing Board Members

SAMPLE D Filing Transmittal to Michigan Department of State, Office of the Great Seal

SAMPLE E Bylaws

SAMPLE F Resolution Approving Brownfield Redevelopment Authority Bylaws

SAMPLE G Brownfield Plan

SAMPLE H Notice of Public Hearing on the Adoption of a Brownfield Plan [for publication]

SAMPLE I Notice to All Affected Taxing Jurisdictions

SAMPLE J Resolution Approving Brownfield Plan

SAMPLE A – EXHIBIT 1

_____ [City, Village, Township or County] OF _____

RESOLUTION OF INTENT TO CREATE AND PROVIDE FOR THE
OPERATION OF A BROWNFIELD REDEVELOPMENT AUTHORITY
FOR THE _____ OF _____ PURSUANT TO
AND IN ACCORDANCE WITH THE PROVISIONS OF
ACT 381 OF THE PUBLIC ACTS OF THE
STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the _____ [City, Village, Township or County] _____
[Council, Board or Commission] of the _____ of _____, _____ County,
Michigan, held in the _____ [meeting location] of said _____, on the _____ day of
_____ [month], _____ [year]; at _____ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the _____ [Council, Board or Commission] of the _____ of _____ has received and reviewed testimony that there are or may be certain environmentally distressed, functionally obsolete and/or blighted areas in the _____ of _____ and that the continued existence of such areas can limit, hinder or delay the redevelopment or revitalization of properties within the _____ [city, village, township or county], and, accordingly, that it is in the best interest of the public to facilitate the implementation of plans relating to the identification and treatment of environmentally distressed, functionally obsolete and/or blighted areas so as to promote revitalization within the municipal limits of _____; and

WHEREAS, in order to further such interests, it is appropriate for the _____ [Council, Board or Commission] to create and provide for the operation of a Brownfield Redevelopment Authority within the _____ of _____ pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"); and

WHEREAS, pursuant to the Act, this _____ [Council, Board or Commission] is required (a) to hold a public hearing on the adoption of a proposed resolution creating a Brownfield Redevelopment Authority under the Act (the "Authority") and (b) to publish notice of the public hearing in a newspaper of general circulation in the _____ of _____, all in accordance with Section 4(2) of the Act.

Now, therefore, be it resolved that:

1. The _____ [Council, Board or Commission] hereby determines that is in the best interests of the public to promote the redevelopment of environmentally distressed, functionally obsolete and/or blighted areas of the _____ [City, Village, Township or County].
2. The _____ [Council, Board or Commission] hereby declares its intention to create and provide for the operation of the Authority within the _____ of _____ pursuant to and in accordance with the provisions of the Act.
3. A public hearing shall be held before the _____ [Council, Board or Commission] on _____ [month], _____ [year], at _____ p.m. in the _____ [location] at _____ [address], on the adoption of a resolution creating the Authority within the _____ of _____, within the municipal limits of which the Authority shall exercise its powers.
4. The _____ [City, Village, Township or County] Clerk of the _____ of _____ (the "Clerk") shall give notice of the public hearing by causing notice to be published, in the form attached hereto as SAMPLE B – Exhibit 1, in [name of newspaper], a [weekly/daily] newspaper of general circulation in the _____ of _____ day of _____ [month], _____ [year], and the _____ day of _____ [month], _____ [year], and by posting notice of the public hearing, in the form attached hereto as Sample B – Exhibit 2, pursuant to the practice of the Clerk. [Note – both publication dates must be within a period that is not more than 40 or less than 20 days before the hearing date.]

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED:

STATE OF MICHIGAN)

)ss.

COUNTY OF _____)

I, the undersigned, the duly qualified and acting Clerk of the _____ of _____, county of _____, state of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the _____ {City, Village, Township or County} _____ {Council, Board or Commission} of the _____ of _____ at a regular meeting held on the _____ day of _____ [month], _____ [year], the original of which resolution is on file in my office.

