



1751 CODY ESTEY RD  
PINCONNING MI 48650  
PHONE (517) 879-4018 FAX (517) 879-4553

## RESOLUTION # 98-4

**WHEREAS**, Public Act 381, Public Acts of Michigan 1996, provides that a Township can create a BROWNFIELD Redevelopment Authority; and

**WHEREAS**, the Michigan Department of Environmental Quality provides low interest loans to communities through its Revitalization Loans for environmental response activities at properties which are known or believed to be contaminated, and

**WHEREAS**, Public and Private land parcels located in Pinconning Township may require environmental clean up for redevelopment, and

**WHEREAS**, Many of these sites may not be known as contaminated until a future date the Pinconning Township Board of Trustees would include all properties located within the boundaries of Pinconning Township as the Pinconning Township BROWNFIELD Authority Zone and

**WHEREAS**, The Pinconning Township Planning Commission Members know what properties would be consistent with the Pinconning Township Master Plan for development and serve all land use issues for the entire township, they will also serve as The Pinconning Township BROWNFIELD Authority Board, therefore

**LET IT BE RESOLVED**, It is the intention of the Pinconning Township Board of Trustees to create a Pinconning Township BROWNFIELD Authority in Pinconning Township, also

**LET IT BE RESOLVED**, it is the intention of the Pinconning Township Board of Trustees to include all properties located within the boundaries of Pinconning Township for the BROWNFIELD Authority Zone, also

**LET IT BE RESOLVED**, that the members of the Pinconning Township Planning Commission will also serve as the members on the Pinconning Township BROWNFIELD Authority Board.

Vote: 1 Absent

Ayes

Nays

Max Kuester  
Michelle J. Russell  
Sharon Stalsberg  
Donald H. Moore

NONE

### Certification

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Pinconning Township Board of Trustees at a regular meeting held on 6/9/98

Donald H. Moore

Donald H. Moore Pinconning Township Clerk

DONALD H. MOORE, PIN. TWP. CLERK

Print Name and Title

PINCONNING MI

Address

X



**RESOLUTION # 10-01**

WHEREAS, Public Act 381, Public Acts of Michigan 1996, provides that a Township can create a Brownfields Redevelopment Authority; and

WHEREAS, the Michigan Department of Environmental Quality provides low interest loans to communities through its Remediation Loans for environmental response activities at properties which are known or believed to be contaminated; and

WHEREAS, Public and Private land parcels located in Pinconning Township may require environmental clean up for redevelopment; and

WHEREAS, Many of these sites may not be known as contaminated until a future date the Pinconning Township Board of Trustees would include all properties located within the boundaries of Pinconning Township as the Pinconning Township Brownfield Authority Zone and

WHEREAS, The Pinconning Township Planning Commission Members know what properties would be consistent with the Pinconning Township Master Plan for development and serve all land use issues for the entire township, they will also serve as the Pinconning Township Brownfield Authority Board, therefore

LET IT BE RESOLVED, it is the intention of the Pinconning Township Board of Trustees to create a Pinconning Township Brownfield Authority in Pinconning Township, also

LET IT BE RESOLVED, it is the intention of the Pinconning Township Board of Trustees to include all properties located within the boundaries of Pinconning Township for the Brownfield Authority Zone, also

LET IT BE RESOLVED, that the members of the Pinconning Township Planning Commission will also serve as the members on the Pinconning Township Brownfield Authority Board

For: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certification

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Pinconning Township Board of Trustees at a regular meeting held on \_\_\_\_\_ at \_\_\_\_\_

Donald H. Brown, Pinconning Township Clerk

Print Name and Title

Signature



1751 CODY ESTEY RD  
PINCONNING MI 48650  
PHONE (517) 879-4018 FAX (517) 879-4553

RESOLUTION No. 98-0A

July 14, 1998

The Township Board of the Township of Pinconning, County of Bay, Michigan, will hold a public hearing on 11<sup>th</sup> the day of August, 1998, at 6:45 o'clock p.m., prevailing Eastern Time in the Pinconning Township Hall, Pinconning, Michigan, to consider the adoption of a resolution establishing a brownsfield redevelopment authority for the Township of Pinconning and designating the boundaries of a brownsfield redevelopment zone, pursuant to Act 381, Public Acts of Michigan, 1996.

#### PROPOSED BOUNDARIES OF THE BROWNSFIELD REDEVELOPMENT ZONE

The boundaries of the proposed brownsfield redevelopment zone within which the brownsfield redevelopment authority shall exercise its powers are as follows:

**The unincorporated portions of the Township of Pinconning, County of Bay, State of Michigan, including incorporated as Summer Resort Associations and Subdivisions. ( T17N, R4E )**

The Township Board may not incorporate land into the zone not included in the description above, but it may eliminate described lands from the zone in the final determination of the boundaries without additional notice.

