

**BYLAWS**  
**THE CITY OF BEAVERTON DOWNTOWN**  
**DEVELOPMENT AUTHORITY**

**Article I. Name**

The name of this organization shall be the City of Beaverton Downtown Development Authority (the "Authority"), whose governing body shall be its "Board of Trustees".

**Article II. Purpose**

The purpose of this organization is to act as a Downtown Development Authority in accordance with Act 57 of the Public Acts of Michigan of 2018 (the "Act"), whose authority shall include, but not be limited to, the prevention of deterioration in the downtown district, the encouragement of historic preservation, the creation and implementation of development plans, to increase property values in the downtown district, and to promote economic growth therein.

**Article III. Offices**

Section 1. Registered Office. The registered office of the Authority shall be at 124 West Brown Street, Beaverton, Michigan 48612-0477.

Section 2. Principal Office. The Authority shall have its principal office at the location of the registered office, and it may also maintain offices at such other place or places as the Board of Trustees may from time to time designate.

**Article IV.**

Section 1.

Section 2.

Section 3.

**Article V.**

Section 1.

Section 2.

## Board of Trustees

Number, Qualifications, Selection and Tenure.

The Board of Trustees of the Authority shall consist of ten (10) members. Per the Act, the Mayor shall be a Trustee. At least six (6) members shall be persons having an interest in property located in the downtown district. One (1) member shall be a City Council member; one member shall be a representative of a taxing jurisdiction impacted by the Beaverton Tax Increment Financing Plan; and one member shall be a resident with no interest in property located in the downtown district. Members, for a designated term of office, shall be first recommended by the Board of Trustees, then appointed by the Mayor in January, and approved by the City Council, all in accordance with the Act. Any City Council member serving on the Authority Board shall be removed upon termination of their seat on Council. Under such circumstances, a replacement shall be appointed by the Mayor from the City Council. Except for the Mayor, those first appointed shall serve as follows:

- ¼ of the membership shall serve for 1 year
- ¼ of the membership shall serve for 2 years
- ¼ of the membership shall serve for 3 years
- ¼ of the membership shall serve for 4 years

Thereafter, each subsequent member shall serve for 4 years.

Vacancies. A vacancy on the Authority Board because of death, resignation, removal or

otherwise may be filled through appointment by the Mayor upon recommendation by the Board of Trustees and approval by the City Council.

Compensation. Board members shall serve without salary, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

## Officers

Officers. The officers of the Authority shall be a chairperson, vice chairperson, and secretary.

Election of Officers. The officers of the Authority shall be elected annually in January of each year by the Board of Trustees. A simple majority vote by Trustees is necessary for election.

Section 3.

Section 4.

Section 5.

Section 6.

Section 7.

Section 8.

Term of Officers. The officers of the Authority shall serve for a term of one year and may be elected to an unlimited number of subsequent terms.

Vacancies. A vacancy in office because of death, resignation, removal or otherwise may be filled at any meeting of the Board of Trustees, by simple majority vote, for the unexpired portion of the term of such office.

Section 9.

Chairperson. The Chairperson shall prepare agendas and materials, and shall preside at, all meetings; appoint members to all committees; and perform other duties as directed by the Board.

Section 10.

Vice Chairperson. In the absence of the Chairperson, and/or subject to his/her inability to act, the Vice Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers and be subject to all restrictions of the Chairperson. The Vice Chairperson shall also perform duties as assigned by the Board.

Secretary. The Secretary shall sign documents and correspondence as authorized by the Board and perform other duties as assigned by the Board. The City Clerk, or a properly authorized Deputy Clerk, may serve in this capacity with approval of the Board.

Treasurer. When determined necessary by the Board, a Treasurer shall be elected.

If required, the Treasurer shall give a bond for the faithful discharge of duties in such sum and with such surety or sureties as the Board shall determine. The Treasurer shall perform all the duties incident to the Office of Treasurer and such other duties as shall be assigned by the Board. The City Manager may serve in this capacity with approval of the Authority Board.

Delegation of Duties. 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 of such officer to any other officer, or to any Trustee, provided a majority of the Authority Board then in office concurs therein.

The Board of Trustees may delegate administrative responsibilities of the DDA, including the maintenance of accurate records of the proceedings of the Authority, to the City Manager, who shall also supervise the preparation of plans and the performance of the function of the DDA in the manner authorized by the State Act.

**Article VI.**

Section 1.

**Meetings**

Regular Meetings. Regular meetings of the Board shall be held at 5:15 p.m. on the second Monday of each month in the Beaverton Activity Center or such other place or places as the Board shall hereafter determine. In the event the meeting shall fall on a holiday, the meeting will occur the following day or on a properly-noticed date and time. At each regular meeting, all expense items of the Authority shall be publicized. The financial records shall always be open to the public. Any regularly scheduled meeting may be canceled for lack of quorum.

