

ORDINANCE NO. 11-01

AN ORDINANCE PROVIDING FOR THE CONSOLIDATION OF THE CITY OF PEWAUKEE AND THE VILLAGE OF PEWAUKEE

WHEREAS, Sec. 66.0229, Wis. Stats., provides for the consolidation of two municipal governments into a single incorporated entity and establishes a procedure to accomplish such a consolidation; and

WHEREAS, the consolidation of the City of Pewaukee and the Village of Pewaukee will promote harmony and efficiency for the benefit of the constituents of the two communities and will remove potential sources of conflict that might interfere with the efficient operation of each municipality as separate entities; and

WHEREAS, the statutory process for consolidation requires that a consolidation ordinance be enacted by both entities desiring to consolidate, and the Common Council [Village Board] intends that this Ordinance constitute such an ordinance;

NOW, THEREFORE, the Common Council of the City of Pewaukee, Wisconsin [Village Board of Pewaukee, Wisconsin] do ordain as follows:

SECTION 1. EFFECTIVE DATE

A. This Ordinance shall take effect only if the governing bodies of the City of Pewaukee and Village of Pewaukee each by a two-thirds vote of its members adopts this consolidation ordinance, and the consolidation ordinance is subsequently approved by voters in each municipality by referendum at the April 5, 2011, November 2, 2010 election.

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B. The effective date of this Ordinance shall be the date on which the outcome of the April 5, 2011, November 2, 2010 referendum ratifying the consolidation is certified to the Secretary of State by both the City of Pewaukee and the Village of Pewaukee.

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SECTION 2. CONSOLIDATION

A. If this Ordinance is ratified by the voters of both the City of Pewaukee and Village of Pewaukee, the City of Pewaukee and the Village of Pewaukee shall be consolidated effective April 11, 2011, December 21, 2010 at 12:01 a.m. The name of the consolidated entity shall be the City of Pewaukee.

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B. The consolidated entity shall be organized as a city of the 3rd class and, unless otherwise provided in this Ordinance, shall be governed by Chapters 62 and 66 of the Wisconsin Statutes. Until modified by subsequent regular or charter ordinances of the consolidated city, the government of the consolidated city shall be organized as set forth in this Ordinance.

C. The consolidated city shall be fully empowered on April 11, 2011, December 21, 2010. The consolidated city shall be the exclusive municipal government serving the combined territories of the former City of Pewaukee and Village of Pewaukee.

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D. The currently existing City of Pewaukee and Village of Pewaukee shall continue to exist until the consolidated city is fully empowered on ~~April 11, 2011~~ ~~December 21, 2010~~ at 12:01 a.m. The currently existing City of Pewaukee and Village of Pewaukee shall each separately continue to govern itself, ~~and~~ administer its ~~2011~~ ~~2010~~ budget ~~until the consolidated city is fully empowered on April 11, 2011~~, ~~approve a 2011 budget, and prepare and mail its 2010 property tax bills.~~ Neither shall take action inconsistent with the intent of this Ordinance. Examples of actions that would be inconsistent with the intent of this Ordinance include, materially changing the level of services offered or the manner in which services are provided; purchasing or selling assets, issuing debt, entering into a contract, or undertaking any other initiatives not covered by or anticipated in the existing budget; ~~reducing the 2011 general property tax levy below the 2010 general property tax levy;~~ or taking action which would jeopardize the ability of either the currently existing City of Pewaukee or Village of Pewaukee to fulfill its obligations under this Ordinance. The currently existing City of Pewaukee and Village of Pewaukee shall terminate on ~~April 11, 2011~~ ~~December 21, 2010~~ at 12:01 a.m.

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Comment [A1]: Addition made for clarification and consistency.

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SECTION 3. INTERIM MAYOR AND COMMON COUNCIL

A. Commencing on ~~April 11, 2011~~ ~~December 21, 2010~~, an Interim Common Council for the consolidated city shall come into existence. The Interim Common Council shall consist of the combined membership of the governing bodies of the former City of Pewaukee and the former Village of Pewaukee. The Mayor of the former City of Pewaukee shall serve as the Interim Mayor of the consolidated city and be a member of and preside over the Interim Council. The Village Board President of the former Village of Pewaukee shall also be a member of the Interim Council and shall serve as its president.

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B. The Interim Council shall have all the powers and duties set forth in Sec. 62.11, Wis. Stats. The Interim Mayor and Council President shall have those powers and duties set forth in Sec. 62.09(8), Wis. Stats.

~~C. The Interim Council shall establish the number of aldermanic districts, the boundaries of the aldermanic districts, and the number of alderpersons to be elected from each aldermanic district for the permanent Common Council by June July 1, 2011. If the Interim Council fails to establish the number of districts, the boundaries of the districts, and the number of alderpersons from each district by June July 1, 2011, the permanent Common Council shall consist of seven (7) no more than eight (8) alderpersons elected at large from the newly consolidated city.~~

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Comment [A2]: This revision requires the Interim Council to also establish the boundaries of the aldermanic districts, and to make all decisions by 7/1/11 so that the special election can be held on 9/13/11. This revision also establishes a default election procedure in case the Interim Council fails to act timely.

