



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-012

AN ORDINANCE AMENDING SECTION 2.214(d)(6) ENTITLED *COMMUNITY DEVELOPMENT AUTHORITY*

WHEREAS, Wis. Stat. 66.1335 authorizes the Village to create a housing and community development authority which shall be known as the “Community Development Authority” (CDA) of the Village; and

WHEREAS, the CDA is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; and

WHEREAS, the Village may authorize the CDA to act as an agent of the Village in planning and carrying out community development programs under the Federal Housing and Community Development Act of 1974 and “as agent to perform all acts, except the development of the general plan of the [Village], which may be otherwise performed by the planning commission under s. 66.1105 [Tax Increment Law], 66.1301 to 66.1329 [Urban Redevelopment Law], 66.1331 [Blighted Area Law] or 66.1337 [Urban Renewal Act].”; and

WHEREAS, the Village previously amended this ordinance in 2014 to merge the Economic Development Committee with the CDA; and

WHEREAS, the Village wishes to authorize the CDA to carry out the functions of the Economic Development Committee in addition to the CDA’s primary statutory functions; and

WHEREAS, the Village Attorney has reviewed the current ordinance and found the ordinance to be inconsistent with current Wisconsin law; and

WHEREAS, the Village Attorney has proposed amending the ordinance as described below.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 2.214(d)(6) of the Village Of Weston Ordinances entitled *Community Development Authority* is hereby amended to provide as follows:

Section 2.214. Standing committees.

(d) *Established.* The following standing committees are established:

- a. Need. The Village declares that a need for blight elimination, slum clearance, urban renewal programs and community development projects and housing projects exists in the Village of Weston.

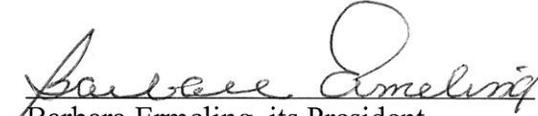
- b. Creation. Pursuant to Wis. Stat. 66.1335 the Village hereby creates a housing and community development authority which shall be known as the “Community Development Authority” of the Village of Weston. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.
- c. Powers and Duties. The Community Development Authority has all powers, duties and functions set out in Wis. Stats. 66.1201 and 66.1333 for housing and redevelopment authorities. As to all housing projects initiated by the Community Development Authority it shall proceed under Wis. Stat. 66.1201. As to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs the Community Development Authority shall proceed under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337 as determined appropriate by the Village Board on a project by project basis. As to all Community Development Programs and activities undertaken by the Village under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. The Community Development Authority shall act as agent of the Village to perform all acts, except the development of the general plan of the Village, which may be otherwise performed by the plan commission under Wis. Stats. 66.1105, 66.1301 to 66.1329, 66.1331 or 66.1337.
- d. Other Functions. In addition to the above duties, the Community Development Authority, as an agent of the Village, shall carry out the following additional functions:
 - 1. Provide oversight and development of the Village’s business and industrial parks which include business recruitment, land sales, grant development, and park design;
 - 2. Provide technical support and counsel in the administration of revolving loans fund for business development; and
 - 3. Recommend policy to the Village Board on the enhancement of Village infrastructure and zoning policy to spur economic growth.
- e. Appointment of Members. The Village President shall, with the confirmation of the Board, appoint seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as Commissioners of the Community Development Authority. Two (2) of the Commissioners shall be members of the Board and shall serve during their term of office as Board trustees. The terms of non-Board members shall be four (4) years.
- f. Consider any other matter the Board may refer.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 15th day of June, 2015

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 6/15/15

PUBLISHED: 6/17/15

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted on June 15, 2015, Ordinance No. 15-012: An Ordinance Amending Section 2.214(d)(6) Entitled *Community Development Authority*.

The full text of Ordinance No. 15-012 may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Published: 6/17/15

**VILLAGE OF WESTON
REQUEST FOR CONSIDERATION**

AGENDA ITEM DSCRPTN: ORDINANCE NO. 15-012 AN ORDINANCE AMENDING SECTION 2.214(d)(6)
ENTITLED COMMUNITY DEVELOPMENT AUTHORITY.

FOR CONSIDERATION AT: VILLAGE BOARD; MONDAY, JUNE 15, 2015

LEGISLATION TYPE: ACKNOWLEDGE | MOTION | **ORDINANCE** | POLICY | RESOLUTION

RECOMMENDATION TO: Approve Ordinance No. 15-012 as presented.

REPORT PREPARED BY: DANIEL GUILD, ADMINISTRATOR
JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT

BACKGROUND: Administrator Guild requested an opinion from Village Attorney Yde if it was appropriate to have the Community Development Authority perform the functions of the previous Economic Development Committee. It was Attorney Yde's opinion that the CDA can do both if the Village grants it authority to do so.

Attorney Yde was also asked to review our current CDA ordinance Sec. 94.2.14(d)(6) and either amend or redraft it if it is inconsistent with current Wisconsin law. He found it to be inconsistent with current Wisconsin law and therefore he has suggested the revisions outlined in the attached ordinance amendment.

FISCAL IMPACTS:

Budget Line Item: _____
Budget Line Item: _____
Budgeted Expenditure: _____
Budgeted Revenue: _____

STATUTORY REFERENCES:

Wisconsin Statue: Wis. Stat. 66.1335
Administrative Code: _____
Municipal Code: Sec. 2.214 (6)
Judicial Ruling: _____

FURTHER REVIEW: