

# **GOGEBIC COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**

## ***Policies and Procedures***

Adopted January 14, 2014

The Gogebic County Brownfield Redevelopment Authority (GCBRA) was created by the Gogebic County Board of Commissioners and is managed by the Board of Directors of the GCBRA, except as otherwise provided by statute or the GCBRA Bylaws. An Organization Chart outlining the structure of the GCBRA 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 as 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 city or township within the county only if that city or township has concurred with the provisions of a Brownfield Plan that apply to a specific eligible property within the city or township.

The GCBRA, 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) planning 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 located within the county.
- Oversee the process of reviewing, approving and management of Brownfield Plans and work plans for site redevelopment through the use of tax increment financing, tax credits, 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 the green spaces. Redeveloped properties increase in value and thereby increase the tax base.
- Facilitate creation of new jobs and employment opportunities in community.

## **GOGEBIC COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**

### **Bylaws**

Under PA 381, the GCBRA has adopted Bylaws to provide a framework for its operation and management. 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 are, in effect a contract among members, and must be formally adopted and/or amended. The approved Bylaws are included as Attachment 2.

### **GCBRA Meetings**

GCBRA meetings will be held at 9:30 a.m. (CST) on the second Tuesday of January, April, July, and October (quarterly) or as needed. All GCBRA meetings shall be open to the public as required by the Open Meetings Act, 1976 PA 267, as amended (PA 267). The appropriate notice of each meeting shall be provided to the public. A copy of the proposed minutes of each GCBRA meeting shall be prepared in accordance with PA 267.

### **Brownfield Plan Application Process**

Primary incentives available through the GCBRA include tax increment financing (TIF) planning under a Brownfield Plan. The Brownfield Plan has three main functions, it establishes the boundary of the eligible property, describes how the eligible property qualifies as a Brownfield, and outlines the costs associated with the activities that must be undertaken to alleviate the Brownfield condition and prepare the site for redevelopment.

Interested parties are to complete a Brownfield Application and submit the application to the GCBRA. Once an application is received, the GCBRA Chairperson, or designated board member, will review the application for completeness. This Project review may include a scoping meeting and site visit. This review process is intended to ensure that sufficient information and timely feedback are provided. Once the 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 GCBRA board meeting.

The GCBRA will consider the application and recommend either approval, denial or table their decision pending additional information from the applicant. If the GCBRA approves the Brownfield application the applicant will be directed to continue on with the process by completing and submitting a Brownfield Plan, PA 381 Work Plan or Combined Plan, as necessary, for the use of Local and State tax increment revenues. The Brownfield application form is included as Attachment 3.

## **GOGEBIC COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**

### **Brownfield Plan Review Process**

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

### ***GCBRA Approval***

The GCBRA board will consider the Brownfield Plan and approve, deny or table their decision pending additional information from the applicant. Should the board approve the Brownfield Plan; the Brownfield Plan will be forwarded to: 1) the city or township board where the eligible property is located and 2) to the Gogebic County Board of Commissioners (GCBOC).

### ***Resolution of Concurrence from Local Governmental Unit***

The city or township for which the eligible property is located will consider the Brownfield Plan and consider a resolution to concur with the provisions of Brownfield Plan. The executive body for the local unit will approve, deny or table their decision pending additional information from the applicant.

### ***Public Notices***

Gogebic County must hold a public hearing prior to the approval or amending of a Brownfield Plan. Public notice must be given at least 10 days prior to the public hearing on the Plan. 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) depending on the types of eligible activities to be reimbursed with school taxes.

Gogebic County shall also provide notice to all affected taxing jurisdictions from which tax increment revenues will be captured in the Brownfield Plan.

The notices for the public hearing must state the time, date and place of the public hearing, and a statement that the property description, maps, description of the plan, and other appropriate information is available for public review at a specified location. The notices must also state that all aspects of the plan are open for discussion at the public hearing.

## **GOGEBIC COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**

### ***Gogebic County - Public Hearing and Approval of the Brownfield Plan***

The GCBOC 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 GCBOC must determine whether or not the Brownfield Plan constitutes a public purpose. If the Brownfield Plan is determined to constitute a public purpose, Gogebic County may approve the Brownfield Plan by resolution. The resolution must include a series of factual findings and legal conclusions related to financing and other issues.

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

Note: If the GCBRA 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 MSF, as applicable.

### **Brownfield Plan Fee Process**

All GCBRA Brownfield applicants will be assessed an application fee<sup>1</sup> of \$500. 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 GCBRA.

Should the county approve a Brownfield Plan, the applicant or "beneficiary" of the Brownfield Plan will be assessed an additional application fee<sup>1</sup> of one percent (1%) of the total amount of eligible activity costs approved in the Brownfield Plan. However, the fee will be a minimum of \$2,000 and will be capped at \$20,000. This fee will be payable prior to the execution of the Development Agreement.

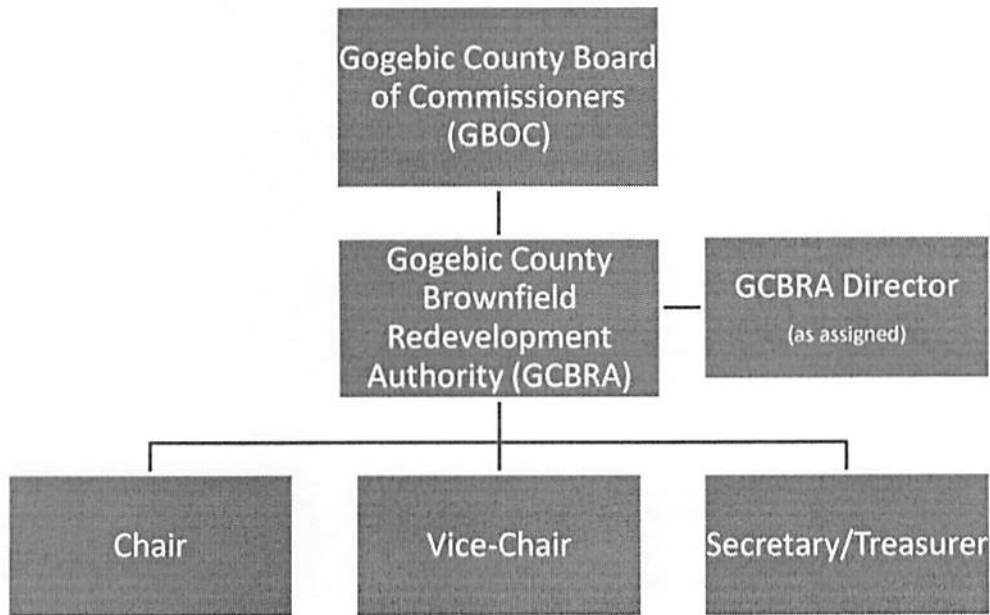
Any fees required by other agencies, are in addition to the fees cited above and must be paid by the applicant.

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<sup>1</sup> Does not include administrative fees. The GCBRA may use tax increment revenues derived from locals taxes for the administrative and operating expenses of the authority.

**Attachment 1**

**GCBRA Organizational Chart**



## ***Attachment 1***

### ***GCBRA Organizational Chart***

#### ***Brownfield Authority Director***

According to PA 381, the authority board may employ and fix the compensation of a director of the authority, subject to the approval of the governing body creating the authority. 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 GCBRA Director and SCBRA chairperson are responsible for assuring that expenditures do not exceed approved budget(s).
2. The GCBRA 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 GCBRA for the regular monthly board meeting, and a quarterly Revenue and expenditure Report. The reports shall be in a format as prescribed by the GCBRA.
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 GCBRA.