After the public hearing on the incorporation of the Authority and designation of the boundaries of the Zone, the Authority intends to approve a Brownfield Plan, subject to the approval of the Township Board to provide for the capture and use of tax increment revenues to pay the costs of eligible activities for eligible property to be described in the Brownfield Plan, pursuant to Act 381. This letter is intended to describe the fiscal and economic implications of the proposed Brownfield Plan.

Under Act 381, the Authority will be authorized to capture ad valorem property taxes and specific taxes (IFTs and CFTs) 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 Brownfields Plan and personal property located on that property. The Authority will be permitted to capture the difference between the taxable value of the eligible property at the time of the adoption of the Brownfield Plan which includes a description of the eligible property (the initial taxable value) and the taxable value of an eligible property in the current year of the capture. Tax increment revenues exclude 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 (debt millage), and specific taxes attributable to those ad valorem property taxes, and, State and local school district operating taxes if the Michigan Department of Environmental Quality does not approve the work plan. 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 ("DDA"), tax increment finance authority ("TIFA"), or local development finance authority ("LDFA") if those





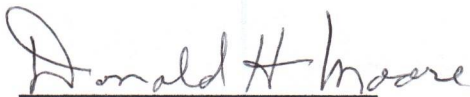
taxes were captured by these other authorities on the date that eligible property became subject to a Brownfield Plan under Act 381.

Act 381 states that a Brownfield Plan cannot provide 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 units. The only way a taxing unit's taxes are exempt from capture by an Authority is if the taxes are excluded from the definition of tax increment revenues (i.e. voted debt millage or tax increment revenues already captured by a DDA, TIFA, or LDFA). If there is an existing DDA, TIFA or LDFA in the municipality, the amount of tax increment revenues which may be limited by the percentage of tax increment revenues captured under all tax increment financing plans in the municipality.

The Authority can only capture tax increment revenues until the year in which the amount of the captured tax increment revenues for a parcel of eligible property is equal to the sum of the cost of eligible activities attributable to such eligible property, or up to 5 years after such date if the Authority establishes a Local Site Remediation Revolving Fund.

It is difficult to predict at this time the exact amount of the captured tax increment revenues of the Authority, as that will ultimately be based upon the captured assessed value of the eligible properties included in the Brownfield Plan, the duration of the capture on those eligible properties, the millage rates of all taxing jurisdictions in effect throughout the capture of the tax increment revenues and the growth of the taxable value of the eligible properties.

If you have any questions regarding the fiscal and economic implications of the proposed Plan, please feel free to attend the public hearing described above or contact the Pinconning Township Clerk at (517) 879-4018.

A handwritten signature in cursive script, reading "Donald H. Moore".

Donald Moore  
Clerk, Pinconning Township

taxes were captured by these other authorities on the date that eligible property became subject to a Brownfield Plan under Act 381.

Act 381 states that a Brownfield Plan cannot provide for an exclusion from captured taxable value of a portion of tax captured taxable value or for an exclusion of the tax levy of 1 or more taxing units. The only way a taxing unit's taxes are exempt from capture by an Authority is if the taxes are excluded from the definition of tax increment revenue (i.e. voted into the budget or tax increment revenue already captured by a DDA, TTA, or LPA). If there is an existing DDA, TTA or LPA in the municipality, the amount of tax increment revenue which may be levied by the percentage of tax increment revenue captured under the tax increment financing plan in the municipality.

The Authority can only capture tax increment revenue until the year in which the amount of the captured tax increment revenue for a parcel of eligible property is equal to the cost of the eligible activities attributable to such eligible property, or up to 5 years after such date if the Authority establishes a local Remediation Revolving Fund.

It is difficult to predict at the time the exact amount of the captured tax increment revenue of the Authority, as that will ultimately be based upon the captured assessed value of the eligible properties included in the Brownfield Plan, the duration of the capture on those eligible properties, the millage rates of all taxing jurisdictions in effect throughout the capture of the tax increment revenue, and the growth of the taxable value of the eligible properties.

If you have any questions regarding the fiscal and economic implications of the proposed Plan, please feel free to attend the public hearing described above, contact the Planning Township Clerk at (517) 879-1118.

Donald Moore  
Clerk, Planning Township





98-4

**RESOLUTION CREATING A BROWNFIELD REDEVELOPMENT AUTHORITY 1  
DESIGNATING BOUNDARIES OF THE BROWNFIELD REDEVELOPMENT ZONE,  
AND PROVIDING FOR OTHER MATTERS RELATED THERETO**

PHONE (517) 879-4018 FAX (517) 879-4553

**TOWNSHIP OF PINCONNING  
COUNTY OF BAY, MICHIGAN**

At a meeting of the Township Board of the Township of Pinconning, County of Bay, Michigan (the "Township"), held in the Pinconning Township Hall on the 11<sup>th</sup> day of August, 1998, at 7 o'clock, p.m., prevailing Eastern Time.