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

CLERK

_____ of _____

SAMPLE A – EXHIBIT 2

_____ [City, Village, Township or County] OF _____

RESOLUTION CONSENTING TO INCLUSION OF MUNICIPALITY
IN COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

At a _____ meeting of the _____ of _____, County of _____, Michigan (the "Local Unit"), held in the Local Unit on _____, (year).

PRESENT: _____

ABSENT:

The following resolution was offered by _____ and supported by _____:

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

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

WHEREAS, the Authority shall exercise its powers as provided by the Act is proposed to consist of all the property located in the boundaries of the County from time to time, subject to such changes as may hereafter be made pursuant to the Act, provided, however, that the Authority does not exercise its power over property located within the boundaries of any city, village or township located in the County unless such city, village or township has adopted a resolution concurring to the inclusion of such property; and,

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

NOW, THEREFORE, BE IT RESOLVED:

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

Upon a vote for the adoption of said Resolution, the vote was:

AYES: _____

NAYES: _____

The Resolution was thereupon declared adopted.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the _____ of _____, County of _____, State of Michigan, at a meeting held on _____, _____ (year), the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Date: _____, (year)

_____ CLERK

SAMPLE B

NOTICE OF PUBLIC HEARING

[for publication and posting]

_____ [City, Village, Township of County] OF _____

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

PLEASE TAKE NOTICE THAT a Public Hearing shall be held before the _____
[City, Village, Township or County] _____ [Council, Board or Commission] of the
_____ of _____ on the _____ day of _____ [month], _____ [year], at _____
p.m. in the _____ [location] _____ [address], on the adoption of a
proposed resolution establishing a Brownfield Redevelopment Authority for the _____ of
_____, within the municipal limits of which the Authority shall exercise its powers, all
pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing
Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended.

SAMPLE C

_____ [City, Village, Township or County] OF _____

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

At a regular meeting of the _____ [City, Village, Township or County] _____
[Council, Board or Commission] of the _____ of _____, _____ County,
Michigan, held in the _____ [meeting location] of said _____, on the _____
day of _____ [month] _____ [year], at _____ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

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

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

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

WHEREAS, the _____ [Council, Board or Commission] desires to proceed with
the establishment of the Authority for the _____ of _____ within the municipal limits
of which the Authority shall exercise its powers, all pursuant to and in accordance with the Act.

Now therefore, be it resolved that:

1. **Authority Created.** Pursuant to the authority vested in the _____ [Council, Board or Commission] by the Act, the Authority is hereby established and shall be known as the _____ of _____ Brownfield Redevelopment Authority.
2. **Supervision of the Authority.** The Authority shall be under the supervision and control of a board (the "Board") appointed by the Mayor [or other title of chief executive officer] of the _____ of _____, in accordance with the membership provisions set forth in Section 5(1) of the Act, subject to the approval of the _____ [Council, Board or Commission]. The members of the Board shall hold office, and the Board shall conduct its procedures in accordance with the Act, and, in particular, Section 5 thereof.
3. **Jurisdiction of the Authority.** The Authority shall exercise its powers within the area of the _____ of _____.
4. **Powers and Duties of the Authority.** The Authority shall have the powers and duties to the full extent as provided and in accordance with the Act. Among other matters, the exercise of its powers, the Board shall prepare a Brownfield Plan for eligible property pursuant to Section 13 of the Act and submit the plan to the _____ [Council, Board or Commission] for consideration pursuant to Section 14 of the Act.
5. **Bylaws and Rules of the Authority.** The Authority shall elect officers and adopt bylaws and rules governing its procedures and the holding of its meetings all in accordance with Sections 5(3) and 5(5) of the Act, and shall immediately forward a copy of the bylaws and rules after adoption by the Board to the _____ [Council, Board or Commission] in care of the Clerk of the _____ of _____ (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the _____ [Council, Board or Commission]; provided, however, that if the _____ [Council, Board or Commission] fails to either approve or disapprove the Authority's bylaws and rules at its next regular meeting after receipt of a copy thereof by the Clerk, the Authority's bylaws and rules shall be deemed to have been approved by the _____ [Council, Board or Commission] for all purposes.
6. **Director's Bond.** In the event the Board elects to employ a director as authorized by Section 6(1) of the Act, the director, before entering upon the duties of his office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$_____ with a \$_____ deductible payable to the Authority for the use and benefit of the Authority, which shall be approved by the Board and filed with the Clerk. The premium on the bond furnished by the director shall be deemed to be an operating expense of the Authority, payable from funds available to the Authority for expenses of operation.
7. **Form of Approvals.** Except as may otherwise be provided by the Act or other applicable law, approvals by the _____ [Council, Board or Commission] of all matters pertaining to the Authority or its Board shall be by resolution.
8. **Severability.** Should any section, clause or phase of this Resolution be declared by the courts invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
9. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED:

