

**Resolution (R2014.63) 425 Establishing a Local Development Finance Authority, Designating the Boundaries of the Authority District, Approving Appointments to Authority Board and Approving the Authority District Rules of Procedures in Accordance with the Provisions of Public Act 281 of 1986, as Amended**

WHEREAS, the City of Holland and Holland Charter Township have been working together to establish a Local Development Finance Authority for a SmartZone Satellite;

This Resolution was made and adopted at a meeting of the Council of the City of Holland (the "City"), Ottawa County, Michigan held at City Hall, 270 S River Avenue, Holland, Michigan, on the 1st day of October, 2014 at 7:00 p.m.

Present: Mayor Dykstra, Council Members: De Boer, Trethewey, Peters, Burch, Vande Vusse, Whiteman, Hoekstra and, Klomparens

Absent: None

The following resolution was offered by Council Member Burch and supported by Council Member Trethewey.

**RESOLUTION**

**WHEREAS**, the Council of the City of Holland ("City"), by Resolution adopted on September 3, 2014 (the "Resolution of Intent"), determined it is in the best interest of the public to prevent conditions of unemployment and to promote economic growth within the boundaries of the City of Holland and local development financing authority district(s) as may be designated by the City, and declared its intention to create and provide for the operation of a SmartZone Local Development Finance Authority for the City of Holland and Holland Charter Township (the "Authority") pursuant to and in accordance with the provisions of the Local Development Financing Act, being Act No. 281 of the Public Acts of 1986, as amended, being Sections 125.2151 to 125.2174 of the Michigan Compiled Laws (the "Act").

**WHEREAS**, on October 1, 2014, pursuant to and in accordance with the Act and the Resolution of Intent, the City held a public hearing, notice of which was given as required by Section 4(2) of the Act, on the adoption of a resolution creating the Authority and designating the boundaries of the Authority district within which the Authority will exercise its powers (the "Authority District").

**WHEREAS**, all citizens, taxpayers and property owners of the City of Holland and officials of the affected taxing jurisdictions had the right and were given the opportunity to be heard at the public hearing on the establishment of the Authority and the designation of the boundaries of the Authority District.

**WHEREAS**, the City desires to proceed with the establishment of the Authority and the designation of the boundaries of the Authority District within which the Authority shall exercise its powers, and to obtain a designation of the authority district as a certified technology park

("SmartZone") by the Michigan Economic Development Corporation (the "MEDC") all pursuant to and in accordance with the Act.

WHEREAS, The City has further determined to approve the first City appointed members to the local development finance authority board in accordance with the Act.

WHEREAS, The City has further determined to approve the Rules and Procedures of the Board of the local development finance authority in accordance with the Act.

**RESOLVED:**

1. Authority Created. Pursuant to the authority vested in the City by the Act, the Authority is hereby established and shall be known as the "Holland SmartZone Local Development Finance Authority". The Authority shall be a public body corporate which may sue and be sued and shall possess all the powers necessary to carry out the purposes of its creation. The enumeration of a power in this resolution or in the Act shall not be construed as a limitation upon the general powers of the Authority.

2. Authority District. The district in which the Authority shall exercise its powers as provided by the City Council of the Act shall consist of property located within the City and Holland Charter Township included within the boundaries identified in the attached Exhibit A (the "District").

3. Direction. The City staff is hereby directed to take such steps as are necessary in accordance with the Act to obtain the designation of the District as a SmartZone by the MEDC.

4. Supervision of the Authority. The Authority shall be under the supervision and control of a board (the "Board") comprised of four (4) members appointed by the City of Holland, three (3) members appointed by the Board of Trustees of the Charter Township of Holland, one (1) member appointed by the Board of Commissioners of the County of Ottawa, two (2) members appointed by the Superintendent of Holland Public Schools, two (2) members appointed by the Superintendent of West Ottawa Schools. Except for the initial appointments (which shall be in accordance with this resolution), appointments to the Board shall be for a term of four years as provided in the Act. Each member of the Board shall serve without compensation and shall hold office until a successor is appointed.

5. Board Appointments: The initial City appointments to the Board shall consist of one (1) member appointed for a term of one (1) year, one (1) member appointed for a term of two (2) years, one (1) member appointed for a term of three (3) years, and one (1) member appointed for a term of four (4) years.

Of the members first appointed by the Charter Township of Holland, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of four (4) years.

Of the members first appointed by the Superintendent of Holland Public Schools, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years.

Of the members first appointed by the Superintendent of the West Ottawa Schools, one (1) member shall be appointed with a term of one (1) year, and one (1) member shall be appointed with a term of four (4) years.

Of the member first appointed by the County of Ottawa, one (1) member shall be appointed for a term of three (3) years.

6. Rules and Procedures. The City approves the Rules and Procedures of the Board as identified in Exhibit B. The Board shall, pursuant to the provisions of the Act, select a director, elect officers, and retain counsel.

7. Term Expiration. The initial one-year term Board appointments shall end on December 31, 2015; the initial two-year term Board appointments shall end on December 31, 2016; the initial three-year term Board appointments shall end on December 31, 2017; and the initial four-year term Board appointments shall end on December 31, 2018.

8. City Appointments. The following initial City Appointments to the Board by the Mayor are approved:

- Four-year term – Craig Hall
- Three-year term – Council Member Brian Burch
- Two-year term – Mat Nguyen
- One-year term – Mayor Kurt Dykstra

9. Severability. Should any section, clause, or phrase of the Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

10. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are repealed.

11. Filing with Michigan Secretary of State and Other Legal Requirements. The City Clerk is directed to file a true and complete copy of this Resolution with the Secretary of State of the State of Michigan promptly after adoption and to take all other actions incident upon such adoption pursuant to the City Charter and other provisions of law.

AYES: Council Members: De Boer, Trethewey, Peters, Burch, Vande Vusse, Whiteman, Hoekstra, Klomprens and, Mayor Dykstra

NAYES: None

ABSTAINED: None

**RESOLUTION DECLARED ADOPTED.**



**Exhibit A - Boundaries**