

Amended

ORDINANCE
Creating Section 3.69 of the Madison
General Ordinances entitled "Community
Development Authority"

Presented April 11, 1978
Referred Housing Finance Comr
CC Org. Comm. Systems & Proc.
Task Force, MRA, MHA, Atty.
Rereferred Atty. (5-30); CCDC (7-18); CC 9-11;
CCOC + MHA (9-12)(10-31); CC 1-16-79 + Compt.
Reported Back 5-30; 7-18; 9-5; 10-31;
12-19; 1-16-79; 2-6; 2-13; 2-27; 3-6;
3-13; 3-20; 4-1; 4-11; 4-18; 4-24; 5-1;
Adopted 5-1-79 POF
Rules Susp. _____ Tabled _____
Public Hrg. _____
* * * * *
Mayor Approved _____ Date _____

CC 4-10;
CC 4-24
CC 5-1

Drafted: Henry A. Gempeler
City Attorney
Date: October 31, 1978
Fiscal Note:

SPONSOR(S): Common Council: (Request of
Common Council Organizational Committee)

Published
Amended
ORDINANCE NO. 6619
FILE NUMBER 225-78

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

Section 3.69 of the Madison General Ordinances entitled "COMMUNITY
DEVELOPMENT AUTHORITY OF CITY OF MADISON" is hereby created to read as
follows:

"3.69 COMMUNITY DEVELOPMENT AUTHORITY OF CITY OF MADISON.

(1) Findings and Declaration of Necessity.

- (a) The Housing Authority of the City of Madison (the "MHA") is a public body corporate and politic, duly organized and existing pursuant to Sec. 66.40 of the Wisconsin Statutes (the "Housing Authorities Law"). The MHA was created by Resolution of the Common Council of the City of Madison, duly adopted on December 14, 1945. In support of its creation of the MHA, the Common Council found that unsanitary and unsafe inhabited dwelling accommodations existed in the City of Madison and that there was a shortage of safe and sanitary dwelling accommodations in the City available to persons of low income.
- (b) The Redevelopment Authority of the City of Madison (the "MRA") is a public body corporate and politic, duly organized and existing pursuant to Sec. 66.431 of the Wisconsin Statutes (the "Blight Elimination and Slum Clearance Act"). The MRA was created by Resolution of the Common Council, duly adopted on July 10, 1958. In support of its creation of the MRA, the Common Council found that there existed in the City a need for blight elimination, slum clearance and urban renewal programs and projects.
- (c) The Housing Finance Committee (the "HFC") is a committee of the City of Madison, duly organized and existing pursuant to Resolution No. 26,020, duly adopted by the Common Council on February 26, 1974, as thereafter amended by Substitute Resolution No. 27,979, duly adopted by the Common Council on July 15, 1975. The said Resolution, as amended, vests responsibility in the HFC for:

(1) approval or rejection of each application for a housing rehabilitation loan under the City's Housing Rehabilitation Services Program; (2) reviewing the administration of such Program by the City's Department of Housing and Community Development; (3) making recommendations to the Mayor and Common Council on matters pertaining to Program policies, procedures and administration; and (4) reviewing environmental impact specifically pertaining to historic preservation and sites and buildings in or eligible for the National Register of Historic Places, as required by the Housing and Community Development Act for 1974 or by any similar federal acts, state statutes, and/or local ordinances providing monies for housing loans and/or grants, according to an administrative procedure determined by the HFC. In support of its creation of the HFC, the Common Council found that there existed a need for a City-sponsored program of financial and technical assistance to property owners of low and moderate income and non-profit housing corporations and cooperatives in order to stimulate voluntary rehabilitation of existing housing in the City.

(d) The findings made by the Common Council in connection with its creation of the MHA, the MRA and the HFC, respectively, are hereby reaffirmed and incorporated herein. In addition, the Common Council hereby finds and declares that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects continues to exist in the City, and that a housing and community development authority functioning within the City constitutes a more effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this ordinance is also hereby declared as a matter of legislative determination.

