

ORDINANCE NO. 2015-15

An Ordinance Creating a Community Development Authority

The Common Council of the City of Cedarburg do ordain as follows:

SECTION 1. Title 16 of the Municipal Code of the City of Cedarburg is hereby created as follows:

TITLE 16

COMMUNITY DEVELOPMENT AUTHORITY

- Chapter 1 Findings; declaration of necessity.
- Chapter 2 Creation; status as a public body
- Chapter 3 Composition; powers; compensation
- Chapter 4 Appointment; vacancies
- Chapter 5 Meetings; quorum; bylaws.
- Chapter 6 Selection of Officers
- Chapter 7 Powers and duties of the CDA
- Chapter 8 Construction

CHAPTER 1

Findings; Declaration of necessity

SEC. 16-1-1 FINDINGS; DECLARATION OF NECESSITY

The City finds and declares that there exists within the City the need for blight elimination, clearance of undesirable conditions, urban renewal and community development programs and/or projects and housing projects (qualified redevelopment projects).

CHAPTER 2

Creation

SEC.16-2-1 CREATION

Pursuant to Wis. Stats. § 66.1335, there is hereby created a housing and community development authority which shall be known as the Community Development Authority of the City. The Community Development Authority (the "CDA") is deemed to be a public body and a body corporate and politic exercising necessary public powers, and having all the powers, duties and functions conferred on housing authorities, redevelopment authorities and housing and community development authorities by applicable law. The CDA is created for the purpose of

carrying out all such blight elimination, clearance of undesirable conditions, urban renewal programs and projects and housing projects within the City.

CHAPTER 3

Composition; powers; compensation

SEC. 16-3-1 COMPOSITION; POWERS; COMPENSATION

The CDA shall consist of seven residents of the City as commissioners having sufficient ability and experience in the field of urban renewal community development and housing and who shall serve as the governing body ("commissioners") of the CDA. The powers of the CDA shall be vested in and exercised by the commissioners in office from time to time. The commissioners shall receive no compensation for their services.

CHAPTER 4

Appointment; vacancies

SEC. 16-4-1 APPOINTMENT; VACANCIES

The commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:

- (A) Two of the commissioners shall be members of the Common Council and shall serve during their term of office. The Mayor may serve as one of the Council appointees to the CDA, and shall serve during the Mayor's term of office.
- (B) The first appointments of the five commissioners who are not members of the Common Council shall be made for the following terms:
 - i. Two for terms of one year ending on the first Monday in September of 2016 and one each for terms of two, three and four years ending on the first Monday in September of 2017, 2018 and 2019, respectively. Thereafter, all commissioners who are not members of the Common Council should be appointed for terms of four years.
 - ii. A commissioner who is not a member of the Common Council shall hold office until his or her successor has been appointed and qualified unless such commissioner's term is vacated earlier because of his or her change of residence, removal, resignation, incapacity or death.
- (C) After the appointments of the original seven commissioners have been made and confirmed, vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of commissioners shall be made in the same manner in which the original appointments were made.

CHAPTER 5

Meetings; quorum and bylaws

SEC. 16-5-1 MEETINGS; QUORUM AND BYLAWS

Meetings of the CDA shall be held in compliance with the provisions of the Open Meetings Law, Wis. Stats. §§ 19.81—19.98. Four commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of the majority of commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of the quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt, and from time to time amend or repeal, such bylaws and other rules and regulations not inconsistent with applicable law, as it deems necessary in the performance of its functions, subject to the approval of the Common Council.

CHAPTER 6

Selection of Officers

SEC. 16-6-1 SELECTION OF OFFICERS

The CDA shall annually elect a chairperson and vice chairperson from among the commissioners. Vacancies occurring in the office of chairperson or vice chairperson shall be filled from among the commissioners for the unexpired portion of the term.

CHAPTER 7

Powers and duties of the CDA

SEC. 16-7-1 POWERS AND DUTIES OF THE CDA

- (A) The CDA shall have all the powers, duties and functions of a housing authority as set forth in Wis. Stats. §§ 66.1201—66.1213 inclusive and as amended, and all housing projects initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to such sections.
- (B) The CDA shall have all the powers, duties and functions of the redevelopment authority as set forth in Wis. Stats. § 66.1333, and all projects relating to blight eliminations, clearance of undesirable conditions, urban renewal and redevelopment programs initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to Wis. Stats. §§ 66.1105, 66.1301—66.1329, inclusive, Wis. Stats. §§ 66.1331, 66.1333 or Wis. Stats. § 66.1337 as determined appropriate by the Common Council on a project by project basis.

- (C) The CDA is authorized to act as agent for the city in planning and carrying out community development programs and activities approved by the mayor and Common Council under the Federal Housing and Community Development Act of 1974, as amended, 42 USC 5300—5320.
- (D) The CDA is further authorized to act as agent to perform all acts (except the development of the general plan of the city) which may be otherwise performed by the City Plan Commission under Wis. Stats. §§ 66.1105, 66.1301—66.1329, inclusive, Wis. Stats. § 66.1331 or Wis. Stats. § 66.1337.
- (E) The CDA may issue bonds or notes from time to time in furtherance of its power and duties and as authorized by state law and the City hereby declares that such CDA bonds and notes are issued for an essential public and government purpose and are public instrumentalities.
- (F) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as conferred on it from time to time by the Common Council

CHAPTER 8

Construction

SEC. 16-8-1 CONSTRUCTION

The powers conferred upon the CDA pursuant to this division and pursuant to Wis. Stats. § 66.1335 as amended from time to time shall be in addition to and supplemental to the powers conferred upon a CDA by any other law, provided that insofar as this division or Wis. Stats. § 66.1335 is inconsistent with any other law, this division and Wis. Stats. § 66.1335 shall control.

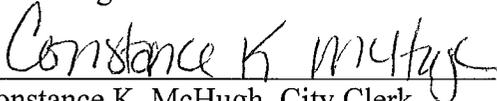
SECTION 2. SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 14th day of September, 2015.


Kip Kinzel, Mayor

Countersigned:


Constance K. McHugh, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney