

1 S.106

2 Introduced by Senator Bartlett

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; water districts; municipal charters;

6 Morrystown Corners Water Corporation

7 Statement of purpose: This bill proposes to approve the adoption of the charter  
8 of the Morrystown Corners Water Corporation.

9 An act relating to approval of the adoption of the charter of the Morrystown  
10 Corners Water Corporation

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. CHARTER APPROVAL

13 Notwithstanding any other provision of law to the contrary, the general  
14 assembly approves the adoption of the charter of the Morrystown Corners  
15 Water Corporation as provided in this act.

16 Sec. 2. 24 V.S.A. App. chapter 701 is added to read:

17 CHAPTER 701. MORRISTOWN CORNERS WATER CORPORATION

18 § 1. BOUNDARIES

19 The boundaries of the Morrystown Corners Water Corporation shall consist  
20 of 47 residential parcels as shown on the “Water Resources Map” on file with

1 the Lamoille County Planning Commission specifically identifying those  
2 parcels and the land and “well-head” protection areas of the Morrystown  
3 Corners Water Corporation, a part of which is land owned by the Morrystown  
4 Corners Water Corporation as described in the land records of the Morrystown  
5 town clerk’s office.

6 § 2. PURPOSE

7 Morrystown Corners Water Corporation is a water supply municipality as  
8 defined in section 126 of Title 1 and pursuant to and consistent with the  
9 purposes and meaning set out in chapter 89 of Title 24 and is formed and  
10 existing, inter alia, consistent with its authority under Vermont law, to design,  
11 construct, upgrade, operate, and maintain a water supply and distribution  
12 system, including the maintenance and repair of water mains and the provision  
13 of water service to the area described in section 1 of this chapter.

14 § 3. POWERS

15 The Morrystown Corners Water Corporation shall have all powers granted  
16 to a municipal water supply corporation pursuant to chapter 89 of Title 24, and  
17 the water supply municipal corporation shall have the authority among other  
18 things consistent with statutory authority granted to:

19 (1) Construct, install, maintain, and repair all facilities and equipment  
20 necessary for the provision of water supply and distribution services to the  
21 members of the district.

1           (2) Bill all users of water services provided by the district for their pro  
2 rata share of the expense of providing, operating, and maintaining the water  
3 supply.

4           (3) Purchase, own, grant, convey, sell, or take by eminent domain real  
5 property, easements, and personal property in the name of Morristown Corners  
6 Water Corporation.

7 § 4. ANNUAL AND SPECIAL MEETINGS

8           Annual and special meetings of Morristown Corners Water Corporation  
9 shall be held in conformance with the notice, warning, and voting requirements  
10 of the adopted bylaws of the Morristown Corners Water Corporation.

11 § 5. OFFICERS; DIRECTORS

12           (a) The board of directors shall also be the officers and shall consist of at  
13 least five members elected by the members of the municipal corporation for a  
14 term of three years. Vacancies on the board of directors shall be filled in the  
15 manner as provided by the bylaws of the municipal corporation. The board of  
16 directors' decisions by majority vote concerning policy, procedures, and all  
17 matters of business of the municipal corporation shall be final and binding.

18           (b) The president and vice president shall be responsible for:

19           (1) The maintenance and repair of the system or the subcontracting of  
20 that responsibility.

1           (2) Water testing as mandated by the state and federal government:  
2           monthly, quarterly, and annually.

3           (3) Dealing with state and federal agencies as necessary and working  
4           with resource organizations.

5           (4) Providing customer services.

6           (5) Maintaining operation certification and insurance.

7           (6) Monitoring of the water-testing schedule and requisition of testing  
8           equipment.

9           (7) Convening of regular annual and special meetings.

10          (8) Public relations activities.

11          (c) The treasurer shall be responsible for:

12           (1) Billing, invoicing, depositing and dispersing funds, maintaining  
13           safety deposit boxes, and reporting and collecting delinquent account  
14           receivables.

15           (2) Writing and signing all checks on behalf of the municipal  
16           corporation consistent with that authority as granted by the board of directors.

17           (3) Alerting the board of directors and officers of the municipal  
18           corporation of any past due accounts.

19           (4) Preparing, distributing, and reporting annual financial statements.

20           (5) Preparing and presenting the annual operating budget.

21           (6) Preparing and filing annual tax returns as required.

1           (7) Keeping accurate records of all financial transactions made by the  
2           municipal corporation.

3           (8) Collecting delinquent water rents and fees due to the municipal  
4           corporation, interest on those accounts, and penalties in accordance with  
5           Vermont law.

6           (d) The clerk shall be responsible for:

7           (1) The accurate taking, timely distribution, and orderly maintenance of  
8           minutes of meetings of the board of directors as well as annual meetings and  
9           special meetings of the Morristown Corners Water Corporation and the  
10           maintenance and preservation of official documents.

11           (2) Picking up and distributing mail to the responsible officer.

12           (3) Performing monthly coliform tests as required in consultation with  
13           the president and vice president and the timely and accurate submission of  
14           those tests.

15           (e) The tester shall be responsible for:

16           (1) Properly taking and accurately recording chlorine readings in  
17           consultation with the president and vice president and the timely and accurate  
18           submission of those readings.

19           (2) Participating in other daily, monthly, and annual testing of the water  
20           and water system as required in consultation with the president and vice

1 president consistent with requirements for testing under this chapter and the  
2 bylaws.

3 § 6. BOARD OF DIRECTORS

4 The board of directors shall be the legislative and administrative body of the  
5 municipal corporation and shall be responsible for the control and management  
6 of all affairs, property, and interests of the corporation. The board of directors  
7 may exercise all legal powers of the corporation consistent with this chapter,  
8 the bylaws of the corporation, and Vermont law. These powers shall include  
9 the execution of contracts, the authority to purchase insurance on behalf of the  
10 corporation, the commencement of actions in the name of the corporation,  
11 defending actions brought against the corporation, and the settlement of claims  
12 on behalf of the corporation.

13 § 7. RATES

14 The board of directors shall establish rates and fees for the water services,  
15 including capital improvements, provided by the corporation, and all rates and  
16 fees for water services shall be paid to the treasurer.

17 § 8. RULES

18 The board of directors shall adopt rules that govern the administration,  
19 operation, and maintenance of the water system. Rules adopted by the board  
20 of directors shall become effective upon a majority vote of the directors.

1     § 9. AMENDMENT OF CHARTER

2             This charter shall be amended in the same manner as provided in section  
3     2645 of Title 17, except that in lieu of the requirements of subdivision  
4     2645(a)(7) of Title 17, a vote by members of the corporation affirming the  
5     amendment of this charter shall be by a voice vote in the form of a yes or no  
6     proposition. The corporation shall make all proposed changes to this charter  
7     available to any member of the corporation in amended form, with deleted  
8     material in brackets and new matter underlined or in italics.

9     Sec. 3. EFFECTIVE DATE

10            This act shall take effect upon passage.