

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on December 11, 2018 immediately following the City Council meeting which begins at 5:30 AM in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Update, Presentation and Possible Action Regarding Establishment of a Redevelopment Authority in the City of Ashland
6. Adjournment

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SUBJECT: Update, Presentation and Possible Action Regarding Establishment of a Redevelopment Authority in the City of Ashland

RECOMMENDATION: Motion to pursue creation of a redevelopment authority in the City of Ashland

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: City Council President, City Administrator, Finance Director

EXHIBITS:

1. WI Statute 66.1333
2. Redevelopment Authority Statute Outline: League of WI Municipalities
3. Proposed Resolution Creating RDA
4. Sample Bylaws for RDA
5. "Spot Blight" and lease revenue bond issuance procedure; Preliminary Timeline

FINANCIAL IMPACT:

SUMMARY STATEMENT:

At the November 13, 2018, Committee of the Whole meeting, the

Council was asked to consider whether or not to pursue the creation of a Redevelopment Authority in the City of Ashland for the initial purpose of funding the development of a new Police Station at the 11th Avenue West site as previously selected by the City Council.

George moved, Haas seconded a motion to form a Redevelopment Authority to initially pursue funding for the future Police Department facility. After much discussion, Council felt there were several questions that needed to be answered before moving forward, and the motion failed 1-9 by voice vote.

Haas moved, George seconded to postpone this item to the next Committee of the Whole meeting, December 11, 2018, for further discussion and potential presentation by a representative of Quarles & Brady. The motion carried unanimously by voice vote.

Attorney Jacob Lichter with Quarles and Brady, LLP will be present by teleconference at the meeting to answer questions of Councilors. Below are answers provided in advance by Mr. Lichter to some of the questions posed at the last meeting:

1. **Does the creation of an RDA usurp the City role in planning and development?**

Answer: The RDA would be its own independent entity and would be authorized to (1) carry out the elimination of blight **on property which has been declared blighted by the Council** or (2) carry out the duties described in a Redevelopment Plan (see Section 66.1333(6)) adopted by the Common Council. The specific powers granted to RDA's are set forth in Section 66.1335(5) of the Wisconsin Statutes. Additionally, under the Wisconsin Statutes, **the RDA would assume the City's powers under Section 66.1331(4), and the City would not be legally entitled to exercise such powers in connection with a redevelopment of (designated) blighted property.** Because the Council must approve either the blight finding or the Redevelopment Plan, the Council has broad power with regard to the direction of the RDA. However, once the RDA has been given authority to act, it acts on its own and is outside the control of the Council and may exercise any of the powers outlined in Section 66.1335(5). That being said, **the RDA's budget is determined by the City on an annual basis, and the Council could dissolve the RDA.**

***Please note that for purposes of the proposed USDA financing the City would authorize the RDA to act by declaring property (11th Avenue West) to be blighted, and not by adopting a Redevelopment Plan.**

2. **How much say would the Council have going forward about future projects?**

Answer: As stated above, the RDA receives its authority to act from the Council in one of two ways: (1) via a blight determination **or** (2) via a redevelopment plan. Absent the grant of such authority, which must be approved by the Council, the RDA will not have authority to determine future projects.

3. **What is the process or the standards for determining blight?**

Answer: Under Section 66.1333(2m)(bm) "Blighted property" means any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

The process for determining blight under the statutes would require:

- (1) The RDA to adopt a preliminary resolution describing property to be blighted;
- (2) A public hearing to be held on a blight determination and how the property fits within the blight definition described above. Some communities have staff, engineers or financial advisors prepare a report to document that the property meets the statutory definition. The owners of the property to be blighted must receive notice of such public hearing by certified mail at least 20 days prior to the public hearing; and
- (4) The Council to adopt a resolution (by 2/3 vote of all members) approving the blight finding.

4. **How widespread is use of an RDA?**

Answer: We (Quarles and Brady) work with a large number of municipalities in the State who issue bonds through RDAs and CDAs and the use of such authorities is relatively common.

NOTE: Answers to other questions posed by Councilors are still being researched and will be provided at the Committee of the Whole meeting.

Council is being asked to pursue the Creation of a Redevelopment Authority in the City of Ashland for the purpose of facilitating creation of a new police facility in the City on 11th Avenue West.

66.1333 Blight elimination and slum clearance.

- (1) SHORT TITLE. This section shall be known and may be cited as the "Blight Elimination and Slum Clearance Act".
- (2) FINDINGS. In addition to the findings and declarations made in ss. [66.1331 \(2\)](#) and [66.1337](#), it is found and declared that the existence of substandard, deteriorated, slum and blighted areas and blighted properties is a matter of statewide concern. It is the policy of this state to protect and promote the health, safety, morals and general welfare of the people of the state in which these areas and blighted properties exist by the elimination and prevention of these areas and blighted properties through the utilization of all means appropriate for that purpose, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in these areas and blighted properties. The purposes of this section are to provide for the elimination and prevention of substandard, deteriorated, slum and blighted areas and blighted properties through redevelopment and other activities by state-created agencies and the utilization of all other available public and private agencies and resources. State agencies are necessary in order to carry out in the most effective and efficient manner the state's policy and declared purposes for the prevention and elimination of substandard, deteriorated, slum and blighted areas and blighted properties. State agencies shall be available in all the cities in the state to be known as the redevelopment authorities of the particular cities and carry out and effectuate the provisions of this section when the local legislative bodies of the cities determine there is a need for them to carry out within their cities the powers and purposes of this section. Assistance which may be given by cities or any other public bodies under this section is a public use and purpose for which public money may be expended. The necessity in the public interest for the provisions of this section is declared a matter of legislative determination. Nothing in this subsection contravenes, repeals or rescinds the finding or declaration of necessity before the recreation of this subsection on June 1, 1958.
- (2m) DEFINITIONS. In this section, unless the context clearly indicates otherwise:
- (a) "Abandoned highway corridor" means land in any city designated by the department of transportation for use as part of an expressway or a freeway, which is no longer designated by the department for that purpose.
- (am) "Arts incubator" has the meaning given in s. [41.60 \(1\) \(a\)](#).
- (ar) "Authority" means a redevelopment authority.
- (b) "Blighted area" means any of the following:
1. An area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.
 2. An area which by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.
 3. An area which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

- (bm)** “Blighted property” means any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.
- (c)** “Blight elimination, slum clearance and urban renewal program,” “blight elimination and urban renewal program,” “redevelopment, slum clearance or urban renewal program,” “redevelopment or urban renewal program,” and “redevelopment program,” mean undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas.
- (d)** “Blight elimination, slum clearance and urban renewal project,” “redevelopment and urban renewal project,” “redevelopment or urban renewal project,” “redevelopment project,” “urban renewal project,” and “project” mean undertakings and activities in a project area for the elimination and for the prevention of the development or spread of slums and blight, and may involve clearance and redevelopment in a project area, or rehabilitation or conservation in a project area, or any combination or part of the undertakings and activities in accordance with a “redevelopment plan,” “urban renewal plan,” “redevelopment or urban renewal plan,” “project area plan,” or “redevelopment and urban renewal plan,” either one of which means the redevelopment plan of the project area prepared and approved as provided in sub. (6). These undertakings and activities include all of the following:
1. Acquisition of all or a portion of a blighted area.
 2. Demolition and removal of buildings and improvements.
 3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the project area the objectives of this section in accordance with the redevelopment plan.
 4. Disposition of any property acquired in the project area, including sale, initial leasing or retention by the authority itself, at its fair value for uses in accordance with the redevelopment plan.
 5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan.
 6. Acquisition of any other real property in the project area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.
 7. Studying the feasibility of and initial design for an arts incubator, developing and operating an arts incubator, and applying for a grant or loan under s. [41.60](#) in connection with an arts incubator.
 8. Studying the feasibility of an initial design for a technology-based incubator and developing and operating a technology-based incubator.
- (e)** “Bonds” means any bonds, including refunding bonds; notes; interim certificates; certificates of indebtedness; debentures; or other obligations.

- (g) "Local legislative body" means the board of alderpersons, common council, council, commission or other board or body vested by the charter of the city or other law with jurisdiction to enact ordinances or local laws.
- (h) "Project area" means a blighted area which the local legislative body declares to be in need of a blight elimination, slum clearance and urban renewal project.
- (i) "Public body" means the state or any city, county, town, village, town board, commission, authority, district, or any other subdivision or public body of the state.
- (j) "Real property" includes all lands, together with improvements and fixtures, and property of any nature appurtenant to the lands, or used in connection with the lands, and every estate, interest, right and use, legal or equitable, in the lands, including terms for years and liens by way of judgment, mortgage or otherwise.
- (t) "Technology-based incubator" means a facility that provides a new or expanding technically-oriented business with all of the following:
 1. Office and laboratory space.
 2. Shared clerical and other support service.
 3. Managerial and technical assistance.

