

City of Portage
Community Development Authority Annual Meeting
Tuesday, April 26, 2016, 5:30 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room Two
Agenda

Members: Ernie Curley, Kyle Dumbleton, James Grothman, Martin Havlovic,
Doug Klapper, Charles Poches, Ken Jahn

1. Roll call
2. Approval of minutes of previous meeting
3. Election of Officers (Chair, Vice Chair, and Secretary)
4. Discussion on the by-laws and role of the Community Development Authority and a proposed Economic Development Committee
5. Discussion and possible action on a proposed CDA Mission Statement
6. Future Meeting Date
7. Adjournment

City of Portage
Community Development Authority Annual Meeting
Tuesday, April 28, 2015 – 5:30pm
City Municipal Building, 115 W. Pleasant Street
Conference Room Two

Members present: Ernie Curley, Michael Decker, James Grothman, William Kutzke, and Charles Poches. Member excused: Kyle Dumbleton. Member absent: Martin Havlovic.

Also present: Director Steve Sobiek and Craig Sauer (PDR).

Approval of Minutes from October 30, 2014. Motion by Grothman, second by Poches to approve the minutes from the October 30, 2014 meeting as presented. Motion passed 5-0 on a call of the roll.

Election of Officers (Chair, Vice Chair and Secretary)

MOTION by Grothman, second by Poches, to nominate Mr. Kutzke as Chair. Motion passed 5-0 on a call of the roll.

MOTION by Grothman, second by Decker to nominate Mr. Poches as Vice Chair. Motion passed 5-0 on a call of the roll.

MOTION by Kutzke, second by Grothman, to nominate Mr. Sobiek as Secretary. Motion passed 5-0 on a call of the roll.

Update/Discussion on roles of proposed Economic Development Commission and the Community Development Authority. Mr. Sobiek summarized his memo recommending creation of a City Economic Development Committee. The Commission discussed the role of the Authority and possible creation of a new Economic Development Committee.

It was the consensus of members present to authorize City staff to draft a purpose statement for the Authority, and the creation of a City flow chart of economic development responsibility for presentation at the next meeting

Discussion on addressing downtown distressed properties., north side vacancies, the former K Mart parcel, and completing Hamilton Street project.

Update on current economic development grants and funding available. Director Sobiek presented a sample of State, federal and private economic development grants available. He indicated that Portage was selected as one of 50 award recipients of a \$50,000 grant for

community revitalization. Entering into the next phase of grant competition, the city could receive additional grant funding.

Adjournment - Motion by Decker, second by Curley to adjourn the meeting. Motion passed 5-0 on a call of the roll. Meeting adjourned at 6:31pm.

Minutes prepared by Steve Sobiek, Business Development and Planning Director

**BY-LAWS OF THE COMMUNITY DEVELOPMENT AUTHORITY
OF THE
CITY OF PORTAGE, WISCONSIN**

ARTICLE I – THE AUTHORITY

Section 1. Name Authority. The name of the Authority shall be “The Community Development Authority of the City of Portage, Wisconsin”. The Community Development Authority of the City of Portage is created pursuant to a resolution adopted by the City Council of the City of Portage and shall exercise its authority under the scope of duties provided for in the authorizing resolution and any subsequent resolution adopted by the City Council.

Section 2. Office of Authority. The offices of the Authority shall be in City Hall in the City of Portage, State of Wisconsin.

ARTICLE II – OFFICERS

Section 1. Officers. The officers of the Authority shall be a chairperson, a vice-chairperson, and a secretary.

Section 2. Chairperson. The chairperson and in his/her absence the vice-chairperson, shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority the chairperson shall sign all contracts, deeds, and other instruments made by the Authority. At each meeting, the chairperson shall submit such recommendations and information as he/she may consider proper concerning the business, affairs, and policies of the Authority.

Section 3. Vice-Chairperson. The vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson; and in case of the resignation or death of the chairperson, the vice-chairperson, shall perform such duties as are imposed on the chairperson until such time as the Authority shall select a new chairperson.

Section 4. Secretary. The secretary shall keep the records of the Authority, shall act as secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his/her office.

Section 5. Treasurer. The City Treasurer shall act as treasurer of the Authority. He/she shall have the care and custody of all funds of the Authority and shall deposit the same in the City bank accounts. A separate fund shall be established by the City to account for all financial activity of the Authority. Payment for all Authority expenses shall be made by the City in the same manner as it pays its own expenses and will be charged to the Authority's fund.

The City Treasurer shall provide annually and at such other times as requested, reports to the Authority to show activity and financial condition of the Authority.

Section 6. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the by-laws or rules and regulations of the Authority.

Section 7. Election or Appointment. The chairperson, vice-chairperson and secretary shall be elected at the annual meeting of the Authority from among the commissioners of the Authority and shall hold office for one year or until their successors are elected and qualified.

Section 8. Vacancies. Should the offices of the chairperson, vice-chairperson or secretary become vacant, the Authority shall elect a successor from its membership at the next regular meeting, and such elections shall be for the unexpired term of said office.

Section 9. Budget. Annually the Authority shall prepare a budget requesting appropriations to implement its plan of work. Such request shall be submitted and approved by the City Council with the annual budget. The Authority may expend its fund balance in implementing Authority projects, as detailed in their plan of work, without additional council approval.

Section 10. Additional Personnel. The Authority may from time to time employ such personnel and consultants as approved in the annual budget and as it deems necessary to exercise its powers, duties and functions as prescribed by the Blight Elimination and Slum Clearance Act of Wisconsin and all other laws of the State of Wisconsin applicable thereto. The selection and compensation of consultants shall be determined by the Authority subject to the laws of the State of Wisconsin. The selection of any other personnel shall be in conformance with City of Portage policies.

ARTICLE III – MEETINGS

Section 1. Annual Meeting. The annual meeting of the Authority shall be held on the last Tuesday of April at 5:30 pm at the City Municipal Building. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding secular day.

Section 2. Regular Meeting. Regular monthly meetings shall be held on the fourth Tuesday of the month at 5:30 pm, or on the next succeeding secular day in the event of a legal holiday.

Section 3. Special Meetings. The chairperson of the Authority may, when he/she deems it expedient, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for special meeting may be delivered to each member of the Authority or may be mailed, e-mailed or phoned to the business or home address of each member of the Authority at least twenty-four (24) hours prior to the special meeting, which notice must inform each commissioner of the date, time and location of the meeting.

Section 4. Quorum. The powers of the Authority shall be vested in the commissioners thereof in office from time to time. A majority of those commissioners appointed and serving on said Authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the commissioners present.

Section 5. Order of Business. At the regular meetings of the Authority, the following shall be the order of business:

1. Roll call
2. Approval of minutes

3. Communications
4. Old business
5. New business
6. Report of the Secretary/Executive Director Bills
7. Adjournment

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority.

Section 6. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call. Upon request of any commissioner the yeas and nays shall be recorded in the minutes of the meeting. A simple majority of those commissioners duly appointed, serving, and voting on each action shall determine the prevailing vote.

Section 7. Subcommittees. The Authority, by a majority vote of its members, may establish working subcommittees to review and act on matters relevant to community development, revitalization, and housing. The roles and responsibilities of such subcommittees shall be as prescribed by the Authority. Furthermore, the Chairperson, or the membership of the Authority by a majority vote of its members, may establish ad hoc groups for the purpose of study and review of issues as determined by the Authority. Such ad hoc groups shall have no power to act except to report findings and recommendations to the Authority.

ARTICLE IV – AMENDMENTS

Amendments to By-Laws. The by-laws of the Authority shall be amended only with the approval of at least four of the members of the Authority at a regular meeting or a special meeting. All amendments shall be submitted for City Council approval at its next regular meeting after adoption by the Authority.

Wisconsin Statute Sec 66.1335

Authorization. A city may, by a two-thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the "Community Development Authority" of the city. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize the authority to 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 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under s. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337. A certified copy of the ordinance or resolution shall be transmitted to the mayor. The ordinance or resolution shall also do all of the following:

(a) Provide that any redevelopment authority created under s. 66.1333 operating in the city and any housing authority created under s. 66.1201 operating in the city, shall terminate its operation as provided in sub. (5).

(b) Declare in substance that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the city.

(2) Appointment of members. Upon receipt of a certified copy of the ordinance or resolution, the mayor shall, with the confirmation of the council, appoint 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 of the commissioners shall be members of the council and shall serve during their term of office as council members.

(b) The first appointments of the 5 noncouncil members shall be for the following terms: 2 for one year and one each for terms of 2, 3 and 4 years. Thereafter the terms of noncouncil members shall be 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, and may, in the discretion of the city council, receive other compensation.

(3) Evidence of authority. The filing of a certified copy of the ordinance or resolution referred to in sub. (1) with the city clerk is prima facie evidence of the community development authority's right to transact business and the ordinance or resolution is not subject to challenge because of any technicality. In a suit, action or proceeding commenced against the community development authority, a certified copy of the ordinance or resolution is conclusive evidence that the community development authority is established and authorized to transact business and exercise its powers under this section.

(4) Powers and duties. The community development authority has all powers, duties and functions set out in ss. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the community development authority it shall proceed under s. 66.1201, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under ss. 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333 or 66.1337 as determined appropriate by the common council on a project by project basis. 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. In addition, if provided in the resolution or ordinance, the community development authority may 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 ss. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.

(5) Termination of housing and redevelopment authorities. Upon the adoption of an ordinance or resolution creating a community development authority, all housing and redevelopment authorities previously created in the city under ss. 66.1201 and 66.1333 terminate.

(a) Any programs and projects which have been begun by housing and redevelopment authorities shall, upon adoption of the ordinance or resolution, be transferred to and completed by the community development authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under s. 66.1333 on pending projects are deemed to have been taken or initiated by the community development authority as if the community development authority had originally undertaken the procedures, hearings, actions or approvals.

(b) Any form of indebtedness issued by a housing or redevelopment authority shall, upon the adoption of the ordinance or resolution, be assumed by the community development authority except as indicated in par. (e).

(c) Upon the adoption of the ordinance or resolution, all contracts entered into between the federal government and a housing or redevelopment authority, or between these authorities and other parties shall be assumed and discharged by the community development authority except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project are deemed contracts of the community development authority without the requirement of amendments to the contracts. Contracts entered into between the federal government and the redevelopment authority or the housing authority

bind the community development authority in the same manner as if originally entered into by the community development authority.

(d) A community development authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(e) A housing authority which has outstanding bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest or both may continue in existence solely for that purpose. The ordinance or resolution creating the community development authority shall delineate the duties and responsibilities which shall devolve upon the housing authority with respect to that purpose.

(f) The termination of housing and redevelopment authorities pursuant to this section is not subject to s. 66.1201 (26).

(5m) Tax exemption. Community development authority bonds issued on or after January 28, 1987, are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest on the bonds and income from the bonds, are exempt from taxes.

(6) Controlling statute. The powers conferred under this section are in addition and supplemental to the powers conferred by any other law. To the extent that this section is inconsistent with any other law, this section controls.

(7) Construction. This section shall be construed liberally to effectuate its purposes and the enumeration of specific powers in this section does not restrict the meaning of any general grant of power contained in this section nor does it exclude other powers comprehended in the general grant.

History: 1975 c. 311; 1979 c. 110; 1987 a. 27; 1999 a. 150 s. 448; Stats. 1999 s. 66.1335.

Proposed CDA Mission Statement:

The Community Development Authority of the City of Portage is a public body and separate body politic, created pursuant to Sec 66.1335 of the Wisconsin Statutes, exercising necessary public powers and having all the powers, duties and functions conferred on it by applicable law.

Under this authority and as the agent of the City, the Community Development Authority has the authority to undertake programs and projects for blight elimination and prevention, slum clearance and prevention, urban renewal and redevelopment, and community development and redevelopment (collectively, "qualified redevelopment projects") that will foster stable, safe and healthful neighborhoods and homes, a decent living environment, job retention and new job creation and an increase in the general property tax base of the City.

Drafted by:

Steve Sobiek
Business Development and Planning Director

April 14, 2016