

ORDINANCE 43-2014

ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE MADISON UTILITY ADVISORY COMMITTEE

WHEREAS, the Mayor and Council wish to make permanent the Madison Utility Advisory Committee; and

WHEREAS, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey as follows:

Section 1: The Madison Borough Code is amended to include the following Chapter 47 entitled "Utility Advisory Committee":

§ 47-1. Definitions.

For purposes of this chapter, the word Utilities or Utility shall mean the Borough of Madison's Water and Electric Utilities.

§ 47-2. Powers.

The purpose of the Committee is to advise the Mayor and Council. As such the Committee does not have the power to enter into agreements, set utility rates, or to transact any business on behalf of the Borough of Madison.

§ 47-3. Purpose.

The purpose of the Committee shall be:

- A. To assist Mayor, Council and Borough staff in studying the future of the Utilities and to provide Borough staff with technical assistance that will enhance performance, system reliability, risk management and utility best practices.
- B. To assist the Mayor, Council and Borough staff in developing capital plans for the Utilities.
- C. To advise the Mayor and Council on utility performance, system reliability, risk management and utility efficiency.
- D. To provide support to the Mayor and Council regarding metering systems, self-generation, inter-connection and other financial/technical issues.
- E. To assist Borough staff on other utility related issues as requested by the Mayor and Council.

§ 47-4. Membership and Sub-Committees.

- A. Numbers of members. Membership shall consist of nine regular members, two Public Officials and four ex-officio members.
- B. Classification of members. The regular members, known collectively as Members, and the Ex-Officio Members, shall consist of the following:
- (1) Public officials: Two regular members, specifically the Mayor and the Council Liaison to Utilities.
 - (2) (4) At-large Members: Nine regular members. These members shall be any individual, resident or nonresident, with an identifiable interest in the activities and mission of the Utilities Advisory Committee.
 - (5) Ex-officio members: Four members who shall be the Administrator or Assistant Administrator, the Borough Engineer, the Electric Utility Superintendent or designated representative, and either the Department of Public Works Superintendent or designated representative for the Madison Water Department.
- C. The Mayor, Council liaison and all regular members of the Commission, excluding the ex-officio members, shall exercise voting power.
- D. Appointment. Appointments of all members shall be made by the Mayor with the advice and consent of the Borough Council. In the event that the Mayor fails to make a nomination at least 5 days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in case of a tie.
- E. Terms. Regular members shall serve for terms of three years. The term of any public official shall not extend beyond the current term of public office.
- F. Vacancy. In the event of a vacancy, the Committee will recommend a successor who may be appointed by the Mayor with the advice and consent of the Council to fill the unexpired term.

G. The Committee shall maintain two standing sub-committees, Water Utility Operations sub-committee and Electric Utility Operations sub-committee. The Committee may also create ad-hoc sub-committees in order to study specific topics or initiatives.

§ 47-5. Committee Secretary.

The Mayor shall annually appoint the Committee Secretary, who shall be an employee of the Borough in either the Land Use, Public Works or Utility Department. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, reports and findings. Copies of all minutes shall be delivered promptly to the Borough Clerk.

§ 47-6. Facilitation of Meetings.

The Mayor, Council Liaison or Administrator shall set the agenda and facilitate the meetings.

§ 47-7. Meetings.

- A. Schedule. The Committee shall meet at least 4 times a year.
- B. Notice. Notice of the annual schedule and of any special or additional meetings shall be made to the public pursuant to the Open Public Meetings Act. See N.J.S.A 10;4-6 et seq. Any cancellation or change of meeting shall be made by the Administrator. Committee Members will be notified at least 48 hours in advance.
- C. Open meetings. The meetings of the Committee shall be open to the public.
- D. Quorum. A majority of the voting members of the Committee shall constitute a quorum for the transaction of business.
- E. Absence from meetings. All regular members are expected to attend all meetings. When a member has exceeded three unexcused absences in any 12 month period, the Committee may request the resignation and recommend a replacement to the Mayor for approval by the Council.

§ 47-8. Remuneration.

The members of the Committee shall receive no salary or other compensation for their services.

§ 47-9. Conflict of interest.

Disclosure of interest. No Committee Member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk