

## CHAPTER 229

## PUBLIC INSTITUTIONS IN POPULOUS CITIES

229.11	Milwaukee libraries and museums.	229.19	Applicability of sections 229.11 to 229.18.
229.12	Board of trustees, constitution.	229.21	Milwaukee auditoriums and music halls.
229.13	Board of trustees; annual meeting and general functions.	229.22	Auditorium board.
229.14	Librarian, director and employes; curators.	229.23	Property and finance.
229.15	Library and museum funds; expenditures.	229.24	Operation.
229.16	Donations and miscellaneous receipts.	229.25	Annual report.
229.17	Site, buildings and equipment.	229.26	Exposition center.
229.18	Accountability; reports.	229.27	Municipal theater.

**229.11 Milwaukee libraries and museums.** Any city of the 1st class however incorporated may establish and maintain, for the free use of the inhabitants thereof, a public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions; and may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city.

**History:** 1971 c. 152 s. 27.

**229.12 Board of trustees, constitution.**

(1) Each such institution shall be administered by a separate board of 10 trustees, consisting of:

(a) The president of the board of school directors and the city superintendent of schools.

(b) Seven members who shall be appointed by the mayor on the 3rd Tuesday in April. Three of the 7 members shall be selected from among the aldermen holding a 4-year term, and shall serve as such trustees during their aldermanic terms; and the other 4 shall be selected from among the residents and taxpayers of the city, for original terms of 1, 2, 3 and 4 years, respectively, commencing on May 1 next after their appointment, and for successive terms of 4 years each.

(c) One member who shall be a county board member residing in the county outside the city of the 1st class, who shall be appointed by the county executive and confirmed by the county board for a 4-year term commencing on May 1 next after his appointment, and for successive terms of 4 years each.

(2) Said trustees shall take the official oath, and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to aldermen in such city. They

shall not receive any compensation for their services as such trustees; and shall not individually become or cause themselves to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the institution in their charge, or of fuel, furniture, stationery or other things necessary for the increase and maintenance thereof.

**History:** 1971 c. 152 s. 27; 1971 c. 211, 231; 1971 c. 307 ss. 29, 91; 1979 c. 110.

**229.13 Board of trustees; annual meeting and general functions.** (1) The annual meeting of the board of trustees of the public library shall be held on the 2nd Monday of May, and of the public museum on the 3rd Tuesday of May, in each year, at which meeting a president shall be chosen annually from their number.

(2) Each board shall have general care, control and supervision of the institution in its charge, its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to the institutional funds, respectively. The trustees of the public library shall have charge of the selection and purchase of books, pamphlets, maps, and other matters pertaining to the library; and the trustees of the public museum shall have charge of the receipt, selection, arrangement and disposition of the specimens and objects pertaining to such museum. Each said board shall prescribe regulations for the management, care, and use of the institution, and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations.

(3) With the authorization of the common council, the board of trustees of the public library may contract with the county board under s. 43.57 for the provision of library services.

**History:** 1971 c. 152 ss. 27, 36m.

**229.14 PUBLIC INSTITUTIONS IN POPULOUS CITIES**

3680

**229.14 Librarian, director and employes; curators.** (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by the board of trustees and shall be the secretary of the board.

(2) The board shall appoint and fix the compensation of such assistants and employes for the institution as they deem necessary and expedient.

(3) The board of the public museum may appoint an acting director whenever, in their discretion, the service of the museum shall require it, who shall also be acting secretary of the board and whose acts as such shall receive full credit.

(4) The board of the public museum may appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation.

*History:* 1971 c. 152 s. 27; 1979 c. 110.

**229.15 Library and museum funds; expenditures.** (1) Public library and public museum funds appropriated to said institutions by the common council shall not be used or appropriated, directly or indirectly, for any purpose other than the maintenance and increase, payment of the salaries of the librarian or custodian and employes, purchase of fuel, supplies, furniture and fixtures, or incidental repairs of said institutions, respectively.

