

# WHITE LAKE TOWNSHIP

## *COMMUNITY DEVELOPMENT DEPARTMENT*

**DATE:** May 5, 2023

**TO:** Rik Kowall, Supervisor  
Township Board of Trustees

**FROM:** Sean O'Neil, Community Development Director



**SUBJECT:** Amendment to Corridor Improvement Authority Bylaws

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On May 4, 2023 the Corridor Improvement Authority (CIA) met and reviewed their Bylaws. After some discussion, the CIA recommended approval of their Bylaws to the Township Board, with minor modifications. Those modifications have been incorporated, and the document has been placed on your May 16<sup>th</sup> agenda for consideration.

For your reference, both “clean” and “redlined” versions of the CIA Bylaws are attached. I have also attached the draft minutes from the May 4<sup>th</sup> CIA meeting. I look forward to discussing this matter with you further on May 16<sup>th</sup>. If you have any questions, or require additional information, please do not hesitate to contact me.

Thank you.

CHARTER TOWNSHIP OF WHITE LAKE  
CORRIDOR IMPROVEMENT AUTHORITY  
BYLAWS AND RULES OF PROCEDURE

Article 1: Purpose

**Section 1.0 - Purpose**

The Corridor Improvement Authority (“Authority”) is organized pursuant to the Charter Township of White Lake Code of Ordinances, Chapter 12, Article II (“Ordinance”) and Public Act 57 of 2018 of the State of Michigan, as amended (“Act”). The Authority shall be known as and may be referred to as the “Charter Township of White Lake Corridor Improvement Authority” or the “Authority.” The Authority shall seek to fulfill the purposes and exercise the powers as conferred upon it by the Act and in the Ordinance. These Bylaws are adopted for the purpose of establishing the membership and organization of the Authority Board, rules and procedures for the conduct of Authority Board meetings, and a means where-by the duties conferred upon the Authority Board may be effectively exercised.

**Section 1.1 – Open Meetings Act and Freedom of Information Act**

The Authority is required to comply, in all respects, with the Michigan Open Meetings Act, Public Act 267 of 1976, as amended, and the Freedom of Information Act, Public Act 442 of 1976, as amended.

Article 2: Board of Directors

**Section 2.0 – Authority Board:**

The Authority shall be under the supervision and control of a Board consisting of the number of members set forth in the Ordinance. Membership shall meet or exceed the minimum requirements of the Act and Ordinance.

**Section 2.1 – Terms, Vacancies and Appointments**

Of the members first appointed, an equal number of members, as near as is practicable, shall be appointed for one year, two years, three years, and four years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for

a term of four years. An appointment to fill a vacancy shall be made by the Township Supervisor for the unexpired term only.

### **Section 2.2 – Compensation**

Members of the Board shall serve without compensation, but with prior approval of the Township Board, shall be reimbursed for actual and necessary expenses.

### **Section 2.3 - Removal**

After having been given notice and an opportunity to be heard, a member of the Board may be removed for cause by the Township Board.

## **Article 3: Meetings**

### **Section 3.0 – Meetings and Notices.**

Meetings of the Board shall be held in accordance with the Michigan Open Meetings Act. The Board, within ten (10) days after its first meeting of each calendar year, shall establish and post a public notice stating the dates, times, and places of its regular meetings for the ensuing year, and shall post a notice of any changes in its schedule of regular meetings. Special meetings shall be held whenever called by the Chairperson; by majority vote of the Township Board; or, upon the call of any two members of the Board; after three business days advance written notice of the time, place, and purpose of the meeting is given to the Board Members. Notice of time, place and subject matter of all meetings shall be given by telephone, electronic means, personal delivery, or mailing the same to each member. Notice of each meeting shall also be provided to the public in accordance with the Open Meetings Act.

### **Section 3.1 – Place of Meeting**

Subject to the requirements of the Open Meetings Act, meetings of the Board shall be held at White Lake Township Hall or Annex, provided that the Board may meet in any place reasonably accessible to the public within the Township ~~but outside of the Corridor Improvement District.~~

### **Section 3.2 – Agendas and Minutes**

The ~~Board~~ Community Development Department, ~~together with the appropriate Township staff person~~, shall prepare all agendas, which shall be sent to each member of the Board at least 24 hours prior to the meeting. The taking of minutes and their transcription shall follow the custom and practice followed by the Township Clerk for committees and commissions of the Township. Minutes of the meetings shall be prepared and kept in accordance with the Open Meetings Act.