STATE OF MICHIGAN)

)ss.

COUNTY OF _____)

I, the undersigned, the duly qualified and acting Clerk of the _____ of _____, County of _____, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the _____ [City, Village, Township or County] _____ [Council, Board or Commission] of the _____ of _____ at a regular meeting held on the _____ day of _____ [month], _____ [year], the original of which resolution is on file in my office.

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

CLERK

_____ of _____

SAMPLE D

[City, Village, Township or County Letterhead]

_____ [month, day], _____ [year]

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

Dear Sir or Madam:

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

Sincerely,

Clerk,

_____ of _____

SAMPLE E

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

ARTICLE I: Name and Address

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

ARTICLE II: Directors

- Section 1. **General Powers.** The business and affairs of the Authority shall be managed by its Board, except as otherwise provided by statute or by these Bylaws.
- Section 2. **Board of Directors.** The Board of Directors (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, unless and EDC, DDA, TIFA or LDFA board was appointed.
- Section 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, Village, Township or County] _____ [Council, Board or Commission]. A Director may be reappointed with the advice and consent of the _____ [City, Village, Township or County] _____ [Council, Board or Commission] to serve additional terms. If a vacancy is created by death or resignation, a successor shall be appointed with the advice and consent of the _____ [City, Village, Township or County] _____ [Council, Board or Commission] within thirty (30) days to hold office for the remainder of the term of office so vacated.
- Section 4. **Removal.** A Director may be removed from office for inefficiency, neglect of duty, or misconduct or malfeasance, by a majority vote of the _____ [City, Village, Township or County] _____ [Council, Board or Commission] or the Board.
- Section 5. **Conflict of Interest.** A Director who has a direct interest in any matter before the Authority shall disclose his/her interest prior to any discussion of that matter by the Authority, 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 relating to the matter. Each Director, upon

taking office and annually thereafter, shall acknowledge in writing that they have read and agree to abide by this section.

Section 6. **Meetings.** Meetings of the Board may be called by or at the request of the 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. The Board shall hold an annual meeting in the second calendar quarter of each year at which time officers of the Board shall be elected as provided in Article III, Section 2.

Section 7 **Notice.** Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976).

Section 8 **Quorum.** A majority of the 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 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.

Section 9. **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.

Section 10. **Committees.** The Board may, by resolution passed by a majority of the whole Board, designate one or more committees, each committee to consist of one 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 III: Officers

Section 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 executed, acknowledged, or verified by two or more officers.

Section 2 **Nomination, Election and Term of Office.** The officers of the Authority shall be elected by the Board at an annual meeting held during the second calendar quarter of each year. Candidates shall be nominated by a nominating committee composed of three members appointed by the Chairperson. The term of each office shall be for one (1) year. Each officer shall hold office until his/her successor is appointed. No person shall hold the same office for more than three successive terms.

Section 3 **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Board for the unexpired portion of the terms of such office.