(2) All moneys appropriated for the purposes of said institutions shall be paid over to the city treasurer and credited to said funds, respectively. Each board of trustees shall provide for all necessary expenditures from each said fund, and all disbursements shall be made on orders of the president and secretary of the board, countersigned by the city comptroller; but, except as expressly provided otherwise, the board shall not in any one year expend or incur any liability for any sum in excess of the amount allocated to each such fund by the common council.

*History:* 1971 c. 152 s. 27.

**229.16 Donations and miscellaneous receipts.** (1) All moneys, books, specimens and other property received by devise, bequest or gift for the purposes of said institutions shall, unless

otherwise directed by the donor, be under the management and control of the board of trustees of each institution, respectively.

(2) All moneys derived from penalties for violations of the regulations of said institutions, or from any other source in the course of the administration thereof, including all moneys paid to the city upon any policy of insurance or other obligation or liability for or on account of loss or damage to property pertaining to the institutions, shall be credited to said institutional funds, respectively, and may be expended in the manner prescribed in s. 229.15 (2), in addition to the annual tax.

*History:* 1971 c. 152 ss. 27, 38.

**229.17 Site, buildings and equipment.**

(1) The board of trustees of each such institution shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair such buildings, rooms and furniture; but shall not erect, purchase, lease, or enlarge any building or lot without express authority of an ordinance or resolution of the common council. All deeds of conveyance and leases shall run to the city.

(2) The board of the public museum may enter into such agreements as it deems wise with the board of the public library for the use and occupation by such public library of such portion of any building erected for the purposes of said museum, upon such terms and for such time as may be agreed upon. Such agreement shall contain a provision for reasonable compensation to be paid for such use and occupation, which shall be paid into and credited to the museum fund.

(3) Whenever any board lawfully in charge of any public library in any city of the 1st class shall place and maintain in any school building in such city a branch library open to such school or to the public, and there shall be in such building any room suitable for said purposes which any board lawfully in charge of such building shall assign for such purpose, then such room shall be heated, lighted and cared for without cost to said library board.

*History:* 1971 c. 152 s. 27.

**229.18 Accountability; reports.** (1)

Within 10 days after the appointment of a librarian or custodian or other salaried employes, the board of trustees of each such institution shall report to and file with the city comptroller a certified list of the persons so appointed, stating the salary allowed to each and the time or times fixed for the payment thereof.

(2) Immediately after any meeting of the board at which accounts and bills are allowed,

the board shall furnish such comptroller with a list of all accounts and bills allowed at said meeting, stating the character of the materials or services for which the same were rendered.

(3) On or before the first day of March in each year, each such board, respectively, shall make a report to the common council, for the year ending with the December 31 next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museums, and such other information and suggestions as they deem important, including also an account of the moneys credited to the institutional fund, and the expenditures therefrom during the year.

History: 1971 c. 152 s. 27.

#### 229.19 Applicability of sections 229.11 to

229.18. Sections 229.11 to 229.18 so far as they relate to museums are extended to cities of the 2nd, 3rd and 4th class.

History: 1971 c. 152 ss. 17, 38.

#### 229.21 Milwaukee auditoriums and music

**halls.** (1) Any city of the 1st class may establish and maintain public auditoriums and music halls; and may establish, maintain and operate the same jointly, share and share alike, by agreement between the common council of such city and any private corporation duly organized for that purpose.

(2) Such private corporation shall execute to the city a bond, in a sum determined and with sureties approved by said common council, conditioned that the said corporation will furnish its share of money as the same shall be required for the purposes specified in sub. (1).

(3) Said city may acquire all the stock of such corporation and become the sole owner of said auditorium and music halls; and any stockholder may transfer his stock to the city by sale, gift or otherwise. If the city shall be unable to agree with the holder upon the purchase price of any such stock, the city may purchase the same at a price to be determined by a board of arbitration consisting of 3 persons, one to be chosen by the common council, the 2nd by the owner of such stock, and the 3rd to be chosen by the aforesaid 2, and the determination of said board shall be final and conclusive upon the parties.