SECTION 4. FIRST ELECTION

A. The members of the Common Council and the Mayor of the consolidated city shall be elected at the ~~September 13, 2011 special~~ ~~April 5, 2011 spring~~ election. The members of the Common Council and Mayor elected at the ~~September 13, 2011 special~~ ~~spring~~ election shall be sworn in on ~~September 27, 2011~~ ~~April 19, 2011~~. The Interim Council shall dissolve upon the swearing in of the elected Common Council members and Mayor on ~~September 27, 2011~~ ~~April 19, 2011~~, or as otherwise provided by law.

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Comment [A3]: Special election date added for clarification.

B. The Interim Council shall appoint an Interim Clerk, who shall conduct the ~~September 13, 2011 -special~~ ~~spring~~ election. The Interim Clerk's position shall terminate on the later of ~~September 27, 2011~~ ~~April 19, 2011~~ or when the new Clerk is appointed by the elected Common Council.

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Comment [A4]: Special election date added for clarification.

C. The Interim Council shall set the compensation of the Mayor and alderpersons to be elected at the ~~2011~~ September 13, 2011 special ~~spring~~ election.

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SECTION 5. ELECTED OFFICIALS

A. Mayor. The Mayor shall serve as the chief executive officer of the consolidated city. The Mayor shall be first elected at the September 13, 2011 special ~~2011 spring~~ election. The Mayor shall be elected at large for a term of three years. The Mayor shall serve in a part-time capacity and shall have the powers and duties specified in Sec. 62.09 (8), Wis. Stats.

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B. Common Council

1. The Common Council for the consolidated city shall have no more than eight alderpersons. ~~Alderspersons shall be elected by district.~~

Comment [A5]: Given the default election process suggested is for an at large election, this sentence on districts was deleted. The Interim Council could still establish district.

2. If the Interim Council divides the consolidated city into aldermanic districts, ~~The consolidated city shall be divided into~~ no more than four aldermanic districts, ~~and which are described in Exhibit A, attached to and made a part of this Ordinance. No more than~~ two alderpersons shall be elected from each of the aldermanic districts.

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Comment [A6]: Revision continues the limit on 4 aldermanic districts with two alders elected from each district, but also recognizes this only applies if the Interim Council acts and the default election process does not apply.

3. At the September 13, 2011 special ~~2011 spring~~ election, no more than eight alderpersons shall be elected. Based upon a random drawing conducted by the Interim Clerk and announced in all election notices for the September 13, 2011 special ~~2011 spring~~ election, no more than two ~~of the aldermanic districts shall elect~~ alderpersons shall be elected with initial terms ending in April 2013, no more than three ~~of the aldermanic districts shall elect~~ alderpersons shall be elected with initial terms ending in April 2014, and no more than three ~~of the aldermanic districts shall elect~~ alderpersons shall be elected with initial terms ending in April 2015. If two alderpersons are elected from an aldermanic district, the terms of the two alderpersons shall expire on different years.

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Comment [A7]: This section was revised to work in the event the default election process is used and alders are elected at large, instead of by district.

4. Beginning with the April 2013 election, all newly elected alderpersons shall have terms of three years.

SECTION 6. OPERATIONS PRIOR TO ELECTION

A. Ordinances and Resolutions. Until the elected Common Council of the consolidated city acts to adopt revised ordinances and resolutions for the consolidated city, the ordinances and resolutions of the former City of Pewaukee shall remain in existence and applicable to the residents and territory within the area of the former City of Pewaukee, and the ordinances and resolutions of the former Village of Pewaukee shall remain in existence and applicable to the residents and territory within the area of the former Village of Pewaukee.

B. Boards and Commissions. Until the elected Common Council of the consolidated city acts to establish the boards and commissions for the consolidated city, the boards and commissions of the former City of Pewaukee shall remain in existence and shall make recommendations to the Common Council regarding matters pertaining to the residents and territory within the former City of Pewaukee, and the boards and commissions of the former Village of Pewaukee shall remain in existence and shall make recommendations to the Common Council regarding matters applicable to the residents and territory within the former Village of Pewaukee.

C. Departments. Until the elected Common Council of the consolidated city acts to establish the departments for the consolidated city, the departments of the former City of Pewaukee shall remain in existence and provide services to the residents and territory within the former City of Pewaukee, and the departments of the former Village of Pewaukee shall remain in existence and provide services to the residents and territory within the former Village of Pewaukee.

D. Utilities. Until the elected Common Council of the consolidated city acts to establish the utilities and utility rates and charges for the consolidated city, the utilities and utility rates and charges of the former City of Pewaukee shall remain in existence and applicable to the residents and territory within the former City of Pewaukee, and the utilities and utility rates and charges of the former Village of Pewaukee shall remain in existence and applicable to the residents and territory within the former Village of Pewaukee.