(2) Creation of Community Development Authority; Status as Public Body.

Pursuant to Sec. 66.4325 of the Wisconsin Statutes (entitled "Housing and Community Development Authorities"), there is hereby created a housing and community development authority, which shall be known as the "Community Development Authority of the City of Madison." 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.

(3) Composition of Governing Body; Powers Vested in Commissioners; Compensation.

The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, who shall serve as the governing body (the "Commissioners") of the CDA. The powers of the CDA shall be vested in, and exercised by the Commissioners in office from time to time. Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement of their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties.

(4) Appointment, Confirmation and Term of Commissioners; Vacancies. The

Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council, as follows:

- (a) Two (2) of the Commissioners shall be members of the Common Council and shall serve ex officio during their term of office.
- (b) The first appointments of the five (5) Commissioners who are not members of the Common Council shall be made for the following terms: two (2) for terms of one (1) year, ending on the third Tuesday in April of 1979, and one (1) each for terms of two (2), three (3), and four (4) years, ending on the third Tuesday in April of 1980, 1981, and 1982, respectively. Thereafter, all Commissioners who are not members of

the Common Council shall be appointed for terms of four (4) years. 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 (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.

(5) Filing of Certificate of Appointment. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the 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.

(6) Removal of Commissioners. A Commissioner may be removed from office by the Mayor for incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and 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 City Clerk. To the extent applicable, the provisions of Sec. 17.16 of the Wisconsin Statutes relating to removal for cause shall apply to any such removal.

(7) Meetings; Quorum; By-laws. All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19 of the Wisconsin Statutes and Sec. 3.44 of the Madison General Ordinances. Four (4) 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 a majority of the 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 a 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 by-laws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.

(8) Selection of Officers, Agents and Employees.

(a) 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.

(b) The CDA shall appoint an Executive Director, ~~subject to the confirmation of the Common Council~~ who shall not be a Commissioner of the CDA and whose qualifications shall be determined by the CDA and set forth in writing. The Executive Director shall hold office at the pleasure of the CDA, and receive such compensation as shall be determined by the CDA ~~and approved by the Common Council~~. The Executive Director shall be the chief administrative officer of the CDA and shall direct, manage and supervise the CDA's administrative operations and technical activities in accordance with the directives of the CDA. The Executive Director shall also act as Secretary of the CDA and shall perform such other

duties and have such other powers and responsibilities as may from time to time be delegated to him or her by the CDA.

- (c) The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, 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 purpose. The CDA may delegate to one or more of its agents or employees such powers or duties as it may deem proper.
 - (d) Except for the position of Executive Director, which shall have the status of a non-civil service appointment, the employees of the CDA shall be selected under the provisions of the City's civil service system, shall be subject to pertinent civil service and personnel policies established for City employees generally, and shall be paid at salaries or rates of pay comparable to those of City employees with equivalent duties and responsibilities.
 - (e) The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties and functions which could be performed by the staff of the CDA.
- (9) City Assistance to CDA. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.

In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.

In addition, the CDA may contract with the City of Madison for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Madison for all services rendered to the authority. Services provided shall be coordinated through the executive director of the CDA.

- (10) Interested Commissioners or Employees. No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any housing project or redevelopment or urban renewal project or in any property included or planned to be included in any such project, nor shall he or she have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, he or she shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office. All Commissioners and employees of the CDA shall be subject to the provisions of Sec. 3.47 of the Madison General Ordinances.

(11) Powers and Duties of CDA.

- (a) The CDA shall have all the powers, duties and functions of a housing authority, as set forth in Sec. 66.40 to 66.404, inclusive, of the Wisconsin Statutes, 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 a redevelopment authority as set forth in Sec. 66.431 of the Wisconsin Statutes, and all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to Secs. 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.
- (c) The CDA may, upon the direction of the Common Council act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1973, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
- (d) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the City Plan Commission under Secs. 66.405 to 66.425, inclusive, 66.43, 66.435 or 66.46 of the Wisconsin Statutes.

