

CHAPTER TWELVE

AN ORDINANCE ESTABLISHING THE "BOARD OF WATER COMMISSIONERS" OF KEEDYSVILLE, MARYLAND (THE BOARD)

RECITAL

The Town of Keedysville is a municipal corporation existing under and by virtue of the laws of the State of Maryland. The Mayor and Council as its duly constituted legislative body are empowered by the Constitution of the State of Maryland, Article 23 of the Annotated Code of Maryland, Title 9 Environment, Section 9 -270, et seq., the Charter of the Town of Keedysville, and in general the laws of the State of Maryland to construct, maintain and operate a water system together with all facilities and appurtenances connected therewith. The Mayor and Council are also empowered and authorized to enact Ordinances to create commissions to regulate utilities such as the water department.

The Town of Keedysville has had a water system and has operated same through a Board of Water Commissioners created by the Charter. Said Charter has been revoked and replaced with a new Charter.

Therefore, the Mayor and Council of the Town of Keedysville wish to create a successor water commission to manage and operate the water department of the Town of Keedysville as an agency/commission of said Town.

Each and every provision of this Ordinance is included in this Preamble and made a part hereof. Each and every provision of this Preamble is made a part of the Ordinance and incorporated therein by reference.

NOW THEREFORE, BE IT RESOLVED, ENACTED and ORDAINED by the Mayor and Council of the Town of Keedysville, Maryland as its duly constituted legislative body as follows:

SECTION 1: ESTABLISHMENT

There is hereby established and created an agency to be known and designated as the "Board of Water Commissioners of Keedysville, Maryland" (sometimes referred to as the Board). The Board created herein shall be and is intended to be the successor of the Board of Water Commissioners that existed under the Charter of the Town of Keedysville that was revoked and repealed on May 5, 2003. The Board created herein is created pursuant to the powers of the Town

of Keedysville Charter that became effective on June 24, 2003. The powers of the successor Board shall be and are as set forth in this Ordinance.

SECTION 2: MEMBERSHIP

The Board shall consist of seven (7) persons who shall be appointed by the Mayor, with the consent and approval of the Council. One of such members shall be either the Mayor or a member of the Council appointed by the Mayor to serve as his delegate to the Board.

SECTION 3: QUALIFICATIONS

In order to serve on the Board, a person must be a citizen of the Town of Keedysville and an actual resident of the Town.

SECTION 4: TERM OF OFFICE

The Mayor or Councilperson appointed to serve on the Board as the Mayor's delegate shall serve during the term of their office or the expiration of three (3) years, which ever first occurs.

The term of office of all other members shall be for a period of three (3) years or until their successors are duly qualified and appointed

In appointing the first Board, two (2) persons shall be appointed to serve for one (1) year, two (2) persons shall be appointed to serve for two (2) years, two (2) persons shall be appointed to serve three (3) years, commencing July 1, 2003, or until their successors are duly qualified.

SECTION 5: VACANCY/INELIGIBILITY TO SERVE

In the event that a member of the Board becomes ineligible or unqualified to serve for any reason, including but not limited to becoming a non-resident, resignation, death, illness, neglect or failure to perform duties, the Board shall notify the Mayor of said vacancy. The Mayor shall appoint a person qualified as set forth in the provisions of this Ordinance to fill the vacancy thus created for the unexpired term of the disqualified person.

SECTION 6: MEETINGS

The Board shall meet at least once a month at a time set and designated by the Board and at such other times as the Board may determine.

SECTION 7: OFFICERS

The Board shall select from its membership, a Chairman, a Secretary and a Treasurer. The Chairman shall preside and vote at all meetings of the Board. The Secretary shall keep full and

complete minutes of the meetings of said Board. The Treasurer shall keep full, complete and accurate records of the finances thereof as designated to the Treasurer by the Board and/or the Mayor and Council.

The Board shall have powers as set forth in this Ordinance and as delegated to the Board from time to time by the Mayor and Council of the Town of Keedysville.

Four members must be present at a meeting to constitute a quorum. All actions taken and/or powers exercised, unless specifically authorized by the Council, shall necessitate a vote of four (4) members of the Board to become effective.

SECTION 8: COMPENSATION

Board Members may be compensated within the discretion of the Mayor and Council on the passage of a Resolution at a duly constituted meeting.

SECTION 9: POWERS

The Board shall have charge of the management, operation, maintenance, improvements, construction and/or all fixtures and appurtenances in connection with the water system and shall have and exercise all powers granted to the municipality and the Commission by the Annotated Code of Maryland. Same shall be subject to the supervision and approval of the Mayor and Council.

The Board shall supervise all employees of the water department and shall have the right to employ persons to assist in the operation of the water department. All such employees shall be considered employees of the town and employment shall be approved by the Mayor and Council in accordance with its normal employment procedures.

SECTION 10: EXPENDITURES/GENERAL

All expenditures of the Board shall be approved by the Mayor and Council and/or budgeted in the annual budget. In the event that extraordinary expenses are incurred, i.e. major upgrading requirements, then same shall be made in accordance with the applicable provisions of the Charter and the Annotated Code of Maryland governing same.

All funding as may be requisite and the nature of bond issues, loans, grants, and applications for same shall be administered by the Board as an agency of the town and all such matters shall be subject to the approval of the Mayor and Council.

SECTION 11: STATUTORY POWERS

All powers granted by the Constitution of the State of Maryland, the Annotated Code of Maryland, the Charter of the Town of Keedysville, and powers granted and/or delegated to the Board in accordance with said statutory powers are hereby granted to the Board.

SECTION 12: RULES/REGULATIONS

The Board shall have full power and authority to adopt promulgate and enforce all necessary rules and regulations reasonably necessary to aid and assist in carrying out and performing the powers and duties herein conferred upon said Board. Said rules shall be subject to the approval of the Mayor and Council of the Town of Keedysville as its duly constituted legislative body either by resolution and/or ordinance, as may be required by the laws of the State of Maryland.

The rules and regulations in connection with the operation, maintenance and other matters pertaining to the water system may be amended from time to time subject to the approval of the Mayor and Council.

SECTION 13: RECORDS

All records of the Board shall be open to inspection and audit by the Mayor and Council of the Town of Keedysville and/or its duly authorized representatives, agents or servants and kept on file in the public offices of the Town.

SECTION 14: FINANCES

The Board shall deposit all funds received by it in its name in accordance with accounting procedures now in existence and/or to be established by the Board with the approval of the Mayor and Council.

All payments made on behalf of the Board and/or the Town pertaining to the water system shall be made upon checks signed by a person authorized in accordance with the established procedure.

All funds and revenues of whatsoever nature or kind pertaining to the water department and/or management of the system shall be kept in a separate fund, and utilized to meet the operation, maintenance, depreciation, labor, interest, bond retirement, sinking fund requirements and additions, improvements or other necessary expenses and indebtedness of the department.

The Board shall from time to time, when requested by the Mayor and Council pay to the Mayor and Council all funds in its hands not reasonably required by the Board for operation of the system.

SECTION 15: USER RATES, CONNECTION CHARGES

The Board shall from time to time review water rates, assessments, connection charges, and other expenses and charges involved in the water system and make recommendations to the Mayor and Council for revision when deemed advisable.

All such revisions shall be and must be approved by Ordinance as required by the Annotated Code of Maryland.

SECTION 16: SEPARABILITY

Should any section or provision of this Ordinance be declared by the Court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereto other than the part so declared to be invalid or unconstitutional.

SECTION 17: EFFECTIVE DATE

The effective date of this Ordinance is July 7, 2003.