

CHAPTER 23

UTILITY BOARDS

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23.01 PURPOSE. The purpose of this chapter is to confirm the appointment of one Board of Trustees for the City Electric Utility and the City Gas Utility.

(Ord. 2015-05 – Aug. 16 Supp.)

23.02 BOARDS ESTABLISHED. Pursuant to an election held September 22, 1939, the management and control of the municipally owned Electric Utility were placed in the hands of a Board of Trustees, and pursuant to an election held April 2, 1970, the management and control of the municipally owned Gas Utility were placed in the hands of a Board of Trustees.

(Code of Iowa, Sec. 388.2)

23.03 APPOINTMENT OF TRUSTEES.

1. The Mayor shall appoint, subject to the approval of the Council, three persons to the Board to serve as trustees for staggered six-year terms. Trustees shall be 18 years of age or older. No public officer or employee of the City may serve on a Utility Board.

(Code of Iowa, Sec. 388.3)

2. At the time of appointment, trustees shall reside within the City limits of Brooklyn, Iowa or shall have a majority ownership of an ongoing business located within the City limits.

3. If a trustee moves outside the City limits during his or her term, or ceases to have a majority ownership of an ongoing business located within the City limits, the trustee may continue to serve until the end of the term so long as the trustee resides within five miles of the City limits, but the trustee shall not be appointed to another term.

4. If at any time more than one trustee resides outside the City limits, then the trustee who has served on the board the longer or longest period of time shall remain on the board. The other trustee or trustees who reside outside the City limits shall cease their office, and a replacement or replacements shall be appointed.

5. A Board member shall not serve more than three consecutive terms. After serving three consecutive terms, a Board member shall not be appointed to the Board until after a passage of two or more years.

6. A Board member appointed to fill a vacancy may be appointed to three full terms after serving out the vacancy appointment.

(Ord. 2021-01 – Sep. 21 Supp.)

23.04 COMPENSATION. The Council shall by resolution set the compensation of Board members.

(Code of Iowa, Sec. 388.3)

23.05 VACANCIES. An appointment to fill a vacancy on either Board of Trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

23.06 POWERS AND DUTIES OF THE BOARDS. The Boards of Trustees may exercise all powers of the City in relation to the City Utilities, with the following exceptions:

(Code of Iowa, Sec. 388.4)

1. Taxes, ordinances and bonds. The Boards may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

Code of Iowa, Sec. 388.4[1]

2. Property. Title to all property must be in the name of the City but the Boards have full control of such property subject to limitations imposed by law.

(Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The Boards shall make a detailed annual report to the Council including a complete financial statement.

(Code of Iowa, Sec. 388.4[3])

4. Proceedings Published. Immediately following a regular or special meeting, each Board Secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceedings including a list of all claims.

(Code of Iowa, Sec. 388.4[4])

23.07 CONTROL OF FUNDS. The Boards shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

23.08 ACCOUNTING. Utility moneys are held in a separate utility fund, with a separate account for each utility system.

(Code of Iowa, Sec. 388.5)

23.09 DISCRIMINATORY RATES ILLEGAL. The utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91, *Code of Iowa*.

(Code of Iowa, Sec. 388.6)

23.10 DISCONTINUANCE OF BOARDS. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue the utility boards is subject to the approval of the voters of the City, except that the Boards may be discontinued by resolution of the Council when the utility it administers is disposed of or leased for a period of over five (5) years.

(Code of Iowa, Sec. 388.2)

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