

FAYAL TOWNSHIP UTILITIES COMMISSION
ORDINANCE No. 93-1
REVISION #1, 20 October 2009
TOWN OF FAYAL
St. Louis County, Minnesota

AN ORDINANCE CREATING THE FAYAL TOWNSHIP UTILITIES COMMISSION

The Board of Supervisors of the Town of Fayal hereby ordains as follows:

RECITALS

- A. Town of Fayal Ordinance 93-1, adopted on 2 February 1993, provides for the creation of a Utility Commission for Fayal Township and provides for its membership, appointments, organization, authority, duties, procedures, and compensation.
- B. Difficulty in recruiting and maintaining membership in said commission and in convening a quorum of members for the transaction of business has made this revision of Ordinance 93-1 necessary.
- C. The following revisions are hereby made a permanent part of Ordinance 93-1 upon adoption and publication.

ARTICLE II
MEMBERSHIP

Article II, Section 1 is hereby **revised** to read as follows:

Sec. 1. Regular Voting Members

- A. The Utilities Commission shall consist of five (5) voting members, who shall be appointed by the Fayal Township Board of Supervisors as provided in this Ordinance, all of whom shall be residents and voters of the Township.
- B. The voting members shall represent all areas of the Township.
- C. No more than one voting member shall be an employee of the Township.

ARTICLE III
APPOINTMENTS

Article III, Sections 1 & 2 are hereby **revised** to read as follows:

Sec.1. Method of Appointment

- A. At the first required meeting of the Township Board of Supervisors at the January Reorganizational meeting each year, the Township Board shall appoint members to the Utilities Commission to fill expired terms. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

Sec 2. Terms of Office

- A. Except as provided in Article III, Sec. 2. B., each member of the Utilities Commission shall be appointed to serve for a period of three (3) years. No person shall be appointed for more than two (2) consecutive full terms of office.
- B. Initial appointments made pursuant to this Ordinance shall be made in such manner that no more than three (3) terms, shall expire at the close of any year.

- C. Each year shall be presumed to run from the date of the Reorganizational Meeting of the Township Board of Supervisors in January of each year to said meeting date in the following year.

ARTICLE VIII
EFFECTUATION

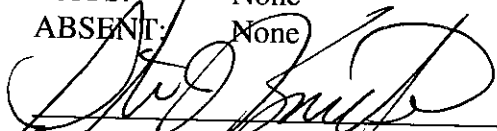
This Revision to Ordinance 93-1 shall be in full force and take effect from and after its passage and publication as provided by law.

Chairman Kniefel moved the adoption of the foregoing ordinance, seconded by Supervisor Pernu and it was adopted this 20th day of October, 2009 on the following vote:

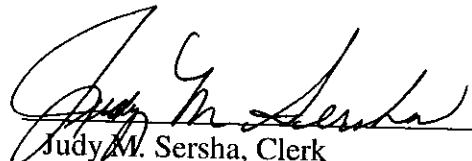
AYES: Kniefel, Branville, Tammaro, Pernu, Erjavec

NAYS: None

ABSENT: None

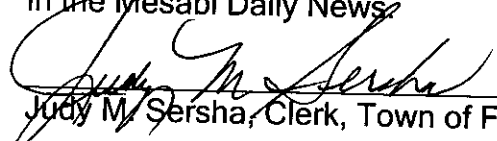


Steven J. Kniefel, Chairman
TOWN OF FAYAL, MINNESOTA



Judy M. Sersha, Clerk
TOWN OF FAYAL, MINNESOTA

Ordinance 93-1 Revision # 1 published according to law on October 27, 2009
in the Mesabi Daily News



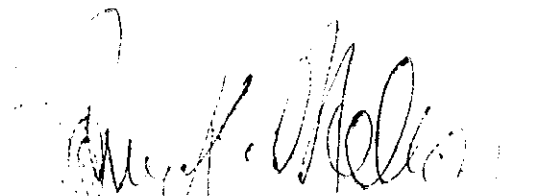
Judy M. Sersha, Clerk, Town of Fayal

ORDINANCE NUMBER 93-1

AN ORDINANCE CREATING THE FAYAL TOWNSHIP
UTILITIES COMMISSION

2/2/93

This Ordinance was declared adopted by the Fayal Township
Board of Supervisors on the 2nd day of February, 1993.



