

ALGER COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

Policies and Procedures

Adopted November 12, 2014

REVISED JANUARY 20, 2016

The Alger County Brownfield Redevelopment Authority (ACBRA) was created by the Alger County Board of Commissioners and is managed by the Board of Directors of the ACBRA, except as otherwise provided by statute or the ACBRA Bylaws. An Organizational Chart outlining the structure of the ACBRA is included as Attachment 1.

The Michigan Brownfield Redevelopment Financing Act (Public Act 381 of 1996, as amended) (PA 381) authorizes counties to create brownfield redevelopment authorities. An authority is a corporate public body that possesses all the powers necessary to carry out the purpose of its incorporation. An authority established by a county shall exercise its powers with respect to eligible property within a municipality within the county only if that municipality has concurred with the provisions of a Brownfield Plan that apply to a specific eligible property within the municipality.

The ACBRA, through a variety of mechanisms and authorizations, can provide significant incentives to facilitate the redevelopment of Brownfield sites throughout the county. Primary incentives include tax increment financing (TIF) under a Brownfield Plan and the management of brownfield grants and loans.

Primary Functions of the Brownfield Redevelopment Authority:

- Facilitate the redevelopment of environmentally contaminated, blighted, functionally obsolete and/or underutilized properties, historical resources, and transit-oriented developments located within the county.
- Oversee the process of reviewing, approving and managing Brownfield Plans and Act 381 Work Plans for site redevelopment through the use of tax increment financing and grants and loans and in association with the Michigan Department of Environmental Quality (MDEQ) and the Michigan Economic Development Corporation (MEDC).
- Work to clean up sites with contaminated soil and groundwater.
- Redevelop contaminated sites to reduce development pressure on green spaces.
- Redevelop properties to increase value and thereby increase the tax base.
- Facilitate creation of new jobs and employment opportunities in community.

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Bylaws

Under PA 381, the ACBRA has adopted Bylaws for the regulation of its affairs and the conduct of its business. The Bylaws generally provide for meetings, elections of a board of directors and officers, filling vacancies, notices, types and duties of officers, committees and other routine conduct. Bylaws must be formally adopted and/or amended. The approved Bylaws are included as Attachment 2.

ACBRA Meetings

ACBRA meetings will be held at 3:00 a.m. (EST) on the second Wednesday of the month or as needed. All ACBRA meetings shall be open to the public as required by the Open Meetings Act, Public Act 267 of 1976, as amended (PA 267). The appropriate notice of each meeting shall be provided to the public. A copy of the proposed minutes of each ACBRA meeting shall be prepared in accordance with PA 267.

Brownfield Plan Application Process

Primary incentives available through the ACBRA include tax increment financing (TIF) under a Brownfield Plan. The Brownfield Plan has three main functions: it establishes the boundary of an eligible property, describes how the eligible property qualifies as a Brownfield, and outlines the costs associated with Brownfield eligible activities.

Interested parties are to complete a Brownfield Plan Application and submit the application to the ACBRA. Once an application is received, the ACBRA Chairperson, or designated board member, will review the application for completeness. This project review may include a scoping meeting and site visit. The review process is intended to ensure that sufficient information and timely feedback are provided. Once a project has been reviewed and the application is determined to be administratively complete, the proposed application will be added to the agenda of the next ACBRA board meeting.

The ACBRA will consider an application and recommend either approval or denial, or it may table its decision pending additional information from the applicant. If the ACBRA approves a Brownfield application, the applicant will be directed to continue the process by completing and submitting, as applicable, a Brownfield Plan, Act 381 Work Plan, or Combined Brownfield Plan. The Brownfield application form is included as Attachment 3.

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Brownfield Plan Review Process

Once a Brownfield Plan or Combined Brownfield Plan is received, the ACBRA Chairperson, or designated board member, will review the plan for completeness. Once a Brownfield Plan or Combined Brownfield Plan has been reviewed and determined to be administratively complete, consideration of the Brownfield Plan will be added to the agenda of the next ACBRA board meeting. The Brownfield Plan approval process is to be conducted in accordance with PA 381.