66.1333(3) (3) REDEVELOPMENT AUTHORITY.

- (a)
 1. It is found and declared that a redevelopment authority, functioning within a city in which there exists blighted areas, constitutes a more effective and efficient means for preventing and eliminating blighted areas in the city and preventing the recurrence of blighted areas. Therefore, there is created in every city with a blighted area a redevelopment authority, to be known as the "redevelopment authority of the city of". An authority is created for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects as set forth in this section, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination, slum clearance and urban renewal programs and projects.
 2. An authority may transact business and exercise any of the powers granted to it in this section following the adoption by the local legislative body of a resolution declaring in substance that there exists within the city a need for blight elimination, slum clearance and urban renewal programs and projects.
 3. Upon the adoption of the resolution by the local legislative body by a two-thirds vote of its members present, a certified copy of the resolution shall be transmitted to the mayor or other head of the city government. Upon receiving the certified copy of the resolution, the mayor or other head of the city government shall, with the confirmation of four-fifths of the local legislative body, appoint 7 residents of the city as commissioners of the authority.
 4. The powers of the authority are vested in the commissioners.
 5. In making appointments of commissioners, the appointing power shall give due consideration to the general interest of the appointee in a redevelopment, slum clearance or urban renewal program and shall, insofar as is possible, designate representatives from the general public, labor, industry, finance or business group, and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially in the fields of finance and management, to assure efficiency in the redevelopment program, its planning and direction. One of the 7 commissioners shall be a member of the local legislative body. No more than 2 of the commissioners may be officers of the city in which the authority is created.
 6. Commissioners shall receive their actual and necessary expenses, including local traveling expenses incurred in the discharge of their duties.
- (b) The commissioners who are first appointed shall be designated by the appointing power to serve for the following terms: 2 for one year, 2 for 2 years, one for 3 years, one for 4 years, and one for 5 years, from the date of their appointment. After the first appointments, the term of office is 5 years. A commissioner

holds office until a successor is appointed and qualified. Removal of a commissioner is governed by s. [66.1201](#). Vacancies and new appointments are filled in the manner provided in par. [\(a\)](#).

(c) The filing of a certified copy of the resolution adopted under par. [\(a\)](#) with the city clerk is prima facie evidence of the authority's right to proceed, and the resolution is not subject to challenge because of any technicality. In any suit, action or proceeding commenced against the authority, a certified copy of the resolution is conclusive evidence that the authority is established and authorized to transact business and exercise its powers under this section.

(d) Following the adoption of a resolution, under par. [\(a\)](#), a city is precluded from exercising the powers provided in s. [66.1331 \(4\)](#), and the authority may proceed to carry on the blight elimination, slum clearance and urban renewal projects in the city, except that the city is not precluded from applying, accepting and contracting for federal grants, advances and loans under the housing and community development act of 1974 (P.L. [93-383](#)).

(e)

1. An authority has no power in connection with any public housing project.

2. Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. [106.50 \(1m\) \(u\)](#), or national origin.

(f) An authority is an independent, separate and distinct public body and a body corporate and politic, exercising public powers determined to be necessary by the state to protect and promote the health, safety and morals of its residents, and may take title to real and personal property in its own name. The authority may proceed with the acquisition of property by eminent domain under ch. [32](#), or any other law relating specifically to eminent domain procedures of redevelopment authorities.

(g) An authority may employ personnel as required to perform its duties and responsibilities under civil service. The authority may appoint an executive director whose qualifications are determined by the authority. The director shall act as secretary of the authority and has the duties, powers and responsibilities delegated by the authority. All of the employees, including the director of the authority, may participate in the same pension system, health and life insurance programs and deferred compensation programs provided for city employees and are eligible for any other benefits provided to city employees.

(5) POWERS OF REDEVELOPMENT AUTHORITIES.

(a) An authority may exercise all powers necessary or incidental to carry out and effectuate the purposes of this section, including the power to do all of the following:

1. Prepare redevelopment plans and urban renewal plans and undertake and carry out redevelopment and urban renewal projects within the corporate limits of the city in which it functions.

2. Enter into any contracts determined by the authority to be necessary to effectuate the purposes of this section. All contracts, other than those for personal or professional services, in excess of \$25,000 are subject to bid and shall be awarded to the lowest qualified and competent bidder. The authority may reject any bid required under this paragraph. The authority shall advertise for bids by a class 2 notice, under ch. [985](#), published in the city in which the project is to be developed. If the estimated cost of a contract, other than a contract for personal or professional services, is between \$3,000 and \$25,000, the authority shall give a class 2 notice, under ch. [985](#), of the proposed work before the contract is entered into.

3. Within the boundaries of the city, acquire by purchase, lease, eminent domain, or otherwise, any real or personal property or any interest in the property, together with any improvements on the property, necessary or incidental to a redevelopment or urban renewal project; hold, improve, clear or prepare for redevelopment or urban renewal any of the property; sell, lease, subdivide, retain or make available the property for the city's use; mortgage or otherwise encumber or dispose of any of the property or any interest in the property; enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of the property in accordance with a redevelopment or urban

renewal plan, and other covenants, restrictions and conditions that the authority considers necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; make any restrictions, conditions or covenants running with the land and provide appropriate remedies for their breach; arrange or contract for the furnishing of services, privileges, works or facilities for, or in connection with a project; temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for uses and purposes that may be deemed desirable even though not in conformity with the redevelopment plan for the area; within the boundaries of the city, enter into any building or property in any project area in order to make inspections, surveys, appraisals, soundings or test borings, and obtain a court order for this purpose if entry is denied or resisted; own and hold property and insure or provide for the insurance of any real or personal property or any of its operations against any risks or hazards, including paying premiums on any insurance; invest any project funds held in reserves or sinking funds or the funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; redeem its bonds issued under this section at the redemption price established in the bonds or purchase the bonds at less than redemption price, all bonds so redeemed or purchased to be canceled; develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of slums and blight; and disseminate blight elimination, slum clearance and urban renewal information.

4.

- a.** Borrow money and issue bonds; execute notes, debentures, and other forms of indebtedness; apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the city in which it functions, from the federal government, the state, county, or other public body, or from any sources, public or private for the purposes of this section, and give such security as may be required and enter into and carry out contracts or agreements in connection with the security; and include in any contract for financial assistance with the federal government for or with respect to blight elimination and slum clearance and urban renewal such conditions imposed pursuant to federal laws as the authority considers reasonable and appropriate and that are not inconsistent with the purposes of this section.
- b.** Any debt or obligation of the authority is not the debt or obligation of the city, county, state or any other governmental authority other than the redevelopment authority itself.
- c.** Issue bonds to finance its activities under this section, including the payment of principal and interest upon any advances for surveys and plans, and issue refunding bonds for the payment or retirement of bonds previously issued by it. Bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the authority derived from or held in connection with its undertaking and carrying out of projects or activities under this section. Payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any projects or activities of the authority under this section, and by a mortgage of all or a part of the projects or activities. Bonds issued under this section are not an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the state, city or of any public body other than the authority issuing the bonds, and are not subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and, together with interest and income, are exempt from all taxes. Bonds issued under this section shall be authorized by resolution of the authority, may be issued in one or more series and shall bear a date, be payable upon demand or mature at a time, bear interest at a rate, be in a denomination, be in a form either with or without coupon or registered, carry conversion or registration privileges, have rank or priority, be payable in a medium of payment, at a place, and be subject to terms of redemption, with or without premium, be secured in a manner, and have other characteristics, as provided by the resolution, trust indenture or mortgage issued pursuant to the transaction. Bonds issued under this section shall be executed as provided in s. [67.08 \(1\)](#) and may be registered under s. [67.09](#). The bonds may be sold or exchanged at public sale or by private negotiation with bond underwriters as the authority provides. The bonds may be sold or

exchanged at any price that the authority determines. If sold or exchanged at public sale, the sale shall be held after a class 2 notice, under ch. [985](#), published before the sale in a newspaper having general circulation in the city and in any other medium of publication that the authority determines. Bonds may be sold to the federal government at private sale, without publication of any notice, at not less than par, and, if less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the authority that does not exceed the interest cost to the authority of the portion of the bonds sold to the federal government. Any provision of law to the contrary notwithstanding, any bonds issued under this section are fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section or the security for any bond, any bond reciting in substance that it has been issued by the authority in connection with a project or activity under this section is deemed to have been issued for that purpose and the project or activity is deemed to have been planned, located and carried out in accordance with this section.

5. Establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, optical imaging, or electronic formatting, if authorized under s. [19.21 \(4\) \(c\)](#). The procedure shall assure that copies of the records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disc or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. [16.61](#) and [16.612](#).
6. Authorize the chairperson of the authority or the vice chairperson in the absence of the chairperson, selected by vote of the commissioners, and the executive director or the assistant director in the absence of the executive director to execute on behalf of the authority all contracts, notes and other forms of obligation when authorized by at least 4 of the commissioners of the authority to do so.
7. Commence actions in its own name. The authority shall be sued in the name of the authority. The authority shall have an official seal.
8. Exercise other powers that may be required or necessary to effectuate the purposes of this section.
9. Exercise any powers of a housing authority under s. [66.1201](#) if done in concert with a housing authority under a contract under s. [66.0301](#).

REDEVELOPMENT AUTHORITY (RDA)

Bonding

City May Issue General Obligation Bonds; No Referendum Required – Wis. Stat. § 66.1333(14)

“For the purpose of financially aiding an authority to carry out blight elimination, slum clearance and urban renewal programs and projects, the city in which the authority functions may issue and sell general obligation bonds under ch. 67, except that no referendum is required, and may levy taxes without limitation for the payment of the bonds, as provided in s. 67.035. The bonds authorized under this subsection are fully negotiable and except as provided in this subsection are not subject to any other law or charter pertaining to the issuance or sale of bonds.”

Budget

Local Government Sets RDA Budget – Wis. Stat. § 66.1333(15)

“The local legislative body shall approve the budget for each fiscal year of the authority, and may alter or modify any item of the budget relating to salaries, office operation or facilities.”

Comprehensive Plan of Redevelopment

Preparation of Comprehensive Plan of Redevelopment and Urban Renewal – Wis. Stat. § 66.1333(6)(a)

“The authority may make and prepare a comprehensive plan of redevelopment and urban renewal which shall be consistent with the general plan of the city, including the appropriate maps, tables, charts and descriptive and analytical matter. The plan is intended to serve as a general framework or guide of development within which the various area and redevelopment and urban renewal projects may be more precisely planned and calculated. The comprehensive plan shall include at least a land use plan which designates the proposed general distribution and general locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations and other general categories of public and private uses of the land. The authority may make all other surveys and plans necessary under this section, and adopt or approve, modify and amend the plans.”

Exercise of Powers Granted for Acquisition and Disposition of Real Property in a Project Area – Wis. Stat. § 66.1333(6)(b)

“For the exercise of the powers granted and for the acquisition and disposition of real property in a project area, the following steps and plans are required:”

Designation of the Boundary, by the RDA, of the Project Area, and Adoption of Blight Resolution by the Local Legislative Body – Wis. Stat. § 66.1333(6)(b)1.

“Designation by the authority of the boundaries of the proposed project area, submission of the boundaries to the local legislative body, and adoption of a resolution by two-thirds of the local legislative body declaring the area to be a blighted area in need of a blight elimination, slum clearance and urban renewal project. After these acts, the local legislative body may, by resolution by two-thirds vote, prohibit for an initial period of not to exceed 6 months from enactment of the resolution any new construction in the area except upon resolution by the local legislative body that the proposed new construction,

on reasonable conditions stated in the resolution, will not substantially prejudice the preparation or processing of a plan for the area and is necessary to avoid substantial damage to the applicant. The order of prohibition is subject to successive renewals for like periods by like resolutions, but no new construction contrary to any resolution of prohibition may be authorized by any agency, board or commission of the city in the area except as provided in this subdivision. No prohibition of new construction may be construed to forbid ordinary repair or maintenance, or improvement necessary to continue occupancy under any regulatory order."

NOTE: RDA must confer with other officials, boards, authorities, and agencies – Wis. Stat. § 66.1333(6)(c)

"In relation to the location and extent of public works and utilities, public buildings and public uses in a comprehensive plan or a project area plan, the authority shall confer with the planning commission and with such other public officials, boards, authorities and agencies of the city under whose administrative jurisdictions these uses fall."

Approval of Redevelopment Plan by RDA and the Local Legislative Body – Wis. Stat. § 66.1333(6)(b)2.

"Approval by the authority and by two-thirds of the local legislative body of the redevelopment plan of the project area which has been prepared by the authority. The redevelopment plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area. The redevelopment plan shall include a statement of the boundaries of the project area; a map showing existing uses and conditions of real property; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage and building intensity in the area after redevelopment; present and potential equalized value for property tax purposes; a statement of proposed changes in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area."

NOTE: Public hearing required before approval of project area by the RDA – Wis. Stat. § 66.1333(6)(b)2.

"Approval of a redevelopment plan of a project area by the authority, which may be given only after a public hearing conducted by the authority and a finding by the authority that the plan is feasible and in conformity with the general plan of the city. Notice of the hearing, describing the time, date, place and purpose of the hearing and generally identifying the project area, shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 10 days before the date set for the hearing. At least 20 days before the date set for the hearing on the proposed redevelopment plan of the project area a notice shall be transmitted by certified mail, with return receipt requested, to each owner of real property of record within the boundaries of the redevelopment plan. If transmission of the notice by certified mail with return receipt requested cannot be accomplished, or if the letter is returned undelivered, then notice may be given by posting the notice at least 10 days before the date of hearing on any structure located on the property or, if the property consists of vacant land, a notice may be posted in some suitable and conspicuous place on the land. The notice shall state the time and place at which the hearing will be held with respect to the redevelopment plan and that the owner's property might be taken for urban renewal. For the purpose of ascertaining the

name of the owner of record of the real property within the project boundaries, the records, at the time of the approval by the redevelopment authority of the project boundaries, of the register of deeds of the county in which the property is located are conclusive. Failure to receive the notice does not invalidate the plan. An affidavit of mailing or posting of the notice filed as a part of the records of the authority is prima facie evidence of the giving of notice. All interested parties shall be afforded a full opportunity to express their views on the proposed plan at the public hearing, but the hearing shall only be for the purpose of assisting the authority in making its determination and in submitting its report to the local legislative body. Any technical omission in the procedure outlined in this subdivision does not invalidate the plan. Any owner of property included within the boundaries of the redevelopment plan who objects to the plan shall state the owner's objections and the reasons for objecting, in writing, and file the s document with the authority before the public hearing, at the time of the public hearing, or within 15 days after the hearing. The owner shall state his or her mailing address and sign his or her name. The filing of objections in writing is a condition precedent to the commencement of an action to contest the right of the redevelopment authority to condemn the property under s. 32.06 (5)."

NOTE: RDA must confer with other officials, boards, authorities, and agencies – Wis. Stat. § 66.1333(6)(c)

"In relation to the location and extent of public works and utilities, public buildings and public uses in a comprehensive plan or a project area plan, the authority shall confer with the planning commission and with such other public officials, boards, authorities and agencies of the city under whose administrative jurisdictions these uses fall."

Amendment of Redevelopment Plan by RDA and the Local Legislative Body – Wis. Stat. § 66.1333(6)(d)

"After the redevelopment plan has been approved both by the authority and the local legislative body, it may be amended by resolution adopted by the authority, and the amendment shall be submitted to the local legislative body for its approval by a two-thirds vote before it becomes effective. It is not required in connection with any amendment to the redevelopment plan, unless the boundaries described in the plan are altered to include other property, that the provisions in this subsection with respect to public hearing and notice be followed."

Certification of Redevelopment Plan by RDA – Wis. Stat. § 66.1333(6)(d)

"After a project area redevelopment plan of a project area has been adopted by the authority, and the local legislative body has by a two-thirds vote approved the redevelopment plan the authority may certify the plan to the local legislative body. After certification, the authority shall exercise the powers granted to it for the acquisition and assembly of the real property of the area. The local legislative body shall upon the certification of the plan by the authority direct that no new construction be permitted. After this direction, no new construction may be authorized by any agencies, boards or commissions of the city in the area unless authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy."

Exercise Powers in Certified of Redevelopment Plan Area – Wis. Stat. § 66.1333(6)(e)

"After a project area redevelopment plan of a project area has been adopted by the authority, and the local legislative body has by a two-thirds vote approved the redevelopment plan the authority may certify the plan to the local legislative body. After certification, the authority shall exercise the powers granted to it for the acquisition and assembly of the real property of the area. The local legislative body shall upon the certification of the plan by the authority direct that no new

construction be permitted. After this direction, no new construction may be authorized by any agencies, boards or commissions of the city in the area unless authorized by the local legislative body, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy."

Financing by City for Redevelopment Activities – Wis. Stat. § 66.1333(6)(f)

"Any city in which a redevelopment authority is carrying on redevelopment under this section may make grants, loans, advances or contributions for the purpose of carrying on redevelopment, urban renewal and any other related purposes."