Chairperson, Town Board

Attest:



Clerk of the Township Board

I. TITLE

AN ORDINANCE CREATING A UTILITIES COMMISSION FOR FAYAL TOWNSHIP, ST. LOUIS COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUES 429.011 AND ALL ACTS AMENDATORY THEREOF, PROVIDING FOR ITS MEMBERSHIP, APPOINTMENTS, ORGANIZATION, AUTHORITY, ORGANIZATION, AUTHORITY, DUTIES, PROCEDURES, AND COMPENSATION.

II. SUMMARY OF ORDINANCE

This ordinance contains the following articles:

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ARTICLE I

CREATION

SEC. 1 The Fayal Township Board of Supervisors hereby creates a Utilities Commission pursuant to Minnesota Statutes 429.011 and all acts amendatory thereof.

ARTICLE II

MEMBERSHIP

SEC. 1 Regular Voting Members

- A. The Utilities Commission shall consist of seven (7) voting members, who shall be appointed by the Fayal Township Board of Supervisors as provided in this Ordinance, all of whom shall be residents and voters of Fayal Township.
- B. The voting members shall represent all areas of the Township.
- C. No more than one voting member shall be an employee of the Township.

SEC. 2 Ex-Officio Members

- A. The following Township Officers or employees are hereby designated as ex-officio, non-voting members of the Utilities Commission.
 - 1. Two Township Supervisors - Utilities Commission
 - 2. Township Utilities Administrator (Temp. Town Clerk).

ARTICLE III

APPOINTMENTS

SEC. 1 Method of Appointment:

- A. At the first required meeting of the Township Board of Supervisors at the March Reorganization Meeting each year, the Township Board shall appoint members to the Utilities Commission to fill expired terms. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

APPOINTMENTS (continued)

SEC. 2 Terms of Office:

- A. Except as provided in Article III, Sec. 2, B. each member of the Utilities Commission shall be appointed to serve for a period of three (3) years. No person shall be appointed for more than two (2) consecutive full terms of office.
- B. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than four terms, shall expire at the close of any year.
- C. Each year shall be presumed to run from the date of the Reorganization Meeting of the Township Board of Supervisors in March of each year to said meeting date in the following year.

SEC. 3 Vacancies:

- A. Appointments shall be made by the Township Board of Supervisors to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest possible convenience of the Township Board, upon the approval of the Board by majority vote of the entire Board.
- B. Vacancies in the regular positions shall be declared by the Township Board under any of the following conditions:
 - 1. Death of a member.
 - 2. Resignation of a member.
 - 3. Removal of a member for cause as provided in this Ordinance.
- C. All vacancies shall be reported to the Township Board at the earliest possible convenience by the Chairperson of the Utilities Commission and Township Supervisor - Ex-Officio Member.

ARTICLE IV

REMOVAL FOR CAUSE

- SEC. 1 The following shall be deemed sufficient cause, grounds or reason for the Township Board of Supervisors to remove any regular voting Utilities Commission Member. The Township Board shall remove any voting member upon the occurrence of any of the following conditions as reported to the Board by either the Chairperson of the Utilities Commission or the Township Supervisor - Utilities Commission, Ex-Officio Member.

REMOVAL FOR CAUSE (continued)

- A. Failure of the voting member to attend one-third (1/3) of regularly scheduled Commission meetings in any 12 month period.
- B. Failure of the voting member to attend three (3) consecutive regular Commission meetings, or attend four (4) consecutive regular and special Commission meetings.
- C. Attendance at several regular or special Commission meetings for such a short length of time as to render the voting member's services of little value to the Township. The Township Board of Supervisors shall make a judgment on such matters after receiving a report of the Chairperson or the Township Supervisor-Utilities as provided in this section above.

ARTICLE V

ORGANIZATION AND PROCEDURES

SEC. 1 Officers:

- A. The Utilities Commission shall elect a Chairperson and Vice-chairperson from among its regular members.
- B. Township Utilities Commission shall arrange for a recording secretary, subject to approval of the Town Board.
- C. Tenure of office shall be two (2) years, with a maximum of three (3) consecutive terms for Chairperson and Vice-chairperson.

SEC. 2 Rules of Procedure:

- A. The Utilities Commission shall adopt rules for the transaction of its business which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the Ordinances of this Township.

SEC. 3 Meetings:

- A. The meetings of the Utilities Commission shall be held at the call of the Chairperson and at such other times as the Commission in its rules of procedures may specify.
- B. All meetings of the Utilities Commission shall be open to the public, pursuant to Minnesota Statutes.