PRESENT: Members Kusterer, Trudell, Stalsberg  
Moore

ABSENT: Members Caruthers

The following preamble and resolution were offered by Member Kusterer and supported by Member Trudell:

WHEREAS, the Township Board is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381 the Township is required to hold a public hearing on the establishment of a brownfield redevelopment authority and the designation of a brownfield redevelopment zone in which the brownfield redevelopment authority will exercise its powers; and

WHEREAS, the Township Board has fully informed the taxing jurisdictions levying taxes subject to capture about the fiscal and economic implications of the proposed brownfield plan; and

WHEREAS, on \_\_\_\_\_, 1998, the Township Board conducted a public hearing on the proposed brownfield redevelopment authority and the designation of the proposed authority district; and

WHEREAS, not more than 30 days have passed since the public hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 381 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Act 381" means Act 381, Public Acts of Michigan, 1996.

"Authority" means the Township of Pinconning Brownfield Redevelopment Authority created by this resolution.

"Board" means the governing body of the Authority.

"Township" means the Township of Pinconning, County of Bay, Michigan.

"Township Board" means the Township Board of the Township of Pinconning."

"Zone" means the brownfield redevelopment zone designated by this resolution as now existing or hereafter amended, and within which the Authority shall exercise its powers.

2. Determination of Necessity: Purpose. The Township Board hereby determines that it is necessary for the best interests of the public to create a public



body corporate which shall operate to promote the revitalization of environmentally distressed areas in the Township pursuant to Act 381.

3. **Creation of Authority.** There is hereby created pursuant to Act 381 a brownfield redevelopment authority for the Township. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "TOWNSHIP OF PINCONNING BROWNFIELD REDEVELOPMENT AUTHORITY". The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this resolution and Act 381. The enumeration of a power in this resolution or in Act 381 shall not be construed as a limitation upon the general powers of the Authority.

4. **Termination.** Upon completion of its purposes, the Authority may be dissolved by resolution of the Township Board.

5. **Description of Zone.** The Zone shall consist of the territory in the Township described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 381. All of the property described in Exhibit A was included in the description of the proposed boundaries contained in the published notice of the public hearing.

6. **Board.** The Authority shall be under the supervision and control of the Board. The Board shall consist of not less than 5 nor more than 9 persons appointed by the Township Supervisor subject to the approval of the Township Board. Of the initial members appointed, an equal number, as near as practicable, shall be appointed

for 1 year, 2 years, and 3 years. Thereafter, each member shall serve for a term of 3 years. A member shall hold office until the member's successor is appointed and qualified. An appointment to fill a vacancy shall be made by the Township Supervisor for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. 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 M of the Michigan Constitution of 1963. The members of the Board shall elect 1 of their membership as chairperson and another as vice-chairperson. The Board shall adopt Bylaws governing its procedures subject to the approval of the Township Board. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of Fifty Thousand Dollars (\$50,000) payable to the Authority for use and benefit of the Authority and shall file the same with the Township Clerk.

7. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

8. Fiscal Year: Adoption of Budget.

(a) The fiscal year of the Authority shall begin on April 1st of each year and end on March 31<sup>st</sup> of the following year, or such other fiscal year as may hereafter be adopted by the Board.

(b) The Authority shall prepare and approve annually a budget for the operation of the Authority for the ensuing fiscal year. The budget shall be prepared



in the manner and shall contain the information required of municipal departments. Funds of the Township shall not be included in the budget of the Authority except those funds authorized in Act 381 or by the Township Board of the Township.

(c) The Authority shall submit annually to the Township Board and the State Tax Commission a financial report on the status of activities of the Authority.

The report shall include all of the following:

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

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

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

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

(v) The captured taxable value realized by the Authority.

(vi) Information concerning any transfer of ownership of or interest in each eligible property within the Zone.

9. Recording and Filing. The Township Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.

10. Repealer. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

AYES: Members Trudell, Kusterer, Moore  
Stalberg



NAYS:

Members 0-

RESOLUTION DECLARED ADOPTED.

Donald H. Moore

Clerk, Township of Pinconning

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Pinconning, County of Bay, State of Michigan, at a Township Board meeting held on August 11, 1998, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Donald H. Moore

Clerk, Township of Pinconning

I hereby certify that a certified copy of the foregoing resolution was filed with the Michigan Secretary of State on \_\_\_\_\_, 1998.

Donald H. Moore

Clerk, Township of Pinconning

## EXHIBIT A

### DESCRIPTION OF BROWNFIELD REDEVELOPMENT ZONE

All properties located within the boundries of Pinconning  
Township.