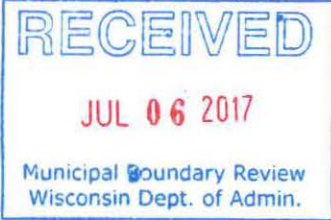


CND-56



ORDINANCE NO. 1842-17

(CITY OF REEDSBURG CHARTER ORDINANCE  
REPEALING AND RECREATING UTILITY COMMISSION ORDINANCE)

The Common Council for the City of Reedsburg, Sauk County, Wisconsin, do hereby ordain as follows:

SECTION 1: FINDINGS AND PURPOSE.

Pursuant to Wis. Stat. § 66.0101, the City of Reedsburg hereby exercises its Constitutional home rule authority of Article XI, Section 3 of the Wisconsin Constitution and makes the following finding of facts and amends its charter as indicated herein.

A. The City has determined to create a municipal Communications Utility within the City, which shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate and manage a communications system to be constructed within the City in order to provide, among other things, telephone, communications, data, Internet, news, cable television, video and information services. The Communications Utility of the City shall be under the jurisdiction of the Utility Commission and may exercise all powers necessary or desirable to effect its purposes.

B. The City hereby finds that the creation and operation of a Communications Utility, with the responsibilities and powers as specified above, are matters of local affairs and government within the meaning of Article XI, Section 3 of the Wisconsin Constitution and Wis. Stat. Sec. 66.01-§ 66.0101. It is hereby found that a communications system will provide public benefits by providing for the continued growth and economic development of the City of Reedsburg and is, thereby, in the best interests of the City of Reedsburg and within our local affairs and government. The City hereby further finds that a City-owned communications system is in the public interest as a means of facilitating the provision of telephone, communications, data, Internet, news, cable television, video and information services to the City and its departments, the school district and the public generally within the City of Reedsburg and surrounding areas.

C. To the extent that any provisions of Chapter 62 or 66 of the Wisconsin Statutes could be interpreted as limiting the ability of the City of Reedsburg to create such a Communications Utility, the City of Reedsburg hereby declares that those provisions shall not apply to the City of Reedsburg.

**DRAFTER'S NOTE:** This is a Charter Ordinance pursuant to Wis. Stat. 66.0101. It requires a two-thirds vote of the Common Council. The ordinance is not effective until 60 days after its passage and publication. If within the 60 days a petition signed by electors of the city or village equal to not less than 7% of the votes cast for governor at the last general election is filed in the clerk's office, the charter ordinance must be submitted to a referendum and approved by a majority of the electors who voted before it becomes effective.

SECTION II: CODE SECTION REPEALED AND RE-CREATED.

- A. City of Reedsburg Code § 1.103 is repealed.
- B. City of Reedsburg Code § 1.103 is re-created.

SECTION III: CODE SECTION AS RE-CREATED.

City of Reedsburg Code § 1.103 is re-created as follows:

1.103 Utility Commission.

(1) (a) Municipal Utilities. The City of Reedsburg operates the following municipal utilities: electric, water, sanitary sewer, storm sewer, and communications utilities.

(b) The electric, water and communications utilities shall be under the jurisdiction of the Reedsburg Utility Commission, except as may be otherwise provided in the City of Reedsburg Code of Ordinances.

(2) Membership. The Utility Commission shall consist of 2 officers of the City and 3 citizens, appointed by the Mayor subject to confirmation of the Council, for terms of 5 years, commencing on October 1, in the year of the appointment, provided the Mayor shall stagger the initial appointments so that the terms of the Commissioners first elected shall expire successively one each year on each succeeding first day of October. A vacancy shall be created in the office occupied by a member of the common council when the person ceases to be a member of the Council. Vacancies shall be filled by appointment by the Mayor, which appointments shall be subject to confirmation of the Council.

(3) Commission shall organize by choosing from among its members a President and Secretary and shall appoint a Utility Clerk who shall perform the duties of a bonded cashier, shall keep accurate books and accounts of utility revenues and expenses, and shall perform such other duties as the Commission shall from time to time direct. The Utility Clerk, before taking office, shall give a bond for the faithful performance of the duties of the office in such amount as the Utility Commission shall direct.

(4) Compensation. Commission members shall receive such compensation as shall be agreed upon by the Commission and the Council, and the Commission shall fix the compensation to be paid to the Secretary.

(5) Powers and Duties.

