

Harbor Governance

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Revitalization Goals



- Initiate revitalization of the harbor and adjacent waterfront through *community collaboration*.
- Develop and implement *long-term, sustainable strategies* that maximize the benefits of the harbor and waterfront.

Legal Frameworks for Collaboration

Urban Cooperation Act, PA 7 of 1967

- Allows the communities to jointly administer individually held powers (or portions of those powers)
- Allows the communities to develop a process for appointing members and creating bylaws
- Contract can be amended to add or remove powers, allowing for flexibility over time

Joint Municipal Planning Act, PA 226 of 2003

- Allows communities to form joint planning agencies
- Powers cannot be expanded outside of planning and zoning review/approval
- If communities want to expand and create a more formalized authority, they will have to dissolve the joint planning commission and use the Urban Cooperation Act

Co-Governance Models

Joint Planning Advisory Board

- Advisory body bound by existing planning and zoning
- No mechanisms for financing projects
- Least power/authority; completely advisory

Legal Framework:

Joint Municipal Planning Act, PA 226 of 2003

Joint Planning Commission

- Commission with the power to enforce planning and zoning decisions
- No mechanisms for financing projects
- More power/authority, but limited to planning and zoning

Legal Framework:

Joint Municipal Planning Act, PA 226 of 2003

Harbor Authority/Agency

- Authority with the power to adopt/approve development plans, own property, and enter into contractual agreements
- Finance projects with grants, bonds, and assessments, if granted authority
- Amount of power/authority is broad and flexible; can have advisory components

Legal Framework:

Urban Cooperation Act, PA 7 of 1967

Joint Planning Advisory Board

Pros

- Minimal delegation of authority
- Creates a space for coordination and communication

Legal Framework:

Joint Municipal Planning Act, PA 226 of 2003

Cons

- Cannot sponsor public or private development projects or own property
- Cannot enter into contracts with public and private entities for the improvement of the waterways (such as commercial/recreational dredging)
- Cannot fund public improvements, accept grants, issue bonds/notes or create assessments
- May lack tools needed to address pressing governance issues such as dredging
- Represents little to no change from the status quo

Joint Planning Commission

Pros

- Limited, defined scope and powers
- Enhances cooperation amongst local governments
- Promotes uniform land use decisions within harbor region
- Can create sub-plans and adopt zoning designations within jurisdictional boundary

Legal Framework:

Joint Municipal Planning Act,
PA 226 of 2003

Cons

- Cannot sponsor public or private development projects
- Cannot own property
- Cannot enter into contracts with public and private entities for the improvement of the waterways (such as commercial/recreational dredging)
- Cannot fund public improvements
- Cannot accept grants, issue bonds/notes or create assessments

Harbor Agency/Authority

Pros

- Communities can determine which powers (of portions of powers) they chose to administer jointly
- Sharing of powers can be limited to specific activities (planning, dredging etc.) or specific projects (water taxi, marina development, etc.)
- Can accept grants, finance public improvements, sponsor private/public developments
- “Scalable” based on communities desired level of delegation (can be expanded or reduced as needed)

Cons

- Represents an actual delegation/sharing of individual municipal power
- Requires carefully drafted contracts between communities
- Requires vigilant oversight on the part of elected and appointed leadership

Legal Framework:

Urban Cooperation Act, PA
7 of 1967

Working Group Call to Action

- **Study and Investigate the potential harbor governance options**
- **Develop a proposal for a harbor governing body to present to elected bodies including:**
 - Draft Mission, Vision, Tasks, and Timeline
 - Recommend membership and Rules of Order
 - Establish jurisdictional boundary
 - Present to commission/board for resolution
- **Elected bodies act upon the proposal at a formal commission or board meeting.**

Formation of a Working Group

- The Working Group could consist of 13 people - four from each jurisdiction and an independent chair, as follows:
 - Chief Elected Official
 - Highest Level Staff Member
 - Member At Large (Planning Commission, DDA, Harbor Master, etc.)
 - Alternate
 - Independent Chair and Administrator

Steps for Moving Forward

- Step 1 – Agree to the formation of the Working Group, its charge, its structure and community representation
- Step 2 - Pass resolution approving formation of the working group to investigate the formation of a harbor governing body
- Step 3 – Appoint members to the Working group
- Step 4 – Working group conducts further investigation of potential governance options for a governing body
- Step 5 – Working group comes to consensus on governance option and develops proposal to present to elected bodies
- Step 6 – Elected bodies vote on the proposal

Questions & Follow Up

For more information on the governance process, please contact your local liaison:

Benton Harbor – City Manager Ellis Mitchell

St. Joseph – Mayor Mike Garey

St. Joseph Charter Township – Twp Manager Denise Cook