Section 4 **Chairperson and Vice Chairperson.** The Chairperson shall be the chief executive officer of the Authority, but he or she may 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.

Section 5 **Secretary/Treasurer and Recording Secretary.** The Secretary/Treasurer or Recording Secretary 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.

Section 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.

Section 7 **Executive Committee.** The Chairperson, Vice Chairperson and Secretary/Treasurer shall comprise the Executive Committee. The Executive Committee, may upon a majority vote, authorize the expenditure of up to \$_____ for any expense listed as an eligible item for expenditure under the approved Authority funding guidelines. The Executive Committee must report any such expenditure to the Board at the next regularly scheduled Board meeting.

ARTICLE IV: Contracts, Loans, Checks and Deposits

- Section 1 **Contracts.** The Board may authorize any officer 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.
- Section 2 **Loans/Grants.** No grant or loan shall be contracted on behalf of the Authority and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board and approved by the _____ [City, Village, Township or County] _____ [Council, Board or Commission]. Such authority may be general or confined to specific instances.
- Section 3 **Checks, Drafts, etc.** All checks, drafts or other orders for the payment of money, notes or other evidences 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.
- Section 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 V: Fiscal Year

The fiscal year of the Authority shall correspond at all times to the fiscal year of the _____ [City, Village, Township or County] of _____.

ARTICLE VI: Miscellaneous

- Section 1 **Seal.** The Board shall provide a corporate seal which shall be the official seal of the Authority.
- Section 2 **Waiver of Notice.** When the Board or any committee thereof may take action after notice to any person or after lapse of a prescribed period of time, the action may be taken without notice and without lapse of the period of time, if at any time before or after the action is completed the person entitled to notice or to participation in the action to be taken submits a signed waiver of such requirements.

ARTICLE VII: Amendments

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

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

Secretary

SAMPLE F

RESOLUTION APPROVING
BROWNFIELD REDEVELOPMENT AUTHORITY BYLAWS
FOR the _____ [month, day], _____ [year], _____ [City, Village, Township or
County] _____ [Council, Board or Commission] MEETING
OF _____
PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE
PUBLIC ACTS OF
THE STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the _____ [City, Village, Township or County]
_____ [Council, Board or Commission] of the _____ of _____,
_____ County, Michigan, held in the _____ [meeting location] of said
_____ [City, Village, Township or County] on the _____ day of, _____ [month],
_____ [year], at _____ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

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

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)

I, the undersigned, the duly qualified and acting Clerk of the _____ of _____, County of _____, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the _____ [City, Village, Township or County] _____ [Council, Board or Commission] of the City of _____ at a regular meeting held on the _____ day of _____ [month], _____ [year], the original of which resolution is on file in my office.

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

Clerk

_____ OF _____

SAMPLE G

[Brownfield Plan Cover Page]

**[County, City, Village or Township] of _____
Brownfield Redevelopment Authority**

**Brownfield Plan
For
[Name of Project or Property]
[Address of Project or Property]**

[Name of Authority Director or Chairperson]
[Address]
[Phone Number]

Prepared with the assistance of:

[List others that provided assistance in the preparation of this plan]

Approved by the Brownfield Redevelopment Authority on [enter date approved]
Approved by the governing body of the local jurisdiction on [enter date approved]

TABLE OF CONTENTS

1. INTRODUCTION AND PURPOSE

2. ELIGIBLE PROPERTY INFORMATION

3. PROPOSED REDEVELOPMENT

4. BROWNFIELD CONDITIONS

5. BROWNFIELD PLAN ELEMENTS

- A. Description of Costs to Be Paid for With Tax Increment Revenues
- B. Summary of Eligible Activities
- C. Estimate of Captured Taxable Value and Tax Increment Revenues
- D. Method of Financing and Description of Advances Made by the Municipality
- E. Maximum Amount of Note or Bonded Indebtedness
- F. Duration of Brownfield Plan
- G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions
- H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property
- I. Estimates of Residents and Displacement of Individuals/Families
- J. Plan for Relocation of Displaced Persons
- K. Provisions for Relocation Costs
- L. Strategy for Compliance with Michigan's Relocation Assistance Law
- M. Description of Proposed Use of Local Site Remediation Revolving Fund
- N. Other Material that the Authority or Governing Body Considers Pertinent

