

**ORDINANCE REGARDING: ESTABLISHING A COMMUNITY DEVELOPMENT AUTHORITY**

The Village Board of Hobart, Wisconsin, does ordain as follows:

**Section 1.16** of the Code of Ordinances of the Village of Hobart is hereby created to read as follows:

**Community Development Authority.**

**1.1601 Purpose, Findings and Declaration of Necessity**

**A. Purpose**

The purpose of this ordinance is to provide the best possible environment for human habitation and encourage the most appropriate use of land throughout the Village by promoting the orderly layout and use of land and facilitating an environment that promotes adequate provisions for the Village's services, and to overall promote the public health, safety, economy and general welfare of the community.

**B. Findings**

In support for the creation of the Community Development Authority of the Village of Hobart ("CDAVH"), the Village finds that the layout and use of land could better promote the public health, safety, economy and general welfare of the community.

**C. Declaration of Necessity**

Village Board hereby finds and declares a need for blight elimination, slum clearance, urban renewal, community development programs and housing projects. The Village Board further finds that a housing and community development authority functioning within the Village of Hobart would constitute a more effective, efficient means for carrying out such programs and projects.

**1.1602 Creation of a Community Development Authority**

Pursuant to Sec. 66.1335 of the Wisconsin Statutes, there is hereby created a housing and community development authority, which shall be known as the "Community Development Authority of the Village of Hobart ("CDAVH"). CDAVH is deemed to be a separate public 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, that are necessary for the

purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.

### **1.1603 Membership and Appointment**

**A. Membership** CDAVH shall consist of seven (7) resident persons called commissioners (“Commissioners”), who, with the confirmation of the Village Board, shall be appointed by the Village President. The Commissioners shall have sufficient ability and experience in the fields of urban renewal, community development and housing.

#### **B. Appointment**

1. Commissioners.

Two (2) of the Commissioners shall be members of the Village Board and shall serve during their term of office as Village Board members, and the remaining Five (5) Commissioners shall not be members of the Village Board and shall serve as follows:

- a. Two Commissioners shall initially be appointed for terms of one year, and
- b. One Commissioner shall initially be appointed for a term of two (2) years, and
- c. One Commissioner shall initially be appointed for a term of three (3) years, and
- d. One Commissioner shall initially be appointed for a term of four (4) years.

Thereafter, the terms of Commissioners who are not Village Board members shall be four years. A Commissioner who is not a member of the Village Board shall hold office until his or her successor has been appointed and qualified, unless such Commissioner’s term ends earlier because of his or her change of residence, removal, resignation, incapacity or death.

2. Officers. CDAVH 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.

3. Executive Director. The Village Administrator or his or her designee shall serve as the Executive Director, but shall not be a member of the CDAVH. The Executive Director shall be the chief administrative officer of CDAVH and shall direct, manage and supervise CDAVH administrative operations and technical activities, in accordance with the directives of the CDAVH. The Executive Director shall also serve as the Secretary of CDAVH and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the authority.

**C. New Appointments, Vacancies and Reappointment**

1. After the appointments of the original seven (7) 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.
2. A certificate of appointment or reappointment of any Commissioner shall be filed with the Village Clerk and shall be conclusive evidence of the due and proper appointment of such Commissioner, if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his or her office.

**1.1604 Removal of Commissioner**

A Commissioner may be removed from office by the Village Board for incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she has been given a copy of the charges at least ten (10) days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Village Clerk. To the extent applicable, the provisions of Wis. Stats. 17.16 relating to removal for cause shall apply to any such removal.

**1.1605 Powers and Duties**

- A. CDAVH shall have all powers, duties, and functions set out in Sections 66.1201 and 66.1333 for housing and redevelopment authorities and as to all housing projects initiated by the CDAVH, it shall proceed under Section 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under Sections 66.1301 to 66.1329, 66.1331, 66.1333, 66.1337 or

66.1105, as determined appropriate by the Village Board on a project by project basis.

- B. As to all community development programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the CDAVH shall proceed under all applicable laws and ordinances not inconsistent with the laws of this State.
- C. CDAVH may act as an agent of the Village to perform all acts, except the development of the general plan of the village, which may otherwise be performed by the Planning Commission under Sections 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337 of the Wisconsin Statutes.
- D. In addition to the foregoing powers, duties and functions, the CDAVH shall have such other powers, duties and functions related to community development as are conferred upon CDAVH by the Village Board from time to time, which shall include any powers and duties previously conferred on the Economic Development Advisory Committee.
- E. Specific action taken related to the powers and duties of the CDAVH shall be subject to review and approval by the Village Board:
  - a. Acquisition of land;
  - b. Issuance of debt, other than “conduit debt” which is not supported in any way by the CDAVH or the community;
  - c. Expenditure of any funds in excess of \$10,000.00;
  - d. Exercise of powers of eminent domain;
  - e. Amendments, deletions, or additions to Section 1.005 of this ordinance.

### **1.1606 Meetings, Quorum and By-Laws**

All meetings of the CDAVH shall be held in compliance with the provisions of the open meeting law of the State of Wisconsin. Four Commissioners shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDAVH upon the affirmative vote of a majority of the Commissioners present at any meeting. CDAVH may adopt and from time to time amend or repeal such bylaws or other rules or regulations not inconsistent with the applicable laws and this ordinance, as it deems necessary in the performance of its functions and duties.

### **1.1607 Budget and Annual Report**

An annual budget shall be prepared by the CDAVH and shall be subject to approval by the Village Board. CDAVH shall also prepare and file with the

Village President and Board a report of its activity for the preceding calendar year on or before February 15 of the following year.

**1.1608 Outside Assistance**

CDAVH may employ or seek advice from technical experts and such other officers, agents and employees, such as the Village Planning and Zoning Commission and/or the Village Attorney, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such position. CDAVH may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**1.1609 Compensation.**

The Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary expenses, including local travel expenses incurred in the discharge of their duties.

**1.1610 Termination of Economic Development Advisory Committee.**

Upon the adoption of this ordinance, the Hobart Economic Development Advisory Committee, which was previously enacted by Village resolution, is hereby terminated. The powers and duties of the Hobart Economic Development Advisory Committee shall be assumed by the CDAVH pursuant to the terms of Section 66.1335 of the Wisconsin Statutes.

**1.1611 Controlling Statute.**

This ordinance is enacted pursuant to s.66.1335, as amended from time to time, of the Wisconsin Statutes. In so far as this ordinance may be inconsistent with Wis. Stats. 66.1335, the Wisconsin statute, as amended, shall control.

**1.1612 Severability.**

In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Village Board that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**1.1613** This ordinance shall become effective upon passage and publication.