

City of Sun Prairie, Wisconsin

**ORDINANCE CREATING
SECTION 2.38 –
COMMUNITY DEVELOPMENT AUTHORITY**

Presented: October 17, 2017

Adopted: October 17, 2017

Ordinance No.: #702

ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That Section 2.38 is hereby created as follows:

WHEREAS, the City of Sun Prairie is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin; and being authorized under Wisconsin Statutes created by proper resolution of the Common Council the Community Development Authority of the City of Sun Prairie, Wisconsin, Resolution No. 00/87, dated May 2, 2000; and

WHEREAS, Wisconsin Statutes § 66.1335, the successor statute now governing creation of the Community Development Authority, authorizes the City by ordinance or resolution to create a Housing and Community Development Authority for the purpose of blight elimination, clearance of undesirable conditions, urban renewal and community development and housing projects; and

WHEREAS, the City wishes to expand and more fully effectuate the powers of the Community Development Authority by codification under the current ordinance; and

WHEREAS, review of the current resolution reveals that codification by ordinance will make the Community Development Authority more fully consistent with Wisconsin law; and

WHEREAS, it is proposed enactment of its ordinance as described below.

NOW, THEREFORE, the Common Council of the City of Sun Prairie, Dane County, Wisconsin, do ordain as follows:

COMMUNITY DEVELOPMENT AUTHORITY

Section 2.38.010 Created.

Pursuant to Wis. Stats. § 66.1335, the Community Development Authority (the “Authority”) is created. The Authority shall be deemed a separate body politic exercising necessary public powers and having the powers, duties and functions conferred on housing and community development authorities under Wis. Stats. § 66.1335, except as otherwise herein provided.

Section 2.38.020 Composition.

The governing body of the Community Development Authority shall consist of seven commissioners.

Section 2.38.030 Appointment of commissioners.

The mayor shall, subject to confirmation of the Common Council, nominate six residents of the City having sufficient ability and experience in the fields of urban renewal, community development, and housing, as community development

authority commissioners. Two of the commissioners shall be members of the Common Council and five shall be citizen members. Terms of citizen members shall be four years pursuant to Wis. Stats. § 66.1335(2)(b).

Section 2.38.040 Officers.

A. The mayor shall serve as a voting member and the chair to the Authority as referenced in Ordinance 2.08.030 (B)(6). The commissioners shall annually appoint by a majority vote of those present a vice-chairperson of the Authority from among the commissioners, at the first authority meeting in May. Vacancies occurring in the office of vice-chairperson shall be filled from among the commissioners for the unexpired portion of the term.

B. The Director of Community Development shall be the executive director of the Authority and shall be the chief administrative officer of the Authority and shall direct, manage and supervise the Authority's administrative operations and technical activities in accordance with the directives of the Authority. The executive director shall also act as secretary of the Authority and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated to him/her by the Authority.

C. In carrying out its duties, the Authority may form committees of commissioners or others, hold public meetings and utilize the services of the City or other public or private services as it deems necessary, subject to the policy and budgetary approval of the Common Council.

Section 2.38.050 Meetings; quorum; bylaws.

A. All meetings of the Authority shall be held in compliance with the provisions of the state open meeting law, Wis. Stats. § 19.81 et seq.

B. Four commissioners shall constitute a quorum of the Authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Authority upon the affirmative vote of a majority of the commissioners present at any meeting of the Authority at which a quorum is present. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise the powers and perform the functions of the Authority.

C. The Authority 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.

Section 2.38.060 Evidence of authority.

The filing of a certified copy of the ordinance from which this section is derived with the clerk shall be prima facie evidence of the Authority's right to transact business. In any suit, action or proceedings commenced against the Authority, a certified copy of the ordinance from which this section is derived or of this division shall be conclusive evidence that the Authority is established and authorized to transact business and exercise its powers.

Section 2.38.070 Statutory powers.

