

3.07.02. Organization and personnel.

- (1) *Organization.* The Water Utility and Wastewater Utility shall operate as separate utilities under the administration of the Water and Wastewater Utilities Committee organized under Section 2.02.04 of this Code and shall be administrated, supervised and directed by the Director of Public Works. The operation, responsibilities and jurisdiction of the Water and Wastewater Utilities shall include:
 - (a) All water mains, pumping stations, storage tanks, valves, controls, wells and appurtenances of the water distribution and storage system.
 - (b) All sanitary sewer, manholes, lift stations, sewage treatment plant and structures of the sanitary sewage collection and treatment system.
 - (c) The procurement, maintenance and safe keeping of all materials, records, buildings, equipment, tools and supplies necessary to support and improve the operation of safe and adequate Water and Wastewater Utilities.
 - (d) Proper keeping and accounting of all financial records, bills and vouchers, as well as records of collection of all water and sewer rentals, assessments and charges.
- (2) *Personnel.*
 - (a) Superintendent. There shall be a Superintendent of the Water and Wastewater Utilities whose duties, under the direction and supervision of the Director of Public Works, shall include the enforcement of rules, bylaws, ordinances, regulations and orders of the Council concerning the utilities. He shall enforce the completion of all contracts as specified; assure that assessments of water rents, charges, special assessments, forfeitures and penalties are made, collected and paid into the City Treasury; audit all accounts and claims and submit the same to the Common Council; exercise supervision of buildings, machinery, grounds, supplies and all property connected with the utilities; have general supervision over all operations of the utilities; make a written annual report of finances, operations, conditions and activities of the utilities and submit such report to the Common Council; and perform such other duties as the Council may direct. The salary of the Superintendent shall be fixed by the Common Council.

(Code 1993, § 17.02)

- **2.02.04. - Reserved.**

Editor's note— Ord. No. 2022-15, § 1, adopted Aug. 5, 2022, repealed § 2.02.04, which pertained to standing committees and derived from Code 1993; and Ord. No. 10-17, adopted May 8, 2017.

Chapter 2.64 WATER AND LIGHT UTILITY COMMISSION¹

Sections:

2.64.010 Composition.

- A. **Operating Name.** The waterworks system, electric light and power distribution systems, and telecommunications systems of the city are combined enterprise funds and shall be operated as "Sun Prairie Utilities."
- B. **Organization.** The water and light utility commission of the city, hereinafter called the utility commission, shall consist of seven members whose duty it shall be to have the entire charge and management of the Sun Prairie Utilities as a department of the city. 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.
- C. **How Selected.** The utility commission shall consist of seven commissioners, which shall include the mayor, one alderperson and five residents of the city. The alderperson shall be appointed to the commission by the city council during the council's annual organizational meeting and shall serve a one-year term. The mayor may designate a council member to serve in his place during the annual city council organizational meeting with the appointment being confirmed by the city council, and lasting for a one-year period. The terms of the remaining commissioners shall be for five years and shall be staggered so that no more than one commissioner's term shall expire each year.
- D. **Eligibility.** No person shall be eligible to serve as a member of the utility commission, or to hold any office or position under such commission who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power, telecommunications service, or other public service to or for the city or the citizens thereof or who is a stockholder in any corporation which has any such contract. Any such office or position shall become vacant upon the acquiring of any such interest. Any member selected to such commission shall take and file the official oath of office with the city clerk.
- E. **Vacancy.** In the event of a vacancy on the utility commission, the mayor shall appoint on a nonpartisan basis one or more commissioners to fill the unexpired term(s) of any such member or members. Such appointment by the mayor shall be subject to confirmation by the common council. The utility commission shall be continuous in existence and each member thereof shall continue thereon until his successor is appointed and qualified.

(Ord. 427, § 1, 1-5-2010; Ord. 206, § 1, 8-2-2005)

¹Editor's note(s)—Ord. 198, adopted June 7, 2005, repealed Chapter 2.64, which pertained to water and light utility commission, and derived from prior code § 2-4-7; Ord. 459 of 1999; Ord. 495 of 2000; and Ord. 2002-64 of 2002.

Subsequently, Ord. 206, adopted Aug. 2, 2005, again repealed and then recreated Chapter 2.64 to read as herein set out.