(4) Whenever such city shall have acquired any of the stock of such corporation, the common council shall elect one of its members or the mayor to represent the city at all meetings of the stockholders of the corporation, and shall be entitled to vote said stock; and all notices of such meeting shall be given to said mayor or member

of the council in the manner such notices are given to any other stockholder.

(5) Whenever the city has acquired all the stock of the corporation, the corporation shall be dissolved as a result of the city's action and the title to all its property shall vest in the city; thereupon the auditorium board provided for in s. 229.22 (1) and (2) shall be reorganized under s. 229.22 (3).

(7) Any such city may build additions to such auditoriums and for the purposes of any such addition, by action of the common council, issue revenue bonds under s. 66.51 payable exclusively from income and revenues of any such addition and of any auditorium to which it is added which said auditoriums and additions thereto for such purpose are declared a public utility. Said private corporation shall not be required to contribute to any such addition. Any such addition shall be subject in all other respects to ss. 229.21 to 229.25.

History: 1971 c. 152 ss. 29, 38; 1975 c. 47; 1979 c. 110.

**229.22 Auditorium board.** (1) The building, maintenance and operation of the institution shall be under the full and complete control of a board of 13 members, designated as the "Auditorium Board" and constituted as follows: Five of the members shall be elected by the corporation, from among its stockholders, for first terms of 1, 2, 3, 4 and 5 years, respectively, and successive terms of 5 years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, one alderman member of the board of trustees of the public library and a different alderman member of the board of trustees of the public museum, of the city, selected respectively by the boards of trustees and 2 aldermen appointed by the president of the common council for terms of 5 years. An alderman appointed by the president shall serve only while serving as alderman.

(2) Within 10 days after the members of said board shall have been elected or appointed as aforesaid they shall hold a meeting and shall elect a president, a vice president, a secretary and a treasurer from their number, who shall hold office until the 4th Tuesday of April of the next following even-numbered year, and shall thereafter be elected biennially on the 4th Tuesday in April of the even-numbered years, for a term of 2 years. The treasurer shall, immediately upon his election, furnish to the board a bond equal to the amount of such funds as may come into his hands.

(3) If the auditorium corporation is dissolved under s. 229.21 (5), or its operation and existence is terminated by action of the corporation, by a court of competent jurisdiction or by any other means and certification of such termina-

tion is filed in the office of the register of deeds of Milwaukee county, then the common council shall create, by ordinance or resolution, a new board to be designated as the "Auditorium Board" which shall be responsible for the building maintenance and operation of the institution. The common council shall determine, by ordinance or resolution, the number of members of the board, their manner of appointment and the terms for which they are appointed. Upon creation and appointment of members of the board created under this subsection, the board created under sub. (1) shall terminate its activities and shall cease to exist.

(4) The common council may merge, by ordinance or resolution, the auditorium board created under sub. (3) with the exposition and convention center and arena board under s. 229.26. If the boards are merged, the council shall also determine the number of members of the merged board, their manner of appointment and the length of the terms for which they are appointed. Upon creation and appointment of the merged board under this subsection the boards created under sub. (3) and s. 229.26 shall terminate their operation and cease to exist. The merged board shall be responsible for the operation and maintenance of the auditorium facility and shall have the duties and powers under s. 229.26.

**History:** 1971 c. 152 s. 29; 1973 c. 35; 1975 c. 47; 1979 c. 110.

**229.23 Property and finance. (1)** The title to all property acquired for the purposes of said institution shall be in the name of said city, and shall be held by said city perpetually for such purposes.

(2) Before incurring any liability, the auditorium board shall by resolution determine the amount of money necessary for the purposes of said institution; and thereupon said corporation shall pay into the auditorium fund one-half thereof, in such instalments as may be required and agreed upon. All receipts on account of said institution shall be paid into, and all expenditures defrayed from the auditorium fund.