### **Section 3.2 – Order of Business**

The order of business at Authority Board Meetings shall be as follows:

- a. Call to Order
- ~~a.b.~~ Roll Call
- c. Pledge of Allegiance
- ~~b.d.~~ Approval of Agenda
- ~~e.e.~~ Approval of Minutes
- ~~d.f. Unfinished Business~~ Call to the Public
- ~~e.g.~~ New Business
- ~~f.h. Public Comment~~ Next Meeting Date:
- ~~g.i.~~ Adjournment

### **Section 3.3 – Robert’s Rules of Order**

Meetings of the Board shall be conducted using the most recent edition of Robert’s Rules of Order as a guideline in all cases to which they are applicable, provided they are not in conflict with the Act, the Ordinance, these Bylaws, or the laws of the State of Michigan. The Chairperson, subject to these rules, shall decide all points of order or procedure.

## **Article 4: Voting**

### **4.0 – Votes**

Each member of the Board shall be entitled to one vote.

### **4.1 – Eligibility to Vote**

No member shall be entitled to vote at any meeting of the Board until the appointment of such member has been approved by the Township Board and such member has taken the oath of office.

### **4.2 – Quorum**

The presence of three (3) or more members of the Board shall constitute a quorum for the transaction of business.

### **4.3 – Voting**

Votes may be cast by a voice vote, except where a roll call is requested by a member or required by law or other procedures established under these Bylaws. If there is a question as to the number of yea or nay votes, a roll call shall be conducted.

### **4.4 – Transaction of Business**



Unless otherwise required by law, the Ordinance or other procedures established under these Bylaws, a vote of the majority is required for the transaction of all business and decisions of the Board.

#### **4.5 - Majority**

Unless otherwise required by law, the Ordinance or other procedures established under these Bylaws, a “majority” shall be construed to mean more than fifty percent (50%) of the votes cast by members present in person at the time of the vote.

#### **4.6 – Conflict of Interest**

A conflict of interest arises when a member or the member’s relative has a direct financial interest, positive or detrimental, in the outcome of a decision or action that the member may take as a public official; or when a member is a part of an entity which is involved in a business transaction with the Board; or the member is engaged in or employed by or provides services to an entity whose mission is incompatible or in conflict with the discharge of the member’s official duties or impairs the member’s independence of judgment. A member is disqualified from voting on a matter where they have a conflict of interest as defined in this section or by a majority vote of the remaining members of the Board. Before discussing or voting on the matter, the member shall disclose the conflict of interest. Failure of a member to disclose a known conflict of interest constitutes malfeasance in office.

### **Article 5: Powers of the Board of Directors**

#### **Section 5.0 - Powers**

The Board may exercise all other powers provided by the Act and the Ordinance.

#### **Section 5.1 - Personnel**

Recognizing that the business of the Authority and the business of the Township are closely related, to the greatest extent possible and practical, the Board shall use Township personnel and consultants for Authority affairs. By way of example, but not limitation, the areas for these services include: Assessing, Auditing, Clerk’s Office, Engineering, Financial Management, Legal, Community Development Department, Public Works, Supervisor’s Office, and Treasurer’s Office.

#### **Section 5.2 – Costs and Expenses of Administration**

All costs and expenses of administration of the Authority shall be borne by the Authority.

#### **Section 5.3 – Costs and Expenses of Personnel**

The cost and expense for using the Township's personnel and consultants for Authority affairs shall be borne by the Authority. The Township is expected to submit itemized invoices to the Authority for the cost of such services rendered which shall be made a part of the Authority's budget. Subject to the prior approval of the Township Board as separate budgeted line items, the Board shall have the power to engage and employ other technical, financial, and professional assistance and consultants as may be necessary or incidental to carry out ~~on~~ its business. The Board shall have the power to include as budgeted line items, reimbursement to the Township of the start-up costs of the Authority that are invoiced to it.

## Article 6: Officers

### **Section 6.0 – Officers**

The Board shall elect a Chairperson and Vice Chairperson, both of whom shall be members of the Board. The Board may elect a Secretary and or a Treasurer. The officers shall be elected annually by a vote of the majority of the Board at its first meeting of each calendar year, or until his or her successor is elected and qualified, or until death, resignation or removal, provided that the first officers shall be elected at the meeting at which these Bylaws are adopted. The term of each officer shall be one (1) year with eligibility for reelection.

### **Section 6.1 - Chairperson**

The Chairperson shall preside at meetings of the Board and shall do and perform such other duties as may be authorized by the Board. The Chairperson shall have a vote on all matters before the Board.

### **Section 6.2 – Vice Chairperson**

The Vice Chairperson shall perform such duties as are delegated to him or her by the Board and shall, in the absence or in the event of the disability of the Chairperson, perform the duties and exercise the powers of the Chairperson. The Vice Chairperson shall perform such other duties as the Board shall prescribe.