- a. Method and Duties. The Commission shall have the entire charge, management and direction of all municipal utilities not placed under the jurisdiction of the Public Works, Committee subject only to the general control and supervision of the Council, with such general control and supervision being exercised through the enactment and amendment of this Ordinance, and to the jurisdiction of the State Public Service Commission.

- b. Employees and Consultants. The Commission may employ a manager or superintendent of utilities and may fix his compensation. The City Engineer may be employed as a superintendent or manager and his salary as such shall be fixed from time to time by agreement of the Commission and Council. The Commission may employ other necessary employees and fix their compensation. 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 under its jurisdiction.
  - c. Rules. The Commission may make all necessary rules governing its own proceedings and the government of the electric, water and communications utilities and all other municipal utilities under its jurisdiction.
  - d. Construction Work and Construction Contracts. Utility construction work shall be under the immediate supervision of the Commission and all other Public Works construction under the supervision of the Public Works Committee. The Commission shall have full authority to let bids and enter into construction contracts in the name of the City, provided that such contracts are necessary or convenient to the management and operation of the municipal utilities under the Commission's jurisdiction.
  - e. Other Contracts. The Commission shall have full authority to enter into other contracts in the name of the City, including but not limited to contracts to purchase and sell electrical power and fuel, sell potable water and purchase and sell communications services provided that such contracts are necessary or convenient to the management and operation of the municipal utilities under the Commission's jurisdiction.
  - f. Purchase and Sale of Real Estate. The Commission shall have full authority to acquire and sell interests in real estate in the name of the City as may be necessary or convenient to the management and operation of the municipal utilities under the Commission's jurisdiction.
  - g. Other Powers. The Commission shall have such other powers as are necessary or convenient to the management and operation of all municipal utilities not placed under the supervision of the Public Works Committee, and the City intends that the Commission shall have full authority respecting such utilities unless the authority is specifically withheld by statute.
- (6) Utility Funds and Accounts. Utility funds shall be handled by the Utility Clerk in a separate account. The funds of the electric, water and communications utilities and all other municipal utilities under the Commission's jurisdiction shall be maintained in separate accounts. No funds shall be transferred to the General Fund except in accordance with Wis. Stat. § 66.0811(1) and (2).
- (7) Recordings and Proceedings

- a. The Commission shall keep books of account as prescribed by the Public Service Commission of Wisconsin, which shall be public records.
  - b. The Secretary shall keep the minutes of the previous proceedings of the Commission and shall report semiannually to the Council giving a brief summary of the condition of the utilities and the manner in which funds are allocated. The Secretary shall provide members of the Council with copies of the minutes of the Utility Commission on a monthly basis.
- (8) Utility Expenses. Utility departmental expenditures shall be audited monthly and when approved, a voucher schedule shall be prepared and certified to the City Clerk by the Commission President and Secretary that the claims listed therein have been authorized for payment. There shall be further certifications on the schedule whether or not funds are available for payment of the claims as listed. Order checks shall then be prepared by the Utility and entered upon the books of the Utility, after which they shall be signed by the Commission President and the City Clerk, as provided by Wis. Stat. § 66.0607(4)
- (9) Utility Receipts. Utility funds shall be separately accounted for by the municipal utilities under the Commission's jurisdiction.
- (10) Facsimile Signatures. Checks issued on the Utility accounts may be signed by facsimile signature

#### SECTION IV: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

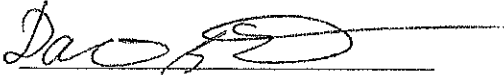
#### SECTION VI: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

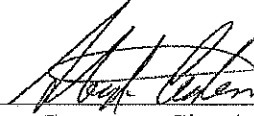
#### SECTION VII: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

This ordinance becomes a part of the City of Reedsburg Code, Chapter 1.



David Estes, Mayor

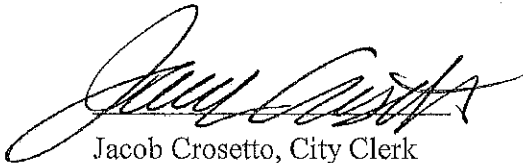


Stephen Compton, City Administrator

INTRODUCED: May 22, 2017  
PUBLISHED: May 26, 2017  
PASSED: June 26, 2017

STATE OF  
WISCONSIN  
(COUNTY OF SAUK)

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly passed by the Common Council of the City of Reedsburg on the 26 day of June, 2017 and that said resolution has not been repealed or amended, and is now in full force and effect.



Jacob Crosetto, City Clerk