(3) If any such institution shall at any time when there shall be outstanding no bonds issued under s. 229.21 (7) become profit-earning, over and above the expense of maintenance, repairs, insurance and other expenses connected with the operation thereof, the net profits arising from the original auditorium shall be separated from those arising from the addition, and the net profits arising from the original auditorium shall be divided equally between said corporation and the city treasury, and the net profits from said addition shall be paid into the city treasury, the amounts paid into the city treasury

from either source to be credited to the general city fund. If, however, at any time there shall be outstanding bonds issued under s. 229.21 (7), any net profit from such auditorium and such addition shall be applied from time to time, or held by the treasurer to apply on the interest and principal of said bonds.

**History:** 1971 c. 152 ss. 29, 38.

**229.24 Operation. (1)** The auditorium board shall regulate and control the use of said institution, and fix the terms and conditions of its use; and shall do all things necessary for the maintenance and operation thereof.

(2) Said institution shall be used primarily for public meetings, conventions, expositions, and other purposes of a public nature, which are hereby declared to be public purposes; but not for exhibits or trade shows if a charge is made for space occupied by any exhibitor or when an admission fee is exacted.

(3) When not in use for any of said primary purposes, the board may rent said institution, or any part thereof, on such terms and for such purposes as may be deemed advisable and not inconsistent with said primary purposes.

(4) (a) The word "convention" when used in this subsection means a county, state or national assembly of duly authorized, chosen or elected delegates or representatives meeting to accomplish some specific commercial, industrial, labor, civil, social, scientific or educational object.

(b) The term "patriotic affairs" in this subsection means affairs given for the encouragement and support of the government in time of war, or for the benefit and support of soldiers, sailors or marines who have been, or are in the service of the United States, including memorial exercises, exhibitions, fairs, reunions, entertainments, or barracks for such persons, and to all of which affairs the public is admitted without charge.

(c) When not in use for any of its primary purposes, the common council of said city may authorize the gratuitous use of said institution, or any part thereof, for the purposes of conventions, or for offices, class rooms, studios, gymnasiums, lodge rooms, or accommodations for any industrial, commercial, scientific, educational, fraternal, musical, or labor organization which in its opinion will prove a public benefit to the city and promote the welfare and public interests of its citizens and to which said citizens are admitted without charge; and said purposes are hereby declared to be public purposes.

(d) Whenever the common council shall approve the gratuitous use of the institution for the particular conventions and purposes specified in this subsection, said common council shall appropriate to the auditorium fund the usual and

customary rentals charged therefor. The aggregate amount to be so expended may be made a part of the annual budget, as provided by ch. 65, 1943 stats.

**History:** 1971 c. 152 s. 29; 1975 c. 94 s. 91 (9).

**229.25 Annual report.** The auditorium board shall report annually to the common council all receipts into and disbursements from the auditorium fund, and the balance on hand.

**History:** 1971 c. 152 s. 29.

**229.26 Exposition center. (1)** Any city of the 1st class may in addition to all other powers conferred upon it establish and maintain a convention complex and exposition center, hereinafter termed "convention institution", for the purpose of holding conventions, public meetings, expositions, exhibits, trade shows, gatherings, conferences and other related purposes of a public nature which are hereby declared to be public purposes.

**(2)** The building, maintenance and operation of the convention institution shall be under the complete and autonomous control of a board which shall act independently and shall be designated as the "(city) Exposition and Convention Center and Arena Board". Such board shall be composed of the number of members as provided for by resolution adopted by the common council of such city. The common council shall prescribe the terms of members of the board and shall designate the manner in which they shall be selected. The board may sue and be sued.

**(3)** The board shall have complete maintenance, supervision, control and operation of the convention institution and it shall regulate, control and designate the use thereof. The board shall also fix the terms and conditions for its use and do all things necessary for the maintenance and operation thereof and it shall handle all finances of the convention institution.