### **Section 6.3 – Secretary**

The Secretary shall be the recording officer of the Board, and shall attend all meetings of the Board, record all votes and the minutes of all proceedings in a book to be kept for that purpose and in accordance with the OMA ~~and shall perform like duties for the standing committees when required~~. The Secretary shall maintain custody of any official seal, records, books and other papers of the Authority not required to be maintained by the Treasurer, if one is elected. The Secretary



shall be permitted to delegate all or any part of their duties as Secretary to the Township Clerk's Office. In the event a Secretary is not elected, the Community Development Department shall assume the duties and responsibilities of the Secretary as described herein.

#### **Section 6.4 – Treasurer**

~~Once elected,~~ The Treasurer shall keep the financial records of the Authority and, together with the Chairperson, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall coordinate the financial activities through the Township Treasurer and Township Clerk, as appropriate. All checks shall be signed by the Treasurer and countersigned by the Township Clerk. The Treasurer ~~shall perform such other duties as may be delegated by the Board and, along with Chairperson,~~ may be required to furnish a bond in accordance with the Ordinance and the Act an amount as recommended by the Authority attorney in order to sign checks. In the event a Treasurer is not elected, the Township Treasurer shall assume the duties and responsibilities of the Treasurer as described herein.

#### **Section 6.5 - Removal**

An officer may be removed by an affirmative vote of a majority of the members, with or without cause, whenever in the judgment of the Board the best interests of the Authority would be served. The officer's successor may be elected at any regular or special meeting of the Board. No such removal action may be taken, however, unless the matter shall have been included in the notice of such meeting. The officer who is proposed to be removed shall be given an opportunity to be heard at the meeting. If an officer is removed, he or she shall remain a member of the Board, subject to removal from the Board in the manner provided by the Act.

#### **Section 6.6 – Resignation**

An officer may resign their office at any time by submitting a written resignation to the Chairperson.

#### **Section 6.7 - Vacancy**

A vacancy in any office because of death, resignation, removal or otherwise, may be filled by the Board at any meeting for the unexpired portion of the term of the office.

#### **Section 6.8 – Term**

No term of office created under this Article shall extend beyond that Board member's term of appointment by the Township Board, provided that a renewal or extension of a term of office shall not limit that member's time as an officer.

## **Article 7: Fiscal Year, Budget, Financial Reports**

### **Section 7.0 – Fiscal Year**

The fiscal year of the Authority shall be the same as the fiscal year of Charter Township of White Lake.

### **Section 7.1 – Financing Sources**

The Authority shall be financed by the capture of tax increment funds as set forth in the Act and such other sources as are permitted under the Act, subject to any limitations set forth in the Ordinance.

### **Section 7.2 – Budget**

The Board shall annually prepare a budget and shall submit it to the Township Board of Trustees on the same date that the recommended budget for the Township is required by the Township Charter to be submitted by the Township Supervisor to the Township Board. The Board shall not finally adopt a budget for any fiscal year until it has been approved by the Township Board. After adoption of an annual budget, any proposed amendment to the Authority's annual budget, shall be subject to the same procedures followed for its adoption.

### **Section 7.3 – Financial Reports and Audits**

The Board shall submit financial reports to the Township Board at the same time and on the same basis as departments of the Township are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the Township, and copies of the audit report shall be filed with the Township Board.

### **Section 7.4 – Reporting**

Pursuant to the Act, the Board shall submit an annual report to the Township Board and State Tax Commission on the status of any tax increment financing account. The Authority shall report to the Township Board on any other matter to the extent the Township Board may require from time to time. The Authority shall also report to any other state and county agencies as required by law or agreement entered into with any such state or county agency.

## **Article 8: Miscellaneous**

### **Section 8.0**

These Bylaws must be adopted and can be amended after adoption, by the affirmative vote of 66 2/3% majority vote of the members of the Board, subject to the approval of the Township Board.

### **Section 8.1**



The adoption or amendment of these Bylaws shall have immediate effect upon approval of the Township Board.

**Section 8.2**

If any part of these Bylaws is found to be invalid or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

The above Bylaws were adopted by the White Lake Township Corridor Improvement Authority Board at their meeting on \_\_\_\_\_, 2023

\_\_\_\_\_  
~~Secretary-Chairperson~~ Date

The above Bylaws were adopted by the White Lake Township Board of Trustees at their meeting on \_\_\_\_\_, 2023

\_\_\_\_\_  
Township Clerk Date

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**Article 7: Fiscal Year, Budget, Financial Reports**

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These Bylaws must be adopted and can be amended after adoption, by the affirmative vote of 66 2/3% majority vote of the members of the Board, subject to the approval of the Township Board.

