

## CHAPTER 60

### PROVIDING FOR THE CONSOLIDATION OF THE ELECTRIC UTILITY COMMISSION AND THE WATER AND SEWER UTILITY COMMISSION INTO A SINGLE MUNICIPAL UTILITY COMMISSION FOR THE CITY OF RICHLAND CENTER AND FIXING THE POWERS AND DUTIES OF SUCH COMMISSION

[History: Ord 521, 1988-18, 1997-2, 2004-16]

**60.01 CREATION.** There is hereby created an independent and non-partisan Municipal Utility Commission to manage and operate the electric, water and sewer utilities of the city.

**60.02 MEMBERSHIP; TERMS.** The Utility Commission shall consist of seven Commissioners. Two of the seven Commissioners shall be alderpersons, who shall be elected for one year terms by the Common Council at its annual Spring organizational meeting in April, and who shall serve on the Commission without additional compensation. The remaining five Commissioners shall be residents of the City, each of whom shall serve a five year term. The initial terms of the non-alderperson commissioners following consolidation of the Electric utility and Water and Sewer Commissions shall be staggered so as to expire on the first day of the next five Octobers following consolidation.

**60.02(1) VESTED INTEREST:** No member of the Utility Commission shall be retained by the Utility or City as an employee prior to six (6) months from the date of the Commissioner's written resignation from the Utility Commission. [Amended by Ord 2004-16]

**60.03 ELECTIONS.** The Common Council shall elect the Commissioners at its first regular meeting in September for terms to commence on the October 1 following appointment. In the case of a vacancy on the Commission, the Common Council at a regular meeting may elect a Commissioner to fill the vacancy for the remainder of the term.

#### **60.04 POWERS OF COMMISSION.**

(1) Charge and Management. The Commission shall take entire charge and management of the City's Electric, Water, Sewer and Telecommunication Utilities' business, and any other public utility authorized by the Common Council. The Commission shall have full authority to supervise the operation of the Utility subject only to the general control and supervision of the Common Council, with such general control and supervision being executed through the enactment and amendment of this ordinance. [Amended by Ord 2004-16]

(2) Manager. The Commission shall appoint a Utility Administrator, fix his or her compensation and duties and provide for the authority of the Administrator to act on behalf of the Commission.

(3) Other Employees; Consultants. The Commission may employ and fix the compensation of such other employees as the Commission deems necessary or convenient for the management and operation of the City's utilities. The commission also may employ the services and fix the compensation

of such other agents or consultants as the Commission deems necessary or convenient for the operation and management of the utilities.

(4) Rates, Rules and Regulations. The Commission shall have authority to fix rates and establish rules and regulations for the governance, management and operation of the utilities, subject to the jurisdiction of the Public Service Commission of Wisconsin where such jurisdiction exists, and establish rules for the governance of its own proceedings.

(5) Contract. The Commission shall have full authority to let bids and enter into contracts in the name of the city, provided that such contracts are necessary or convenient to the management and operation of the utilities.

(6) Other Powers. The Commission shall have such other powers as are necessary or convenient to the management and operation of the City's public utilities, and the City intends that the Commission shall have full authority respecting the utilities unless that authority is specifically withheld by statute or this ordinance.

**60.05 ORGANIZATION:** The Commissioners shall choose from among their number a President, Vice-President, Secretary and Vice Secretary. They shall appoint a Commissioner or Utility employee to take minutes of all meeting, said minutes shall be provided to the City Clerk-Treasurer, who shall distribute them to the Mayor, Council Members, and the City Administrator. The Commission shall make the rules for the conduct of its own proceedings and for the operation and management of the Utilities, and may from time to time amend such rules. The Commission shall direct the keeping of books of account in the manner prescribed by the Public Service Commission, which records shall be open to the public for inspection. **[Amended by Ord 2004-16]**

**60.06 UTILITY EXPENSES.** Utility expenses shall be audited by the Commission at its regular meeting, and shall be paid by the bookkeeper upon approval of a majority of the Commissioners. The Commission may authorize the payment of labor, salaries and such other regular expenses as the Commission may determine, including but not limited to power bills, supplies, equipment costs, and service bills, as they become due.