ACBRA Approval

The ACBRA Board will consider the Brownfield Plan and approve, deny, or table its decision pending additional information from the applicant. Should the Board approve a Brownfield Plan or Combined Brownfield Plan, the Brownfield Plan or Combined Brownfield Plan will be forwarded to: (1) the city, village, or township government where the eligible property is located, and (2) to the Alger County Board of Commissioners (ACBOC).

Resolution of Concurrence from Local Governmental Unit

The city, village, or township in which the eligible property is located will consider the Brownfield Plan and consider a resolution to concur with the provisions of Brownfield Plan. The governing body for the municipality will approve, deny or table its decision pending additional information from the applicant.

Public Notices

Alger County must hold a public hearing prior to the approval or amendment of a Brownfield Plan or Combined Brownfield Plan. Public notice must be given prior to the public hearing on the Plan. Not less than 10 days before the public hearing, Alger County must provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under PA 381. If the Plan includes the capture and use of school taxes, 10 day notice shall also be provided to the Michigan Department of Environmental Quality (DEQ) and/or the Michigan Strategic Fund (MSF), as applicable.

The notices for the public hearing must contain the following:

- The time, date, and place of the public hearing;
- A description of the property included in the Brownfield Plan or Combined Brownfield Plan in relation to existing or proposed highways, streets, streams, or otherwise;

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- A statement that maps, plats, and a description of the Brownfield Plan or Combined Brownfield Plan are available for public inspection at a place designated in the notice and that all aspects of the Brownfield Plan are open for discussion at the public hearing.

Alger County - Public Hearing and Approval of the Brownfield Plan

The ACBOC must hold the public hearing on the date stated in the notice (in accordance with the Open Meetings Act and any local requirements), and note all comments including all data presented at the hearing.

The ACBOC must determine whether or not the Brownfield Plan constitutes a public purpose. If the Brownfield Plan is determined to constitute a public purpose, Alger County may approve the Brownfield Plan by resolution.

The Brownfield Plan approval process presented herein is in accordance with PA 381. Specific requirements are presented in the PA 381 and the "Act 381 Guidance for Brownfield Plans, Work Plans and Combined Plans", dated October, 2013.

Note: If the ACBRA desires to use school taxes for eligible Brownfield activities, an "Act 381 Work Plan" or "Combined Brownfield Plan" must be submitted and approved by the DEQ and/or MSF, as applicable.

Brownfield Plan Fee Process

All ACBRA Brownfield applicants will be assessed an application fee¹ of \$500.00 which may be waived at the discretion of the ACBRA. The fee will be payable upon submittal of the Brownfield Project Application. The application fee will be non-refundable regardless if the application/request is approved or denied by the ACBRA.

