

Rules of Procedure
Brownfield Redevelopment Authority
City of Royal Oak, Michigan

The following rules of procedure are adopted by the Brownfield Redevelopment Authority, a Public Authority and Governmental Subdivision formed pursuant to the Michigan Brownfield Redevelopment Financing Act (Public Act 381 of 1996, as amended (hereinafter referred to as "Act 381")), to facilitate the performance of its duties as outlined in Act 381.

Section 1.0 Organization

- 1.1 **Establishment, General Powers, & Scope.** The City of Royal Oak Brownfield Redevelopment Authority (hereinafter referred to as the "Authority") shall be established and provided for by a resolution adopted by the City Commission of the City of Royal Oak on May 15, 2000, and on file with the Michigan Secretary of State. The business affairs of the Authority shall be managed by a Board of Directors of the Authority (hereinafter referred to as the "Board") except as otherwise provided by statute or these rules of procedure. For the purpose of fulfilling the objectives of the Authority and pursuant to Act 381, the Board shall have those powers and duties to the fullest extent as provided and permitted by Act 381.
- 1.2 **Membership & Terms of Office.** The Board shall consist of no less than five (5) and no more than nine (9) persons appointed by the Mayor and subject to the approval of the City Commission as provided by Act 381 and Chapter 12, Appointments to Advisory Boards, Commissions and Committees, of the City of Royal Oak Code of Ordinances, also known as the Appointments Ordinance. Of the initial Directors, an equal number, or as near as practicable, shall serve for one (1) year, two (2) years, and three (3) years. Thereafter, each Director shall serve a term of three (3) years. Subsequent directors shall be appointed in the same manner as original appointments at the expiration of each Director's term of office. A Director whose term of office has expired shall continue to hold office until their successor is appointed.
- 1.3 **Officers.** The officers of the Authority shall consist of a Chairperson and Vice-Chairperson who shall be regular members of the Board, and an Executive Director, that latter to be the city's Planner II position or their designated representative. At the first regular meeting in February of each calendar year, the Authority shall elect the Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office. All officers are eligible for re-election.
- 1.4 **Committees.** There shall be no standing committees. The Authority may, by resolution, establish one or more committees. Each committee shall consist of one or more Directors. The Chairperson shall appoint the members of each committee so established. Each Director appointed to a committee shall serve until removed by action of the Chairperson or the task of the committee has been completed. The Board may, by a two-thirds majority vote of the Directors then in office, veto the appointment of any committee member, or remove any committee member with or without cause.

Section 2.0 Duties of Officers

- 2.1 Duties of Chairperson. The Chairperson shall preside at all Authority meetings, co-sign with the Executive Director all minutes of Authority meetings, appoint committees, and perform such other duties as may be ordered by the Authority or necessary or incidental to their office to secure the successful functioning of the Authority.
- 2.2 Duties of Vice-Chairperson. The Vice-Chairperson shall act in the capacity of Chairperson in their absence and in the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Authority shall select a successor to the office of Vice-Chairperson for the unexpired term.
- 2.3 Executive Director. It shall be the duty of the Executive Director, or their designee to:
 - A. Maintain the files of the Authority.
 - B. Prepare all reports for Authority action.
 - C. Prepare the agenda for all meetings.
 - D. Prepare and submit reports on matters to be submitted for Authority consideration.
 - E. Sign all plans, maps, charts, surveys, studies and all records, documents, agreements and other papers and reports of Authority action consistent with these rules and regulations, subject to the City Charter, City procurement policies, and any City Commission approval otherwise required by law, except as otherwise directed by the Board. The Executive Director shall obtain Board approval for payment on any expense item exceeding \$3,000.00 unless such payment has been previously contractually approved.
 - F. Set for public hearing all requests requiring the same and give notice of such hearings as required by law after Authority approval.
 - G. Carry out all the administrative duties resulting from actions of the Authority pursuant to the provisions of Act 381.
 - H. Prepare, sign, and distribute minutes of Authority meetings.
 - I. Present minutes of the Authority to the Board for approval.
 - J. Distribute agendas to Authority members.
 - K. Give notice to members of Authority of all meetings.
 - L. Present to the Authority all matters which have been prepared in advance.
 - M. Make recommendations to the Board where appropriate.