Definitions

Wis. Stat. § 66.1333(2m)

(a) "Abandoned highway corridor" means land in any city designated by the department of transportation for use as part of an expressway or a freeway, which is no longer designated by the department for that purpose.

(am) "Arts incubator" has the meaning given in s. 41.60 (1) (a).

(ar) "Authority" means a redevelopment authority.

(b) "Blighted area" means any of the following:

1. An area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

2. An area which by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

3. An area which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(bm) "Blighted property" means any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such

factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions liability and is a menace to the public health, safety, morals or welfare in its present condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

(c) "Blight elimination, slum clearance and urban renewal program," "blight elimination and urban renewal program," "redevelopment, slum clearance or urban renewal program," "redevelopment or urban renewal program," and "redevelopment program," mean undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas.

(d) "Blight elimination, slum clearance and urban renewal project," "redevelopment and urban renewal project," "redevelopment or urban renewal project," "redevelopment project," "urban renewal project," and "project" mean undertakings and activities in a project area for the elimination and for the prevention of the development or spread of slums and blight, and may involve clearance and redevelopment in a project area, or rehabilitation or conservation in a project area, or any combination or part of the undertakings and activities in accordance with a "redevelopment plan," "urban renewal plan," "redevelopment or urban renewal plan," "project area plan," or "redevelopment and urban renewal plan," either one of which means the redevelopment plan of the project area prepared and approved as provided in sub. (6). These undertakings and activities include all of the following:

1. Acquisition of all or a portion of a blighted area.
2. Demolition and removal of buildings and improvements.
3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the project area the objectives of this section in accordance with the redevelopment plan.
4. Disposition of any property acquired in the project area, including sale, initial leasing or retention by the authority itself, at its fair value for uses in accordance with the redevelopment plan.
5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan.
6. Acquisition of any other real property in the project area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.
7. Studying the feasibility of and initial design for an arts incubator, developing and operating an arts incubator, and applying for a grant or loan under s. 41.60 in connection with an arts incubator.
8. Studying the feasibility of an initial design for a technology-based incubator and developing and operating a technology-based incubator.

(e) "Bonds" means any bonds, including refunding bonds; notes; interim certificates; certificates of indebtedness; debentures; or other obligations.

(g) "Local legislative body" means the board of alderpersons, common council, council, commission or other board or body vested by the charter of the city or other law with jurisdiction to enact ordinances or local laws.

(h) "Project area" means a blighted area which the local legislative body declares to be in need of a blight elimination, slum clearance and urban renewal project.

(i) "Public body" means the state or any city, county, town, village, town board, commission, authority, district, or any other subdivision or public body of the state.

(j) "Real property" includes all lands, together with improvements and fixtures, and property of any nature appurtenant to the lands, or used in connection with the lands, and every estate, interest, right and use, legal or equitable, in the lands, including terms for years and liens by way of judgment, mortgage or otherwise.

(t) "Technology-based incubator" means a facility that provides a new or expanding technically-oriented business with all of the following:

1. Office and laboratory space.
2. Shared clerical and other support service.
3. Managerial and technical assistance.

Effect of Establishment of RDA on City Powers

Preclusion of Powers under Wis. Stat. § 66.1331(4) – Wis. Stat. § 66.1333(3)(d)

"Following the adoption of a resolution, under par. (a), [i.e., the creation of an RDA] a city is precluded from exercising the powers provided in s. 66.1331(4), and the authority may proceed to carry on the blight elimination, slum clearance and urban renewal projects in the city, except that the city is not precluded from applying, accepting and contracting for federal grants, advances and loans under the housing and community development act of 1974 (P.L. 93-383).

Wis. Stat. § 66.1331(4) reads:

POWER OF CITIES. (a) A city may exercise all powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including all of the following:

1. Prepare redevelopment plans and undertake and carry out redevelopment projects within its corporate limits.
2. Enter into any contracts determined by the local legislative body to be necessary to effectuate the purposes of this section.
3. Within its boundaries, acquire by purchase, eminent domain or otherwise, any real or personal property or any interest in that property, together with any improvements, necessary or incidental to a redevelopment project; hold, improve, clear or prepare for redevelopment any such property; sell, lease, subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any such property or any interest in that property; enter into contracts with redevelopers of property containing covenants, restrictions, and conditions

regarding the use of the property in accordance with a redevelopment plan and other covenants, restrictions and conditions that it deems necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; and make any covenants, restrictions, conditions or covenants running with the land and provide appropriate remedies for their breach.

4. Borrow money and issue bonds, and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal, state or county government, or other public body or from any sources, for the purpose of this section; and give security as may be required and enter into and carry out contracts in connection with the security.

(b) Condemnation proceedings for the acquisition of real property necessary or incidental to a redevelopment project shall be conducted in accordance with ch. 32 or any other laws applicable to the city.

(c) Notwithstanding any other provision of law, the local legislative body may designate, by ordinance or resolution, any local housing authority existing under ss. 66.1201 to 66.1211, any local redevelopment authority existing under s. 66.1333, or both jointly, or any local community development authority existing under s. 66.1335, as the agent of the city to perform any act, except the development of the general plan of the city, which may otherwise be performed by the planning commission under this section.

Employees

Wis. Stat. § 66.1333(3)(g)

“An authority may employ personnel as required to perform its duties and responsibilities under civil service. The authority may appoint an executive director whose qualifications are determined by the authority. The director shall act as secretary of the authority and has the duties, powers and responsibilities delegated by the authority. All of the employees, including the director of the authority, may participate in the same pension system, health and life insurance programs and deferred compensation programs provided for city employees and are eligible for any other benefits provided to city employees.”

Establishment

Wis. Stat. § 66.1333(3)(a)3.

“Upon the adoption of the resolution by the local legislative body by a two-thirds vote of its members present, a certified copy of the resolution shall be transmitted to the mayor or other head of the city government.”

Wis. Stat. § 66.1333(3)(c)

“The filing of a certified copy of the resolution adopted under par. (a) with the city clerk is prima facie evidence of the authority’s right to proceed, and the resolution is not subject to challenge because of any technicality. In any suit, action or proceeding commenced against the authority, a certified copy of the resolution is conclusive evidence that the authority is established and authorized to transact business and exercise its powers under this section.”

Legal Services to RDA

Local Government May Provide RDA Legal Services; RDA May Retain Attorneys – Wis. Stat. § 66.1333(16)

“The legal department of a city in which the authority functions can provide legal services to the authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority, be its counsel. The authority may retain specialists to render legal services as required by it.”

Membership/Commissioners

Wis. Stat. § 66.1333(3)(a)3.

“[T]he mayor or other head of the city government shall, with the confirmation of four-fifths of the local legislative body, appoint 7 residents of the city as commissioners of the authority.”

Wis. Stat. § 66.1333(3)(a)5.

“In making appointments of commissioners, the appointing power shall give due consideration to the general interest of the appointee in a redevelopment, slum clearance or urban renewal program and shall, insofar as is possible, designate representatives from the general public, labor, industry, finance or business group, and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially in the fields of finance and management, to assure efficiency in the redevelopment program, its planning and direction. One of the 7 commissioners shall be a member of the local legislative body. No more than 2 of the commissioners may be officers of the city in which the authority is created.”

Wis. Stat. § 66.1333(3)(b)

“The commissioners who are first appointed shall be designated by the appointing power to serve for the following terms: 2 for one year, 2 for 2 years, one for 3 years, one for 4 years, and one for 5 years, from the date of their appointment. After the first appointments, the term of office is 5 years. A commissioner holds office until a successor is appointed and qualified.”

NOTE: In Racine:

- Only one Council member serves as a commissioner.
- City Development Director serves as its Executive Director and Secretary (also serves as Secretary to the Plan Commission, so good integration/knowledge flow between the two entities).

Modification of Redevelopment Plan

Redevelopment Plan May Be Modified; Public Hearing Required – Wis. Stat. § 66.1333(11)(a)

“An approved project area redevelopment plan may be modified at any time after the lease or sale of all or part of the area if the modification is consented to by the lessee or purchaser, and the proposed modification is adopted by the authority and submitted to, and approved by, the local legislative body. Before approval, the authority shall hold a public hearing on the proposed modification, and notice of the time and place of hearing shall be sent by mail at least 10 days before the hearing to the owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may

refer back to the authority any project area redevelopment plan, project area boundaries or modifications submitted to it, together with recommendations for changes in the plan, boundaries or modification, and if the recommended changes are adopted by the authority and approved by the local legislative body, the plan, boundaries or modifications as changed become the approved plan, boundaries or modification.”

