Legislation Text

File #: 971422, **Version:** 1

971422
SUBSTITUTE 1

ALD. FRANK
A substitute charter ordinance relating to renaming the Pabst Theater to the Captain Frederick Pabst Theater.
16-12 rc
- Analysis -

This charter ordinance substitutes the "Captain Frederick Pabst theater" for charter references to the "Pabst Theater."
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 16-12 of the code is repealed and recreated to read:

16-12. Captain Frederick Pabst Theater Board. 1. MUNICIPAL THEATER. Pursuant to s. 229.27, Wis. Stats., there is hereby established and maintained a municipal theater, hereinafter termed Captain Frederick Pabst 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. MEMBERS. The theater shall be administered by a board of 11 trustees, consisting of the city attorney, city comptroller and city treasurer, who shall serve as ex officio trustees, and 8 additional trustees who shall be appointed by the mayor, with common council confirmation. Three of said appointed trustees shall be selected from among the aldermen holding a 4-year term and shall serve during their aldermanic terms. The other 5 appointed trustees shall be selected from among the residents or taxpayers of the city and shall serve terms of 4 years each. The board shall meet monthly from September to June.

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

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

5. FUNDS. The common council 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 the 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. ADDITIONAL DUTIES. The common council may by resolution 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. THEATER MANAGEMENT. 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 common council, and such contracts may be entered into with respect to all manners which relate to the operation, control and use of the theater as determined by the board.

8. REPORTS. The board shall report annually 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 common council.

9. COMMON COUNCIL REVIEW. Notwithstanding any other provision of this section, all actions of the board may be reviewed, modified or nullified by appropriate action of the common council.

10. RESTRICTIONS. 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 the city of Milwaukee. 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 theater in their charge, or of fuel, furniture, stationery or other things necessary for the increase and

maintenance thereof.

11. DUTIES AND POWERS. The board shall have general care, control and supervision of the theater in its charge, its appurtenances, fixtures and furniture, and of receipts and disbursements of all moneys belonging to the theater, appoint an executive director, contract or otherwise provide for personnel and other services and rentals necessary for he operation of the facility, prescribe regulations for the management, care and use of the theater and adopt such measures as shall promote the public utility thereof; and may prescribe and enforce penalties for violations of such regulations.

12. ENDOWMENT TRUST FUNDS. Nothing contained in this section or in any other provision of the charter shall preclude the establishment and maintenance of endowment trust funds that may be established or augmented from time to time for the support, maintenance and operation of the theater or for particular purposes in connection with the furtherance of the performing arts and related purposes of public nature under the auspices of organizations or entities separate from the board provided that any such separate legal entity formed or existing for these purposes shall be lawfully constituted as a nonstock, nonprofit corporation under ch. 181, Wis. Stats., further provided that lawful title to all real and personal property held by any such entity shall remain with the city of Milwaukee.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed under s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors.
APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date: _____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date: _____

LRB97650.1
CAW
12/16/97