Section 3.0 Meetings

- 3.1 **Regular Meetings.** The regular meetings of the Authority shall be public, and public notice of such meetings shall be given in accordance with the Michigan Open Meetings Act (Public Act 267 of 1976, as amended). The dates, times, and places of meetings shall be set by the Executive Director upon receipt of an application for brownfield redevelopment financing assistance.
- 3.2 **Special Meetings.** Special meetings may be called at the request of the Chairperson or at the written request of any three (3) Directors provided the request is given to the Executive Director at least forty-eight (48) hours prior to the requested meeting. The Executive Director shall give notice of special meetings to the Directors. Notice of special meetings shall comply with the Michigan Open Meetings Act (Public Act 267 of 1976, as amended).
- 3.3 **Public.** All regular and special meetings, hearings, records, and accounts shall be conducted in accordance with the Michigan Open Meetings Act (Public Act 267 of 1976, as amended).
- 3.4 **Quorum.** A majority of Directors shall constitute a quorum for the transaction of business at any meeting of the Authority. The number of votes necessary to transact business shall be a majority of Directors present at a regular or special meeting, unless otherwise required by Act 381.
- 3.5 **Parliamentary Procedure.** Parliamentary procedure in Authority meetings shall be governed by the following procedures:
 - A. Directors must first obtain the floor through the Chairperson before speaking. A member may raise a hand instead of standing when seeking to obtain the floor and may remain seated while making motions or speaking.
 - B. All actions taken by the Authority shall require a motion including findings of fact, and all motions shall be seconded. A Director who makes a motion cannot speak against the motion but may vote against it. A Director who seconds a motion may speak against it.
 - C. The Chairperson shall have a vote but may not offer any motion and may speak in discussion of a business item without leaving the chair.
 - D. There is no limit to the number of times a Director may speak on a business item. However, no Director shall speak a second time if another Director is requesting recognition to speak for the first time. Remarks are limited to three (3) minutes each time a Director speaks unless otherwise permitted by the Chairperson.
 - E. Friendly amendments to a motion may be offered by any Director once a motion is made and seconded; specific approval of those Directors who made and seconded the original motion is not required. If no Director objects to a friendly amendment, then the motion is amended. If any Director objects, then a motion to amend the original motion must be made and seconded, debated, and voted upon.

- F. A motion may be withdrawn once it is made and seconded. If no Director objects to withdrawing the motion, then the motion is withdrawn. If any Director objects, then a request to withdraw the original motion must be voted upon.
- G. Motions to close or limit debate on a business item shall not be entertained.
- H. Informal discussion of a business item is permitted while no motion is pending.
- I. A motion to reconsider a previous action can only be made at the same meeting the action was taken and must be made by a Director who voted on the prevailing side, although any Director may second the motion to reconsider.
- J. A motion to rescind a previous action may be made by any Director at a subsequent meeting. If written notice is given by a Director to all other Directors and the Executive Director at least forty-eight (48) hours before such meeting, then a motion to rescind may be adopted by a majority of the quorum present at the meeting. If prior written notice was not given of such intent, then a motion to rescind must receive a two-thirds (2/3) vote of the full membership of the Authority.

3.6 Agenda. The Executive Director shall prepare an agenda for each meeting of the Authority stating the topics of the agenda and their order. In general, the following order of business shall be utilized, and no items for discussion or action shall be placed on the agenda less than eighteen (18) hours before the meeting, or at the meeting except by unanimous vote of the Board present at the meeting:

- A. Call to order.
- B. Petitions and requests for brownfield redevelopment financing assistance.
- C. Reports and other communications not requiring action, requests from Board members to present matters for a future meeting agenda, and announcements.
- D. Public comment from citizens seeking information, desiring to express an opinion on a brownfield-related matter not otherwise found on the agenda, or desiring to present matters for a future meeting agenda.
- E. Adjournment.

3.7 Procedure. The procedure of hearing all requests for brownfield redevelopment financing assistance before the Authority shall be as follows:

- A. The Executive Director shall give a report summarizing the request and the action required and/or requested.
- B. The petitioner or its authorized agent and others on its behalf shall give a statement on the request. Such statements are limited to thirty (30) minutes unless otherwise permitted by the Chairperson.

- C. At the discretion of the Chairperson, any interested members of the public may offer statements, comments, or information pertinent to the request. Such statements are limited to three (3) minutes unless otherwise permitted by the Chairperson. Speakers may be asked, but are not required to state their name, address, or any other requested identifying information.
- D. The petitioner shall give a final response, if necessary.
- E. The Authority shall discuss and act on the requests for brownfield redevelopment financing assistance, offering a recommendation to the City Commission on the request while approving its associated reimbursement agreement. The Chairperson shall restate motions including the name of the Director who made a motion and the name of the Director who seconded a motion before a vote is taken. Voting shall be by voice and shall be recorded by yes, no, and abstain. Roll call votes will be recorded only upon request by a Director or the Executive Director.

3.8 Public Comments. Public comments shall be accepted at all meetings of the Authority. Such comments are limited to three (3) minutes unless otherwise permitted by the Chairperson. Speakers may be asked, but are not required to state their name, address, or any other requested identifying information.

