

City of Escanaba  
DOWNTOWN DEVELOPMENT AUTHORITY

Rules of Procedure

Revision Date: March 26, 2012

Revised Addition

Changes:

Section 1. Authority. Paragraph 1.1 (number of board members)

Section 2. General Rules. Paragraph 2.2 (quorum)

Section 2. General Rules. Paragraph 2.6 (election of officers)

Section 6. Voting. 6.1 (five members)

Section 3. Meetings 3.2 (number of days)

DOWNTOWN DEVELOPMENT AUTHORITY

RULES OF PROCEDURE

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## RESOLUTION

**WHEREAS**, a predetermined Rules of Procedure for the Downtown Development Authority Board Meetings will be a most expedient means of ensuring the orderly conduct of meetings for the Escanaba Downtown Development Authority; and

**WHEREAS**, it is provided in Ordinance #792, Section 6(a) of the Escanaba Code of Ordinances that the Downtown Development Authority shall determine its own rules and order of business,

**NOW, THEREFORE, BE IT RESOLVED**, that the following Rules of Procedure shall govern the deliberations and meetings of the Downtown Development Authority of the City of Escanaba.

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Sue Parker  
Chairperson  
Downtown Development Authority

## City of Escanaba, Downtown Development Authority - Rules of Procedure

1. **AUTHORITY**

- 1.1 **General.** In order to carry-out the duties and responsibilities conveyed under the Downtown Development Authority, Act 197 of 1975, as amended, and Escanaba Ordinance 792, of the Escanaba Code of Ordinance there has been created a Downtown Development Authority (hereafter referred to as "Authority") and a Board of Trustees (hereafter referred to as "Trustee") consisting of the Mayor and City Manager of the City of Escanaba and seven (9) members appointed by the Mayor of the City of Escanaba, subject to approval by the City Council of the City of Escanaba. The role of the Board is to pass on matters pertaining to the Downtown Development District. The Board shall appoint a Director who shall act as the Chief Executive Officer of the Board and shall act as the Secretary to the Board. The Director shall have no vote on any matter before the Board. The Board shall adopt Rules of Procedure for conducting its business, and shall render all decisions and findings in writing. (MCL 125.1655(1)/Ordinance #792, Section 6. (a).

The major duties of the Board include:

- A. Creation, maintenance, and public promotion of the Downtown Development Authority District (MCL 125.1652).
- B. Conduct board business at public meetings which are held in compliance with the open meetings act, Act 267 of the Public Acts of 1976, as amended (MCL 125.1654(3)).
- C. Prepare an analysis of economic changes taking place in the downtown district (MCL 125.1657(a)).
- D. Study and analyze the impact of metropolitan growth upon the downtown district (MCL 125.1657(b)).
- E. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in economic growth of the downtown district (MCL 125.1657(c)).
- F. Plan, propose, and implement an improvement to a public facility within the development area to comply with barrier free design requirements of the state construction code (MCL 125.1657(d)).

- G. Develop long range plans, in cooperation with the City of Escanaba Planning Commission, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible( MCL 125.1657(e)
- H. Implement any plan of development in the DDA District necessary to achieve the purposes of Act 197, as amended, in accordance with the powers of the authority granted by Act 197 (MCL 125.1657(f).
- I. Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties (MCL 125.1657(g)
- J. Acquire by purchase or otherwise, on terms and conditions and in a manner the authority deems proper to own, convey, or otherwise dispose of, or lease as lesser or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of the Downtown Authority Act, and to grant or acquire licenses, easements, and options with respect thereto (MCL 125.1657(h).
- K. Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple family dwellings, and any necessary or desirable appurtenance thereto, with the DDA District for the use, in whole or in part, of any public or private person or corporation, or a combination thereof (MCL 125.1657(i).
- L. Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of the revenue bonds issued by the authority (MCL 125.1657(j).
- M. Lease any building or property under its control, or any part thereof (MCL 125.1657(k).
- N. Accept grants and donations of property, labor, or other things of value from a public or private source (MCL 125.1657(l).
- O. Acquire and construct public facilities (MCL 125.1657(m).
- P. The Board may with approval of the Escanaba City Council borrow money and issue its revenue bonds or notes to finance all or part of the costs of acquiring or constructing property in connection with the implementation of a development plan in the DDA District or to refund or refund in advance bonds or notes issued pursuant to MCL Section 125.1663a.
- Q. Prepare and submit a tax increment financing (TIF) plan to the City of