2.64.020 Internal organization.

- A. Officers. The members of the utility commission shall, in the month of May of each year, select from among its members a chairperson, vice-chairperson and secretary/treasurer. The chairperson shall conduct the meetings of the utility commission and otherwise supervise such meetings. The secretary/treasurer shall keep a written record of the proceedings of the commission, as well as an audio recording of all utility commission meetings including special utility commission meetings. Such written record and audio recording shall be filed with the city clerk. The city clerk shall place them in the city's official city files and distribute the written record to the mayor and city council as well as the official city newspaper.
- B. Meetings. The utility commission shall hold regular monthly meetings and such special meetings as are called by the chairperson or by a majority of the members of the commission as may be deemed necessary. All meeting notices shall be filed with the city clerk who shall cause the notice to be published and posted in full compliance with the open meeting law requirements. Four members of the commission shall constitute a quorum for the transaction of business.
- C. Compensation. All members of the commission shall receive such compensation as may be fixed from time to time by the common council.

(Ord. 230, § 1, 12-20-2005; Ord. 206, § 1, 8-2-2005)

2.64.030 Duties, powers and authority.

- A. Management of the Utility. Subject to the general control and supervision of the common council, the utility commission shall take entire charge and management of the water and electric utilities of the city. In addition, to the power and authority set forth in this chapter the utility commission shall have the authority prescribed by Section 66.0805, Wisconsin Statutes, and shall govern and administrate the department consistent with Title 13 of the Municipal Code.
- B. Employment. The utility commission shall make rules for their own proceeding and for the government of their department. The commission shall appoint a utility manager who shall act on behalf of the commission and shall employ 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.
- C. Provision of Telecommunications Services. Subject to the general control and supervision of the common council the utility commission is authorized to provide telecommunications service in its service area and to carry out all associated activities to the full extent allowed by applicable federal and state laws, including, without limitation, Section 62.11(5), Wisconsin Statutes, and in compliance with such federal and state laws. For purposes of this section, the phrase "telecommunications service" has the same definition as that contained in Section 196.01(9m), Wisconsin Statutes, as may be amended from time to time.

(Ord. 206, § 1, 8-2-2005)

2.64.040 Accounts.

- A. Manner and Form. It shall be the duty of the utility commission to have books of account kept in the manner and form prescribed for utilities of its class by the public service commission of the State of Wisconsin. Such books of account shall be open to the public.
- B. Receipts. The receipts of public utilities shall be deposited in an official depository approved by the commission. The utility manager of water and light shall make and file his or her financial report of such

utilities each month with the commission. The commission shall within one week of receipt of the financial report file it with the city administrator who shall forward copies to the mayor and city council.

- C. Transfer of Funds. No funds of the municipally-owned utility shall in any case be transferred to the city treasury for use of the city, except in accordance with the provisions of Section 66.0811(3), Wisconsin Statutes.
- D. Excess Funds. Any excess funds accumulated by such utility, unless deposited pursuant to law, and all funds in the depreciation or retirement reserves may be invested only according to the provisions of Section 66.0811(2), Wisconsin Statutes.

(Ord. 206, § 1, 8-2-2005)

2.64.050 Annual budget.

On or before October 15 of each year the utility commission shall prepare and file a complete fiscal budget with the city. The utility commission and the committee of the whole shall jointly develop a budget form that is acceptable. The committee of the whole shall meet to review the proposed utility budget. Upon approval by the common council, the budget shall be implemented and followed by the commission effective January 1 of the following year.

By April 1 of each year the utility commission shall file with the city clerk a copy of its annual report filed with public service commission. Upon approval of the annual audit of the utility by the utility commission, a copy of the annual audit shall be provided to the city finance department.

(Ord. 367, 7-1-2008; Ord. 206, § 1, 8-2-2005)

2.64.060 Purchasing policy.

The utility commission shall formally enact a written purchasing policy which shall be used by the commission to insure compliance with the annual fiscal budget.

(Ord. 206, § 1, 8-2-2005)

2.64.070 Annual audit.

The utility commission shall cause an annual audit to be conducted of the utility accounts and upon completion such audit shall be presented to the utility commission and the finance committee for review. Upon recommendation of the finance committee the common council shall officially accept the audit and direct the city clerk to place it on file. The utility commission shall pay for the cost of the audit.

(Ord. 206, § 1, 8-2-2005)

2.64.080 Contractual commitment.

The utility commission shall have full authority to enter into contracts in the name of the city provided that funds have been included in the annual utility budget for the purchase of the item and/or service identified under the contract. In addition, all contracts which require the use of funds not generated by the utility or the borrowing of funds shall be approved by the city council.

(Ord. 206, § 1, 8-2-2005)

2.64.090 Expenditures.

Expenditures of the municipally-owned utilities shall be audited by the utility commission and if approved be paid for by the utility accounts upon warrants signed by the finance officer or city administrator and secretary of the utility commission or superintendent of utilities.