- (e) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the HFC and the Department of ~~Housing and Community~~ ^{Planning and} Development related to the operation and administration of the City's Housing Rehabilitation Services Program.
- (f) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the MHA ~~and the Department of Housing and Community Development~~ related to the operation and administration of the City's Homebuyer's Assistance Program.
- (g) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the Department ^{Planning} of ~~Housing and Community~~ Development related to the operation and administration of the City's "Section 312" Rehabilitation Program and any other programs of rehabilitation financing involving financial assistance from either the Federal Government or the State of Wisconsin, or both, in which the City participates.
- (h) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.

(12) Transfer of MHA Projects to CDA,

- (a) All existing programs and projects of the MHA, and all debts, demands, liabilities and obligations existing in favor of or against the MHA, and all titles to real and personal property, contracts, rights and remedies of the MHA shall be transferred to the CDA, either upon adoption of this Ordinance or as soon thereafter as such transfer may be effected without weakening, diminishing, impairing, or otherwise interfering with the rights of any obligees of the MHA or any other parties to the

outstanding contracts, bonds, notes, indentures or other obligations of the MHA, and the MHA shall terminate its operations upon completion of the transfer to the CDA of such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies. Upon completion of such transfer, all such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies of the MHA shall become those of the CDA as though originally initiated, incurred, accrued, executed or acquired by the CDA, and all contracts entered into between the MHA and the Federal government, or between the MHA and other parties, shall be assumed and discharged by the CDA except for the termination of operations by the MHA. Subject to such approvals or consents by the Federal government, or by or on behalf of the obligees of the MHA, or by any other parties, as may be required, the MHA and the CDA are hereby authorized to execute any and all documents that may be necessary to effect such transfer.

- (b) Any other provision of this ordinance notwithstanding, the MHA shall continue in existence after adoption of this ordinance, solely for the purpose of fulfilling its obligations with respect to the discharge of the indebtedness secured by its outstanding bonds, indentures or other securities until such indebtedness has been fully discharged, or has been transferred to and assumed by the CDA in accordance with the provisions of the respective resolutions pursuant to which such outstanding bonds, indentures or other securities have been issued by the MHA, whichever occurs first. Until the indebtedness secured by the MHA's outstanding bonds, indentures or other securities has been fully discharged, or has been transferred to and assumed by the CDA in

accordance with such resolutions, the MHA may, to the extent permitted by such bonds, indentures or securities, authorize the CDA to act as its agent with respect to the development, construction, maintenance and operation of the respective housing projects for which such outstanding bonds, indentures or other securities have been issued, and may delegate to the CDA, as its agent, such powers or duties with respect to such housing projects as may be necessary or desirable to assure the Federal government and other obligees of the MHA of the faithful, punctual and complete performance by the MHA of all obligations required to be performed by it in fulfillment of the covenants set forth in such resolutions, or in the outstanding bonds, indentures or other securities issued by the MHA pursuant to such resolutions.

- (13) Transfer of MRA Projects to CDA. All existing programs and projects of the MRA, and all debts, demands, liabilities and obligations existing in favor of or against the MRA, and all titles to real and personal property, contracts, rights and remedies of the MRA shall be transferred to and assumed by the CDA upon adoption of this ordinance, and the operation of the MRA shall be terminated. Upon completion of such transfer, all such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies of the MRA shall become those of the CDA as though originally initiated, incurred, accrued, executed or acquired by the CDA, and all contracts entered into between the MRA and the Federal Government, or between the MRA and other parties, shall be assumed and discharged by the CDA except for the termination of operations of the MRA. Subject to such approvals or consents by the Federal government, or by any other parties, as may be required, the MRA and the CDA are hereby

authorized to execute any and all documents that may be necessary to effect such transfer. Upon completion of such transfer, any procedures, hearings, actions or approvals taken or initiated by the MRA on pending projects pursuant to Sec. 66.431 of the Wisconsin Statutes shall be deemed to have been taken or initiated by the CDA as though the CDA had originally undertaken such procedures, hearings, actions or approvals. Contracts for disposition of real property entered into by the MRA with respect to any project are deemed to be contracts of the CDA without the requirement of amendments thereto.

