

ORDINANCE NO. \_\_\_\_\_

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

(Draft 1/11/2010)

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 in an April 6, 2010 referendum election.

B. The effective date of this Ordinance shall be the date on which the outcome of the April 6, 2010 referendum ratifying the consolidation is certified to the Secretary of State by both the City of Pewaukee and the Village of Pewaukee.

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. The consolidation shall occur on April 8, 2010 at 12:01 a.m. The name of the consolidated entity shall be the City of Pewaukee.

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 8, 2010. The consolidated city shall be the exclusive municipal government serving the combined territories of the former City of Pewaukee and Village of Pewaukee.

D. The currently existing City of Pewaukee and Village of Pewaukee shall terminate on April 8, 2010 at 12:01 a.m.

### SECTION 3. INTERIM MAYOR AND COMMON COUNCIL

A. Commencing on April 8, 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.

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.

### SECTION 4. FIRST ELECTION

A. A special election shall be held on June 22, 2010 to elect the members of the Common Council and the Mayor of the consolidated city. The members of the Common Council and Mayor elected at the June 22, 2010 special election shall be sworn in on June 29, 2010. The Interim Council shall dissolve upon the swearing in of the elected Common Council members and Mayor on June 29, 2010, or as otherwise provided by law.

B. The Interim Council shall appoint an Interim Clerk, who shall conduct the special election. The Interim Clerk's position shall terminate on the later of August 20, 2010, or when the new Clerk is appointed by the elected Common Council.

C. The Interim Council shall set the compensation of the Mayor and alderpersons to be elected at the June 22, 2010 special election.

### 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 June 22, 2010 election to serve until April 2014. Thereafter, the Mayor shall be elected at large at the annual April election 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.

B. Common Council

1. The Common Council for the consolidated city shall have eight alderpersons. Alderpersons shall be elected by district.

2. The consolidated city shall be divided into four aldermanic districts which are described in Exhibit A, attached to and made a part of this Ordinance. Two alderpersons shall be elected from each of the aldermanic districts.

3. At the June 22, 2010 election, eight alderpersons shall be elected. Based upon a random drawing conducted by the Interim Clerk and announced in all election notices for the

June 22 election, two of the aldermanic districts shall elect alderpersons with initial terms ending in April 2013, three of the aldermanic districts shall elect alderpersons with initial terms ending in April 2014, and three of the aldermanic districts shall elect alderpersons with initial terms ending in April 2015.

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

## SECTION 6. OPERATIONS DURING THE TRANSITION PERIOD

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 (except for the board of review) 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 (except for the board of review) 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 June 29, 2010, 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.

H. Assets and Liabilities. The assets and liabilities, employees, and contracts of the terminated municipalities shall be transferred to the consolidated city on April 8, 2010, at 12:01 a.m.

#### SECTION 7. MUNICIPAL COURT

A. The municipal courts of the former City of Pewaukee and Village of Pewaukee shall terminate on April 8, 2010 at 12:01 a.m.

B. Pursuant to the authority granted by Secs. 17.245 and 755.01, Wis. Stats., the Interim Common Council of the consolidated city shall enact an ordinance creating a municipal court.

C. The Interim Common Council of the consolidated city shall make a temporary appointment of a judge for the new court, in accordance with Sec. 17.245, Wis. Stats.

D. The municipal judge of the consolidated city shall be elected at large and shall serve for a four-year term. The municipal judge shall be elected at the June 22, 2010 special election, with an initial term ending in April 2015.

#### SECTION 8. BOARD OF REVIEW

A. The existing boards of review of the former City of Pewaukee and Village of Pewaukee shall terminate on April 8, 2010 at 12:01 a.m.

B. Commencing on April 8, 2010, an Interim Board of Review for the consolidated city shall come into existence. The Interim Board of Review shall consist of the combined membership of the boards of review of the former City of Pewaukee and the former Village of Pewaukee. The clerk of the former City of Pewaukee's board of review shall serve as the interim clerk of the Interim Board of Review. The Interim Board of Review shall act until the elected Common Council of the consolidated city acts to establish the permanent Board of Review for the consolidated city.

C. The Interim Board of Review shall have all the powers and duties set forth in Secs. 70.46 to 70.47, Wis. Stats.

#### 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. Within sixty (60) days of the Effective Date of this Ordinance, \$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. 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.

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

## **OPTION 1:**

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 area within the street utility district includes all of the area constituting the former Village of Pewaukee.

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 previously within the former City. 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 is 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 \$324,314.

## **OPTION 2:**

A. The area previously within the former Village has more street lights and more streets with curb and gutter than the area previously within the former City. This area previously within the former Village receives and will continue to receive a higher, more urban level of service in terms of street lighting and maintenance than the remainder of the consolidated city. This level of service is substantially greater and more expensive than the level of service received by the remainder of the consolidated city.

B. Wisconsin Statute sec. 66.0827 allows a third class city to establish a utility district and direct that the cost of utility district highways, sidewalks, and street lighting be paid for by taxing the property within the district. It is the intent of the former City of Pewaukee and the former Village of Pewaukee that the consolidated city (i) establish a utility district pursuant to sec. 66.0827, Wis. Stat., encompassing the area previously within the former Village; and (ii) direct that the properties within the district fund the higher level of service received for street lighting and street maintenance. It is estimated that for 2010, the utility district's cost for street lighting and street maintenance services which exceed the level of services received by the remainder of the consolidated city would be \$324,314.

C. It is the expectation of the former City of Pewaukee and the former Village of Pewaukee that the Interim Council will establish a utility district in accordance with sec. 66.0827, Wis. Stats., and this Section. A hearing on the establishment of the utility district shall be held as provided in sec. 66.0703(7)(a), Wis. Stats. The governing body of the consolidated city may vote on the establishment of the utility district any time after the conclusion of the public hearing. A three-fourths vote of all the members of the governing body of the consolidated city is required to establish a utility district.

D. The Interim Council shall act promptly, by no later than April 27, 2010, to establish a utility district as provided in Section 10 of this Ordinance to fund the higher level of street lighting and street maintenance provided in the area previously located in the former Village. Failure to establish the utility district by April 27, 2010 shall void the consolidation and return the former City of Pewaukee and the former Village of Pewaukee to their former status existing prior to consolidation.

#### SECTION 11. ORDINANCE AS CONTRACT

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

#### SECTION 12. PUBLICATION

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 [Village Board].