

## Chapter 4

### Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Police and Fire Commission
2-4-3	Board of Public Works
2-4-4	Board of Appeals
2-4-5	City Plan Commission
2-4-6	Parks and Recreation Board
2-4-7	Room Tax Commission
2-4-8	Library Commission
2-4-9	Board of Electrical Examiners
2-4-10	Community Development Authority
2-4-11	General Provisions Regarding Meetings and Public Notice
2-4-12	Residency Required for Service on Boards or Commissions
2-4-13	Municipal Harbor Commission

#### Sec. 2-4-1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed by resolution or ordinance by the Common Council.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (c) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

*State Law Reference:* Secs. 70.46 and 70.47, Wis. Stats.

#### Sec. 2-4-2 Police and Fire Commission.

The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational meeting one (1) member for a term of five (5) years, subject to confirmation by

## **Boards, Commissions and Committees**

### **2-4-2**

the Council. The Commission shall keep a record of its proceedings. The Board of Police and Fire Commissioners shall have the power and authority prescribed by Section 62.13, Wis. Stats., and this Code of Ordinances.

*State Law Reference: Sec. 62.13, Wis. Stats.*

### **Sec. 2-4-3 Board of Public Works.**

The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are either absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

*State Law Reference: Sec. 62.14, Wis. Stats.*

### **Sec. 2-4-4 Board of Appeals.**

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairperson.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning ordinances.
  - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public

## Boards, Commissions and Committees

### 2-4-4

safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Common Council shall provide, and compensate, a secretary for the Board of Appeals. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

*State Law Reference: Sec. 62.23(7), Wis. Stats.*

## Boards, Commissions and Committees

2-4-5

### Sec. 2-4-5 City Plan Commission.

- (a) **Composition.** The Plan Commission shall consist of eight (8) members as follows: the Mayor, one (1) Council Member, Director of Public Works, the Park and Recreation Board President or Vice-President in the event of the President's unavailability, and four (4) citizens.
- (b) **Appointment.**
  - (1) **Election/Appointment of Council Member.** At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
  - (2) **Appointment and Terms of Citizen Members.** The four (4) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **Organization of Commission.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary.
- (d) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Five (5) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (e) **Duties.**
  - (1) **The Master Plan.**
    - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
    - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a

## Boards, Commissions and Committees

### 2-4-5

majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska Zoning Code (Title 13) has given the Plan Commission the authority to make, including but not limited to approval of non-substantial changes to Planned Unit Developments, sign approval for Roof Signs, extensions for the limitations to Outdoor Displays and Sales, approval of Temporary Sales Events and approval of Tower Lighting. The Plan Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

## **Boards, Commissions and Committees**

### **2-4-5**

- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **Compensation.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.

### **Sec. 2-4-6 Parks and Recreation Board.**

- (a) **Appointments.** The Parks and Recreation Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student recommended by the Onalaska High School administration shall be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.
- (b) **Compensation; Oaths.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- (c) **Powers and Duties.** The Board shall have all the powers conferred by law upon park and recreation commissions and shall be chargeable with all the duties so required such as recommend, oversee work, and oversee funds of all parks, playgrounds, and recreational activities as part of properties within the City. The Parks and Recreation Board is specifically empowered and directed:
  - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
  - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
  - (3) With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
  - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purpose.
  - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation program, subject to budgetary approval by the Common Council.

## Boards, Commissions and Committees

### 2-4-6

- (6) To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
  - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs and other park facilities, recreation programs and other activities under their control, provided however that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.
  - (9) To make recommendations to the Common Council regarding the hiring, firing or discipline of Parks and Recreation employees.
  - (10) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- (d) **Public Recreation Program.** The City Parks and Recreation Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City and shall be empowered to:
- (1) Establish park rules and program policies.
  - (2) Cooperate and coordinate with public school activities.
  - (3) Cooperate with any private recreational activities.
  - (4) Approve any schedules of all recreational activities in public parks and school buildings.
- (e) **Record.** The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (f) **Finance.**
- (1) **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
  - (2) **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the Financial Services Director as general revenue of the City.
  - (3) **Monetary Contributions.** All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

## **Boards, Commissions and Committees**

### **2-4-7**

#### **Sec. 2-4-7 Room Tax Commission.**

- (a) **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council of the City of Onalaska shall be appointed by the Mayor and confirmed by the Council. Two (2) members shall be appointed by the Mayor who are residents of the City of Onalaska and are owners or managers of businesses located in the City of Onalaska and who are not members of the Common Council, subject to confirmation by the Council. One (1) member shall be a representative of the Wisconsin hotel and motel industry. One (1) member shall be either a member of the Common Council of the City of Onalaska or a citizen residing in the City of Onalaska who shall be appointed by the Mayor and confirmed by the Council. All members of the commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation of the Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- (b) **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk, in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- (c) **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of the Onalaska.
- (d) **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to Wis. Stat. 66.0615 as may be amended from time to time.

