

ORDINANCE NO. 2007-02

**AN ORDINANCE TO AMEND ORDINANCE 14 TO ESTABLISH COMMISSIONERS AND
TERMS OF OFFICE. 40.000**

THE VILLAGE OF MICHIANA ORDAINS:

PREAMBLE

WHEREAS, the Village Council of Michiana, Michigan, heretofore elected a "Water Commissioner" to manage and supervise the operation of the Village Water Department, and at a subsequent date the President of said Village Council appointed several persons to assist the Commissioner in his duties; and

WHEREAS, a question has arisen as to duties and powers of said Water Commissioners, it herefore having become necessary to clarify and specify the duties and powers of said Water Commissioners, and to create a "Water Authority".

CREATION OF WATER AUTHORITY 40.001

SECTION 40.001 of Ordinance 14 shall be amended as follows:

1. There is, therefore, created a commission to administer the operation of the Water Department for the Village of Michiana, Michigan, to be known as the "Water Authority of the Village of Michiana, Michigan."
 - a. All appointees to the Water Authority shall be appointed as full Commissioners upon nomination by the Village President subject to confirmation by the Village Council. Said Commissioners shall be appointed for two year terms commencing with the date of confirmation by the Village Council.
 - b. There shall be three Water Commissioners comprising the Water Authority plus one Village of Michiana Clerk / Treasurer. The positions of Deputy Commissioners are eliminated by this amended ordinance.
 - c. During the two year terms of said Water Commissioners, the Village Council may remove any member of the Water Authority from office for good cause shown, after a full and proper hearing, before the Village Council, by a vote of two-thirds of the members of the Village Council present at such meeting. An appeal may be taken by submitting a letter of appeal to the Village Council, by certified mail, at least ten business days before any regular meeting of the Village Council, to enable the Council to familiarize themselves with the basis for the appeal prior to such meeting.

- d. The three Water Authority Commissioners shall elect their own Chairperson for a period of one year from the date of election as Chairperson. All Commissioners shall be voting Commissioners on all matters to come before the Water Authority.
 - e. The Water Authority shall meet monthly on a day to be selected by the Water Authority Commissioners.
2. The said Water Authority shall formulate policies, have full power and authority to promulgate rules and regulations for the operation and control of said Water Department, the use of water by the property owners, to fix rates for the use of water, subject to the control and approval of the proper authorities of the State, and shall have all other powers and duties incidental to the proper operation and control of said water system of said Village; such rules and regulations, however, must be approved by the Village Council.
 3. The Village Council shall have full power to engage the personnel necessary to operate and maintain the Water Department and to enforce, where same is deemed judicious, its rules and regulations.
 4. The Water Authority shall render full and comprehensive reports on a monthly basis, in writing, to the Village Council. The Water Authority shall render a full and comprehensive Annual Report, in writing, to the Village Council no later than the second Monday in September of each year. This Annual report shall set forth the financial status of the Water Authority and Water Department, and all problems pertaining thereto.
 5. The Village Council shall appoint one of its own to be one of the Commissioners of the Water Authority and to act as liaison between the Village Council and the Water Authority.
 6. All monies belonging to the Water Authority shall be deposited to its credit in such bank or depository selected by the Village Council and established in the name of the "Water Authority of the Village of Michiana, Michigan", and all checks issued to withdraw funds from such account shall be signed in the same manner and by the same personnel that are authorized to withdraw funds from the General Fund of the Village.
 7. All persons authorized to sign checks in behalf of the Water Authority shall furnish bond with surety approved by the Village Council.
 8. The Village Council shall enforce all Rules and Regulations promulgated by the Water Authority, which have previously been approved by it, and any person who shall violate such rules and regulations shall be subject to such fine and penalties as are therein set forth.

EFFECTIVE DATE

40.002

This Ordinance was adopted by the Village Council of Michiana, Michigan, on the 11th day of June, 2007, and shall become effective thereafter on the 18th day of June, 2007, which shall be more than seven (7) days after the adoption of this Ordinance and the publication thereof.