



City of Hancock Downtown Development Authority (DDA) Rules of Procedure

ESTABLISHMENT

There is hereby created in and for the city an authority to be known as the Downtown Development Authority pursuant to Public Act 197 of the Public Acts of 1975. The boundaries of the district shall be a parcel of land situated in the City of Hancock, County of Houghton, State of Michigan as stated in the Amendment to the Development and Tax Increment Financing Plan of the City of Hancock Downtown Development Authority approved by Hancock City Council on December 17, 2014.

MEMBERSHIP

1. The Downtown Development Authority (DDA) shall consist of nine members, consisting of the City Manager and eight members appointed by the Mayor, subject to the approval of City Council.
2. At least 5 members shall be persons having an interest in property located in the downtown district, and at least one member shall be a resident of the downtown district.
3. Members shall serve a term of four (4) years. An appointment to fill a vacancy may be made by the Mayor for the unexpired term only.
4. Members of the Authority shall serve without compensation, but shall be reimbursed for actual and necessary expenses.
5. The Chairperson and Vice-Chairperson of the Authority shall be elected by the Members.

REGULAR MEETINGS

1. The DDA shall meet regularly on the first Monday of each calendar month at 6:00 p.m. in the Council Chambers of Hancock City Hall, 399 Quincy Street.
2. Regular meetings may be rescheduled if warranted by a majority vote of the DDA.
3. A notice of all regular meetings including date, time, and place shall be posted at City Hall and on the City's website within 10 days of the first regular meeting of each calendar year.
4. All regular meetings are open to the public and shall comply with the Open Meetings Act (Act 267 of 1976).

SPECIAL MEETINGS

1. Special meetings may be called by the DDA Chairperson, or the City Manager.
2. Notices of all special meetings including date, time, place, and business (action items) to be transacted at the special meeting shall be posted at City Hall and on the City's website at least 18 hours prior to the meeting.
3. No business that was not stated within the notice of the special meeting may be transacted at a special meeting.
4. All special meetings are open to the public and shall comply with the Open Meetings Act (Act 267 of 1976).

SEMI-ANNUAL INFORMATIONAL MEETINGS

Pursuant to P.A. 57, which took effect January 1, 2019, the City of Hancock Downtown Development Authority will hold two Informational Meetings each year for the purpose of informing the public of the goals and direction of the authority, including projects to be undertaken in the coming year. They are not for the purpose of voting on policy, budgets or other operational matters.

MEETING AGENDAS

1. The agenda of each DDA meeting shall be prepared by the City Manager and/or staff for the posting (public notice) at least 24 hours prior to each regular meeting; and 18 hours prior to each special meeting.
2. Material pertinent to agenda items (meeting packets) shall be assembled by the City Manager and/or staff and delivered to DDA Members at least 24 hours prior to each regular meeting and at least 12 hours prior to each special meeting. Meeting packets shall be delivered to DDA Members via email unless other arrangements are made with the City Manager and/or City staff.
3. DDA Members may submit agenda item requests to the DDA Chairperson or City Manager. Agenda items must pertain to a topic of interest to the Downtown Development Authority.
4. Members of the public may submit agenda items for consideration and approval by the DDA Chairperson or City Manager. Agenda items must pertain to a topic of interest to the Downtown Development Authority.

ORDER OF BUSINESS

The order of business for DDA meetings shall be as follows:

1. Call to order.
2. Roll call and verification of quorum.
3. Review and approval of agenda.
4. Review and approval of the previous minutes (as applicable).

5. Public comment.
6. Reports of authorities, commissions, and committees (as applicable).
7. Administrative report (as applicable).
8. Old business to be considered by the DDA (as applicable).
9. New business to be considered by the DDA (as applicable).
10. Members' announcements and comments.
11. Adjournment.

MEETING ATTENDANCE

1. A majority of the full potential membership of the DDA constitutes a quorum. Once established, a quorum is defeated if less than a majority of Members remain to conduct business.
2. Regular attendance by DDA Members is expected. It is requested as a courtesy that Members provide advance notification minimally to the City Manager if they intend to be absent from a meeting.
3. It is requested as a courtesy that DDA Members provide advance notification minimally to the City Manager and Chairperson if they intend to be absent from a meeting. Absences may be excused by the Authority for reasonable cause to be stated in the meeting minutes. (Charter Section 4.5a.)
4. Three (3) unexcused absences from regular meetings of the Authority by any Member results in the forfeiture of appointment.
5. The City Manager shall attend all DDA meetings unless excused by the Authority. The City Manager is invited and encouraged to participate in DDA discussion but may not vote.

REMOVAL OF A MEMBER

Pursuant to notice and an opportunity to be heard, a member of the Authority may be removed for cause by the City Council.