The Authority shall have all powers necessary to carry out and effectuate the purposes and provisions of Wis. Stats. § 66.1213, and all powers, duties and functions set out in Wis. Stats. §§ 66.1201, 66.1333, and 66.1335 for housing and community development authorities. In this regard, it is authorized to:

1. Exercise all powers, duties and functions of redevelopment authority under Wis. Stats. § 66.1333.
2. Act as agent of the City in planning and carrying out community development programs and activities approved by the mayor and Common Council funded under the Federal Housing and Community Development Act of 1974, 42 USC 5301 et seq., and other federal and state laws relating to housing and community development, and, following review and recommendation by the Plan Commission, to perform all acts, except development of the general plan of the City and other duties performed by the Plan Commission, under Wis. Stats. §§ 66.1301 to 66.1337, and 66.1105.
3. Act as agent of the City in performing all functions required to be performed by a sponsor of a housing rehabilitation program, as set forth in Wis. Stats. § 66.1325, both within and outside of neighborhoods or areas designated by the Common Council as reinvestment neighborhoods or areas pursuant to Wis. Stats. § 66.1107 and in performing all other functions related to the operation and administration of the City's housing rehabilitation program and any other programs of rehabilitation financing involving financial assistance from either the federal or state government, or both, in which the City participates.
4. Issue bonds in aid of its powers and duties and functions as permitted under Wis. Stats. § 66.1201 or Wis. Stats. §§ 66.1301 to 66.1329, Wis. Stats. §§ 66.1331, 66.1333, or 66.1337. Such bonds are declared to be issued for essential

governmental and public purposes and to be public instrumentalities and, together with interest thereon and income therefrom, are exempt from taxes.

Section 2.38.080 Additional powers.

In addition to its statutory powers, the Authority is further authorized, within the limits of the funds available for such purposes, to:

1. Employ such technical experts and such other agents and employees, permanent and temporary, as may be required from time to time in the performance of its duties and functions.
2. Contract with the City or any other agency or entity, public, or private, for the provision by the city, or such agency or entity, of any necessary staff services associated with or required by the Authority in the staff of the Authority. Any staff services provided to the Authority by the City pursuant to such contract shall be coordinated through the Executive Director of the Authority or his/her designee.
3. Call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of the Authority's duties and functions, and all city departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to the Authority in the performance of the Authority's duties and functions.
4. Work with business, education, government, labor and citizens to:
 - a. Retain and expand existing business and commercial enterprises within the city.
 - b. Recruit new businesses and encourage the expansion and diversification of business and commercial enterprises within the city to expand local employment opportunities and the tax base.
 - c. Foster and facilitate economic development activities through cooperative efforts with area business organizations, adjoining municipalities, the county, and the state.
 - d. Assist new and existing businesses through programs and resources which facilitate quality growth and development within the city.
 - e. Publicize and promote the business, employment, residential, educational, and recreational opportunities available in the city.
 - f. Foster, develop, and enhance a sense of community, a positive community image, and civic pride.
5. To identify itself as the Community and Economic Development Authority in anything other than contracts, resolutions, and financial reports.
6. The Authority has the power to purchase and sell property with the chair having the powers to sign all documents required for purchase and sale of such property.

Section 2.38.090 Manner of proceeding.

The Authority and its commissioners shall comply or cause compliance strictly with all provisions of Wis. Stats. §§ 66.1201 to 66.1211 and state law and in addition thereto, with each and every term, provision and covenant in any contract of the Authority on its part to be kept or performed.

Section 2.38.100 Plans; recommendation; reports.

The Authority in consultation with the City Plan Commission and other appropriate bodies and staff shall:

1. Prepare and periodically update an economic development plan and development strategy for use by the mayor and Common Council. In formulating said plan, the Authority shall monitor and evaluate economic conditions in the city, identify economic problem areas, and prioritize any economic problems identified.

Consider alternative approaches to improving economic deficiencies in the city in problem areas identified.
3. Recommend specific programs and projects to allocate available city resources among the elements of the City's economic development effort.
4. Recommend items for inclusion in the annual city budget to implement the development strategy adopted by the Common Council.

Section 2.38.110 Budget.

The Authority together with the Economic Development Director shall prepare an annual budget which shall be submitted to the mayor as part of the general budget process. The budget shall include estimated fees for consultants, travel expense for staff, publication costs and other ordinary and necessary expenses.

Section 2.38.120 Staff.

The Authority shall receive primary staffing through the offices of the Economic Development Director and the Director of Community Development.

Section 2.38.120 Construction.

All powers, duties and functions of a community development authority, as set forth in Wis. Stats. § 66.1335 are deemed to have been granted to the Authority as though set forth in this section. This section and the powers granted hereunder shall be construed liberally to effectuate its purposes.

SECTION 2. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Paul T. Esser, Mayor

Date Approved: October 17, 2017

Date Signed: October ____, 2017

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 17th day of October, 2017, and was submitted for signatures on the 18th day of October, 2017.

Elena Hilby, City Clerk