ORGANIZATION AND PROCEDURES (continued)

SEC. 4 Voting:

- A. Each regular voting member, including the Chairperson, shall be entitled to vote of all questions, unless a particular issue involves a conflict of interest.
- B. Any voting member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Utilities Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to Article V, SEC. 4 C, of this Ordinance.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
- D. Ex-Officio members of the Utilities Commission shall not have the right to vote on any issues before the Utilities Commission.

SEC. 5 Records:

- A. The Utilities Commission shall keep a written public record of all its transactions, findings and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

ARTICLE VI

AUTHORITY AND DUTIES

SEC. 1 Plan Preparation and Review:

- A. The Utilities Commission shall cooperate with a consultant and other employees of the Township in preparing and recommending to the Township Board for adoption a comprehensive plan and recommendations for a plan execution in the form of official controls and other measures, and amendments thereof.
- B. The Utilities Installation Commission, shall review any comprehensive, land use, or other plans, or any official controls sent to the Township for review by any group of citizens, St. Louis County or any regional, State or Federal Agency and shall report thereon, in writing, to the Township Board.

AUTHORITY AND DUTIES (continued)

SEC. 2 Public Hearings:

- A. The Utilities Commission shall hold all required public hearing for comprehensive plans and amendments thereto, official controls and amendments thereto, and other matters as may be prescribed by Ordinances of this Township.
- B. On all other matters which are before the Utilities Commission for public hearing, the Commission shall report, in writing, to the Township Board.
- C. The Utilities Commission shall fix a reasonable time for all hearings, shall give due notice, thereof, and shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of this Township.

ARTICLE VII

SEVERABILITY

- SEC. 1 Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

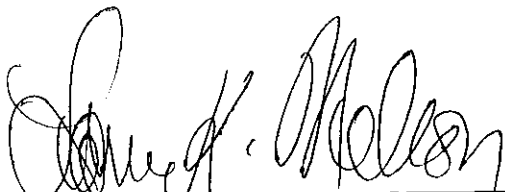
ARTICLE VIII

EFFECTUATION

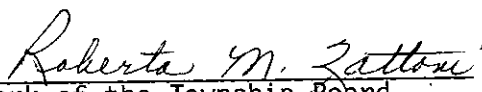
- SEC. 1 This Ordinance shall take effect and be in full force on the 2nd day of February, 19 93, upon its adoption by the Fayal Township Board of Supervisors, and posted in Fayal Township as provided by Minnesota Statutes.
- SEC. 2 Recommended by the Utilities Commission to the Township for adoption on the _____ day of _____, 19 _____.
- SEC. 3 Supervisor Erjavec moved the adoption of this Ordinance, and Supervisor Kniefel duly seconded the motion and it was adopted on the following votes:

Yeas: All
Nays: None
Absent: None

This Ordinance was declared adopted by the Fayal Township Board of Supervisors on the 2nd day of February, 1993.


Chairperson, Town Board

Attest:


Clerk of the Township Board

Affidavit of Publication

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

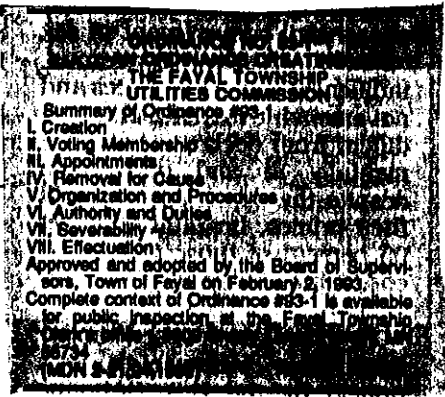
Jeff Asbach, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

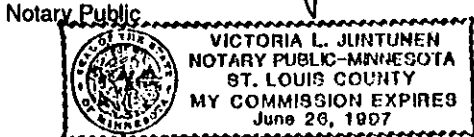
(B) The printed Town of Fayal, Ordinance No. 93-1, An Ordinance Creating The Fayal Township Utilities Commission

which is attached was cut from the columns of said newspaper, and was printed and published once each day for 2 days; it was first published on Sun., the 21st day of Feb., 1993, and was thereafter printed and published on the following dates _____ ending on Wed., the 24th day of Feb., 1990³ and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

BY: [Signature]
TITLE: Production Manager



Subscribed and sworn to before me on
this 24th day of Feb., 1993
[Signature]



* Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 9.93/inch
(Line, word, or inch rate)
- (2) Maximum rate allowed by law for the above matter \$ 9.93/inch
(Line, word, or inch rate)
- (3) Rate actually charged for the above matter \$ 8.46/inch
(Line, word, or inch rate)