

# CLINTON COUNTY BOARD OF COMMISSIONERS

## Chairperson

Larry Martin

## Vice-Chairperson

Robert E. Showers

## Members

Jack A. Enderle

Eileen N. Heideman

Terry P. Link

Paul E. McNamara

David W. Pohl

COURTHOUSE  
100 E. STATE STREET  
ST. JOHNS, MICHIGAN 48879-1571  
989-224-5120



**Administrator**  
Ryan L. Wood  
**Clerk of the Board**  
Diane Zuker

## RESOLUTION 2008 - 14

### RESOLUTION ESTABLISHING A BROWNFIELD REDEVELOPMENT AUTHORITY FOR CLINTON COUNTY 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 Clinton County Board of Commissioners, held in the County Building, St. Johns, Michigan, on the 24<sup>th</sup> day of June, 2008 at 9:00 a.m.

PRESENT: Larry E. Martin, Paul McNamara, Jack Enderle, Robert E. Showers, Eileen Heideman and Terry Link.  
ABSENT: David Pohl  
MOTION BY: Paul McNamara  
SUPPORTED: Terry Link

**WHEREAS**, the Clinton County Board of Commissioners, by Resolution adopted on June 24, 2008, (the "Resolution of Intent"), determined that it is in the best interests 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 Clinton County and declared its intention to provide for the operation of a Brownfield Redevelopment Authority for Clinton County (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 "Act"); and

**WHEREAS**, on this date, pursuant to and in accordance with the Act and the Resolution of Intent, the Board of Commissioners 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 Clinton County 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 Board of Commissioners desire to proceed with the establishment of the Authority for Clinton County 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 Board of Commissioners by the Act, the Authority is hereby established and shall be known as the Clinton County Brownfield Redevelopment Authority.
2. **Supervision of the Authority.** The Authority shall be under the supervision and control of the Clinton County Economic Development Corporation (the "EDC") appointed by the Clinton County Board of Commissioners, in accordance with the membership provisions set forth in Section 5(1) of the Act, subject to the approval of the Board of Commissioners. The members of the EDC shall hold office, and the EDC 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 Clinton County, including those as permitted by any city, village or township within the county as provided in Sections 3(4) and 3(5) of the Act.
4. **Powers and Duties of the Authority.** The Authority shall have the powers and duties to the full extent as provided by and in accordance with the Act. Among other matters, the exercise of its powers, the Authority shall prepare a Brownfield Plan for eligible property pursuant to Section 13 of the Act and submit the plan to the Board of Commissioners 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 Authority to the Board of Commissioners in care of the Clinton County Clerk (the "Clerk"). The Authority's bylaws and rules shall be subject to the approval of the Board of Commissioners.
6. **Form of Approvals.** Except as may otherwise be provided by the Act or other applicable law, approvals by the Board of Commissioners of all matters pertaining to the Authority or the EDC shall be by resolution.

7. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
8. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.
9. **Publication.** The Clerk is hereby directed to file a true and complete copy with the secretary of state of the state of Michigan promptly after adoption and to take all other actions incident upon such adoption pursuant to applicable charter or other provisions.
10. **Dissolution.** The Board of Commissioners may at any time dissolve the Authority by a resolution, provided the purposes for which the Authority was created are completed subject to the provisions of MCL 125.2669 or the responsibilities of the Authority are formally and legally transferred to one or more properly created authorities of any respective community in which a Brownfield Redevelopment Plan or other activity of the Authority is ongoing. Such action shall constitute the end of the Clinton County Brownfield Redevelopment Program.

AYES	<u>Six (6)</u>
NAYS	<u>None (0)</u>
ABSTAINING	<u>None (0)</u>
ABSENT	<u>One (1)</u>

RESOLUTION DECLARED ADOPTED:

**STATE OF MICHIGAN**

**COUNTY OF CLINTON**

I, DIANE ZUKER, Clerk of the County of Clinton, State of Michigan, do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at a regular meeting held on the June 24<sup>th</sup>, 2008, the original of which resolution is on file in the records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court and County, at the City of St. Johns, Michigan this 24<sup>th</sup> day of June, 2008.

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Diane Zuker, Clinton County Clerk