

Article IV. The Easton Utilities Commission - Public Utilities.

Sec. 1. The Easton Utilities Commission - Appointment; term; vacancy.

The Easton Utilities Commission shall consist of three individuals [[residents of the town]], appointed by the mayor with the advice and consent of the council. Two members of the Commission shall be residents of the town; however, the mayor, with the advice and consent of the council, may appoint one person to the Easton Utilities Commission who is a resident of the electric service area of the Easton Utilities Commission. [[to serve a period of six years,]] All members of the Easton Utilities Commission shall serve for a term of six years and no member shall serve more than two terms. The limitation contained in this Section shall be entitled to serve shall not apply to any member of the Easton Utilities Commission serving on January 1, 1990. [[and if]] If a vacancy shall occur at any time by reason of death, resignation, removal from office or otherwise, the vacancy shall be filled in the same manner as originally provided herein. (Res. No. 5217, passed 8/6/90.)

Sec. 2. Same - Powers and duties.

In addition to such other powers and duties as this Charter or the council may provide, the powers and duties of the commission shall be as follows:

- (a) The Commission shall operate, manage and maintain the municipal sewerage, water, electric, gas, cable communications systems, including a cable television system, and all or any other revenue producing utilities which are now owned or may be hereafter constructed or acquired by the Town.
- (b) The Commission shall have the full charge of the operation, management and maintenance of all revenue producing utilities of the town as aforesaid, including the power to make contracts in the name of the town, to sue in the name of the town for the collection of any and all indebtedness which may be due said commission, or for the performance of contracts made with the commission.
- (c) The Commission shall have power to purchase material, employ all such assistants, skilled and unskilled, and labor as may be necessary for the proper performance of its duties; and to fix the compensation of all such assistants employed by the commission.
- (d) The Commission shall make such rules and regulations for the management of the various utilities under its charge and for their own government as it may deem proper.
- (e) The Commission shall have power to make extensions, additions or improvements to the utility plants or systems; provided, the approval of the council shall be first secured where the cost of such extension, addition or improvement shall exceed Five Thousand (\$5,000.00) dollars; and provided further, that where the aggregate cost of any extension, addition or improvement shall exceed Two Thousand (\$2,000.00) dollars the commission shall secure competitive bids for the purchase of all materials for these of any and all the plants or systems under its control, including fuel, and the commission shall have the right to accept or reject any and all bids based on the specifications upon which the respective bids are invited; and provided further, where the aggregate cost of any extension, addition or improvement is less than Two Thousand (\$2,000.00) dollars the commission shall receive and review at least three comparative prices of said items before making said purchase.
- (f) The commission shall have power to sell the products and services of the several utilities, as well as any appliances relating thereto, which are under its control and to fix and revise rates therefor, which shall become effective upon approval by the council and when required by the Maryland Public Service Commission and the Federal Communications Commission, provided, that the Easton Utilities Commission shall give at least fifteen (15) days previous notice by publication in one or more newspapers published in the town of the proposed revision of rates and grant such hearings, when practicable, as may be desired by the citizens of the town. (1914 ch. 263, sec. 97EE. Res. No. 23, December 8, 1959; 1914, ch. 263, sec. 97GG. 1931, ch. 476. 1933, ch. 493. 1937, ch. 267. 1939, ch. 335. Res. No. 1, July 12, 1955; 1914, ch. 263, sec. 97II; 1914, ch. 263, sec. 97MM; 1916, ch. 302, sec. 97NN; Res. No. 33, 8/17/70. Res. No. 5615, 4/24/98.)

Sec. 3. Same - Salary and meetings.

The salary of each commissioner shall be of such sum and payable in such manner as determined by the council; provided, that such salary shall be apportioned on the books and in the report of the various utility plants or systems in proportion to the gross income of the respective systems. The commission shall meet for the transaction of business at least once a month and at such other times as it may be deemed necessary. (Res. No. 17, May 19, 1958.)

Sec. 4. Same - Council examination of records; removal of commissioners; appeal.

The council shall at all times have the right to examine, or have examined, the books and accounts of the commission and have the power to remove any member of the commission, against whom charges may be filed and proved, by formal resolution voted for by a majority of the whole council and approved by the mayor; provided, however, that should a contingency arise whereby such action is taken the member thus removed shall have the right within thirty days from the date of approval of said resolution to appeal to the Circuit Court for Talbot County, and in the event the said Court shall hold that such charges have not been properly proved and that sufficient cause has not been shown for the removal of said appealing member or members, the said Court shall by its order reinstate said appellant or appellants as member or members of said commission and allow, in the discretion of the Court, reasonable counsel fees to be paid by the town to the attorney or attorneys representing the reinstated member or members of said commission. (1914, ch. 263, sec. 97JJ. 1931, ch. 476, sec. 227. 1931, ch. 476, sec. 1.)

Sec. 5. Same - Investment of reserve funds.

The commission, with the approval of the council, shall have power to invest or re-invest any funds accumulated as a reserve, for depreciation or replacement of any of its departments, in any of the following types of securities: (a) bonds and other obligations of the United States; (b) bonds of any corporation organized under an Act of Congress, if such corporation is an instrumentality of the United States, and provided further that such bonds are the direct obligation of the United States in payment of both principal and interest; (c) bonds of the State of Maryland; (d) bonds or other obligations of the Town of Easton, including bonds issued primarily for any one of the public utilities managed by said commission; provided, that such investments as held by said commission of the bonds of the electric, gas, water and sewer departments or divisions of said utilities shall not exceed the sum of Twenty-Five Thousand (\$25,000.00) dollars in par value and the bonds of each of said departments or divisions, and such investments as held of all other bonds and obligations of the Town of Easton, shall not exceed in the aggregate an additional amount of Twenty-Five Thousand (\$25,000.00) dollars. (1935, ch. 103, sec. 1.)

Sec. 6. Same - Sale of investments.

The commission, in its discretion, may sell any of the securities obtained by it; provided, that the formal approval of the council shall first be had before any such securities may be sold at a lower price than that paid therefor by the commission. (1935, ch. 103, sec. 1.)

Sec. 7. Same - Street opening powers.

The commission shall have the right to open streets for water, sewer and gas mains, and for electric poles or conduits, or for other public utility purposes, without special permits, and the commission is required to have the opening carefully guarded to avoid accident and to restore, and comply with the requirements of the town as to restoring, the roadbed or sidewalk to a safe condition. (1914, ch. 263, sec. 97KK.)

