

## **RESOLUTION NO. 2004-12**

### **ENABLING RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY UNDER MINNESOTA STATUTES, SECTIONS 469.090 TO 469.1081**

**WHEREAS,** Minnesota Statutes, Sections 469.090 to 469.1081 (the “EDA Act”), authorizes cities to establish Economic Development Authorities (“EDA”) with specified powers and obligations to promote and to provide incentives for economic development; and

**WHEREAS,** the City Council of the City of Newport, Minnesota (the “Council”) has determined that it is in the best interest of the City of Newport, Minnesota (the “City”) to establish an EDA in order to preserve and create jobs, enhance its tax base, implement certain housing initiatives, to promote the general welfare of the people of the City and to assume primary responsibility for development and redevelopment activities within the City; and

**WHEREAS,** the Council has provided public notice and conducted a public hearing on February 19, 2004, concerning the establishment of an EDA and has fulfilled all other legal requirements for the establishment of an EDA.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Newport as follows:

1. The Newport Economic Development Authority (the “NEDA”) is hereby established pursuant to Section 469.091, subdivision 1 of the EDA Act.
2. The NEDA shall have all of the powers, rights, duties, and obligations confirmed upon economic development authorities by Section 469.090 to 469.108, including, but not limited to, the powers of a city granted by the Municipal Development District Act, Minnesota Statutes,

Sections 469.124 to 469.134 and of a housing and redevelopment authority granted by the Housing and Redevelopment Authorities Act, Minnesota Statutes, Section 469.001 to 469.047.

3. It is the intention of the Council, by adoption of this enabling resolution, to grant to the NEDA the powers set forth in paragraph 2, while at the same time leaving unaffected by this action all powers of the City. Specifically, the City shall retain all powers necessary to carry out all development activities not hereby transferred to the NEDA.

4. To the extent, funds and accounts currently existing in the name of the City and budgeted for the economic development are hereby designated in the name of the NEDA and transferred to the ownership and control of the NEDA to be used in accordance with and in furtherance of this resolution and the EDA Act.

5. The NEDA shall be governed by a board of commissioners (“Commissioners”) consisting of the 5 members of the Council. The terms of the Commissioners shall coincide with their terms of office as members of the Council in that such term shall expire with the expiration of the Council term being served at the time of their appointment.

6. Each Commissioner of the NEDA shall be paid in such amounts as are determined by the Council. Reimbursement of expenses and cost of travel for each Commissioner shall be paid in such amounts and at such rates as are established Council Members. All money paid for such compensation or reimbursement shall be paid out of the NEDA’s budget.

7. The first meeting of the Commissioners shall take place on or before March 18, 2004, at the City Council Chambers. At such first meeting, the Commissioners shall elect a vice-president, treasurer, secretary, and assistant treasurer in accordance with Section 469.096, Subd. 2 of the EDA Act. The Mayor of the City shall be the ex-officio President of the NEDA. Such officers shall have the duties and powers set forth in Section 469.096 and such other powers and duties as determined by

the Commissioners. In addition, the Commissioners shall adopt bylaws and rules of procedure for the NEDA at the first meeting.

8. The Economic Development Director for the City shall be the ex-officio Executive Director of the NEDA and, in such capacity, shall act at the direction of the Commissioners. The City may provide such City staff to the NEDA as the NEDA may require; provided that the City may require reasonable reimbursement by the NEDA for costs associated with the provision of such staff; and provided further that nothing in this paragraph shall preclude the NEDA from hiring such personnel as the NEDA may from time to time determine.

9. The NEDA may contract for the services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers. The NEDA shall retain the services of the City's legal counsel for its legal needs.

10. The NEDA's fiscal year shall be the same as that of the City. In accordance with Section 469.100, subdivision 2 of the EDA Act, the NEDA shall annually submit its budget to the Council for approval. Within thirty (30) days of the Commissioners' first meeting pursuant to paragraph 7 above, the Commissioners shall submit for Council approval of a temporary budget covering the period from the date of such submittal until the end of the current fiscal year. For each subsequent fiscal year, the NEDA shall submit a proposed budget for approval of the Council on or before August 1st of the preceding fiscal year. Upon submittal to the Council of its proposed annual budget, the NEDA shall also provide its report to the Council as required by Section 469.100, subdivision 4 of the EDA Act.

11. The financial statements of the NEDA shall be prepared, audited, filed, and published or posted as required by Section 469.100, subdivision 5 of the EDA Act.

12. Each year, within sixty (60) days of the anniversary date of the first adoption of this enabling resolution, the NEDA shall submit to the Council its report regarding modification of this enabling resolution as provided in Section 469.092, subdivision 3 of the EDA Act.

13. Nothing shall prevent the City from modifying this enabling resolution to impose limits on the powers of the NEDA or provide for other matters as authorized in the EDA Act or other law.

Adopted by the City Council of the City of Newport on this 19<sup>th</sup> day of February 2004.

VOTE:       Chapdelaine \_\_\_\_\_  
              White           \_\_\_\_\_

              Geraghty        \_\_\_\_\_

              Wilcziek           \_\_\_\_\_

              Schottmuller    \_\_\_\_\_

SIGNED: \_\_\_\_\_

Kevin Chapdelaine, Mayor

ATTEST: \_\_\_\_\_

Larry Bodahl, City Administrator