

CITY OF VINELAND

ORDINANCE NO. 2017-10

ORDINANCE AMENDING ARTICLE VIII, CHAPTER 687 OF THE CODE OF THE CITY OF VINELAND ENTITLED DEPARTMENT OF MUNICIPAL UTILITIES

WHEREAS, Chapter 687, Article VIII, as amended on July 14, 2009 by Ordinance 2009-43, sets forth the employment status of the Director of the Municipal Utilities as a full-time employee, the duties thereof, and further provides that the Director serves without compensation; and

WHEREAS, it is clear that the requirements of Section 687 – 70 of the Code of the City of Vineland as amended in 2009 precludes any competent individual from being appointed to the position of the Director as required by NJ SA 40:69A-32 by setting forth the requirement that the position be “full time” and “without compensation” thus, contrary to the purpose of the Faulkner Act, which governs the City of Vineland, by disallowing the Mayor and Council from seeking competent individuals to serve as an appointed Director during their term of office; and

WHEREAS, it is further clear that the present obligations of a Director, with no compensation would force the Mayor and Governing Body to appoint as Director, an individual who may not share the vision of those who were elected by the citizens to serve the City of Vineland; and

WHEREAS, in 2009, the duties of the Director were amended so that his or her authority was stripped contrary to the intent of the Faulkner Act; and

WHEREAS, in order to rectify the inequities created by Ordinance 2009-43 and reinstitute the intent of the Faulkner Act, it is necessary to amend Article VIII, Chapter 687, in as much as the amendments made in 2009 serve no legitimate purpose.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 687, Part 2, Article VIII, Department of Municipal Utilities shall be amended as follows:

Section 687-70D shall be amended as follows:

- D. The salary of the Director shall be fixed by the City Council in the compensation schedules heretofore adopted or hereafter to be adopted in the Schedule of Classified/Unclassified Positions and Applicable Salary Ranges in the Civil Service of the City of Vineland.

Section 687-72, shall be amended as follows.

The Director of the Department of Municipal Utilities shall provide general supervision to the Department and its employees and further shall:

- A. Direct the operations and activities of all utilities, divisions, offices, and the Customer Service Center, including but not limited to the Electric Utility, Water – Sewer Utility, the activities of the engineering staff, the storeroom and related office staff, and coordinate the work of all divisional activities.
- B. Prescribe the internal organization of the work of the Department consistent with applicable statutes and ordinances.
- C. Appoint, direct and supervise the subordinate officers and employees of the Department.
- D. Approve or disapprove pay rolls, bills and claims chargeable to the Department appropriation.
- E. Provide such information and reports on the work of the Department as may from time to time be required by the Mayor.
- F. Establish policies and procedures for the administration of all divisions of the Department.
- G. Be responsible for all financial and budgetary matters of the Department.
- H. Perform such other duties as directed by the Mayor.

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Section 687-73 shall be deleted in its entirety and amended as follows:

Under the general supervision of the Director, the Electric Utility shall consist of the following Divisions:

- A. The Division of Electric Generation which shall be directly supervised by the Superintendent of Electric Generation.
- B. The Division of Electric Distribution which shall be directly supervised by the Superintendent of Electric Distribution.
- C. The Division of Electric Engineering which shall be directly supervised by the Superintendent of Engineering Services (Chief Engineer).
- D. The Division of Interconnection which shall be directly supervised by the Superintendent of PJM Interconnection.

Section 687-74, shall be amended as follows:

Subsection 687-74C shall be deleted in its entirety and replaced as follows:

- C. Provide such information reports on the work of the Division as may be required by the Director or Mayor.

The following subsections shall be added to Section 687-74:

- D. Recommend revisions in the established ordinances, resolutions, rules and regulations as deemed necessary and proper for the introduction, transmission, distribution, use and supply of light, heat, or power and the protection of the buildings, machinery, apparatus, wires, poles, piping and conduits and other works and appurtenances used in connection therewith and for the fixing and collecting of all rates, rents or charges for supplying light, heat or power for private or commercial uses in the City of Vineland franchised territory and for the imposition of penalties upon the nonpayment thereof.
- E. Provide for the care, storage, use and maintenance of motor vehicles and motorized equipment owned by the City of Vineland in the custody of the Electric Utility, Generation Division, and provide for the care, storage, use and maintenance of all generation and transmission equipment, and land owned by the City of Vineland and in the custody of the Electric Utility.

Section 687-75, shall be amended as follows:

Subsection 687-75C shall be deleted in its entirety and replaced as follows:

- C. Provide such information reports on the work of the Division as may be required by the Director or Mayor.