Redevelopment Plan May Be Modified; Notice to Purchasers Within Plan Area Required – Wis. Stat. § 66.1333(11)(b)

“Whenever the authority determines that a redevelopment plan with respect to a project area that has been approved and recorded in the register of deed’s office is to be modified to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority’s intention to modify the redevelopment plan, and it shall hold a public hearing on the modification. Notice shall be given to the purchasers of the property by personal service at least 20 days before the holding of the public hearing, or if the purchasers cannot be found notice shall be given by registered mail to the purchasers at their last-known address. Notice of the public hearing shall also be given by publication as a class 2 notice, under ch. 985. The notice shall specify the project area and recite the proposed modification and its purposes. The public hearing is advisory to the authority. If the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of the plan and that it will not produce conditions leading to a reoccurrence of blight within the project area, the authority may by resolution act to modify the plan to permit additional land uses in the project area, subject to approval by the legislative body by a two-thirds vote of the members-elect. If the local legislative body approves the modification to the redevelopment plan, an amendment to the plan containing the modification shall be recorded with the register of deeds of the county in which the project area is located and shall supplement the redevelopment plan previously recorded. Following the action with respect to modification of the redevelopment plan, the plan is amended and no legal rights accrue to any person or to any owner of property in the project area by reason of the modification of the redevelopment plan.”

Redevelopment Plan May Be Modified; Liberal Statutory Construction Required – Wis. Stat. § 66.1333(11)(c)

“The provisions of this subsection shall be construed liberally to effectuate its purposes and substantial compliance is adequate. Technical omissions do not invalidate the procedure in this subsection with respect to acquisition of real property necessary or incidental to a redevelopment project.”

Municipal Relations

Cooperation by Public Bodies; Use of Public Funds – Wis. Stat. § 66.1333(13)

“To assist any redevelopment or urban renewal project located in the area in which the authority is authorized to act, a public body may, upon terms that it determines: furnish services or facilities, provide property, lend or contribute funds, perform any other action of a character which it may perform for other general purposes, and enter into cooperation agreements and related contracts in furtherance of the purposes enumerated. A city and a public body may levy taxes and assessments and appropriate funds and make expenditures that may be necessary to carry out the purposes of this subsection, but taxes and assessments may not be levied under this subsection by a public body which may not levy taxes and assessments for any other purpose.”

NOTE: In Racine:

- City and RDA authorized a Memorandum of Understanding that delineates how the entities will work together:
- City provides staff support to the RDA:
 - Director of City Development to serve as Executive Dir. of RDA;
 - City Attorney to serve as counsel to the RDA;
 - Finance Director to assist with budgeting, also receipts and disbursements;
 - Commissioner of Public Works to assist with preparation of plans, specifications and estimates for capital projects to be undertaken by the Authority and with the solicitation, review, and awarding of bids for demolition, construction, environmental remediation, and other similar work done by that department;
- Mandates compliance with City policies:
 - Cooperation with public records law, and
Use of Legistar for noticing meetings and reporting out agendas and minutes, and reports to the Common Council, and
Comply with City's policies and procedures regarding financial recordkeeping and reporting, including use of City forms;
 - Follow City policies, procedures, and practices for comparable capital projects undertaken by the City;
 - RDA agrees to be bound by City's bidding process as if undertaken by itself.

Local Government Sets RDA Budget – Wis. Stat. § 66.1333(15)

“The local legislative body shall approve the budget for each fiscal year of the authority, and may alter or modify any item of the budget relating to salaries, office operation or facilities.”

Local Government May Provide RDA Legal Services; RDA May Retain Attorneys – Wis. Stat. § 66.1333(16)

“The legal department of a city in which the authority functions can provide legal services to the authority and a member of the legal department having the necessary qualifications may, subject to approval of the authority, be its counsel. The authority may retain specialists to render legal services as required by it.”

Nature of an RDA

Wis. Stat. § 66.1333(3)(f)

“An authority is an independent, separate and distinct public body and a body corporate and politic, exercising public powers determined to be necessary by the state to protect and promote the health, safety and morals of its residents”

Wis. Stat. § 66.1333(3)(a)2.

“An authority may transact business and exercise any of the powers granted to it in this section following the adoption by the local legislative body of a resolution declaring in substance that there exists within the city a need for blight elimination, slum clearance and urban renewal programs and projects.”

Payment to Commissioners

Wis. Stat. § 66.1333(3)(a)6.

“Commissioners shall receive their actual and necessary expenses, including local traveling expenses incurred in the discharge of their duties.”

Purpose

Wis. Stat. § 66.1333(3)(a)1.

“An authority is created for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects as set forth in this section, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination, slum clearance and urban renewal programs and projects.”

Powers

General – Wis. Stat. § 66.1333(3)(a)4.

“The powers of the authority are vested in the commissioners.”

General – Wis. Stat. § 66.1333(3)(a)2.

“An authority may transact business and exercise any of the powers granted to it in this section
....”

Hold Title to Real Estate – Wis. Stat. § 66.1333(3)(f) and (5)(a)3.

An RDA “own and hold property” and “may take title to real and personal property in its own name.”

Prepare Redevelopment Plans – Wis. Stat. § 66.1333(5)(a)1.

“Prepare redevelopment plans and urban renewal plans and undertake and carry out redevelopment and urban renewal projects within the corporate limits of the city in which it functions.”

Contract as Necessary – Wis. Stat. § 66.1333(5)(a)2.

“Enter into any contracts determined by the authority to be necessary to effectuate the purposes of this section. All contracts, other than those for personal or professional services, in excess of \$25,000 are subject to bid and shall be awarded to the lowest qualified and competent bidder. The authority may reject any bid required under this paragraph. The authority shall advertise for bids by a class 2 notice, under ch. 985, published in the city in which the project is to be developed. If the estimated cost of a contract, other than a contract for personal or professional services, is

between \$3,000 and \$25,000, the authority shall give a class 2 notice, under ch. 985, of the proposed work before the contract is entered into.”

Acquire Real Property; *Pre-Redevelopment/Urban Renewal Plan Approval Requires Authorization from the Local Governing Body* – Wis. Stat. § 66.1333(5)(b)4.

“The authority may acquire by purchase real property within any area designated for urban renewal or redevelopment purposes under this section before the approval of either the redevelopment or urban renewal plans or before any modification of the plan if approval of the acquisition is granted by the local governing body. If real property is acquired, the authority may demolish or remove structures with the approval of the local governing body. If acquired real property is not made part of the urban renewal project the authority shall bear any loss that may arise as a result of the acquisition, demolition or removal of structures acquired under this section. If the local legislative body has given its approval to the acquisition of real property that is not made a part of the urban renewal project, it shall reimburse the authority for any loss sustained as provided for in this subsection. Any real property acquired in a redevelopment or in an urban renewal area under this subsection may be disposed of under this section if the local governing body has approved the acquisition of the property for the project.”

Acquire Real Property; *Post-Redevelopment/Urban Renewal Plan Approval* – Wis. Stat. § 66.1333(3)(f) and (5)(a)3.

“The authority may proceed with the acquisition of property by eminent domain under ch. 32, or any other law relating specifically to eminent domain procedures of redevelopment authorities.”

“Within the boundaries of the city, acquire by purchase, lease, eminent domain, or otherwise, any real or personal property or any interest in the property, together with any improvements on the property, necessary or incidental to a redevelopment or urban renewal project;”

NOTE: Condemnation procedures must be conducted in accordance with Wis. Stat. Ch. 32.

Wis. Stat. § 66.1333(5)(b)1.

“Condemnation proceedings for the acquisition of real property necessary or incidental to a redevelopment project shall be conducted in accordance with ch. 32, or any other law relating specifically to eminent domain procedures of redevelopment authorities.”

Wis. Stat. § 66.1333(5)(b)3.

“Where a public hearing has been held with respect to a project area under this section the authority may proceed with such project and the redevelopment plan by following the procedure set forth in ch. 32. Any owner of property who has filed objections to the plan as provided under sub. (6) may be entitled to a remedy as determined by s. 32.06 (5).”

Practice tip:

Relocation, relocation, relocation! While it is but a portion of Ch. 32 (31.19-32.29), it is a very important one. DO NOT forget about it, do not disregard it, do not fail to educate yourself about it. An RDA has the power of eminent domain and can be a “displacing agency” under Chapter 92 of the Administrative Code.

Acquire Blighted Real Property; *Outside Redevelopment/Urban Renewal Plan Approval Requires Authorization from the Local Governing Body – First Class City Only* – Wis. Stat. § 66.1333(5)(c)1.

“Notwithstanding sub. (6), the authority of a 1st class city may acquire any property determined by the authority to be blighted property without designating a boundary or adopting a

redevelopment plan. The authority may not acquire property under this subdivision without the approval of the local legislative body of the city in which the authority is located.”

