

Scan: Mark Nettleton, Mika Meyers
 Battle Creek Unlimited
 BCTIFA
 Original: City Clerk



Resolution NO. 145

A Resolution to approve amendment to the Tax Increment Financing Plan and Development Plan for the City of Battle Creek Tax Increment Finance Authority.

BATTLE CREEK, MICHIGAN - 6/20/2017

Resolved by the Commission of the City of Battle Creek:

That, the Battle Creek Tax Increment Finance Authority (the "Authority") and the City of Battle Creek (the "City") pursuant to the provisions of Public Act 450 of the Public Acts of Michigan of 1980, as amended ("Act 450"), desire to amend the Authority's Tax Increment Financing Plan and Development Plan (the "Plan") as set forth in a proposed amendment to the Plan; and

that, the Authority prepared and recommended the amendment to the Plan to the City Commission for approval; and

the proposed amendment to the Plan, in the form on file with the City Clerk, if approved by the City, would authorize the pass-through of certain tax increment revenues derived by the Authority from the levy of City operating millage on the captured assessed value of properties located within the Authority's district (the "District") in a specified minimum annual amount and subject to certain terms and conditions (the "Amendment"); and

pursuant to the requirements of Act 450, the City Commission held a public hearing on the Amendment on June 6, 2017, at 7:00 p.m. or shortly thereafter, at the Battle Creek City Hall located at 10 N. Division Street in the City; and

notice of said public hearing was given twice by publication in the *Battle Creek Shopper News* on May 11, 2017 and May 18, 2017, in accordance with the requirements of Section 17 of Act 450; and

prior to said public hearing, the City provided a reasonable opportunity to all taxing jurisdictions that levy taxes in the District to express their views and recommendations regarding the Amendment; and

by letter dated May 8, 2017, which was mailed via certified mail on or before May 16, 2017 in accordance with Act 450, the Authority informed each such taxing jurisdiction about the fiscal and economic implication of the Amendment; and

at said public hearing, the City Commission provided the fullest opportunity for interested persons to be heard, the expression of opinion, argument on the merits, and introduction of documentary evidence pertinent to the Amendment and, in addition, the City Commission received and considered all communications submitted in writing with reference to the matter; and

a record of the public hearing, including all data presented at that time, has been made.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:


1. The Amendment constitutes a public purpose.
2. With respect to the Plan, as amended by the Amendment (collectively, the "Plan"), the City Commission hereby makes the following findings in accordance with Section 18(1) of Act 450:
 - (a) The Development Plan portion of the Plan meets the requirements set forth in Section 16(2) of Act 450;
 - (b) The Tax Increment Financing Plan portion of the Plan meets the requirements set forth in Sections 13(1) of Act 450;
 - (c) The proposed method of financing the public facilities as set forth in the Plan is feasible and the Authority has the ability to arrange the financing;
 - (d) The development set forth in the Plan is reasonable and necessary to carry out the purpose of Act 450;
 - (e) The amount of captured assessed value estimated to result from the adoption of the Plan is reasonable;
 - (f) Any land to be acquired under the Plan is reasonably necessary to carry out the purposes of the Plan and the purposes of Act 450;
 - (g) The Development Plan portion of the Plan is in reasonable accord with the approved Master Plan of the City;
 - (h) All public services, such as fire and police protection and utilities are, or will be, adequate to service the Authority District and the property located therein; and
 - (i) The required changes in zoning, streets, street levels, intersections and utilities as described in the Plan are reasonably necessary for the project and the City.
3. Based upon the findings set forth in paragraph 2 above, the Amendment in the form on file with the City Clerk is hereby approved.
4. The Authority is hereby authorized and directed to implement the Amendment.
5. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members: Commissioners Baldwin, Behnke, Faris, Flores, Gray, Helmboldt, Owens, Sherzer and Walters

NAYS: Members: None

ABSTAIN: Members: None

RESOLUTION DECLARED ADOPTED.


 Victoria Houser, Clerk
 City of Battle Creek


STATE OF MICHIGAN)
) ss.
COUNTY OF CALHOUN)

I, the undersigned, the duly qualified and acting Clerk of the City of Battle Creek, Calhoun County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City at a regular meeting on June 6, 2017, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1980, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the 20th day of June, 2017.


Victoria Houser, Clerk
City of Battle Creek

I, Victoria Houser, City Clerk of the City of Battle Creek, hereby certify the above and foregoing is a true and correct copy of a Resolution adopted by the Battle Creek City Commission at a Regular meeting held on June 20, 2017.


Victoria Houser

Battle Creek City Commission
6/20/2017
Action Summary

Staff Member: Rebecca L. Fleury, City Manager

Department: City Manager

SUMMARY

A Resolution to approve amendment to the Tax Increment Financing Plan and Development Plan for the City of Battle Creek Tax Increment Finance Authority.