#### **Sec. 2-4-8 Library Commission.**

##### **(a) Composition; Appointment.**

- (1) The Library Commission shall consist of seven (7) members, all of whom shall be residents of the City. Members shall be appointed by the Mayor, subject to confirmation by the Council. One (1) of the Commission members shall be a Council Member and shall serve as Chair of the Commission.
- (2) Members of the Library Commission shall serve for a term of three (3) years.

## **Boards, Commissions and Committees**

### **2-4-8**

- (3) The appointment of persons to the Library Commission shall be made at the organizational meeting of the Council in April of any year in which a member's three (3) year tenure has expired. Any vacancies occurring on the Library Commission shall be filled by appointment by the Mayor, subject to the approval of the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy.
  - (4) On an annual basis, the members of the Commission shall nominate and elect a Vice – Chairperson and a Correspondence Secretary. These appointments shall remain in effect until the following year.
  - (5) In addition to the members set forth in paragraph one (1), there shall be two (2) advisory, non – voting members. One advisory member shall be the current Library Director. The Library Director shall serve as a non – voting advisory member for the duration of their employment as Library Director. The second advisory member shall be a student recommended by the Onalaska High School administration (“Student Advisor”). The Student Advisor shall serve for a term of one (1) year.
- (b) **Duties.**
- (1) The City of Onalaska Library Commission is established to serve as a liaison between the City and the county library system library board.
  - (2) The Library Commission is charged with the responsibility of coordinating the respective library – related activities of the City and the county library system. The Library Commission is further charged with the responsibility of ensuring that the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interests of the residents of the City of Onalaska.

### **Sec. 2-4-9 Board of Electrical Examiners.**

The Board of Electrical Examiners shall be appointed and shall have such duties as prescribed in Sec. 15-1-79.

### **Sec. 2-4-10 Community Development Authority.**

- (a) **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing and elderly housing programs and projects exist in the City and that a community development authority functioning within the City constitutes a more effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- (b) **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 of the Wisconsin Statutes (entitled “Housing and Community Development Authorities”), there is hereby created a community development authority, which shall be known as the “Community Development Authority of the City of Onalaska.” The Community Development Authority (the “CDA”) is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.

## **Boards, Commissions and Committees**

**2-4-10**

- (c) **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the “Commissioners”) of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration shall be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time. Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement of their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties.
- (d) **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:
- (1) Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full voting rights. The remaining five (5) Commissioners of the CDA shall be selected with reference to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.
  - (2) All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until his or her successor has been appointed and qualified, unless such Commissioner’s term is vacated earlier because of his or her change or residence, removal, resignation, incapacity or death.
  - (3) Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
  - (4) The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- (e) **Evidence of Appointment.** The records maintained by the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his or her office.

## **Boards, Commissions and Committees**

### **2-4-10**

- (f) **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- (g) **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19 of the Wisconsin Statutes and Section 2-2-12 of this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- (h) **Selection of Officers, Agents and Employees.**
  - (1) The CDA shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  - (2) The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one or more of its agents or employees such powers or duties as may deem proper.
  - (3) The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA (a) adopts and approves hiring, personnel and employment policies, (b) resolves to apply and maintain hiring, personnel and employment policies and (c) the CDA provides sixty (60) days notice of the adoption of the policies and resolutions set forth in subsections (a) and (b) above.
  - (4) The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.

## **Boards, Commissions and Committees**

**2-4-10**

(i) **City Assistance to CDA.**

(1) The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.

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

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

(j) **Interested Commissioners or Employees.** No Commissioner or employee of the CDA

shall acquire any direct or indirect interest in any project or in any property included or

planned to be included in any such project, nor shall he have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, he shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.

(k) **Powers and Duties of CDA.**

(1) The CDA shall have all powers, duties and functions set out in Wisconsin Statutes Sections 66.1201, 66.1213 and 66.1333 for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Wisconsin Statutes Section 66.1201 or Section 66.1213 as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Wisconsin Statutes Sections 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 as determined appropriate by the Common Council on a project by project basis.