EXHIBITS

SCHEDULES

1. INTRODUCTION AND PURPOSE

[In this section, give a general overview of the proposed redevelopment project and the overall benefits to the community.]

The purpose of this plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the “Brownfield Redevelopment Financing Act.” Terms used in this document are as defined in Act 381.

2. ELIGIBLE PROPERTY INFORMATION

[Identify the eligible property, including adjacent or contiguous property, including the address(es) and general location, tax parcel number(s), total acreage, existing structure(s) on the property, infrastructure present, etc. A map and legal description(s) should be provided as Exhibit A.]

3. PROPOSED REDEVELOPMENT

[Describe the project including the type of redevelopment (residential, commercial, retail, industrial, mixed use); demolition, construction, renovation, rehabilitation, and historic preservation activities; amount of private investment to be made; number of jobs created; and the ways in which the developer plans to work with the Authority (i.e., using tax increment financing to pay for eligible activities and/or applying for the Brownfield Michigan Business Tax (MBT) credit).]

4. BROWNFIELD CONDITIONS

[Describe how the property was used (residential, commercial, public, or industrial and a brief summary of the brownfield conditions that provide the basis for eligibility (i.e., known environmental contamination, blighted and/or functionally obsolete characteristics).]

5. BROWNFIELD PLAN ELEMENTS (as specified in Section 13(1) of Act 381)

A. Description of Costs to Be Paid for With Tax Increment Revenues

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. MCL 125.2663(1)(a)

[Describe the costs of the eligible activities to be paid for with tax increment revenues, including costs incurred by the developer, contingency costs, financing costs, and administrative costs to be incurred by the Authority. Indicate the type of tax increment revenues to be captured and used (i.e., local, school, both). Identify costs incurred or to be incurred prior to brownfield plan approval that will be reimbursed with local tax increment revenues. Costs should also appear in tabular form (Schedule 1).]

B. Summary of Eligible Activities

Include a list and 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. MCL 125.2663(1)(b)

[Briefly summarize the eligible activities (i.e., developing/preparing brownfield plan/work plan, baseline environmental assessment, due care, additional response activities, environmental insurance, demolition, lead or asbestos abatement, site preparation, infrastructure improvements, interest, etc.) that are proposed for each eligible property. For a plan for properties owned or controlled by a land bank fast track authority, briefly summarize the eligible activities that may be conducted on 1 or more of the eligible properties.]

C. Estimate of Captured Taxable Value and Tax Increment Revenues

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(dd), or unless the tax levy is excluded from capture under section 15.

MCL 125.2663(1)(c).

[The estimated captured taxable value for this redevelopment by year and in aggregate should be depicted in tabular form (Schedule 2). Identify whether all or a portion (a percentage) of the captured taxable value will be used. Captured taxable values are determined using the estimated taxable values for the developer's investment (Schedule 3). The estimated current taxable value and initial taxable value, by year and in aggregate, for each taxing jurisdiction should be depicted in tabular form (Schedules 4 and 5, respectively).]

[The estimated tax increment revenues generated, by year and in aggregate, for each taxing jurisdiction should be depicted in tabular form (Schedule 6). If appropriate, the split taxes collected in the summer and winter should also be depicted in tabular form (Schedule 7).]

[The estimated amount of deposits of excess tax increment revenues into the Authority's Local Site Remediation Revolving Fund, by year and in aggregate, should be depicted in tabular form (Schedule 8). If excess school tax increment revenues will be captured pursuant to MCL 125.2663(5), they should be depicted separately from the local tax increment revenues.]

