

VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 7, SERIES OF 2014

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE V BOARD, COMMISSIONS AND COMMITTEES, SECTION 2-151 OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE.

WHEREAS, the Village of Little Chute Board of Trustees has discussed the formation of a Utility Commission and the creation of such a Commission would greatly benefit the Village; and,

WHEREAS, the Village Board of Trustees, Village of Little Chute, finds the following ordinance amendments to be in the public interest;

NOW, THEREFORE, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

Section 1. That the Chapter 2, Article V, Section 2-151 of the Municipal Code of the Village of Little Chute are hereby amended to read as follows:

Sec. 2-151. ~~Water-Utility~~ commission.

(a)

Composition; organization.

(1)

Terms.

a.

There is hereby created a ~~water-utility~~ commission in and for the village consisting of five members to be elected by the board of trustees of said village for a term of five years, beginning on October 1.

b.

Commissioners shall be appointed for five-year terms.

c.

Upon the expiration of the term of office of any commission member, the village board shall select a commission member to fill the then new term.

d.

The term of any commissioner elected subsequent to the appointment of the initial commissioners shall be for a period of five years, except in the event of resignation, death or incapacity of any commissioner, in which event a new commissioner shall be appointed to fill the unexpired term.

e. The Utility Commission includes the water utility, sanitation utility, and storm water utility.

(2)

Statutory provision. The village board incorporates by herein referenced the terms and conditions of Wis. Stats. § 66.0805(3), as amended, and except as limited or restricted herein.

(3)

Other officials; officers.

- a. The president of the village shall be a member ex officio and shall serve without compensation.
- b. Pursuant to Wis. Stats. § 66.0805(3), as amended, the appointed commissioners shall elect from its membership, the commission president and commission secretary annually, at ~~is~~its regular meeting in October, and a majority vote of the members shall control in election of officers and in all other matter brought before the commission for vote except as hereinafter stated.

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(4)

Salaries. The compensation of the commission members shall be set by the village board from time to time. Such compensation and expenses shall be paid out of the receipts of said utility as part of the operating expenses thereof. All commission members shall be residents of the village. The membership of a commission member who ceases to reside in the village shall automatically terminate, and a new commission member shall be appointed to fill the then-expired term.

(b)

Determination of ~~water~~ utility charges. Pursuant to Wis. Stats. § 66.0809, as amended, all water utility charges shall be determined from time to time by ordinance of the village board and shall be collected by the village treasurer. The commission members shall have no separate or independent authority to determine water utility charges.

(c)

Authority of commission.

(1)

General authority. The commission may command the services of the village engineer and may employ and fix the compensation of such subordinate agents and employees as it shall deem necessary. It shall make all necessary rules for its proceedings and for the government and management of the village utilities, water department, water works plant and systems, and shall keep the necessary books of account and records in a manner and form prescribed by the state public service commission related federal, state, and local agencies, which books and records shall be open to the public and subject to the inspection of all persons interested and concerned at a reasonable time and hour.

(2)

Improvements. ~~The commission shall supervise all extensions and improvements of said water work plant and systems.~~ The Commission shall supervise all extensions and improvements of the utilities.

(3)

Expenditures; contracts. The commission is given power to contract directly for expenditures required in operating ~~said the utilities~~ and the further power to contract directly for extensions, additions, and improvement; however, this power is limited to the extent that the commission has money currently available to pay for such expenditures, extensions, and improvements, and further provided that all written contracts of whatever nature shall be signed by the village president and countersigned by the village treasurer. The commission shall not make any contracts of any nature

without the approval of the village board where said contracts would require the commission or village to borrow money or would require the village to levy a tax. The commission shall have the power to make and enforce all necessary rules, bylaws, and regulations for the proper running, operation, and maintenance of the utilities, and see that its rules and regulations are complied with. The commission shall see that assessments of ~~the water~~ rates and charges of said commission for water, storm, and sanitary used ~~and consumed~~ are promptly made, collected, and regularly made, collected, and paid. The commission shall prepare or cause to be prepared maps showing the location, size, and types of all ~~water mains, valves, service pipes, hydrants for the entire water plant and system~~ components of each utility, cost records, and shall further from time to time make such additions, changes, and alterations in and to such maps as necessary to show all changes, additions, and alterations in the physical plant; one of said maps in the office of the director of public works, the latter of said maps being open to public inspection, per official request.

(4)

Engineering costs. The commission shall have completed and paid for all the necessary engineering work on any extensions, additions, and improvements initiated and carried through by it.

(d)

Extensions, additions, and improvements of utility system. When extensions, additions, and improvements to the utility system are contemplated by the village board, the board, before acting upon the same, shall first refer said proposal to the commission; and the commission shall promptly consider the same and report to the village board at its next regular meeting, setting forth its recommendations as to whether the project should be carried through and, if carried through, the manner and materials in and with which it should be accomplished. The village board is not bound by the recommendations of the commission; and the village board may, if it deems proper, disregard the recommendations of the commission in whole or in part.

(e)

Labor negotiations. The village board shall be responsible for all labor negotiations and contracts with any associations or unions applicable to utility employees, which labor agreement or contract shall include compensation, hours of employment, and all other matters normally negotiated as part of any labor contract/agreement.

(f)

Payment of expenditures. Pursuant to Wis. Stats. § 66.0805(4), as amended, all water department expenditures shall be audited by the commission and, when approved for payment by the president and secretary of the commission, shall be paid by the village treasurer.

(g)

Water Rate increases. All contemplated changes in ~~water~~ charges and rates must be submitted and approved by the village board before they are submitted to the state public service commission or any other regulatory body.

(h)

Reports of the commission.

(1)

Quarterly reports. The commission shall report quarterly the amount of cash on hand, the amount of its receipts, the amount of its disbursements, the sum total of the delinquent water charge bills, and the names and addresses of the debtors with the amounts owed by each. Such reports shall be prepared in duplicate, and one copy shall be filed with the finance director.

(2)

Annual report. Annually the commissioners shall make a full and complete report to the village board, narrating all of their activities, expenditures, receipts and delinquent bills for the previous year.

(i)

Engineer and attorney. The village engineer and village attorney shall be the engineer and legal advisor of the ~~water~~-commission respectively. The commission shall pay all engineering and/or legal expenses incurred by it from its own funds.

(j)

Disbursement of funds. Subject to subsection (i) of this section, all checks drawn by the commission for the payment of the various expenditures of the commission shall be accounted for in a separate fund and signed by the village president and countersigned by the village treasurer. The depository for funds of the commission shall be determined by the board of trustees.

(k)

Further responsibilities of commission. The commission shall be responsible for monitoring, implementing, and carrying out the rules and regulations of the municipal ~~water-works~~utilities, and the village ~~water~~-utility operating rules and regulations as on file from time to time with the state public service commission or other related federal, state or local agencies and as adopted by reference as part of this Code. In addition, and where necessary and advisable, the commission shall carry out all responsibilities of the municipal water works pursuant to article II of chapter 34. As hereinbefore stated, the commission shall not determine ~~water~~-charges under any sections of this Code or state statutes adopted herein by reference.

(Code 2006, § 2-4-4)

State law reference— *Management of municipal public utility by commission, Wis. Stats. § 66.0805.*

Section 2. Effective Date. This Ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.


Introduced, Approved and adopted: December 17th, 2014.

VILLAGE OF LITTLE CHUTE

By: _____


Michael R. Vanden Berg, Village President

Attest: _____


Laurie Decker, Village Clerk