

## TOWN OF FLORENCE

### UTILITY COMMISSION ORDINANCE

The Town Board of the Town of Florence do ordain as follows:

(1) FINDING AND PURPOSE. The Town of Florence finds that the ownership and operation of water, wastewater, electric and gas utilities by the Town is in the public interest. To that end, the Town has long entrusted the management of its water, wastewater and electric utilities to an independent and non-partisan body, the Water and Light Commission of the Town of Florence. This ordinance is intended to enlarge and recodify the powers of the Water and Light Commission and to rename the Commission as the Florence Utility Commission.

(2) SUCCESSOR STATUS. The Utility Commission established under this ordinance is a successor to the Town's existing Water and Light Commission. It has all the rights, duties, powers and interests which the existing Water and Light Commission possesses, whether granted by ordinance, statute, contract or otherwise. The existing Commissioners shall serve the remainder of their present terms of office.

(3) GAS UTILITY. By a resolution adopted by the Town Board of the Town of Florence, the Town has determined to form a municipal gas utility. This ordinance, among other things, codifies the authority of the existing Water and Light Commission to operate the municipal gas utility formed by the Town of Florence.

(4) CONFLICTING ORDINANCES. To the extent that any existing ordinances or resolutions of the Town Board of the Town of Florence are in conflict with the enactment of this ordinance, those prior resolutions and ordinances are hereby repealed.

(5) Ordinance No. "26/90 of the Town of Florence is created to read:

UTILITY COMMISSION

(1) CREATION. There is hereby created an independent and non-partisan Utility Commission to manage and operate the gas utility, electric utility, water utility and wastewater of the Town.

(2) MEMBERSHIP TERMS: The Utility Commission shall consist of three (3) Commissioners, each of whom shall serve a three (3) year term. The terms shall be staggered so that one Commissioner's term shall expire each year. The Commissioners shall be residents of the combined service territory of the Town utilities. The Town Chairman shall serve on the Commission as an ex-officio member without vote and shall serve without additional compensation.

(3) APPOINTMENTS. The Town Board shall appoint 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 Town Board at a regular meeting may appoint a Commissioner to fill the vacancy for the remainder of the term.

(4) POWERS OF COMMISSION. (a) Charge and Management. The Commission shall take entire charge and management of the Town's gas utility, electric utility, water utility and wastewater utility, and any other public utility authorized by the Town Board. The Commission shall have full authority to supervise the operation of the utilities subject only to the general control and supervision of the Town Board, with such general control and supervision being exercised through the enactment and amendment of this Ordinance.

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

(c) 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 Town's utilities. The Commission may also employ the services and fix the compensation of such other agents or consultants, including other employees of the Town, as the Commission deems necessary or convenient for the operation and management of the utilities.

(d) 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, and establish rules for the governance of their own proceedings.

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

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

(5) ORGANIZATION. The Commissioners shall choose from among their number a president and secretary, and shall appoint a Utility Clerk who shall perform the duties of a bonded cashier, and such other duties as the Commission shall from time to time direct. The Utility Clerk, before taking office, shall give a bond to the Town for the faithful performance of the duties of his office in such amount as the Utility Commission shall direct.

(6) UTILITY EXPENSES. Utility expenses shall be audited by the Commission at its regular meeting, and if approved by its president and secretary, shall be paid by the Clerk-Treasurer or Deputy Clerk-Treasurer in the manner provided by sec. 66.042(4), Wis. Stats., except that the Commission may authorize the payment of labor and salaries, if approved by the president and secretary, to be paid on the 15th and 30th day of each month respectively.

(7). RECEIPTS. All utility receipts shall be paid to the Utility Clerk. Financial reports shall be provided to the

Town Board and to the Clerk-Treasurer at least once a month. Utility funds shall be separately accounted for by the gas, water, wastewater and electric utilities and shall be subject to disposition as the Commission shall direct.

(8) CONSTRUCTION; DEFINITION. 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 Town, and all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating, or managing the public utilities, and full power and authority respecting the utilities except as may be specifically withheld by state statute or constitution.

Adopted by the Town Board of the Town of Florence this 26<sup>th</sup> day of November, 1990.

Attest:

Judith Hehlhoff  
Town Clerk

Ray Stiber  
Town of Florence  
Town Board Chairman

Jack Adams  
Edward Kowalkowski