Escanaba Council which includes a development plan, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program (MCL 125.1664, Section 14(1)).

R. Other duties and responsibilities as mutually agreed to by the City Council and Board which are not inconsistent with the City Charter or other regulatory requirements.

1.2 **Limitations of Board.** The Board of Directors shall have no authority to waive requirements of Ordinance #792 in the City Code of Ordinances, except as provided by State and local law.

## 2. GENERAL RULES

2.1 **Meetings to be Public.** All official meetings of the Board shall be open to the public. The journal of proceedings shall be open to public inspection as specified by the Open Meetings Act.

2.2 **Quorum.** Five (5) members of the Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

2.3 **Journal of Proceedings.** An account of all proceedings of the Board shall be kept by the Director and shall be entered in a book constituting the official record of the Board.

2.4 **Right of Floor.** Any Trustee desiring to speak shall be recognized by the Chairperson and shall confine his or her remarks to one subject under consideration or to be considered.

2.5 **City Department Personnel.** The City Administration upon recognition of the Chairperson may address the board and make recommendations to the Board, but shall have no vote.

2.6 **Election of Officers.** During the last regularly scheduled meeting of the calendar year the Board shall hold an election of Officers for the positions of Chairperson, Vice Chairperson and Treasurer. (Exception: The Escanaba Mayor and City Manager are not eligible to be elected officers).

2.7 **Goals and Objectives.** During the first regular scheduled meeting of the new calendar year the Board shall develop a set of goals and objectives for accomplishing during the upcoming calendar year. During this same meeting the Board shall review its past year's performance against the goal and objectives for that year. A report shall be provided to the City Council.

- 2.8 **Conflict of Interest.** Trustees shall disqualify themselves from deliberating and voting on any matter in which a member has any personal, professional, or financial interest (direct or indirect). Before deliberating any matter, the Chairperson shall ask if any member has such a conflict. Any member must clearly state the conflict for the record.
- 2.9 **Attendance.** Should a Trustee fail to attend three (3) consecutive regular meetings or five (5) regular meetings in a calendar year of the Downtown Development Authority, that office shall be declared vacant and a request shall be filed with the City Council to name a replacement.

### 3. MEETINGS

- 3.1 **Public Notice of Meetings.** The Downtown Development Authority Director shall be responsible for providing the proper notice of all meetings of the Board as specified by the State Open Meetings Act.
- 3.2 **Regular Meetings.** The Board shall meet in a specified location for regular meetings. The regular Board meetings are to be commenced at 7:30 a.m. on the first Wednesday of each month, unless otherwise announced and as specified by the State Open Meetings Act. \*The Board shall assume no meeting will be scheduled unless notified by the Director. Any Request for placement onto the business agenda must be submitted to the Director or Chairperson one week before the regular meeting date.
- 3.3 **Special Meetings.** Special meetings may be called by the Downtown Development Authority Director or by two (2) members of the Board. The call for a special meeting shall specify the day, the hour and the location of the special meeting. The Director shall give public notice as specified by the State Open Meetings Act.
- 3.4 **Cancelled Meetings.** Any meeting of the Board may be recessed or postponed to a later date and time provided that no adjournment shall be for a longer period than until the next scheduled meeting.
- 3.5 **Study Sessions.** The Board may meet informally in study sessions (open to the public) at the call of the Director or majority of the Board to review forthcoming requests, receive progress reports on current programs or projects or received other similar information from the Director, provided that all discussions and conclusions thereon shall be informal.