The following subsections shall be added to Section 687-75:

- D. Recommend to the Director, Mayor and City Council extensions of the generation and transmission systems, through the construction, maintenance and operation of additions and extensions to the plant and distribution system of the Electric Utility and to recommend to the Director, Mayor and City Council to do such acts and things as may be necessary or convenient within the powers conferred by N.J.S.A. 40:62-12 Et seq.
- E. Provide for the care, storage, use and maintenance of motor vehicles and motorized equipment owned by the City of Vineland in the custody of the Electric Utility, Distribution Division, and provide for the care, storage, use and maintenance of all distribution equipment, and land owned by the City of Vineland and in the custody of the Electric Utility.

Section 687-76, shall be amended as follows:

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Subsection 687-76E, shall be deleted in its entirety and replaced as follows:

- E. Provide such information reports on the work of the Division as may be required by the Director or Mayor.

The following subsection shall be added to Section 687-76:

- F. Provide for the care, storage, use and maintenance of motor vehicles and motorized equipment owned by the City of Vineland in the custody of the Electric Utility, Electric Engineering Division, and provide for the care, storage, use and maintenance of all engineering equipment owned by the City of Vineland and in the custody of the Electric Utility.

Section 687-77, shall be deleted in its entirety and replaced as follows:

Within the Electric Utility, there shall be a Division of Interconnection. Under the direct supervision of the Superintendent of Interconnection, the Division shall provide for the planning and procurement of purchased power to fill the needs of the Electric Utility and City of Vineland. The Division shall also manage PJM interconnection activities, including load, scheduling, generation dispatch, interconnection emergency procedures and billing.

Section 687-78, shall be amended as follows:

Subsection 687-78A, shall be deleted in its entirety and replaced as follows:

- A. Under the general supervision of the Director, and the direct supervision of the Superintendent of the Water-Sewer Utility, the Water-Sewer Utility shall:

Subsection 687-78E, shall be deleted in its entirety and replaced as follows:

- E. The Superintendent of the Water-Sewer Utility shall, in addition to the functions, powers and duties that are hereby or may hereafter be conferred and imposed upon him or her by law and City Ordinance pursuant to the policies adopted by the Director:
  - (1) Direct the operations of the Water-Sewer Utility, including the activities of the staff, and coordinate the work of all activities within the Utility.
  - (2) Report to the Director, in such form as shall be prescribed by the Director on the operations of the Utility and make such other reports as may be requested by the Director, Mayor and City Council.
  - (3) Assist in executing plans for the effective utilization of available funds, personnel, equipment, materials and supplies.
  - (4) Organize and develop suitable work programs for the varied functions of the Water – Sewer Utility.
  - (5) Give suitable assignments and instructions to individuals and groups and supervise their work.
  - (6) Make investigations of complaints and take proper action to see that needed repairs are made within a minimum of delay.
  - (7) Inspect work in progress, or completed assignments to assure that proper procedures are followed.
  - (8) Keep all records and files pertaining to the Water – Sewer Utility as are required by law and necessary for the proper function of the Division.
  - (9) Prepare and obtain approval and implement a capital improvement program for the City’s potable water system in coordination with the City Engineer, the Planning Board, the Board of Adjustment, Chief Financial Officer and Business Administrator.
  - (10) Prepare and assist in the preparation of loan and grant applications to state and federal government agencies for Water – Sewer Utility projects and inform the Director, Mayor and City Council of all available financial aid.
  - (11) Provide technical assistance, labor and equipment to other divisions within the Department and other Departments within the City of Vineland as expeditiously as possible, based upon the priority of the assistance needed.

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- (12) Work in conjunction with the Chief Financial Officer on all financial and budgetary matters of the Water – Sewer Utility .
- (13) Approve or disapprove pay rolls, bills and claims chargeable to the Water – Sewer Utility budget.
- (14) Periodically review and recommend water rates, rules and tariffs to the Director, Mayor and City Council in order to maintain fiscal integrity and self-liquidating status of the Water – Sewer Utility.
- (15) Provide for the care, storage, use and maintenance of motor vehicles and motorized equipment owned by the City of Vineland in the custody of the Water – Sewer Utility and provide for the care, storage, use and maintenance of all water and sewer equipment and land owned by the City of Vineland and in the custody of the Water – Sewer Utility.

Section 687-79, shall be amended as follows:

Within the Department of Municipal Utilities, there shall be a Customer Service Center. Under the general supervision of the Director and the direct supervision of the Supervisor of Accounts, the Customer Service Center shall:

- D. Provide for the uniform collection and enforcement of the rates, rents or charges for electric light, heat or power, and water and the enforcement of the municipal lien against the property and premises where such light, heat, power or water is furnished, and the interest drawn therefrom, as established by Part 1 of this Chapter, which established the general terms, rules and regulations.

BE IT FURTHER ORDAINED that any portion of Chapter 687, Part 2, Article VIII, not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

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President of Council

ATTEST:

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City Clerk