

ORDINANCE NO. 5655

AN ORDINANCE TO CREATE THE COMMUNITY DEVELOPMENT AUTHORITY
OF THE CITY OF WEST ALLIS

By Administration and Finance Committee

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 2.53 of the Revised Municipal Code of the City of West Allis is hereby created to read:

2.53 COMMUNITY DEVELOPMENT AUTHORITY.

(1) Authority. Section 66.4325 of the Wisconsin Statutes authorizes the Common Council to adopt an ordinance creating a housing and community development authority.

(2) Findings and Declarations. The findings and declarations made in sec. 66.40(2), 66.43(2), 66.431(2) and 66.435(2) of the Wisconsin Statutes are in all respects adopted, restated and incorporated herein; there exists a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects in the City; a housing and community development authority, functioning within the City, constitutes and effective and efficient means for preventing and eliminating slums in blighted areas and preventing the reoccurrence thereof and for the elimination of insanitary or unsafe inhabited dwelling accommodation and to provide safe and sanitary dwelling accommodations for person of low income; and, the necessity for said authority is hereby declared as a matter of legislative determination.

(3) Creation. Pursuant to sec. 66.4325 of the Wisconsin Statutes, there is hereby created the Housing and Community Development Authority as a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; which authority shall be known as the "Community Development Authority of the City of West Allis."

(4) Termination of Housing Authority. The Housing Authority of the City of West Allis created under sec. 66.40 of the Wisconsin Statutes and operating in the City is terminated and all powers, duties and functions set out in sec. 66.40 of the Wisconsin Statutes for housing authorities are hereby vested in the Community Development Authority.

(5) Exclusive Authority. The Community Development Authority shall have the exclusive power to proceed to carry on blight elimination, slum clearance and urban renewal projects in the City of West Allis, except that the City may apply, accept and contract for federal grants, advances and loans under the Housing and Community Development Act of 1974 (P.L. 93-383).

(6) Commissioners. The Mayor shall, with the confirmation of two-thirds (2/3) majority vote of the Common Council, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the Community Development Authority.

(a) Two (2) of the commissioners shall be members of the Common Council and shall serve during their term of office as council members.

(b) The first appointments of the five (5) non-council members shall be for the following terms: two (2) for one year and one each for terms of two (2), three (3) and four (4) years. Thereafter, the terms of non-council members shall be four (4) years and until their successors are appointed and qualified.

(c) Vacancies shall be filled for the unexpired term as provided in this subsection.

(d) Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties.

(7) Powers and Duties.

(a) The Community Development Authority shall have all powers, duties and functions set out in secs. 66.40 and 66.431 of the Wisconsin Statutes for housing and redevelopment authorities and as to all housing projects initiated by the Community Development Authority it shall proceed under section 66.40 of the Wisconsin Statutes and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under secs. 66.405 to 66.425, 66.43, 66.431, 66.435 or 66.46 of the Wisconsin Statutes as determined appropriate by the Common Council on a project by project basis.

(b) The Community Development Authority shall act as the agent of 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 to all community development programs and activities undertaken by the City under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state.

(c) The Community Development Authority shall act as agent of the City to perform all acts, except the development of the general plan of the City, which may be otherwise performed by the Planning Commission under secs. 66.405 to 66.425, 66.43, 66.435 or 66.46 of the Wisconsin Statutes.

(8) Tax Exemption. Bonds issued on or after January 28, 1987, by the Community Development Authority are declared pursuant to sec. 66.4325(5m) of the Wisconsin Statutes to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, are exempt from taxes.

(9) Controlling Law. The powers conferred under this section shall be an addition and supplemental to the powers conferred by any other law or ordinance. Insofar as this section is inconsistent with any other law, this section shall control.

(10) Construction. This section shall be construed liberally to effect its purposes and the enumeration of specific powers herein does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in such general grant as provided in sec. 66.4325(7) of the Wisconsin Statutes.

(11) Severability. If any provision of this section or any provision of any rule or regulation lawfully promulgated hereunder or any application of this section or rule or regulation promulgated hereunder to any person, firm or corporation or circumstances is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this section or rules or regulations. The Common Council hereby declares the provisions of this section and all rules and regulations promulgated hereunder are severable.

PART II. The Housing Authority of the City of West Allis is hereby terminated. Any form of indebtedness issued by the Housing Authority shall be assumed by the Community Development Authority. All contracts entered into between the federal government and the Housing Authority, or between such authority and other parties shall be assumed and discharged by the Community Development Authority except for the termination of operations by the Housing Authority. Contracts entered into between the federal government and the Housing Authority shall bind the Community Development Authority in the same manner as though originally entered into by the Community Development

Authority. The Community Development Authority may execute appropriate documents to reflect its assumptions of the obligations set forth above.

PART III. Any redevelopment authority created under sec. 66.431 of the Wisconsin Statutes operating in the City of West Allis shall terminate its operations as provided in sec. 66.4325(5) of the Wisconsin Statutes.

PART IV. From the effective date of this Ordinance, the City Clerk shall transmit a certified copy of the ordinance to the Mayor who shall proceed to appoint commissioners of the Community Development Authority as provided in sec. 66.4325(2) of the Wisconsin Statutes.

PART V. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VI. This ordinance shall take effect October 1, 1989, and be in force from and after its passage and publication.

PASSED: July 18, 1989
(As amended)
/s/ Eldon M. Rinka, City Clerk
APPROVED: July 20, 1989
(As amended)
/s/ Fred J. Cashmore, Mayor

PUBLISHED: July 27, 1989