(Ord. 206, § 1, 8-2-2005)

Chapter 312. Water and Sewers

Part 1. Water and Sewer Utility

Article I. Administration

§ 312-3. Utility Commission.

[Amended 4-20-1987]

- A. Composition. The Commission shall be comprised of one Village Board member and four citizen members.

[Amended 5-20-1991]

- B. Appointments.

(1) Village Board member. The Village Board member of the Commission shall be appointed by the Village President subject to confirmation by the Village Board. The Board member shall serve for a two-year term commencing May 1 or until his/her successor is appointed and confirmed by the Board. Only one member of the Village Board shall be a member of the Utility Commission at any one time.

(2) Citizen members. The citizen members of the Commission shall be appointed by the Village President subject to confirmation by the Village Board. The citizen members shall serve for two-year terms commencing May 1 or until their successors are appointed and confirmed by the Board. The term of the new citizen member appointed pursuant to the May 1991 ordinance change shall be for one year. Subsequent terms are to be staggered so not more than two such appointments are made annually.

[Amended 5-20-1991]

- C. Duties and responsibilities.

(1) The Utility Commission shall be organized and function in accordance with the provisions of Chapter 196 of the Wisconsin Statutes, under existing ordinances, rules, policies and regulations of the Cottage Grove Utility Commission as of the date of adoption hereof, and any and all applicable state or local laws or regulations pertaining to the operations of water and sewer utilities.

(2) The express purpose of this section is to create a Commission to independently operate the Village Water and Sewer Utility as empowered and regulated by state laws and to perform its functions separately from the Village Board and to be directly answerable to the Village Board as well as the State of Wisconsin.

(3) The Utility Commission shall have the power to determine an emergency exists pursuant to s. 62.15(1b), Wis. Stats., for bidding purposes.

Sec. 2-168. - Public utility commission.

Pardueville

- (a) *Creation.* The village has created a single public utility commission to manage the electric, sewer, and water utilities.
- (b) *Composition.* The public utility commission shall consist of seven members.
 - (1) *Trustee members.* The two trustee members shall be the chairperson of the finance and personnel committee and the chairperson of the public works, parks, and property committee.
 - (2) *Citizen members.* The five citizen members of the commission shall be appointed by the village president subject to confirmation by the village board, at the organizational meeting of the board during the month of April. The five original citizen members who are appointed upon the creation of the commission shall hold office for a period of one, two and three years, respectively, and thereafter annually during the month of April for a period of three years.
 - (3) *Public works director.* The public works director will act in an advisory capacity to the public utility commission and attend all of its meetings.
- (c) *Organization.* As soon as possible after their appointment, and annually thereafter, the members of the utility commission shall organize by choosing from among their numbers, a president and secretary.
- (d) *Authority.*
 - (1) Subject to the general supervision and control of the village board, the utility commission shall have entire charge and management of the electric, sewer, and water utilities of the village and shall supervise the operations of the utilities except as to those specific powers retained by the village board as set forth in subsection (d)(3) of this section.
 - (2) The commission shall make rules for its own proceedings and for the government of its department.
 - (3) The commission shall have such general powers in the construction extension, improvement, and operation of the utilities as shall be designated by the village board. All construction work and equipment purchases shall be under the immediate supervision of the village board. In addition, the village board shall have authority for the approval of all bill payments.
- (e) *Fiscal management.*
 - (1) *Accounting.* It shall be the duty of the utility commission to keep books of account in the manner and form prescribed for utilities of its class by the state public service commission. The books of account shall be open to the public. The commissions shall prepare a budget for the next year.
 - (2)

Audits. Departmental expenditures shall be audited by such commission and if approved by the village board shall be paid by the village clerk-treasurer of the village as provided in Wis. Stats. §§ 66.0607 and 66.0805. Utility receipts shall be paid to a bonded cashier appointed by the commission, the schedule of payments shall be forwarded to the village clerk-treasurer, and payment made upon utility checks signed by the clerk-treasurer, the village president and the bonded cashier. All disbursements shall be on vouchers submitted by the utility commission, approved by the president and secretary as set forth above.

- (3) *Income use.* The income of the electric, sewer, and water utilities shall be applied first to meet operational, maintenance, depreciation, interest and sinking fund requirements, local and school tax equivalents, additions and improvements and other necessary disbursements or indebtedness. Income in excess of these requirements may be used to purchase and hold interest-bearing bonds, issued for the acquisition of the utility, or bonds issued by the United States or any municipal corporation of this state, or may be paid into the general fund.

(Code 1986, § 2-4-6)

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