D. Method of Financing and Description of Advances by the Municipality

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.

MCL 125.2663(1)(d)

[Describe how the eligible activities will be financed. Indicate the type of tax increment revenues to be captured and used (i.e., local, school, both). Indicate whether interest costs will be reimbursed and, if so, include interest rate and interest amount. Indicate whether school taxes will be used for interest reimbursement. Identify costs incurred or to be incurred prior to brownfield plan approval that will be reimbursed with local tax increment revenues. If the developer will be financing the eligible costs, a method and agreement for reimbursement to the developer by the Authority should be considered (Schedule 9). If school taxes are to be captured and used, according to an approved MDEQ or MEGA work plan, the split between captured school and local taxes should be depicted in tabular form (Schedule 10).]

E. Maximum Amount of Note or Bonded Indebtedness

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

MCL 125.2663(1)(e)

[Identify the maximum amount of a note or bonded indebtedness for eligible activities on the eligible property.]

F. Duration of Brownfield Plan

The duration of the brownfield plan for eligible activities on eligible property which shall not exceed 35 years following the date of the resolution approving the plan amendment related to a particular eligible property. Each plan amendment shall also contain the duration of capture of tax increment revenues including the beginning date of the capture of tax increment revenues, which beginning date shall be identified in the brownfield plan and which beginning date shall not be later than 5 years following the date of the resolution approving the plan amendment related to a particular eligible property and which duration 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. The date for the beginning of capture of tax increment revenues may be amended by the authority but not to a date later than 5 years after the date of the resolution adopting the plan. The authority may not amend the date for the beginning of capture of tax increment

revenues if the authority has begun to reimburse eligible activities from the capture of tax increment revenues. The authority may not amend the date for the beginning of capture if that amendment would lead to the duration of capture of tax increment revenues being longer than 30 years or the period authorized under subsections (4) and (5). If the date for the beginning of capture of tax increment revenues is amended by the authority and that plan includes the capture of tax increment revenues for school operating purposes, then the authority that amended that plan shall notify the department and the Michigan economic growth authority within 30 days of the approval of the amendment. MCL 125.2663(1)(f)

[If tax increment financing is to be used to reimburse for eligible activities, identify the estimated plan length based on the estimated costs of the eligible activities, estimated tax increment revenues captured, and deposit to the Authority's Local Site Remediation Revolving Fund, if applicable. Identify the beginning date (year) of capture which cannot be later than 5 years following brownfield plan approval by resolution. Plan length cannot exceed 35 years and the capture of tax increment revenues is the lesser of the period authorized under subsections (4) and (5) or 30 years from the beginning date of capture.]

G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located. MCL 125.2663(1)(g)

[Describe, in tabular form, the estimated amount of tax increment revenues to be captured by the Authority for this redevelopment from each taxing jurisdiction (Schedule 6).]

H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

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, an affidavit signed by a level 3 or level 4 assessor, which states that it is the assessor's expert opinion that the property is functionally obsolete and the underlying basis for that opinion. MCL 125.2663(1)(h)

[Include a legal description of the property, property size (acres), a scaled map showing eligible property dimensions, a statement of the brownfield conditions that qualify the property as eligible (i.e., environmental contamination that makes the property a facility, how it meets the blighted criteria, or what makes it functionally obsolete as determined by a level 3 or 4 assessor (Exhibit B)), identify adjacent or contiguous property included in the plan), and whether or not there is any personal property included as part of the eligible property (Exhibit C).]

I. Estimates of Residents and Displacement of Families

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. MCL 125.2663(1)(i)

[List the estimates of the number of persons residing on each eligible property to which this plan applies, the number of families to be displaced and a demographic survey and information regarding housing in the community. Indicate if there are none and not applicable.]

