

**LIVINGSTON COUNTY**  
**DOWNTOWN DEVELOPMENT AUTHORITIES (DDA) &**  
**LOCAL DEVELOPMENT FINANCE AUTHORITIES**  
**(LDFA) PARTICIPATION POLICY**

RESOLUTION #304-090

LIVINGSTON COUNTY, MICHIGAN

APPROVED: 3.15.04

**WHEREAS,** state law now gives counties the option of deciding whether or not to allow the capture of county property tax revenues within new or expanded development districts under the local Development Finance Authority act (LDFA) and the Downtown Development Authority act (DDA); and

**WHEREAS,** the Livingston County Board of Commissioners has considered the advantages and disadvantages of allowing such captures in the future.

**THEREFORE BE IT RESOLVED** that the Livingston County Board of Commissioners adopts the following policy with respect to the capture of county property tax revenues within new or expanded development districts under the Local Development Finance Authority (LDFA) and the Downtown Development Authority Act (DDA):

1. The County will not permit the capture of county property tax revenues in any new or amended development districts unless the Livingston County Board of Commissioners has approved a tax sharing agreement with the affected Downtown Development Authority and/or Local Development Finance Authority and the affected municipality. In any event the Board will not permit the capture of tax revenues due to public safety programs including the Livingston County Emergency Medical Department.
2. The County will only consider the approval of a tax sharing agreement for projects which meet the following conditions:
  - a) The agreement must be only for specifically defined infrastructure projects which are directly related to economic growth within the district.
  - b) Specifically defined infrastructure projects must be for specific items of work which is limited to a specific maximum dollar amount, to be completed within a specified time period.
  - c) The affected jurisdiction must allow the capture of its property tax revenues for the period of time for which County property revenues are captured.
  - d) Any captured county property tax revenues collected in excess of the amounts required for the projects defined within the agreement must be returned to the County on an annual basis, or at the discretion of the County, revenue generated faster than anticipated due to growth within the district which exceeds initial projections, may be used to defease or call any bonds or other debt obligations related to the projects approved in the tax sharing agreement in proportion with other funds generated from other taxing jurisdictions.

- e) The tax sharing agreement shall provide that it will terminate at the later of 10 years from its date or at the final maturity of any bonds, notes or other obligations payable from tax increment revenues subject to the agreement.
  - f) The agreement shall specify the maximum amount of captured county property tax revenues which may be collected.
3. The County Planning Department is designated as the county department responsible for evaluating requests for the capture of county property tax revenues as to conformance with its policy, and shall recommend approval or disapproval of any such proposed agreement to the Board of Commissioners through the Finance Committee and Economic Development Committee.
  4. A copy of any approved agreement shall be given to the County Treasurer, who shall take the necessary steps to assure that any captured property tax revenues collected in excess of the amounts permitted by the agreement are returned to the County on an annual basis.
  5. The Board of Commissioners may also consider other relevant issues, including the possible environmental impact of the projects envisioned with such proposed tax sharing agreements.

**BE IT FURTHER RESOLVED** that upon receipt of a request for the capture of county property tax revenues, a resolution responding to the request as provided by this policy shall be placed on the appropriate committee agendas for consideration for final action by the Board of Commissioners within the 60 day statutory deadlines.

**BE IT FURTHER RESOLVED** that a copy of any request for the capture of county property tax revenues shall be forwarded to the County Administrator.

**BE IT FURTHER RESOLVED** that an initial rejection by the Board of Commissioners of such a request may be rescinded if and when a tax sharing agreement is reached which meets the conditions of this policy.

<b>RESOLUTION #304-090</b>	<b>APPROVED: MARCH 15, 2004</b>
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**RESOLUTION ATTACHED HERETO**

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**RESOLUTION**

**Substitute  
NO: 304-090**

**LIVINGSTON COUNTY**

**DATE: March 15, 2004**

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**RESOLUTION TO ESTABLISH POLICY GOVERNING THE PARTICIPATION IN DOWNTOWN DEVELOPMENT AUTHORITY (DDA) AND LOCAL DEVELOPMENT FINANCE AUTHORITIES (LDFA) - BOARD OF COMMISSIONERS**

WHEREAS, state law now gives counties the option of deciding whether or not to allow the capture of county property tax revenues within new or expanded development districts under the local Development Finance Authority act (LDFA) and the Downtown Development Authority act (DDA); and

WHEREAS, the Livingston County Board of Commissioners has considered the advantages and disadvantages of allowing such captures in the future.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners adopts the following policy with respect to the capture of county property tax revenues within new or expanded development districts under the Local Development Finance Authority (LDFA) and the Downtown Development Authority Act (DDA):

- 1) The County will not permit the capture of county property tax revenues in any new or amended development districts unless the Livingston County Board of Commissioners has approved a tax sharing agreement with the affected Downtown Development Authority and/or Local Development Finance Authority and the affected municipality. In any event the Board will not permit the capture of tax revenues due to public safety programs including the Livingston County Emergency Medical Department.
- 2) The County will only consider the approval of a tax sharing agreement for projects which meet the following conditions:
  - a) The agreement must be only for specifically defined infrastructure projects which are directly related to economic growth within the district.
  - b) Specifically defined infrastructure projects must be for specific items of work which is limited to a specific maximum dollar amount, to be completed within a specified time period.
  - c) The affected jurisdiction must allow the capture of its property tax revenues for the period of time for which County property revenues are captured.
  - d) Any captured county property tax revenues collected in excess of the amounts required for the projects defined within the agreement must be returned to the County on an annual basis, or at the discretion of the County, revenue generated faster than anticipated due to growth within the district which exceeds initial projections, may be used to defease or call any bonds or other debt obligations related to the projects approved in the tax sharing agreement in proportion with other funds generated from other taxing jurisdictions.

- e) The tax sharing agreement shall provide that it will terminate at the later of 10 years from its date or at the final maturity of any bonds, notes or other obligations payable from tax increment revenues subject to the agreement.
  - f) The agreement shall specify the maximum amount of captured county property tax revenues which may be collected.
- 3) The County Planning Department is designated as the county department responsible for evaluating requests for the capture of county property tax revenues as to conformance with its policy, and shall recommend approval or disapproval of any such proposed agreement to the Board of Commissioners through the Finance Committee and Economic Development Committee.
  - 4) A copy of any approved agreement shall be given to the County Treasurer, who shall take the necessary steps to assure that any captured property tax revenues collected in excess of the amounts permitted by the agreement are returned to the County on an annual basis.
  - 5) The Board of Commissioners may also consider other relevant issues, including the possible environmental impact of the projects envisioned with such proposed tax sharing agreements.

BE IT FURTHER RESOLVED that upon receipt of a request for the capture of county property tax revenues, a resolution responding to the request as provided by this policy shall be placed on the appropriate committee agendas for consideration for final action by the Board of Commissioners within the 60 day statutory deadlines.

BE IT FURTHER RESOLVED that a copy of any request for the capture of county property tax revenues shall be forwarded to the County Administrator.

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**MOVED:** Commissioner Rogers  
**SECONDED:** Commissioner Belser  
**CARRIED:** 7-0-2 absent  
**Roll call vote:** Ayes: Belser, Palazzolo, Parker, Reader, Rogers, Dolan, La Belle  
 Nays: None  
 Absent: Chrysler, Andersen