E. Employees. Incumbent employees of the former City or Village shall become employees of the consolidated city, with all employee benefits and employment status preserved, until the consolidated city acts to change the employment of these employees.

F. City Officers. Incumbent officers of the former City or Village shall become interim officers of the consolidated city, with all employee benefits and employment status preserved, until the consolidated city acts to change the appointment of these officers.

G. Appointment Authority. After ~~September 27, 2011~~ April 19, 2011, and except where provided otherwise in statutes or elsewhere in this Ordinance, City Officers and Department Heads shall be appointed by the Mayor subject to confirmation by the Common Council.

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H. Assets and Liabilities. The assets and liabilities, employees, and contracts of the terminated municipalities shall be transferred to the consolidated city effective April 11, 2011 ~~December 21, 2010~~, at 12:01 a.m.

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SECTION 7. MUNICIPAL COURT

A. Pursuant to the authority granted by Secs. 17.245 and 755.01, Wis. Stats., the governing body of the consolidated city may enact an ordinance creating a municipal court.

B. If a municipal court for the consolidated city is created, the governing body of the consolidated city shall make temporary appointments of one or more judges for the new court, in accordance with Sec. 17.245, Wis. Stats. The municipal judge or judges of the consolidated city shall subsequently be elected at large at a spring election scheduled in accordance with Sec. 8.50(4)(fm), Wis. Stats., and shall serve for a four-year term.

SECTION 8. BOARD OF REVIEW

The Interim Common Council of the consolidated city shall act to establish a Board of Review for the consolidated city. The Board of Review for the consolidated city shall exercise the powers and duties set forth in Secs. 70.46 to 70.47, Wis. Stats., with regard to property within the consolidated city beginning on April 11, 2011 ~~December 21, 2010~~.

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SECTION 9. FUNDING OF SEGREGATED DEBT SERVICE FUND

Upon the establishment of the consolidated city, a segregated debt service fund shall be

created in accordance with sec. 67.11, Wis. Stats., to be solely used to pay all or a portion of principal and interest payments on municipal debt obligations existing prior to consolidation. By ~~June 10, 2011~~ ~~March 1, 2011~~, ~~\$2,843,788 in utility cash and investment - 5,497,901 in utility reserves~~ from the Village of Pewaukee's Water and Sewer Utilities shall be transferred to the segregated debt service fund of the consolidated city (~~this is an estimated amount as the Village's 2010 audit will not be completed until March 2011 with a release of the audit by June; therefore, this number is subject to change~~). These utility reserves are in excess of the required uses of municipal public utility revenues set forth in sec. 66.0811(2), Wis. Stats., and may by statute be paid into the city's general fund, and transferred to the debt service fund. The elected Common Council shall determine the amount to be used from the segregated debt service fund each year to pay principal and interest payments on municipal debt obligations existing prior to consolidation.

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~~SECTION 10. UTILITY FUNDING OF HIGHER LEVEL OF STREET SERVICES PROVIDED~~

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A. ~~— The Village of Pewaukee established a street utility district pursuant to Wis. Stat. sec. 66.0827, for the purposes of funding some or all of the cost of utility district highways, sidewalks, and street lighting within the district. The street utility district shall continue after consolidation.~~

B. ~~— The area within the street utility district has more publicly funded street lights; more streets with curb and gutter; and yard waste and brush pickup; and overall receives a higher level of service than the area within the current City. Following consolidation, the area within the street utility district will continue to receive a higher, more urban level of service in terms of street lighting and street maintenance than the remainder of the consolidated city. This level of service will be substantially greater and more expensive than the level of service received by the remainder of the consolidated city.~~

C. ~~— General property taxes on the entire consolidated city shall fund the basic level of street lighting and services, and costs for the more expensive and higher level of services provided within the utility district shall be funded by a property tax upon those properties located in the utility district as provided in sec. 66.0827(2), Wis. Stats. It is estimated that for 2010, the utility district's cost for higher level of street lighting and street maintenance services would be \$324,000.~~

D. ~~— Pursuant to the ordinance adopted by the Village of Pewaukee under Wis. Stat. sec. 66.0827, the street utility established by the Village of Pewaukee automatically terminates ten ~~seven~~ years after its creation.~~

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~~SECTION 10.11. ORDINANCE AS CONTRACT~~

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A. Consistent with Sec. 66.0229, Wis. Stats., this Ordinance, on taking effect, shall have the force of a contract.

~~SECTION 11.12. PUBLICATION~~

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A. This Ordinance shall be published as a class 1 notice under Chapter 985 of the Wisconsin Statutes within 15 days after adoption by the Common Council.

CITY OF PEWAUKEE

Scott Klein, Mayor

ATTEST:

Kelly Tarczewski, City Clerk