NOTE: Condemnation proceedings for acquisition of blighted property must be conducted under Wis. Stat. ch. 32.

NOTE: Public hearing required pursuant to Wis. Stat. § 66.1333(5)(c)1r.2.

Acquire Blighted Real Property; *Outside* Redevelopment/Urban Renewal Plan Approval *Requires Advance Authorization from the Two-Thirds of the Local Governing Body by Resolution – Second, Third, Fourth Class Cities* – Wis. Stat. § 66.1333(5)(c)1g.

“Notwithstanding sub. (6), the authority of any 2nd, 3rd or 4th class city may acquire blighted property without designating a boundary or adopting a redevelopment plan, if all of the following occur:

- a. The authority obtains advance approval for the acquisition by at least a two-thirds vote of the members of the local legislative body in which the authority is located.
- b. The two-thirds approval in subd. 1g. a. shall be by resolution and the resolution shall contain a finding of the local legislative body that a comprehensive redevelopment plan is not necessary to determine the need for the acquisition, the uses of the property after acquisition and the relation of the acquisition to other property redevelopment by the authority.

NOTE: Condemnation proceedings for acquisition of blighted property must be conducted under Wis. Stat. ch. 32.

NOTE: Public hearing required pursuant to Wis. Stat. § 66.1333(5)(c)1r.2.

Improve Real Property – Wis. Stat. § 66.1333(5)(a)3.

“hold, improve, clear or prepare for redevelopment or urban renewal any of the property;”

Transfer/Encumber Real Property – Wis. Stat. § 66.1333(5)(a)3.

“sell, lease, subdivide, retain or make available the property for the city’s use; mortgage or otherwise encumber or dispose of any of the property or any interest in the property;”

“make any restrictions, conditions or covenants running with the land and provide appropriate remedies for their breach;”

Contract with Developers to Prevent Blight Recurrence – Wis. Stat. § 66.1333(5)(a)3.

“enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of the property in accordance with a redevelopment or urban renewal plan, and other covenants, restrictions and conditions that the authority considers necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section;”

Contract for Services – Wis. Stat. § 66.1333(5)(a)3.

“arrange or contract for the furnishing of services, privileges, works or facilities for, or in connection with a project;”

Temporarily Operate Real Property Not in Conformity with Redevelopment Plan – Wis. Stat. § 66.1333(5)(a)3.

“temporarily operate and maintain real property acquired by it in a project area for or in connection with a project pending the disposition of the property for uses and purposes that may be deemed desirable even though not in conformity with the redevelopment plan for the area;”

Inspect Real Property – Wis. Stat. § 66.1333(5)(a)3.

“within the boundaries of the city, enter into any building or property in any project area in order to make inspections, surveys, appraisals, soundings or test borings, and obtain a court order for this purpose if entry is denied or resisted;”

Insure Real Property – Wis. Stat. § 66.1333(5)(a)3.

“insure or provide for the insurance of any real or personal property or any of its operations against any risks or hazards, including paying premiums on any insurance;”

Invest Funds – Wis. Stat. § 66.1333(5)(a)3.

“invest any project funds held in reserves or sinking funds or the funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control;”

Redeem Bonds – Wis. Stat. § 66.1333(5)(a)3.

“redeem its bonds issued under this section at the redemption price established in the bonds or purchase the bonds at less than redemption price, all bonds so redeemed or purchased to be canceled;”

Determine Methods for Blight Elimination – Wis. Stat. § 66.1333(5)(a)3.

“develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of slums and blight;

Disseminate Relevant Information – Wis. Stat. § 66.1333(5)(a)3.

“disseminate blight elimination, slum clearance and urban renewal information.”

Borrow Money and Acquire Debt – Wis. Stat. § 66.1333(5)(a)4.a.

Borrow money and issue bonds; execute notes, debentures, and other forms of indebtedness; apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the city in which it functions, from the federal government, the state, county, or other public body, or from any sources, public or private for the purposes of this section, and give such security as may be required and enter into and carry out contracts or agreements in connection with the security; and include in any contract for financial assistance with the federal government for or with respect to blight elimination and slum clearance and urban renewal such conditions imposed pursuant to federal laws as the authority considers reasonable and appropriate and that are not inconsistent with the purposes of this section.

NOTE: Per Wis. Stat. § 66.1333(5)(a)4.b., all debt is the debt of the RDA and not of the city.

“Any debt or obligation of the authority is not the debt or obligation of the city, county, state or any other governmental authority other than the redevelopment authority itself.”

Issue Bonds (which are indebtedness of the RDA and not of the city) – Wis. Stat. § 66.1333(5)(a)4.c.

“Issue bonds to finance its activities under this section, including the payment of principal and interest upon any advances for surveys and plans, and issue refunding bonds for the payment or retirement of bonds previously issued by it. Bonds shall be made payable, as to both principal and

interest, solely from the income, proceeds, revenues, and funds of the authority derived from or held in connection with its undertaking and carrying out of projects or activities under this section. Payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any projects or activities of the authority under this section, and by a mortgage of all or a part of the projects or activities. Bonds issued under this section are not an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction of the state, city or of any public body other than the authority issuing the bonds, and are not subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and, together with interest and income, are exempt from all taxes. Bonds issued under this section shall be authorized by resolution of the authority, may be issued in one or more series and shall bear a date, be payable upon demand or mature at a time, bear interest at a rate, be in a denomination, be in a form either with or without coupon or registered, carry conversion or registration privileges, have rank or priority, be payable in a medium of payment, at a place, and be subject to terms of redemption, with or without premium, be secured in a manner, and have other characteristics, as provided by the resolution, trust indenture or mortgage issued pursuant to the transaction. Bonds issued under this section shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. The bonds may be sold or exchanged at public sale or by private negotiation with bond underwriters as the authority provides. The bonds may be sold or exchanged at any price that the authority determines. If sold or exchanged at public sale, the sale shall be held after a class 2 notice, under ch. 985, published before the sale in a newspaper having general circulation in the city and in any other medium of publication that the authority determines. Bonds may be sold to the federal government at private sale, without publication of any notice, at not less than par, and, if less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the authority that does not exceed the interest cost to the authority of the portion of the bonds sold to the federal government. Any provision of law to the contrary notwithstanding, any bonds issued under this section are fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section or the security for any bond, any bond reciting in substance that it has been issued by the authority in connection with a project or activity under this section is deemed to have been issued for that purpose and the project or activity is deemed to have been planned, located and carried out in accordance with this section.”

Sue and Be Sued – Wis. Stat. § 66.1333(5)(a)7.

“Commence actions in its own name. The authority shall be sued in the name of the authority.”

Broad Catch-All Powers – Wis. Stat. § 66.1333(5)(a)8. –

“Exercise other powers that may be required or necessary to effectuate the purposes of this section.”

Contracted Housing Authority Powers – Wis. Stat. § 66.1333(5)(a)9.

“Exercise any powers of a housing authority under s. 66.1201 if done in concert with a housing authority under a contract under s. 66.0301.”

Issue Bonds to Finance Mortgage Loans on Owner-Occupied Dwellings – Wis. Stat. § 66.1333(5)m)

“(a) Subject to par. (b), an authority may issue bonds to finance mortgage loans on owner-occupied dwellings. Bonds issued under this paragraph may be sold at a private sale at a price determined by the authority.

(b) The redevelopment authority shall submit the resolution authorizing the issuance of bonds under par. (a) to the common council for review. If the common council disapproves the resolution within 45 days after its submission, no bonds may be issued under the authority of the resolution.

(c) The redevelopment authority may:

1. Issue mortgage loans for the rehabilitation, purchase or construction of any owner-occupied dwelling in the city.
2. Issue loans to any lending institution within the city which agrees to make mortgage loans for the rehabilitation, purchase or construction of any owner-occupied dwelling in the city.
3. Purchase loans agreed to be made under subd. 2."

Finance Certain School Facilities – First Class City Only – Wis. Stat § 66.1333(5r)

Unfunded Service Liability – First Class City Only – Wis. Stat § 66.1333(5s)

Power withheld from RDAs

Public Housing Projects – Wis. Stat. § 66.1333(3)(e)1.

"An authority has no power in connection with any public housing project."

Discrimination – Wis. Stat. § 66.1333(3)(e)1.

"Persons otherwise entitled to any right, benefit, facility, or privilege under this section may not be denied the right, benefit, facility, or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin."

Procedural Responsibilities of RDAs

Preservation of Records – Wis. Stat. § 66.1333(5)(a)5.

"Establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, optical imaging, or electronic formatting, if authorized under s. 19.21 (4) (c). The procedure shall assure that copies of the records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disc or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612."