### 4. CHAIRPERSON AND DUTIES

- 4.1 **Chairperson.** The Chairperson, if present, shall preside as Chairperson at all meetings of the Board. In the absence of the Chairperson, the Vice Chairperson shall

preside. In the absence of both the Chairperson and the Vice Chairperson, the Board shall elect a temporary Chairperson.

- 4.2 **Call to Order.** The meetings of the Board shall be called to order by the Chairperson or, in his/her absence, by the Vice Chairperson. In the absence of both the Chairperson and the Vice Chairperson, the meeting shall be called to order by the Authority Director for the election of a temporary Chairperson.
- 4.3 **Preservation of Order.** The Chairperson shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.

## 5. **ORDER OF BUSINESS AND AGENDA**

5.1 **Order of Business.** The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval and/or Correction to Minutes of Previous Meeting
4. Approval/Adjustments to the Agenda
5. Conflict of Interest Inquiry
6. Treasurer's Report
7. Unfinished/Old Business
8. New Business (on the printed agenda)
9. Board of Trustee's Comments
10. Public Comment
11. Announcements
12. Adjournment

5.2 **Agenda.** The order of business of each meeting shall be as contained in the Agenda prepared by the Authority Director and Board Chairperson. Agenda items must be submitted one week prior to the meeting. The Agenda shall be a listing by topics of subjects to be considered by the Board and shall be delivered to members of the Board the Friday prior to the Wednesday Board Meeting, and when possible, preceding a Special Board Meeting to which it pertains. Draft meeting minutes shall

be available for public review within eight (8) business days after the meeting.

- 5.3 **Presentation by Members of the Board.** The Agenda shall provide a time when the Chairperson or any member may bring before the Board any concerns or business that he/she feels should be deliberated upon by the Board. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Board Meeting except when immediate action need be taken upon a majority vote of Board Trustees present.

6. **VOTING**

- 6.1 **Majority.** A majority vote of the Board consisting of at least a quorum (5 members), shall be required to approve a motion, which has been made by a Board Trustee and supported by another Board Trustee.
- 6.2 **Roll Call Votes.** Roll call votes shall be taken when required by policy/law, at the request of any member of the Board or when the Chairperson cannot determine the results of a voice vote.

7. **CITIZENS' RIGHTS**

- 7.1 **Addressing the Board.** Members of the public desiring to address the Board by oral communication shall first secure the permission of the Chairperson. Preference will be given to those persons who have notified the Authority Director or Board Chairperson in advance of the regular Board meeting of their desire to speak in order that their name may be placed on the agenda and they will be recognized by the presiding officer without further action. General public comment shall be restricted to two (2) minutes unless amended by the Chairperson.
- 7.2 **Manner of Addressing the Board.** Each person addressing the Board shall approach the lectern and must give his/her name in an audible tone of voice for the record. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than Board of Trustees and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Board. No questions shall be asked the Board of Trustees except through the Chairperson.
- 7.3 **Personal and Slanderous Remarks.** Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Board, may be requested to leave the lectern.
- 7.4 **Chairperson May Appoint Committee or Refer Citizens' Complaints.** The Chairperson may appoint a committee of two (2) Board of Trustees of the Board to hear and investigate citizen's complaints. The Chairperson may also refer citizen's complaints to the Escanaba's City Manager's Office or the Escanaba City Council. All complaints will be reviewed and recommendations and findings will be

forwarded to the Authority at a regularly scheduled meeting.

7.5 **Written Communications.** Interested parties, or their authorized representatives, may address the Board by written communication in regard to any matter concerning Board business or over which the Board has control at anytime by direct mail or by addressing the Authority Director.

7.6 **Amendment of These Rules.** These rules may be amended, or new rules adopted, by a majority vote of all members of the Downtown Development Authority.