

No. 794, A.]

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CHAPTER 598

AN ACT to create 66.505 of the statutes, relating to county-city auditoriums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

66.505 of the statutes is created to read:

66.505 COUNTY-CITY AUDITORIUMS. (1) DEFINITIONS. "Ordinance" as used in this section, unless the context requires or specifies otherwise, means an ordinance adopted by the governing body of a city or county and concurred in by the other governing body, "board" means the joint county-city auditorium board established pursuant to this section, "auditorium" shall include a building of either arena or music hall type construction or a combination of such types of construction, and such building may include facilities for a variety of events including sports, dances, convention exhibitions, trade shows, meetings, rallies, theatrical exhibitions, concerts and other events attracting spectators and participants.

(2) COUNTY-CITY AUDITORIUMS. Any county and city partly or wholly within the county may by ordinance jointly construct or otherwise acquire, equip, furnish, operate and maintain a county-city auditorium.

(3) **FINANCING.** The governing bodies of the respective county and city or cities shall have the power to borrow money, appropriate funds, and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by the respective county, city or cities by general obligation bonds issued under ch. 67 or by revenue bonds issued under s. 66.51 or by the issuance of both general obligation bonds under ch. 67 and revenue bonds issued under s. 66.51. Any bonds issued pursuant to this section shall be executed on behalf of the county by the county board chairman and the county clerk and on behalf of a city by the mayor or other chief executive officer thereof and by the city clerk.

(4) **COST SHARING.** The ordinance shall provide for a sharing of all of the cost of construction or other acquisition, equipment, furnishing, operation and maintenance of such auditorium on an agreed percentage basis.

(5) **AUDITORIUM BOARD.** The ordinance shall provide for the establishment of a joint county-city auditorium board to be composed as follows: The mayor, or chief executive of the city and the chairman of the county board, who shall serve as ex officio members of the board during their respective terms of office; in addition thereto the board shall be composed of 4 members to be appointed by the county board chairman and confirmed by the county board, one for a one-year, one for a 2-year, one for a 3-year and one for a 4-year term, and 4 members to be appointed by the mayor or other chief executive officer of the city and confirmed by the city council, one for a one-year, one for a 2-year, one for a 3-year and one for a 4-year term; in the case of the members of the board appointed by the mayor or chief executive of the city, not more than 2 public officials (either elected or appointed) shall be eligible to be members of the board, and in the case of the members of the board appointed by the county board chairman, not more than 2 public officials (either elected or appointed) shall be eligible to be members of the board. Their respective successors shall be appointed and confirmed in like manner for terms of 4 years. All appointees shall serve until their successors are appointed and qualified. Terms shall begin as specified in the ordinance. Vacancies shall be filled for the unexpired term in the manner in which the original appointment was made.

(6) **ORGANIZATION OF BOARDS; OFFICERS; COMPENSATION; OATHS; BONDS.** (a) When all members have qualified the board shall meet at the place designated in the ordinance and organize by electing from its membership a president, a vice president, a secretary and a treasurer, each to hold office for one year. The offices of secretary and treasurer may be combined if the board so decides. Members may receive such compensation as may be provided in the ordinance and shall be reimbursed their actual and necessary expenses for their services, provided that ex officio members shall not receive compensation other than any actual and necessary expenses for their services. With the approval of the board, the treasurer may appoint an assistant secretary and assistant treasurer, who need not be members of the board, to perform such services as shall be specified by the board.

(b) Members, and any assistant secretary and assistant treasurer, shall qualify by taking the official oath, and the treasurer and any assistant treasurer shall furnish a bond in such sum as shall be specified by the board and be in the form and conditioned as provided in s. 19.01 (2) and (3). The oaths and bonds shall be filed with the county clerk. The cost of the bond shall be paid by the board.

(7) **POWERS OF BOARD.** The board shall have power subject to provisions of the ordinance:

(a) To contract for the construction or other acquisition, equipping or furnishing of a county-city auditorium, and may accept donated services and gifts, grants or donations of money or property and use the same for the purposes given and consistent with this section, and may contract for and authorize the installation of equipment and furnishings of the auditorium, or any part thereof by private individuals, persons or corporations by donations, loan, lease or concession.

(b) To contract for the construction or other acquisition of additions or improvements to, or alterations in, such auditorium and the equipment or furnishing of any such addition; and may contract for or authorize the installation of equipment and furnishings in such addition, or any part thereof, by private individuals, persons or corporations by donation, loan or concession.

(c) To employ a manager of the auditorium and other necessary personnel and fix their compensation.

(d) To enact, amend and repeal rules and regulations, not inconsistent with law, for the leasing of, charges for admission to, and government of audiences and participants in events at the auditorium, for the regulation of the board's meetings and deliberations, and for the government, operation and maintenance of the auditorium and the employees thereof.

(e) To contract for, purchase or hire all fuel, equipment, furnishings, and supplies, services and help reasonably necessary for the proper operation and maintenance of the auditorium, and to contract for, purchase, hire, promote, conduct and operate, either by lease of the auditorium building or parts thereof or by direct operation by the auditorium board, meetings, concerts, theatricals, sporting events, conventions and other entertainment or events suitable to be held at the auditorium; and to handle and make all proper arrangements for the sale and disposition of admission tickets to auditorium events and the establishment of seating arrangements and priorities.

(f) To audit all accounts and claims against the auditorium or against the board, and, if approved, pay the same from the fund specified in sub. (9). All expenditures made pursuant to this section shall be within the limits of the ordinance.

(g) To sue and be sued, and to collect or compromise any and all obligations due to the auditorium; all money received shall be paid into the joint auditorium fund.

(h) To make such studies and recommendations to the county board and city council relating to the operation of the auditorium or the building of facilities therefor as the board may deem advisable or said governing bodies request.

(i) To employ counsel on either a temporary or permanent basis.

(8) BUDGET. The board shall annually, prior to the time of the preparation of either the county or city budget under s. 65.90, prepare a budget of its anticipated receipts and expenditures for the ensuing fiscal year and determine the proportionate cost to the county and the county and the participating city pursuant to the terms of the ordinance. A certified copy of the budget, which shall include a statement of the net amount required from the county and city, shall be delivered to the clerks of the respective municipalities. It shall be the duty of the county board and the common council of the city to consider such budget, and determine the amount to be raised by the respective municipalities in the proportions determined by the ordinance. Thereupon the county and city respectively shall levy a tax sufficient to produce the amount to be raised by said county and city.

(9) AUDITORIUM FUND. A joint county-city auditorium fund shall be created and established in a public depository to be specified in the ordinance. The treasurer of the respective county and city shall pay or cause to be paid into such fund the respective amounts to be paid thereto by such county and city as specified by the ordinance and resolutions of the respective municipalities when such amounts have been collected. All of the moneys which shall come into said fund are hereby appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the auditorium board only upon the approval or direction of the board.

(10) CORRELATION OF LAWS. (a) In any case where a bid is a prerequisite to contract in connection with a county or city auditorium under s. 66.29, it shall also be a prerequisite to a valid contract by the board; and for such purpose the board shall be deemed a municipality and the contract a public contract under s. 66.29.

(b) All statutory requirements, not inconsistent with the provisions of this section, applicable to city auditoriums shall apply to auditoriums provided for in this section.

(11) REPORTS. The board shall report its activities to the county board and the city council annually, or oftener as either of said municipalities may require.

(12) RETIREMENT FOR EMPLOYEES. Any county-city auditorium, by an affirmative vote of all members of the board, may elect to be included in, and be subject to, the provisions of the Wisconsin retirement fund established by ss. 66.90 to 66.919.

Approved July 21, 1953.