CONDUCT OF MEETINGS INCLUDING VOTING

1. The Chairperson is the presiding officer for all meetings of the DDA. The Vice Chairperson shall be the presiding officer in the absence or disability of the Chairperson.
2. The presiding officer shall endeavor to conduct the meeting in a fashion that strikes a balance between the informality and congeniality associated with communities the size of the City of Hancock and the decorum and formality necessary to conduct business in an orderly manner.
3. The presiding officer may speak and vote at meetings as any other Member.
4. The DDA has adopted the current edition of Robert's Rules of Order for conducting meetings. However, Robert's Rules are typically only consulted when questions regarding parliamentary procedure arise and they do not supersede the DDA's Rules of Procedure.
5. Five Members shall constitute a quorum for the transaction of business.

6. Motions are passed by the affirmative vote of the majority of the Members present.
7. Members may elect to abstain from any vote. Abstentions are never counted as votes cast, but nevertheless may affect the result of a vote. Abstentions also do not count toward a quorum.
8. Voice votes shall be deemed to have passed unanimously if no member states opposition to the motion.
9. The presiding officer may call for a roll call vote as opposed to a voice vote at any time.
10. The presiding officer shall declare the result of every vote taken.
11. Members must be physically present at a meeting to vote and to contribute to a quorum.

CONFLICT OF INTEREST

A conflict of interest is any interest competing with or adverse to a member's primary duty of loyalty to the public interest. Pursuant to Act 196 of 1973, commonly referred to as the "State Ethics Act," Members shall not:

- divulge confidential information.
 - represent their opinion as that of the DDA.
 - use City personnel, property, or funds for personal gain or benefit.
 - solicit or accept gifts/loans/goods/services, etc. which tend to influence their performance of official duties.
 - engage in a business transaction in which they may profit from confidential information.
 - engage in or accept employment/render services for a public or private interest which is incompatible/in conflict with the discharge of official duties or which may tend to impair their independence of judgment.
 - participate in the negotiation or execution of contracts/making loans/granting subsidies/fixing rates/issuing permits, certificates, or other regulation/supervision relating to a business entity in which the Member has a financial or personal interest.
1. Members are obligated to disclose any real, potential, or perceived conflict of interest pertaining to themselves and/or other Members as soon as it is known to them. Such real, potential, or perceived conflicts of interest may involve a member, a member of their immediate family or household, their employer or employee, or any entity in which the Member or other person identified above has a personal financial interest. Ideally this is done in advance of any meeting for which an agenda item may represent a conflict of interest for one or more Members.
 2. An interest that a member shares in common with the general public interest does not constitute a conflict of interest.
 3. No Member may vote on a matter which they have a proprietary or financial interest in or which they may gain a financial benefit from.

Please see MCL 15.342 and the full State Ethics Act for greater detail. Also see Act 317 of 1968 regarding prohibitions on Members from pursuing certain public contracts and Act 566 of 1978 regarding incompatible public offices.

1. Members are obligated to disclose any real, potential, or perceived conflict of interest pertaining to themselves and/or other Members as soon as it is known to them. Such real, potential, or perceived conflicts of interest may involve a Member, a member of their immediate family or household, their employer or employee, or any entity in which the Member or other person identified above has a personal financial interest. Ideally this is done in advance of any meeting for which an agenda item may represent a conflict of interest for one or more Members. Some example scenarios are given below:
 - a. A Member contacts the City Manager or DDA Chairperson prior to a meeting and states their intention to abstain from voting on a particular agenda item, effectively recusing themselves due to a real, potential, or perceived conflict of interest.
 - b. A Member contacts another Member prior to a meeting and inquires if the second Member may have a conflict of interest regarding a particular agenda item.
 - c. A Member contacts the City Manager or DDA Chairperson prior to a meeting and inquires if another Member may have a conflict of interest regarding a particular agenda item. The City Manager or the DDA Chairperson then follows up with the Member who may have a conflict of interest.
2. If the issue of a real, potential, or perceived conflict of interest is raised and the Member who may have a conflict of interest (aka the Member in question) does not recuse themselves from voting, any other Member may motion for the Member in question to be excused (prohibited) from voting on the particular agenda item in question. If such a motion is seconded and 2/3 of the Members present, not including the Member in question, vote affirmatively to excuse the Member in question from voting, then the Member in question will be recorded as abstaining on the particular agenda item in question.
3. A Member who has expressed their intention to abstain from voting or has been excused from voting by the remainder of the Authority due to a real, potential, or perceived conflict of interest may not participate in the discussion pertaining to the particular agenda item in question.
4. An interest that a Member shares in common with the general public interest does not constitute a conflict of interest.
5. No Member may vote on a matter which they have a proprietary or financial interest in or which they may gain a financial benefit from. (Charter Section 4.6d; see also Charter Section 14.)