BUDGETARY CONSIDERATIONS

This amendment will provide a 35% pass-through amount of the City's operating millage collected in the BCTIFA District. This amount is estimated to be \$320,000 annually to be used to support economic development activities city-wide.

HISTORY, BACKGROUND and DISCUSSION

The City, BCU and the BCTIFA have been working together to find a way to support city-wide economic development services. This amendment allows a portion of BCTIFA capture dollars to be used outside of the boundaries of the BCTIFA District to further economic development services.

The requirements for completing this amendment to the BCTIFA plan were followed and are listed below:

1. The notice of public hearing must be sent by certified mail to the affected taxing jurisdictions;
2. Act 450 requires the City to provide a "reasonable opportunity to the taxing jurisdictions in which the development is located to express their views and recommendations regarding the tax increment financing plan."
3. The notice must be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the Amendment is approved not less than 20 days before the hearing i.e., on or before May 16.
4. A copy of the Amendment to the TIFA Plan was provided.
5. The Clerk should complete an affidavit of mailing for each letter/notice provided to a taxing jurisdiction.

POSITIONS

ATTACHMENTS:

File Name	Description
■ Resolution No. 103_050217.pdf	Resolution No. 103 Setting a PH
■ BCTIFA Notice.pdf	BCTIFA Notice
■ 2017 Amendment to TIFA Plan 2017_04_27 (01996231-5x9ED46).pdf	2017 Amendment Tifa Plan
■ City Commission Resolution to Approve Amendment to Plan 2017_04_27 (02150931x9ED46).pdf	Resolution to Approve Amendment

**2017 AMENDMENT TO THE TAX INCREMENT FINANCING
AND DEVELOPMENT PLAN
OF THE
BATTLE CREEK TAX INCREMENT FINANCE AUTHORITY**

(Approved by the Battle Creek Tax Increment Finance Authority on 3/21, 2017, Approved by
the Battle Creek City Commission on 6/20, 2017 by Resolution No. 148)

Section 1. Introduction. The Tax Increment Financing Plan (the “TIF Plan”) and Development Plan (the “Development Plan”) of the Battle Creek Tax Increment Finance Authority (the “Authority”) (collectively the TIF Plan and the Development Plan are referred to as the “Plan”) are hereby amended as set forth herein. This Amendment has been prepared, submitted, reviewed and approved in accordance with the requirements of, and in furtherance of the purposes set forth in, the Tax Increment Finance Authority Act, PA 450 of 1980, as amended (the “Act”).

Section 2. Amendment of Section VII.D. of TIF Plan. Section VII.D. of the TIF Plan included in Part Two of the Plan is hereby amended in its entirety to read as follows:

D. Annual Surplus of Tax Increment Revenue.

The following tax increment revenue shall pass through or revert to the taxing jurisdictions:

1. All revenues derived from voted millages which are passed after July 1, 1985 and which are not replacement of prior millages;
2. All revenues derived from voted millages for debt service;
3. 25% of revenues derived from Calhoun County operating millage;
4. 25% of revenues derived from Calhoun Intermediate School District allocated (non-special voted) millage in place prior to July 1, 1985;
5. 100% of the tax increment revenues of the Authority to Kellogg Community College during the time period KCC has responsibility for the operation and maintenance of the Regional Manufacturing Technology Center (RMTC) under the terms of a management and transfer agreement between the City of Battle Creek, Kellogg Community College, and the Authority. During any time the RMTC is not managed by KCC, tax increment revenues may be used to pay operating deficits of the RMTC, should they exist;

6. 35% of the tax increment revenues of the Authority derived from the City operating millage shall pass-through to and be used by the City for economic development purposes within the City and, pursuant to the discretion of the City, within the Authority's District. The amounts payable to the City in accordance with this subsection VII.D.6 shall be not less than \$320,000.00 per annum and shall be in addition to amounts payable to the City for street lighting with the Ft. Custer Industrial Park, for G.I.S. services and amounts payable by the Authority to the City for the operation, maintenance and improvement of the Battle Creek Airport; provided, however, that the implementation of the pass-through percentage or its minimum amount as set forth in this subsection VII.D.6. would be suspended for any period of time when its implementation would violate any provisions of outstanding bond covenants; and
7. Any tax increment revenue of the Authority which, at the end of any fiscal year, exceeds the sum necessary for the Authority to meet the commitments and payments as set forth above.

Section 3. Effect of Amendment. The original Plan, as amended, remains in full force and effect, except as otherwise expressly modified by this Amendment. The Amendment does not modify the boundaries of the Authority's district as defined in the Plan. All attachments are incorporated by reference.