**60.07 RECEIPTS:** All utility receipts shall be accounted for by the Utility office employees, who shall be bonded. Reports shall be provided monthly to the Commission, with separate accounts for the Electric, Water, Sewer and Telecommunication Utilities. A monthly report of Utility receipts and expenditures shall be provided to the City Clerk-Treasurer who shall incorporate such reports into the monthly Treasurer's Report to the Common Council. **[Amended by Ord 2004-16]**

**60.08 CONSTRUCTION; DEFINITION.**

(1) This Ordinance shall be liberally construed to effect its purpose. As used herein, the terms "management and control" or "management and operation" shall be construed broadly and shall include, without limitation by enumeration, all authority related to the utility properties of the city, and all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating or managing the city's public utilities, except as specifically withheld by statute.

(2) It is the intent of this ordinance that the power retained by the Common council shall be

exercised generally as a supervisory power, and the Common Council does not intend to assume the responsibility of determining the details of operating the utilities or of interfering in matters of everyday management of the utilities.

(3) Provided, however, the Common Council intends to reserve its duty and power to decide matters of policy in all fields of municipal activity, including municipal utilities, having particular regard to fiscal matters and the expenditure of major sums of money which may or will affect municipal credit immediately or cumulatively.

(4) It is the intent of the Common Council that administration of the Utility will be coordinated with the City Administrator to insure efficiency and planning on an overall City basis. [Amended by Ord 2004-16]

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**66.0805 Management of municipal public utility by commission.**

(1) Except as provided in sub. (6), the governing body of a city shall, and the governing body of a village or town may, provide for the nonpartisan management of a municipal public utility by creating a commission under this section. The board of commissioners, under the general control and supervision of the governing body, shall be responsible for the entire management of and shall supervise the operation of the utility. The governing body shall exercise general control and supervision of the commission by enacting ordinances governing the commission's operation. The board shall consist of 3, 5 or 7 commissioners.

(2) The commissioners shall be elected by the governing body for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

(3) The commission shall choose a president and a secretary from its membership. The commission may appoint and establish the compensation of a manager. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of subordinates as necessary. The commission may make rules for its proceedings and for the government of the department. The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.

(4)

(a) The governing body of the city, village or town may provide that departmental expenditures be audited by the commission, and if approved by the president and secretary of the commission, be paid by the city, village or town clerk and treasurer as provided by s. 66.0607; that the utility receipts be paid to a bonded cashier appointed by the commission, to be turned over to the city, village or town treasurer at least once a month; and that the commission have designated general powers in the construction, extension, improvement and operation of the utility. Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

(b) If water mains have been installed or extended in a municipality and the cost of installation or extension has been in some instances assessed against the abutting owners and in other instances paid by the municipality or a utility, the governing body of the municipality may provide that all persons who paid the assessment against any lot or parcel of land may be reimbursed the amount of the assessment

regardless of when such assessment was made or paid. Reimbursement may be made from such funds or earnings of the municipal utility or from such funds of the municipality as the governing body determines.

(5) Two or more public utilities acquired as a single enterprise may be operated under this section as a single enterprise.

(6) In a 2nd, 3rd or 4th class city, a village or a town, the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section.

History: 1977 c. 29 s. 1654 (9) (g); 1981 c. 347 s. 80 (2); 1983 a. 207 ss. 23, 93 (1); 1983 a. 538; 1993 a. 16, 246; 1999 a. 150 ss. 179, 181, 183, 236; **Stats. 1999 s. 66.0805.**

**When a city council creates a board under sub. (1), the council is prohibited by sub. (3) from fixing the wages of the utility's employees.** *Schroeder v. City of Clintonville*, 90 Wis. 2d 457, 280 N.W.2d 166 (1979).