Select Chair and Vice-Chair/Authorization to Execute Documents – Wis. Stat. § 66.1333(5)(a)6.

"Authorize the chairperson of the authority or the vice chairperson in the absence of the chairperson, selected by vote of the commissioners, and the executive director or the assistant director in the absence of the executive director to execute on behalf of the authority all contracts, notes and other forms of obligation when authorized by at least 4 of the commissioners of the authority to do so."

Have an Official Seal – Wis. Stat. § 66.1333(5)(a)7.

"The authority shall have an official seal."

Relocation Costs for Displaced Persons

Payment of Housing Relocation Costs – Wis. Stat. § 66.1333(10)

“An authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. The authority shall prepare a plan for submittal to the local legislative body for approval which shall assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available or will be provided at rents or prices within the financial reach of the income groups displaced. The authority may make relocation payments to or with respect to persons, including families, business concerns and others, displaced by a project for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including making payments financed by the federal government.”

Removal of Commissioners

Wis. Stat. § 66.1333(3)(b)

“Removal of a commissioner is governed by s. 66.1201. Vacancies and new appointments are filled in the manner provided in par. (a).”

Statutory Authority

Wis. Stat. § 66.1333(3)(a)1.

“It is found and declared that a redevelopment authority, functioning within a city in which there exists blighted areas, constitutes a more effective and efficient means for preventing and eliminating blighted areas in the city and preventing the recurrence of blighted areas. Therefore, there is created in every city with a blighted area a redevelopment authority, to be known as the “redevelopment authority of the city of”

Statutory Construction

Liberal Statutory Construction – Wis. Stat. § 66.1333(17)

“This section shall be construed liberally to effectuate its purposes and the enumeration in this section of specific powers does not restrict the meaning of any general grant of power contained in this section or exclude other powers comprehended in the general grant.”

Tax Exemption Limitation

RDA Property Tax Exempt; Payment in Lieu of Taxes Permitted – Wis. Stat. § 66.1333(12)

“The real and personal property of the authority is declared to be public property used for essential public and governmental purposes, and the property and an authority are exempt from all taxes of the state or any state public body. The city in which a redevelopment or urban renewal project is located may fix a sum to be paid annually in lieu of taxes by the authority for the services,

improvements or facilities furnished to the project by the city if the authority is financially able to do so, but the sum may not exceed the amount which would be levied as the annual tax of the city upon the project. No real property acquired under this section by a private company, corporation, individual, limited liability company or partnership, either by lease or purchase, is exempt from taxation because of the acquisition.”

Transfer, Lease, or Sale of Real Property in Project Areas for Public and Private Uses

Transfer, Lease, or Sale of Real Property– Wis. Stat. § 66.1333(9)(a)

“1. a. Upon the acquisition of any real property in the project area, the authority may lease, sell or otherwise transfer to a redevelopment company, association, corporation or public body, or to an individual, limited liability company or partnership, all or any part of the real property, including streets or parts of streets to be closed or vacated in accordance with the plan, for use in accordance with the redevelopment plan. No assembled lands of the project area may be either sold or leased by the authority to a housing authority created under s. 66.1201 for the purpose of constructing public housing projects upon the land unless the sale or lease of the lands has been first approved by the local legislative body by a vote of not less than four-fifths of the members elected.

b. Any real property sold or leased under subd. 1. a. shall be leased or sold at its fair market value for uses in accordance with the redevelopment plan, notwithstanding that the fair market value may be less than the cost of acquiring and preparing the property for redevelopment. In determining fair market value, an authority shall give consideration to the uses and purposes required by the redevelopment plan; the restrictions upon and covenants, conditions and obligations assumed by the purchaser or lessee, the objectives of the redevelopment plan for the prevention or recurrence of slum and blighted areas; and other matters that the authority considers appropriate.

c. A copy of the redevelopment plan shall be recorded in the office of the register of deeds in the county where the redevelopment project is located. Any amendment to the redevelopment plan, approved under sub. (6), shall be recorded in the office of the register of deeds of the county.

d. Before the transfer, lease or sale of any real property in the project area occurs, a report as to the terms, conditions and other material provisions of the transaction shall be submitted to the local legislative body, and the local legislative body shall approve the report prior to the authority proceeding with the disposition of the real property.

2. Any lease, including renewal options, which can total more than 5 years shall be approved by the local legislative body.”

Lease or Sale Without Public Bidding – Wis. Stat. § 66.1333(9)(b)

“A lease or sale may be made without public bidding, but only after public hearing is held by the authority after a notice is published as a class 2 notice, under ch. 985. The hearing shall be predicated upon the proposed sale or lease and the provisions of the sale or lease.”

Lease Terms set by the RDA – Wis. Stat. § 66.1333(9)(c)

The terms of a lease or sale shall be fixed by the authority, and the instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to the reappraisals. Every lease or sale shall provide that the lessee or purchaser will carry out the approved project area redevelopment plan or approved modifications of the redevelopment plan, and that the use of land or real property included in the lease or sale, and any building or structure, shall conform to the approved plan or approved modifications of the plan. In the instrument of

lease or sale, the authority may include other terms, provisions and conditions that will provide reasonable assurance of the priority of the obligations of the lease or sale, of conformance to the plan over any other obligations of the lessee or purchaser, and of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale. In the instrument of lease or sale, the authority may include terms, conditions and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management, and any other matters that the authority imposes or approves, including provisions under which the obligations to carry out and conform to the project area plan run with the land. If maximum rentals to be charged to tenants are specified, provision may be made for periodic reconsideration of rental bases.”

No Conveyance Without RDA Consent – Wis. Stat. § 66.1333(9)(d)

“Until the authority certifies that all building constructions and other physical improvements specified by the purchaser have been completed, the purchaser may not convey all or part of an area without the consent of the authority. No consent may be given unless the grantee of the purchaser is obligated, by written instrument, to the authority to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property and unless the written instrument specifies that the grantee and the heirs, representatives, successors and assigns of the grantee may not convey, lease or let all or part of the conveyed property, or erect or use any building or structure on the conveyed property free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications of the redevelopment plan.”

Demolition of Structures – Wis. Stat. § 66.1333(9)(e)

“The authority may demolish any existing structure or clear all or part of an area or specify the demolition and clearance to be performed by a lessee or purchaser and a time schedule for the demolition and clearance. The authority shall specify the time schedule and conditions for the construction of buildings and other improvements.”

Costs of Street Construction Includable – Wis. Stat. § 66.1333(9)(f)

“In order to facilitate the lease or sale of a project area, or if the lease or sale is part of an area, the authority may include in the cost payable by it the cost of the construction of local streets and sidewalks in the area, or of grading and any other local public surface or subsurface facilities or any site improvements necessary for shaping the area as the site of the redevelopment of the area. The authority may arrange with the appropriate federal, state, county or city agencies for the reimbursement of outlays from funds or assessments raised or levied for these purposes.”

COMMON COUNCIL
OF THE
CITY OF ASHLAND, WISCONSIN

Resolution No. _____

RESOLUTION CREATING THE REDEVELOPMENT AUTHORITY
OF THE CITY OF ASHLAND, WISCONSIN

WHEREAS, the City of Ashland, Wisconsin (the "City") is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.1333, Wisconsin Statutes (the "Redevelopment Authority Law"), by proper resolution of the Common Council, to declare that there is a need in the City for a redevelopment authority which, upon the making of certain findings and declarations by this Common Council, shall be a public body corporate and politic authorized to transact business and exercise any and all powers, duties and functions set out in Section 66.1333, Wisconsin Statutes for redevelopment authorities; and

WHEREAS, it is the finding, determination and declaration of this Common Council that there exists within the City a need for blight elimination, slum clearance and urban renewal programs and projects; and

WHEREAS, it is the finding, determination and declaration of this Common Council that the City would derive public benefits from the creation of a redevelopment authority and the exercise by the redevelopment authority of its powers under the Redevelopment Authority Law, including by way of illustration but not limitation, the following public benefits: the elimination or prevention of substandard, deteriorated, unsanitary, and blighted areas; the provision and retention of gainful employment opportunities for the citizens of the City; an increase in the City's tax base; and the stimulation of the flow of investment capital into the City with resultant beneficial effects upon the economy in the City; and

WHEREAS, it is the finding, determination and declaration of this Common Council that the public interest will be served if the City were to create a redevelopment authority in the City.

NOW, THEREFORE, BE IT RESOLVED:

1. On the basis of the findings and determinations herein recited, this Common Council declares that there is a need for and does hereby create a redevelopment authority in the City, to be known as the "Redevelopment Authority of the City of Ashland, Wisconsin" (the "Authority"), authorized to transact business and exercise any and all powers granted to a redevelopment authority under the Redevelopment Authority Law as amended from time to time.