- (14) Transfer of HFC Functions to CDA. After adoption of this ordinance and upon subsequent direction of the Common Council, all functions of the HFC related to the operation and administration of the City's Housing Rehabilitation Services Program shall be transferred to and assumed by the CDA, as agent of the City, and the HFC shall cease to exist as a committee of the City. Any procedures, hearings, actions or approvals taken or initiated by the HFC on housing rehabilitation loans made or pending loan applications under the Housing Rehabilitation Services Program shall be deemed to have been taken or initiated by the CDA as though the CDA had originally undertaken such procedures, hearings, actions or approvals. Such transfer shall not be effective unless specifically authorized by a duly adopted resolution of the Common Council.
- (15) Annual Budget. An annual budget shall be established by the CDA, which budget shall be subject to approval of the Board of Estimates and the Common Council.
- (16) Annual Report. As a part of its annual budget request, the CDA shall file with the Mayor and Common Council a report of its activities for the preceding year. In addition, the Mayor shall at the conclusion of three (3)

years of operation file with the Common Council a report on the effectiveness of the activities performed by the CDA. Said report is to be prepared by an independent agency.

- (17) Evidence of Authority. A certified copy of this ordinance shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.4325 of the Wisconsin Statutes.
- (18) Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 remaining portions of this ordinance.
- (19) Contravening Ordinances and Resolutions Repealed. All ordinances or resolutions or parts of ordinances or resolutions contravening the provisions of this ordinance are hereby repealed.
- (20) Construction. All powers, duties and functions of a housing and community development authority, as set forth in Sec. 66.4325 of the Wisconsin Statutes, are deemed to have been granted to the CDA as though set forth in this ordinance, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein. This ordinance and the powers granted hereunder shall be construed liberally to effectuate its purpose.
- (21) Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and publication."

Sent to Accounting _____
Sent to Mayor's Office _____
Sent to City Clerk _____
Copy Mailed _____
to Aldermen _____

AGENDA ITEM _____

City of Madison, Wisconsin

A RESOLUTION _____

Authorizing the Mayor and City Clerk to execute an amended contract with the Community Development Authority (CDA) of the City of Madison for the provision of services, materials and equipment by the City of Madison to the CDA.

Drafted by: George E. Austin, Secretary
Community Development Authority

Date: February 15, 1990

Fiscal Note: No fiscal impact ✓

SPONSORS: Mayor Paul R. Soglin (At the request of the Community Development Authority)

Presented March 6, 1990
Referred Community Development Authority

Rereferred _____

Reported Back MAR 20 1990

Adopted POF _____
Rules Susp. _____ Tabled _____
Public Hearing _____

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By _____

Comptroller's Office

RESOLUTION NO. 46,594
I.D. NUMBER 10830

R E S O L U T I O N

WHEREAS, the Common Council of the City of Madison, by Section 3.69, Madison General Ordinances, entitled "Community Development Authority of the City of Madison", adopted on May 1, 1979, did thereby create a Community Development Authority; and

WHEREAS, the Community Development Authority is authorized by that ordinance to be a public body, exercising necessary public powers and having all the powers, duties and functions conferred on housing authorities, redevelopment authorities and housing and community development authorities; and

WHEREAS, pursuant to Section 3.69(9) of the Madison General Ordinances, the CDA has been authorized by the Common Council to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of its duties and functions; and

WHEREAS, the City and the CDA entered into a Contract for the provision of services, materials and equipment on July 31, 1981, and it is now deemed desirable by the parties hereto to enter into an amended contract for the continued provisions of said services in order to achieve the goals and objectives of the CDA and the City and to continue to serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute an amended Contract with the Community Development of the City of Madison for the provision of services, materials and equipment by the City of Madison to the Community Development Authority.