J. Plan for Relocation of Displaced Persons

A plan for establishing priority for the relocation of persons displaced by implementation of the plan. MCL 125.2663(1)(j)

[Include a plan for relocation of displaced persons or indicate if not applicable.]

K. Provisions for Relocation Costs

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 federal uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646. MCL 125.2663(1)(k)

[Describe provisions for the costs of relocating persons displaced by the implementation of the plan or indicate if not applicable.]

L. Strategy for Compliance with Michigan's Relocation Assistance Law

A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332. MCL 125.2663(1)(l)

[Include a strategy for compliance with the Relocation Assistance Act, 1972 PA 227, (Sections 213.321 to 213.332 of the Michigan Compiled Laws) or indicate if not applicable.]

M. Description of Proposed Use of Local Site Remediation Revolving Fund

A description of proposed use of the local site remediation revolving fund. MCL 125.2663(1)(m)

[Describe the proposed use of the proceeds of the Authority's Local Site Remediation Revolving Fund.]

The proceeds of the Brownfield Redevelopment Authority's Local Site Remediation Revolving Fund will be used in accordance with the Act. The Authority currently anticipates using the fund to pay eligible activity costs at other eligible properties included in the plan, including, but not limited to the properties included in this plan, as well as other eligible properties which may be included in the plan as amended in the future.

N. Other Material that the Authority or Governing Body Considers Pertinent

Other material that the authority or governing body considers pertinent. MCL 125.2663(1)(n)

[Include any other material required by the Authority or Governing Body to be included in this plan or indicate that none is required.]

If applicable, include such items as language for the Brownfield MBT Credit.

Brownfield Michigan Business Tax (MBT) Credit

The Property is included in this Plan to enable "qualified taxpayers" to apply for a credit against their Michigan business tax liability for "eligible investments", as defined by Section 437(32) of Michigan Business Tax Act, incurred on the Property after the adoption of this Plan, but no earlier than 90 days from the date of a pre-approval letter from the Michigan Economic Growth Authority. By approval of this Plan, the Authority and the City neither intend to make nor have made representations to a developer or any other person of the availability, amount or value of any credit under the Michigan Business Tax Act or that adoption of this Plan will qualify or entitle a developer or any other person to apply for or receive pre-approval or approval of any credit under the Michigan Business Tax Act for the Property. The Authority and the City also assume no obligation to take any action or to modify or amend this Plan to facilitate or to allow any person to receive pre-approval or approval of any credit under the Michigan Business Tax Act for the Property.

EXHIBITS

- A. Legal Description and Map of the Eligible Property Described in Sections 2 and 5(H) of this Plan**
- B. Affidavit Signed by Level 3 or 4 Assessor Stating Eligible Property is Functionally Obsolete**
- C. Description of Personal Property that is part of the Eligible Property**

SCHEDULES

- SCHEDULE 1 Summary of Eligible Activities Costs
- SCHEDULE 2 Estimated Captured Taxable Values
- SCHEDULE 3 Investment Schedule and Projected Taxable Values
- SCHEDULE 4 Estimated Current Taxable Values for Each Capturable Taxing Jurisdiction
- SCHEDULE 5 Initial Taxable Values for Each Capturable Taxing Jurisdiction
- SCHEDULE 6 Estimated Tax Increment Revenues Captured by Each Capturable Taxing Jurisdiction
- SCHEDULE 7 Summer and Winter Collections of Capturable Taxes
- SCHEDULE 8 Deposit to Authority's Local Site Remediation Revolving Fund
- SCHEDULE 9 Reimbursement Schedule According to Agreement
- SCHEDULE 10 Capturable School and Local Operating Taxes

Schedule 1 – Summary of Eligible Activities Costs

Non-environmental Activities MEGA Request

Demolition
Lead/Asbestos Abatement
Infrastructure Improvements
Site Preparation

SUBTOTAL

Contingency (indicate %)*
Brownfield Plan/Work Plan Preparation**
Agency Review Fee \$1,000
Interest***