Section 2.

Section 3.

Special Meetings. Special meetings may be called by the Chairperson or by three Board members by providing twenty four (24) hours notice of the date, time and place of said meeting. A special meeting also may be requested by the City Council and/or the Mayor.

Section 4.

Notice of Meeting. All meetings shall be preceded by public notice posted eighteen

Section 5.

(18) hours prior to the meeting in accordance with Act 267 of the Public Acts of 1976, as amended.

Section 6.

Agenda. The Chairperson may set the agendas for all meetings and have them sent to the authority members at least twenty four (24) hours prior to the meeting. Any members of the Authority may request any item to be placed upon the agenda.

Quorum and Voting. More than half of the voting members of the Board in office shall constitute a quorum for the transaction of business. A simple

majority of those present shall constitute the action of the Board.

Rules of Order. Roberts Rules of Order will govern the conduct of all meetings.

**Article VII. Committees**

Section 1. The Board may, by resolution, designate one or more committees to advise the Board. Committee members shall be members of the Authority. The Chairperson of the Authority shall appoint the members. Committees may be terminated by a vote of the Authority. A majority of the committee will constitute a quorum. A majority of the members at the meeting at which quorum is present, shall be the act of the committee.

**Article VIII.**

Section 1.

**Article IX.**

Section 1.

Section 2.

Section 3.

**Article X.**

Section 1.

**Budget**

On or before April 1 of each year, the Authority shall prepare a budget and submit it to the City Clerk for transmittal to the City Council. The budget cycle of the Authority shall coincide with the City of Beaverton budget cycle.

**Contracts and Funds**

Contracts. The Board may authorize the Chairman and Treasurer to enter into any contract or execute and deliver any instrument on behalf of the Authority within the limits authorized by Public Act 57.

Funds. All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Authority shall be signed by the Treasurer and countersigned by the Chairman of the Authority. One other member of the Board may be authorized to execute documents in the absence of the Treasurer or Chairman. Monies received by the Authority shall immediately be deposited to the credit of the Authority, subject to disbursement pursuant to Act 57. The Board shall select banks, trust companies, or other depositories for the deposit of Authority funds. No funds of the Authority shall be disbursed except as provided for in the budget of the Authority. No budget shall be adopted by the Board of the Authority until it has been approved by the City Council of City of Beaverton.

Contributions and Gifts. The Board may accept on behalf of the Authority any



contribution, gift, bequest, or device for the general purpose or for any special purpose of the Authority.

### **Books and Records**

Bookkeeping, Minutes, and the Annual Audit. The Authority shall keep correct and complete records of books and accounts and minutes of the meetings. The records shall be deposited at the principal office of the Authority which will have a record of the names and addresses of the members of the Authority. All books and records of the Authority shall be open to the public. The Authority shall be audited annually by the same independent auditors auditing the City and copies of the audit report shall

be filed with the City Council.

Section 2.

Fiscal Year. The fiscal year of the Downtown Development Authority shall coincide with the fiscal year of City of Beaverton.

**Article XI.**

**Raising of Funds**

The activities of the Authority shall be financed from one or more of the following sources:

- A. Donations to the Authority for the performance of its functions.
- B. Bonds - The Authority may borrow money and issue its negotiable bonds therefore pursuant to the Act. Bonds issued by the Authority shall not, except as provided in the Act, be deemed a debt to City of Beaverton or the State of Michigan.
- C. Revenues from any property, building, or facility owned, leased, licensed, or operated by the Authority or under its control are subject to the limitations imposed upon the Authority by trusts or other agreements.
- D. Tax Increment Financing. When the Authority determines that it is necessary for the achievement of the purposes of Act 57, Public Acts of 2018, the Authority shall prepare and submit a tax increment financing plan to the City Council of City of Beaverton. The plan shall include a development plan as provided in Section 17: Act 57, Public Acts of 2018, a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the program, and shall include a schedule of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the Authority shall be clearly stated in the tax increment financing plan.
- E. Proceeds from a special assessment district created as provided by law.
- F. Money obtained from other sources approved by the City Council of the City of Beaverton.

**Article XII. Amendments**

These bylaws may be adopted, amended, or repealed by the *affirmative vote* of two-thirds of the total membership of the Authority provided written notice of the proposed amendment has been *given* in advance for review and approval by the City Council.

The undersigned, being the duly appointed and acting Secretary of the Downtown Development Authority of City of Beaverton does hereby certify the foregoing bylaws were adopted at a meeting of the of the Downtown Development Authority of City of Beaverton on the 10<sup>TH</sup> day of September, 2018.

---

Chairperson, City of Beaverton Downtown  
Development Authority

---

Secretary, City of Beaverton Downtown  
Development Authority