PUBLIC PARTICIPATION

1. Members of the public are invited and encouraged to attend all meetings of the DDA.
2. Members of the public shall have the opportunity to address the DDA at every meeting during the designated public comment period(s). Persons addressing the DDA shall state their name, residential address, and affiliation with the City (if applicable). The duration allotted

individual speakers may be limited, with typical limits ranging from three (3) to five (5) minutes.

3. During public hearings, public comment shall be limited to the subject of the public hearing.
4. During special meetings, public comment shall be limited to the subject(s) on the agenda of the special meeting.
5. At times it is desirable to include one or more members of the audience (City staff, commission members, contractors, affected members of the public, etc.) in DDA discussion. The presiding officer may allow a member of the audience to participate in discussion at their discretion. Other members wishing to engage a member of the audience in discussion shall make such a request to the presiding officer.

INTERACTION WITH CITY STAFF

1. In their role as DDA members, Members shall direct all requests regarding City-related activities to the City Manager.
2. The DDA must recognize the supervisory nature of the City Manager's position and respect the authority necessary to perform the functions and duties of that position. The City Manager is accountable only to the City Council as a whole, and not to individual Council members or Members of the DDA. The DDA shall rely on the City Manager to give orders or direction to any of the subordinates of the City Manager.
3. The Authority may appoint a Director who may serve as Secretary, and such other employees or officers shall be necessary. The Authority shall prescribe the duties of all its officers and employees and fix their compensation.

PUBLIC REPORTING REQUIREMENTS

All DDA minutes are approved by the Authority and forwarded for review and acceptance by City Council.

Pursuant to P.A. 57, Section 910, the new act describes the requirement that an authority create a website, or use a municipal website for the posting of the information listed in this section including budgets, audits, adopted plans and other information. The City of Hancock DDA uses the municipal website <https://cityofhancock.com/>.

DUTIES OF THE AUTHORITY

The Downtown Development Authority shall have all the powers and duties as set forth in MCL 125.420 Act 57 of 2018 and all amendments thereto.

1. The board may:
 - a. Prepare an analysis of economic changes taking place in the downtown district.
 - b. Study and analyze the impact of metropolitan growth upon the downtown district.

- c. Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multi-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.
- d. Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- e. Develop long-range plans, in cooperation with the agency chiefly responsible for planning in the municipality, 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.
- f. Implement any plan of development in the downtown district necessary to achieve the purposes of the act, in accordance with the powers of the authority as granted by this act.
- g. Make and enter into contracts necessary or incidental to exercise of its powers and the performance of its duties,
- h. Acquire by purchase or otherwise, on terms and conditions in a manner the authority deems proper or own, convey, or otherwise dispose of, or lease as lessor 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 this act, and to grant or acquire licenses, easements, and options with respect to that property.
- i. 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 appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- j. 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 revenue bonds issued under the authority.
- k. Lease any building or property under its control, or any part thereof.
- l. Accept grants and donations of property, labor, or other things of value from a public or private source.
- m. Acquire and construct public facilities.
- n. Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- o. Contract for broadband service and wireless technology service in the downtown district.
- p. Operate and perform all duties and exercise all responsibilities described in this section in a qualified township if the qualified township has entered into an agreement with the municipality under section 203(7).
- q. Create, operate and fund a loan program to fund improvements for existing buildings located within the downtown district to make them marketable for sale or lease. The board may make loans with interest at a market rate or may make loans with interest at a below market rate, as determined by the board.

r. Create, operate and fund retail business incubators in the downtown district.

2. If it is the express determination of the board to create, operate or fund a retail incubator in the downtown district, the board shall give preference to tenants who will provide goods and services that are not available or that are underserved in the downtown area. If the board creates, operates or funds retail business incubators in the downtown district, the board and each tenant who leases space in a retail business incubator shall enter into a written contract that includes, but is not limited to the following:

- a. The lease or rental rate that may be below the fair market rate as determined by the board.
- b. The requirement that a tenant may lease space in the retail business incubator for a period not to exceed 18 months.
- c. The terms of the joint operating plan with 1 or more other businesses located in the downtown district.
- d. A copy of the business plan of the tenant that contains measurable goals and objectives.
- e. The requirement that the tenant participate in basic management classes, business seminars, or other business education offered by the authority, the local chamber of commerce, local community colleges, or institutions of higher education, as determined by the board.

(MCL 125.1657) History: 2018, Act 57, Eff. Jan. 1, 2019

TRAINING

An annual training of related education of 2.0 Hours is recommended for Redevelopment Ready Community Certification status for all DDA Members. A list of Training Programs is available to all Council and Commission Members. Contact the City Manager to register for a program.

CONTROLLING AUTHORITY

1. The Downtown Development Authority Rules of Procedure shall be followed unless superseded by the City Charter, City Code of Ordinances, State Law, or other recognized authority.

Motion: Member Paul LaBine

Second: Member Robert Frantti

Aye: All

No: None

Motion: Carried

Date: April 4, 2022