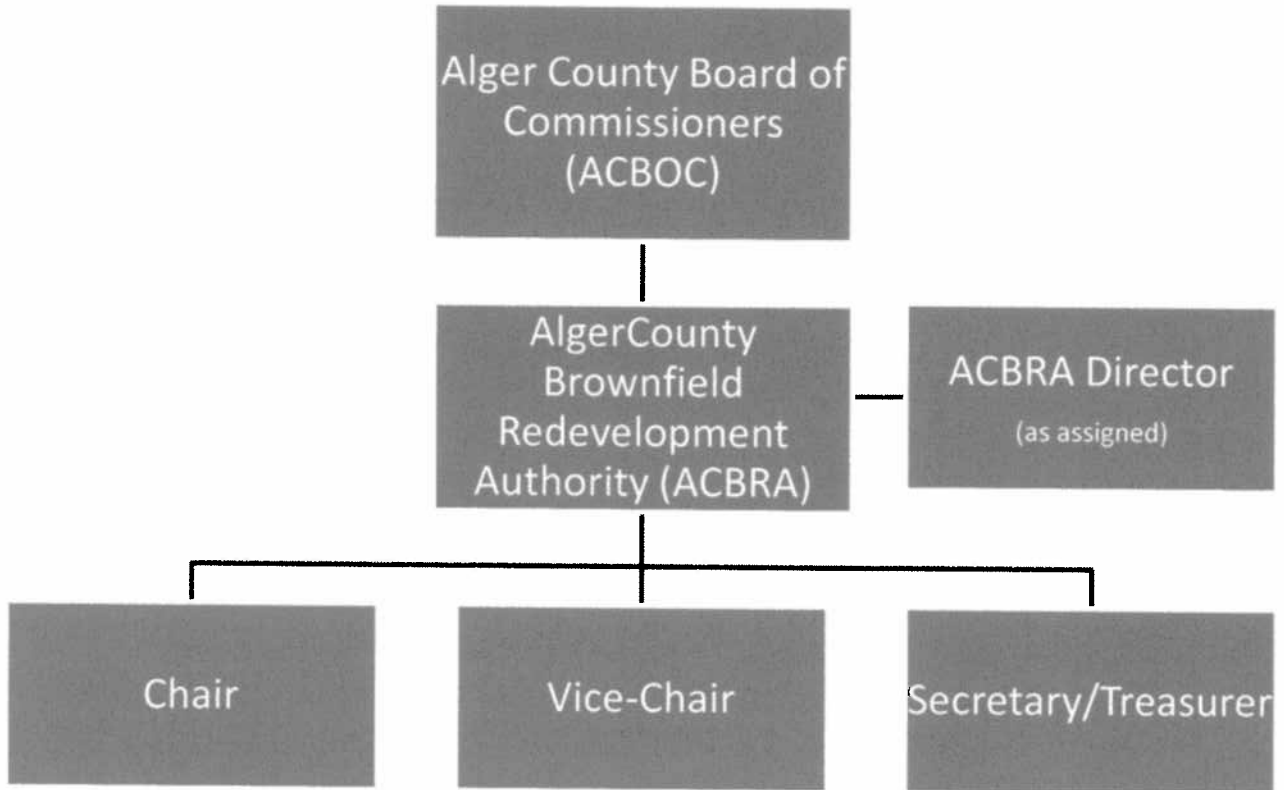
Should the county approve a Brownfield Plan or Combined Brownfield Plan, the applicant or "beneficiary" of the Brownfield Plan or Combined Brownfield Plan will be assessed a processing fee¹ of one percent (1%) of the total amount of projected applicant reimbursement approved in the plan. However, the processing fee will be a minimum of \$2,000 and a maximum of \$20,000. This fee will be payable prior to the execution of the Development Agreement.

Any fees required by other agencies, are in addition to the fees cited above and must be paid by the applicant.

¹ Does not include administrative fees. The ACBRA may use tax increment revenues derived from local taxes for the administrative and operating expenses of the authority.

Attachment 1

ACBRA Organizational Chart



Attachment 1

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Brownfield Authority Director

According to PA 381, an authority board may employ and fix the compensation of a director, subject to the approval of the governing body creating the authority. Should the ACBRA decide to employ a director, the director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of the office, the director shall take and subscribe to the oath of office provided in section 1 of article XI of the state constitution of 1963.

The director shall be the chief officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by Act 381. The director shall attend the meetings of the board and shall render, to the board and to the governing body, a regular report covering the activities and financial condition of the authority. The director shall furnish the board with information or reports governing the operation of the authority, as the board requires.

If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the oath of office referenced above.

DIRECTOR'S RESPONSIBILITIES:

1. The ACBRA Director and ACBRA chairperson are responsible for assuring that expenditures do not exceed approved budget(s).
2. The ACBRA Director is authorized to approve and issue payment for expenditures not to exceed \$2,000.
3. The Director shall be responsible for preparation and submittal of a monthly Claims & Accounts Report to the ACBRA for the regular monthly board meeting, and a quarterly Revenue and expenditure Report. The reports shall be in a format as prescribed by the ACBRA.
4. All invoices, travel vouchers and payment requests must be submitted to the Director and listed under Claims and Accounts for consideration and approval, at the next regular meeting of the ACBRA.