Section 4.0 Applications for Brownfield Redevelopment Financing Assistance

- 4.1 Applications & Forms. Petitioners for brownfield redevelopment financing assistance shall use application forms as approved by the Executive Director and provide all information required on the form(s). Applications or items the Executive Director determines to be incomplete shall not be placed on an agenda for consideration of the Authority until the required information has been provided.
- 4.2 Special Land Uses; Zoning Map Amendments. No petition or request for brownfield redevelopment financing assistance shall be placed on an agenda for any activity that requires a special land use permit according to the City of Royal Oak Zoning Ordinance until the Planning Commission has approved said special land use permit. No petition or request for brownfield redevelopment financing assistance shall be placed on agenda for a property that is part of a conditional rezoning or planned unit development application until the City Commission has granted final approval of said conditional rezoning or planned unit development.
- 4.3 Notice of Decision. A written notice containing the decision of the Authority shall be sent to petitioners and originators of a request having been heard by the Authority. Such notice shall also be sent to the City Commission, along with details of the petition and the circumstances involved in arriving at said decision.

Section 5.0 Brownfield Redevelopment Authority Staff

- 5.1 Authorization. Brownfield Redevelopment Authority staff consists of the Director of Economic Development and such other personnel as exist in the Community Development Department, or as may be otherwise authorized by the City Commission.

5.2 General Responsibility. Brownfield Redevelopment Authority staff is charged with the duty of preparation and administration of brownfield redevelopment plans as are appropriate to the City of Royal Oak and its environs and are within the scope of Act 381.

5.3 Administrative Duties. The Director of Economic Development shall supervise and review the work of the professional, technical, and non-technical employees of the Brownfield Redevelopment Authority staff.

5.5 Policy Formulation. The Director of Economic Development shall: be responsible for carrying out the directives of the Authority; advise and assist the Authority in the establishment of general planning policy; and be responsible for formulation of staff policy.

5.6 Public Relations. The Director of Economic Development shall:

- A. Officially present the Authority's recommendations to the City Commission.
- B. Officially represent the Authority and its staff at interdepartmental meetings of the city government and serve generally as a liaison between the Authority and the public.
- C. Encourage private development or investment in accord with brownfield redevelopment plans.
- D. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of brownfield redevelopment plans.
- E. Accept other responsibilities as may be directed by the Authority, City Commission, or City Manager.

Section 6.0 Financial Reports & Audits

6.1 Contract. Unless otherwise resolved by the Authority, all contracts by or on behalf of the Authority shall be signed by the Chairperson and Executive Director.

6.2 Financial Obligations or Bonds. No financial obligations or bonds purporting to bind the Authority shall be valid unless signed by the Chairperson and Executive Director after Board resolution authorizing same.

6.3 Funds and Monies. All funds and monies of the Authority shall be deposited and invested pursuant to the City Commission's approved investment policy and as permitted by law.

6.4 Fiscal Year. The fiscal year of the Authority shall follow the fiscal year established by the City of Royal Oak.

6.5 Annual Financial Report. The Executive Director shall submit annually to the Mayor and City Commission, as soon after the close of the fiscal year as is practicable, a report on the financial status and activities of the Authority. The report shall include:

- A. The amount and source of revenue in the account.
- B. The amount and purpose of expenditures from the account.

- C. The amount of principal and interest on any outstanding bonded indebtedness.
- D. The initial assessed value of the project area.
- E. The captured assessed value retained by the Authority.
- F. Any additional information the City Commission considers necessary.

6.6 Annual Budget. The Executive Director shall prepare and submit a budget for approval by the City Commission. The budget shall be for the operation of the Authority for the ensuing fiscal year and shall be prepared in the same manner and contain the same information as required of other city departments. Following the approval of the budget by the City Commission, the budget shall be implemented by the Executive Director.

6.7 Audit. An independent audit of the Authority's financial records shall be conducted at the same time and in the same manner as that conducted for the city. The audit may be conducted separately or in combination with the city audit. If conducted in combination with the city, the City Commission may assess a reasonable pro-rata share against the funds of the Authority to cover the costs of handling and auditing. Accordingly, the Authority shall budget each year an amount necessary to cover such costs of the audit.

6.8 Insurance. The Board and its Directors shall be covered by the City of Royal Oak insurance coverage. The city may assess a reasonable pro-rata share against the funds of the Authority to cover the cost of said insurance coverage.

Section 7.0 Amendments and Records

7.1 These rules, or any part thereof, may be amended or suspended at any regular or special meeting by a two-thirds (2/3) vote of the full membership of the Authority.

7.2 The record of applications to the Authority shall be kept in the office of the Executive Director, in such a manner as to be accessible to the public during the normal business day.