MEGA GRAND TOTAL

Environmental Response Activities MDEQ Request

Baseline Environmental Assessment
Due Care Activities
Additional Response Activities

SUBTOTAL

Contingency (indicate %)*
Brownfield Plan/Work Plan Preparation**
Agency Review Fee (varies depending on complexity/number of work plans)
Interest****

MDEQ GRAND TOTAL

**The MEDC and MDEQ allow up to a 15% contingency.*

***The MDEQ and MEDC allow up to a total of \$20,000 for preparation of Brownfield Plans and/or Act 381 Work Plans.*

****Upon request, the MEGA Board will consider interest in accordance with the current MEDC Brownfield Program Guidelines.*

*****Interest on MDEQ activities shall be in accordance with the current MEDC Brownfield Program Guidelines.*

SAMPLE H

NOTICE OF PUBLIC HEARING
[for publication]

_____ [City, Village, Township or County] OF _____

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

PLEASE TAKE NOTICE THAT a Public Hearing shall be held before the _____
[City, Village, Township or County] _____ [Council, Board or Commission] of the
_____ of _____ on the _____ day of _____ [month], _____ [year], at
_____ p.m. in the _____ [location] _____ [address], on the
adoption of a Brownfield Plan for the _____ of _____, within which the Authority
shall exercise its powers, all pursuant to and in accordance with the provisions of the Brownfield
Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of
1996, as amended. The description of the proposed brownfield property is:

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

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

Please note that all aspects of the Brownfield Plan are open for discussion at the public hearing.

SAMPLE I

NOTICE TO ALL TAXING JURISDICTIONS
THE _____ (city/village/township/county council/board/commission) OF
_____ PROPOSE TO APPROVE A BROWNFIELD PLAN FOR THE
_____ PROPERTY LOCATED AT _____,
MICHIGAN PRESENTLY KNOWN AS _____

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

The Act was enacted to provide means for local units of government to facilitate the revitalization of environmentally distressed, functionally obsolete and/or blighted areas. The Authority Board has prepared and adopted a Brownfield Plan related to the redevelopment of the _____ property located at _____, _____ Michigan. The proposed reuse for this property is _____. This had been determined to contain hazardous substances as defined under existing environmental laws and regulations or is determined by an assessor to meet the criteria of functionally obsolete or is blighted. This document serves to notify local taxing units of the _____ (village/city/township/county's) intent to approve a Brownfield Plan for the noted property.

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

The plan as presented for adoption proposes **[no capture/capture of tax increment revenues (but/and)]** does allow for the _____ (name of qualified taxpayer) to apply for a Michigan Business Tax Credit.

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

Dated: _____, (year) _____

_____ Clerk

SAMPLE J

_____ [City, Village, Township or County] OF _____

RESOLUTION APPROVING A BROWNFIELD PLAN
FOR THE _____ OF _____ PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the _____ [City, Village, Township or County]
_____ [Council, Board or Commission] of the _____ of _____,
_____ County, Michigan, held in the _____ [location] of said _____
[City, Village, Township or County] on the _____ day of _____ [month], _____ [year], at
_____ p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the
_____ of _____, pursuant to and in accordance with the provisions of the
Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of
Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the
_____ [City, Village, Township or County] _____ [Council, Board or
Commission], a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of
the Act; and

WHEREAS, the Authority has, at least twenty (20) days before the meeting of the
_____ [City, Village, Township or County] _____ [Council, Board or Commission]
at which this resolution has been considered, provided notice to and fully informed all taxing
jurisdictions (the "Taxing Jurisdictions") which are affected by the Financing Plan about the
fiscal and economic implications of the proposed Financing Plan, and the _____ [Council,
Board or Commission] has previously provided to the Taxing Jurisdictions a reasonable
opportunity to express their views and recommendations regarding the Financing Plan and in
accordance with Sections 13(10) and 14(1) of the Act; and

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

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;

