

ORDINANCE NUMBER 639-08

AN ORDINANCE AMENDING FOWLER MUNICIPAL CODE 2.09.030, 2.09.040 and 2.09.050 REGARDING THE MUNICIPAL UTILITY BOARD.

WHEREAS, Fowler Municipal Code Chapter 2.09 established and organized the municipal utility board; and

WHEREAS, the Board of Trustees finds it is in the best interest of the Town of Fowler to amend the municipal utility board membership, terms and powers and duties

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FOWLER

That Fowler Municipal Code chapter 2.09 sections 2.09.030, 2.09.040 and 2.09.050 are hereby amended in their entirety as follows:

2.09.030 Members.

- A. The Fowler municipal utility board shall consist of five members.
 - 1 The mayor shall serve as a member.
 - 2 One member shall be a member of the Fowler Board of Trustees appointed by the Fowler Board of Trustees who shall serve until that member's term of office on the Fowler Board of Trustees at the time of appointment expires.
 - 3 Two members shall be town residents appointed by the Fowler Board of Trustees.
 - 4 One member shall be a resident of the community appointed by the Fowler Board of Trustees.

2.09.040 Terms.

- A. All appointments of non-elected members subsequent to the terms that commenced in 2008 shall be for a term of four years except where appointments are made to fill a vacancy for an unexpired term of office.
- B. Each term of each non-elected member shall commence upon the date of appointment and shall terminate at midnight June 30 the requisite number of years following appointment or upon replacement where a subsequent appointment is not timely made.
- C. Terms of office shall be staggered.
 - 1 In 2008, one member appointed from the town's residents shall be appointed for a term of four years.

2 In 2008, one member appointed from the town's residents shall be appointed for a term of three years.

3 In 2008, the member appointed from the community's residents shall be appointed for a term of two years.

D. Mayor's Term as a member.

1 The mayor shall serve as a member during the mayor's term of office as mayor.

E. Board of Trustee member's term.

1 The trustee appointed shall serve as a member until the expiration of that trustee's term of office as trustee at the time of appointment.

F. Vacancies.

1 Appointments to fill a vacancy resulting from any cause other than expiration of the term of office shall commence at the date and time of appointment and shall run for the term of the unexpired term being filled.

G. Removal.

1 A member, other than the mayor, may be removed as a member upon an affirmative vote of two-thirds of all seated members of the Fowler Board of Trustees.

H. Compensation.

1 Members shall not receive any wage or salary for service as a member. Members may be reimbursed for actual out of pocket costs incurred where approved in advance. No reimbursement will be allowed for expenses associated with attendance at regular or special meetings held in Fowler.

2.09.50. Powers and Duties

a Meetings.

1 The board shall meet regularly not less than one time each month. The chairperson or two members may call for a special meeting.

b Officers.

1 The board shall conduct a meeting each July for the purpose of electing a chair person and a vice-chair person. The mayor and trustee serving on the board may not serve as officers.

c Bylaws.

1 The board may develop bylaws and amendments to bylaws and recommend such bylaws to the Board of Trustees. The bylaws shall become effective only upon approval of the Board of Trustees.

d Rules, Regulations and Rates.

1 The board shall serve as an advisory board to the board of trustees and town administrator in developing and recommending rules, regulations and rates for each municipal utility.

2 All rules, regulations and rates shall be referred to the Fowler Board of Trustees following approval by the board. No rule, regulation or rate shall be effective until adopted by the Fowler Board of Trustees.

e Studies and Reports

1 The board may study, or cause to be studied, and report to the Board of Trustees, regarding any aspect of town utilities, including but not limited to rates, rate structures, capital maintenance plans, future growth plans, potential new municipal utilities and contingencies for shortages or utility emergencies.

2 The board shall assist in the development of the town budget for each of the municipal utilities and recommend to the Board of Trustees that the municipal utility budgets be approved.

2. Conflicts. To the extent that any conflict exists between this ordinance and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this ordinance.

3. Emergency Clause. The Town of Fowler Board of Trustees hereby declares that an emergency exists and that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety and that it shall be in full force and effect upon final publication as provided by law.

INTRODUCED, READ IN FULL, PASSED, ADOPTED AND ORDERED
PUBLISHED THIS ____ DAY OF _____, 2008.

Ray A. Wards, Mayor

ATTEST:

Town Clerk / Deputy Town Clerk