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The adoption or amendment of these Bylaws shall have immediate effect upon approval of the Township Board.

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If any part of these Bylaws is found to be invalid or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

The above Bylaws were adopted by the White Lake Township Corridor Improvement Authority Board at their meeting on \_\_\_\_\_, 2023

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

The above Bylaws were adopted by the White Lake Township Board of Trustees at their meeting on \_\_\_\_\_, 2023

\_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Date

**WHITE LAKE TOWNSHIP  
CORRIDOR IMPROVEMENT AUTHORITY BOARD  
MAY 4, 2023**

**CALL TO ORDER**

Chairperson Wakalet called the meeting to order at 5:01 P.M. He then led the Pledge of Allegiance. Roll was called:

**ROLL CALL**

Present:

Rick Wakalet, Chairperson  
Debbie Lennis, Vice Chairperson  
Jim Christopher  
Anthony Madaffer

Absent:

Supervisor Kowall

Others:

Sean O'Neil, Community Development Director  
Dave Hieber, WLT Assessor  
Dick Carlisle, Wortman & Associates  
Matteo Passalacqua, Wortman & Associates  
Hannah Micallef, Recording Secretary

**APPROVAL OF AGENDA**

**MOTION by Member Christopher, seconded by Member Madaffer to approve the agenda as presented. The motion CARRIED with a voice vote. All in favor.**

**APPROVAL OF MINUTES**

A. March 2, 2023

**MOTION by Member Christopher, seconded by Member Madaffer to approve the minutes as presented. The motion CARRIED with a voice vote. All in favor.**

**CALL TO THE PUBLIC**

No members of the public present.

**CONTINUING BUSINESS**

A. Consideration of By-Laws

Mr. Carlisle and the CIA discussed the budget portion of the by-laws.

**MOTION by Member Christopher, seconded by Member Lennis, to approve the by-laws as amended. The motion CARRIED with a roll call vote:  
(Christopher/yes, Lennis/yes, Wakalet/yes, Madaffer/yes).**

B. CIA Plan Programs and Projects

Assessor Hieber said the CIA would be capturing the value increase on the tax capture through the CIA district. He presented projection data showing future growth within the district. Different authorities within the Township such as Police, Fire, the Library and Oakland County Parks & Rec would have their TIF revenues captured. It would be several years before the revenues captured were compounded to a significant amount. The projections presented were the best guess of what revenue could potentially be captured, but there were variables that could alter potential revenue growth.

Chairperson Wakalet asked Mr. Carlisle how other funding sources could be obtained. Mr. Carlisle said transit and non-motorized-transportation would be one of the “sweet spots” and larger sources in terms of grant funding. Recreation was also a good source of grant funded money. He also added that he and the Township would be instrumental in obtaining grant funding. Additionally, there could be other projects from the CIA that could be matched from the Township, depending on what the specific project was.

Chairperson Wakalet asked Mr. Carlisle which projects would be initial priorities to fund. Mr. Carlisle said he chose the smaller projects first, since the projects following the initial ones would be based on a consistent, common theme. He believed that the CIA needed to create a distinction within the corridor. Identification of the CIA brand was important. He added that revenue would not be able to be borrowed from until there was a favorable rating on from the bond council. Funds for the smaller projects would be available first.

Member Christopher asked if the dollar amounts presented for future years were realistic. Assessor Hieber said he was confident in the first couple year’s projections.

Director O’Neil said the Citizen Advisory Council was being formed and there were 8 qualified participants. The roster would be presented to the Township Board this month for official appointment. The CAC would attend one, if not two meetings, to discuss the plan and give the CIA feedback on the plan. Mr. Carlisle added that the CAC responsibilities were limited to just an advisory role to the CIA. The CAC would provide input to the CIA before the plan was recommended by the CIA to the Township Board.

Director O’Neil stated that the plan was a starting point to begin the CIA plan process. The details were important, but at this point, they weren’t necessarily important to focus on. The next steps were reviewing the working document from Mr. Carlisle. Mr. Carlisle said he would provide the CIA an outline of the plan requirements and what needed to be included. The plan document needed to move forward, but there was time to review and analyze its contents. It was also suggested for a timeline to be provided to the CIA. Mr. Carlisle said he would update the timeline as well.

The next meeting would be held on June 1, 2023.

**ADJOURNMENT**

**MOTION by Member Christopher, seconded by Member Lennis, to adjourn at 6:42 p.m. The motion carried. All in favor.**