2. This Resolution shall be effective immediately upon its passage and approval. Upon such approval, the City Clerk shall promptly notify the Mayor of the adoption of this Resolution by delivering a certified copy hereof to him or her, and the Mayor shall, with the confirmation of a four-fifths vote of this Common Council, appoint seven (7) qualified resident persons to serve as commissioners of the Authority for the staggered initial terms provided in Section 66.1333(3)(b) of the Wisconsin Statutes. One commissioner shall be a member of this Common Council and no more than 2 commissioners shall be officers of the City.

3. This Common Council hereby approves the Bylaws of the Authority in the form attached hereto as Exhibit A.

Adopted and approved this ____ day of _____, 20__

(SEAL)

Mayor

City Clerk

EXHIBIT A

Bylaws of the Authority

(See Attached)

**BYLAWS OF THE
REDEVELOPMENT AUTHORITY OF THE
_____ OF _____, WISCONSIN**

Adopted _____, ____

Effective _____, ____

**ARTICLE I
THE AUTHORITY**

Section 1. Name of Authority. The name of the Authority shall be Redevelopment Authority of the _____ of _____, Wisconsin.

Section 2. Seal of Authority. The Authority shall have no seal.

Section 3. Offices of the Authority. The principal offices of the Authority shall be at _____, _____, Wisconsin. In addition, the Authority may from time to time have offices at such other place or places as it deems necessary. The location of the Authority's principal offices may be changed by appropriate resolution of the Authority.

**ARTICLE II
OFFICERS**

Section 1. Officers. The officers of the Authority shall be a Chairperson, a Vice-Chairperson and a Secretary (who shall be Executive Director) who shall be elected or appointed as hereinafter set forth.

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Authority. The Chairperson and Executive Director are authorized to execute on behalf of the Authority all contracts, deeds, notes and other forms of obligations or instruments when duly authorized by the Commissioners of the Authority to do so. At each meeting the Chairperson shall submit such recommendations and information as the Chairperson 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 Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall appoint 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 the office. [The Secretary shall keep in safe custody the seal, if any, of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.]

The Secretary shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. The Secretary shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall be countersigned by the Chairperson. The Secretary shall keep regular books or accounts showing receipts and expenditures and shall render to the Authority, at least quarterly (or oftener when requested), an account of the Authority's transactions and also of the financial condition of the Authority. The Secretary shall give such bond for the faithful performance of the Secretary's duties as the Authority may determine.

Section 5. Executive Director. The Executive Director shall serve as Secretary to the Authority and shall be the chief administrative officer of the Authority and shall direct, manage and supervise the Authority's administrative operation and technical activities in accordance with and subject to the direction of the Authority. The Executive Director shall be compensated for administrative time on behalf of the Authority at a rate of \$ _____ per hour.

Section 6. Deputy Executive Director. The Deputy Executive Director shall serve as the Deputy Secretary to the Authority and shall perform the duties of the Executive Director and Secretary in the Executive Director's absence.

Section 7. 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 by the bylaws or rules and regulations of the Authority.

Section 8. Election or Appointment. The Chairperson and Vice-Chairperson shall be elected from among the Commissioners of the Authority immediately following adoption of these bylaws and thereafter at the first regular or special meeting of the Authority held in the month of [_____] in each calendar year and shall hold office until the next succeeding first day of [_____] or until their successors are elected and qualified.

The Executive Director and Deputy Executive Director shall be appointed by the Authority. Any persons appointed to fill the office of Executive Director or Deputy Executive Director, or any vacancy therein, shall have such term as the Authority fixes.

Section 9. Vacancies. Should the offices of Chairperson or Vice-Chairperson become vacant, the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office. When the office of Secretary becomes vacant, the Authority shall appoint a successor, as aforesaid.

ARTICLE III MEETINGS

Section 1. Meetings. The Chairperson of the Authority may call all meetings when he/she deems it expedient. All regular and special meetings of the Authority shall be held at _____, _____, Wisconsin, or in such other public place as the Authority deems appropriate and is physically accessible to persons with disabilities. All regular and special meetings, hearings, records and accounts of the Authority shall be open to the public and in compliance with the ordinances of the _____ of _____, Wisconsin. All members of the Authority Board shall be paid a per diem of \$[_____] per meeting.

Section 2. Special Meetings. The Chairperson of the Authority shall call a special meeting upon the request of two members of the Authority or the Chairperson for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Authority or may be mailed to the business or home address of each member of the Authority at least two days prior to the date of such special meeting. At such special meeting, no business shall be considered other than as designated in the call.

Section 3. Order of Business - Agenda. The Secretary shall prepare an agenda for each meeting. The order of business shall generally be as follows:

- I. ROLL CALL - (RECOGNITION OF GUESTS OPTIONAL)
- II. APPROVAL OF MINUTES
- III. COMMUNICATIONS AND PUBLIC APPEARANCES
- IV. ROUTINE BUSINESS
- V. DETAILED BUSINESS
- VI. BUSINESS BY THE COMMISSIONERS
- VII. SECRETARY'S REPORT

Section 4. Motions. The name of the maker of the motion and the second to the motion shall be duly recorded in the minutes of the meeting.

Section 5. Voting. The voting on all questions coming before the Authority shall be by a roll call vote.

Section 6. Parliamentary Procedure. The parliamentary procedure in Authority meetings shall be governed by Roberts Rules of Order.

ARTICLE IV SUBCOMMITTEES

Section 1. Subcommittees. The Authority may establish standing subcommittees of the Authority which shall make recommendations to the Authority on matters referred to the subcommittees by the Authority.

Section 2. Appointments. Appointments to any standing subcommittee shall be made by the Chairperson of the Authority at the first regular or special meeting of the Authority held in the month of [] in each calendar year. The Chairperson of the Authority shall designate the Chairperson of each of the standing subcommittees at the time of appointment. Standing subcommittee members shall hold office until the next succeeding first day of []; or until their successors are appointed.

Section 3. Other Subcommittees. The Authority may establish other subcommittees as may be required from time to time. Appointments to additional subcommittees shall be made by the Chairperson of the Authority and shall have such term of office as the Authority fixes.

ARTICLE V AMENDMENTS

Section 1. Amendments to Bylaws. The bylaws of the Authority may be amended after an amendment has been introduced at any regular meeting or special meeting and referred to the next regular special meeting. Adoption of an amendment shall be by a two-thirds vote of the members of the Authority, provided, however that the Common Council must also approve any amendment by 2/3 vote.

ARTICLE VI MISCELLANEOUS

Section 1. Suspension of Rules. The Authority by unanimous vote may suspend any of its rules or bylaws except as otherwise provided under the ordinances of the _____ of _____, Wisconsin or other applicable state or local law.

CITY OF ASHLAND

"SPOT BLIGHT" AND LEASE REVENUE BOND ISSUANCE PROCEDURE

PRELIMINARY TIMELINE

<u>Steps</u>	<u>Action</u>	<u>Comment</u>
<u>1</u>	<u>Common Council Meeting</u> : adopt resolution creating Redevelopment Authority	
<u>2</u>	Apply to USDA-RD for financing	
<u>3</u>	Mail notice of public hearing (by certified mail, return receipt requested) to each affected property owner at least 20 days prior to public hearing (unless notice is waived by owner)* If City is owner of property to be blighted, adopt resolution waiving notice of public hearing and consenting to blight finding	66.1333(5)(c)2
<u>4</u>	<u>Redevelopment Authority Meeting</u> : hold informational public hearing on blight determination (preceded by 20 day notice to property owners, unless waived) and adopt resolution approving acquisition/ redevelopment and finding blight	66.1333(5)(c)2 66.1333(5)(c)1g
<u>5</u>	<u>Common Council Meeting</u> : adopt resolution approving acquisition/ redevelopment and making blight finding by 2/3 vote of all members, including finding that comprehensive redevelopment plan not necessary	66.1333(5)(c)1g
<u>6</u>	Obtain Interim Financing	
<u>7</u>	Construct the Project	
<u>8</u>	Publish notices of public hearing on lease	66.1333(9)(b)
<u>9</u>	<u>Redevelopment Authority Meeting</u> : hold public hearing on lease and adopt resolution approving issuance of bonds and transfer and lease of property	66.1333(5)(a)4

* This step is N/A if all affected property owners execute waivers of notice of public hearing.

<u><i>Steps</i></u>	<u><i>Action</i></u>	<u><i>Comment</i></u>
<u>10</u>	<u>Common Council Meeting:</u> adopt resolution approving issuance of bonds and transfer and lease of property	
<u>11</u>	<u>Closing on USDA Bonds and Payoff Interim Financing</u>	