**(4)** Title to all property real or personal of the convention institution shall be in the name of such city and shall be held by such city perpetually for such purposes, but the board shall determine the use to which such property shall be devoted as provided for in this section.

**(5)** The common council of such city may appropriate such sums as may be required to supplement revenues of the convention institution in order for the board to regulate, control and operate the convention institution. The board may receive gifts and contributions from any source as in the judgment of such board shall be consistent and in keeping with the general operations and public purpose of the convention institution.

**(6)** The common council may by resolution adopted by it impose additional duties and re-

sponsibilities upon the board in connection with the operation, maintenance and control of such convention institution, however, the board shall itself determine the manner in which such operation shall be performed.

**(7)** In addition to all other powers of the board, the board may hire and retain personnel including the selection of a general manager for the convention institution and the board shall determine the manner of selection of all of its employees. The board shall establish the compensation for its personnel but shall relate as far as possible to general wage rates of such city of the 1st class for comparable work performed. The board may also enter into contracts on behalf of the board without first obtaining approval of the common council of such city and such contracts may be entered into with respect to all matters which relate to the operation, control and use of the convention institution as determined by the board.

**(8)** The board shall report annually or more frequently as the common council so determines with respect to all receipts and disbursements of the board, balances of the board's funds and all other matters which bear upon the board's operations. Expenditures made by the board from funds under its control shall not require prior approval of the common council of such city.

**History:** 1971 c. 257; 1975 c. 47.

**229.27 Municipal theater. (1)** Any city of the 1st class may, in addition to all other powers conferred upon it, establish and maintain a municipal theater hereinafter termed "theater", for the purpose of providing a community facility to further the advancement of the performing arts and other related purposes of a public nature which are hereby declared to be public purposes.

**(2)** An independent board shall be designated by the local governing body as the "(City) Theater Board". The board shall be composed of the number of members as provided for by resolution adopted by the local governing body of the city. The local governing body shall prescribe the terms of members of the board. Members shall be appointed by the mayor and confirmed by the local governing body.

**(3)** The board shall have complete and autonomous control of the building, maintenance, supervision and operation of the theater; and shall regulate, control and designate the use thereof. The board shall also fix the terms and conditions for use of the theater and do all things necessary for the maintenance and operation thereof and shall handle all finances of the theater. The board shall also contract or otherwise provide for personnel and other services

**229.27 PUBLIC INSTITUTIONS IN POPULOUS CITIES**

3684

and rentals necessary for the operation of the facility. The board may sue and be sued.

(4) Title to all property, real or personal, of the theater shall be in the name of such city and shall be held by such city perpetually for such purposes, but the board shall determine the use to which such property shall be devoted under this section. The theater board shall not transfer title or property to the county.

(5) The local governing body of such city may appropriate such sums as may be required to supplement revenues of the theater in order for the board to regulate, control and operate the theater. As in the judgment of such board shall be consistent and in keeping with the general operation and public purposes of the theater, the board may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and the board.

(6) The local governing body may by resolution adopted by it impose additional duties and responsibilities upon the board in connection with the operation, maintenance and control of the theater, however the board shall itself determine the manner in which such operations shall be performed.

(7) In addition to all other powers of the board, the board may hire and retain all personnel, or contract or designate responsibility for the supervision of the theater and the board shall determine the manner of selection of all of its employes, contracts or designees. The board shall establish the compensation for its personnel. The board may enter into contracts on behalf of the board without first obtaining approval of the local governing body of the city, and such contracts may be entered into with respect to all matters which relate to the operation, control and use of the theater as determined by the board.

(8) The board shall report annually or more frequently as the local governing body so determines with respect to all receipts and disbursements of the board, balances of the board's funds and all other matters which bear upon the board's operations. Expenditures made by the board from funds under its control shall not require the approval of the local governing body of the city.

(9) Notwithstanding any other provision of this section, all actions of the board may be reviewed, modified or nullified by appropriate action of the local governing body.

**History:** 1977 c. 134.