(2) The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.

## Boards, Commissions and Committees

### 2-4-10

- (3) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the City Plan Commission under Wisconsin Statutes Sections 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105.
- (4) The CDA shall for a period of five (5) years be the City's exclusive agent to operate, manage and supervise the City of Onalaska Omni Center through oversight of the Omni Center Management Committee created by the City of Onalaska Common Council. The CDA shall cause the Omni Center Management Committee to make quarterly operational reports to the Onalaska Common Council. The delegation of oversight of the Onalaska Omni Center Management Committee may be withdrawn by the Onalaska Common Council during the initial five (5) year period by a two-thirds (2/3) vote of the Onalaska Common Council. The initial five (5) year period shall automatically executed for additional successive five (5) year periods unless the Onalaska Common Council affirmatively votes to not renew the agency period by a majority vote of the Onalaska Common Council within the six (6) months immediately preceding the end of any five (5) year period. (5) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- (1) **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- (m) **Annual Report.** As part of its annual budget request, the CDA shall file with the Mayor and Common Council a report of its activities for the preceding year. In addition, the Mayor shall at the conclusion of three (3) years of operation, file with the Common Council a report on the effectiveness of the activities performed by the CDA. Said report is to be prepared by an independent agency.
- (n) **Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- (o) **Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.
- (p) **Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335 of the Wisconsin Statutes and such other duties, powers and functions related to Community Development as are conferred on it by the Common Council.

## **Boards, Commissions and Committees**

### **2-4-10**

This Section and the powers granted hereunder shall be construed liberally to effectuate its purpose.

### **Sec 2-4-11 General Provisions Regarding Meetings and Public Notice.**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
  - (1) Fix a regular date, time and place for its meeting;
  - (2) All meeting notices shall be filed with the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  - (3) Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
  - (4) Record by means of tape recording all proceedings conducted in meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Section 19.81 to 19.89, Wis. Stats.

### **Sec. 2-4-12 Residency Required for Service on Boards or Commissions.**

No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission, except to the Parks and Recreation Board. Any board or commission member who moves from the City shall immediately be removed from such board of commission.

### **Sec. 2-4-13 Municipal Harbor Commission**

- (a) **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, the City of Onalaska has created the City of Onalaska Municipal Harbor Commission (the "MHC") pursuant to s. 30.37, Wis. Stats.
- (b) **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC. The powers of the MHC shall be vested in, and exercised by, the Commissioners in office from time to time. Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement of their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties.

## **Boards, Commissions and Committees**

**2-4-13**

- (c) **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
- (1) The first appointments of the seven (7) Commissioners shall be made for the following terms: three (3) for terms of one (1) year, ending on the third Tuesday in February of 2008, and two (2) each for terms of two (2) and three (3) years, ending on the third Tuesday in February of 2009 and 2010, respectively. Thereafter, all Commissioners shall be appointed for terms of three (3) years. A Commissioner shall hold office until his or her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his or her change of residence, removal, resignation, incapacity or death.
  - (2) After the appointments of the original seven (7) Commissioners have been made and confirmed, vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- (d) **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his or her office.
- (e) **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor for incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- (f) **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subchapter IV of Chapter 19 of the Wisconsin Statutes and Section 2-2-12 of this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.

## **Boards, Commissions and Committees**

**2-4-13**

- (g) **Selection of Officers, Agents and Employees.**
  - (1) The MHC shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  - (2) The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one or more of its agents or employees such powers or duties as may deem proper.
  - (3) The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC
- (h) **Duties and Powers.** The purpose of the City of Onalaska Municipal Harbor Commission is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in ss. 30.37 and 30.38 of the Wis. Stats. which are hereby incorporated by reference.
- (i) **Relationship to Other Municipal Board and Commissions.** The Municipal Harbor Commission shall make recommendations to the Onalaska Common Council. The Municipal Harbor Commission shall function independently from the Onalaska City council except when incurring debt, obtaining real property, selling real property or taking any action requiring City Council approve pursuant to s. 30.38 of the Wis. Stats.
- (j) **Interested Commissioners or Employees.** No Commissioner or employee of the MHC shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall he have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the MHC owns or controls a direct or indirect interest in any real property included or planned to be included in any such project, he shall immediately disclose the same in writing to the MHC and such disclosure shall be entered upon the minutes of the MHC, and such Commissioner or employee shall not participate in any action by the MHC relating to such property. Failure to so disclose such interest shall constitute misconduct in office.