

LAWS

OF THE

STATE OF DELAWARE

PASSED AT THE

NINETY-EIGHTH SESSION

OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 4th, A. D. 1921

AND

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CHAPTER 121

CITIES AND TOWNS

AN ACT to establish a Board of Water and Light Commissioners for the City of New Castle.

WHEREAS, the City of New Castle is about to arrange to purchase and operate the present water and electric light systems in the City, and the Council of the City and the citizens generally desire that the management and operation of the said water and light systems when taken over by the City shall be placed in the hands of a commission created for that purpose.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each branch of the General Assembly) :

Section 1. A Board of Water and Light Commissioners for the City of New Castle is hereby created, which shall be composed of three members who shall be residents of and qualified voters of the City of New Castle and who shall have resided in said City for at least three years prior to their appointment. They shall serve until their successors shall have been appointed and qualified. One of said Commissioners shall be appointed by the Mayor of the City, one by the Council of the City, and one by the Trustees of the New Castle Common of said City. The first Commissioners shall be appointed as soon as practicable after this Act goes into effect. The first Commissioner appointed by the Trustees of the New Castle Common shall serve until April 1, 1922; the first Commissioner appointed by the Mayor shall serve until April 1, 1923; and the first Commissioner appointed by the Council of the City shall serve until April 1, 1924; and thereafter in the month of March in each year a successor to the Commissioner whose term expires on April 1 in that year shall be appointed for the term of three years by the power who appointed the member whose term is to expire. Any vacancy during a term shall be

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filled for the remainder of the term by appointment of the power who made the original appointment. In exercising the above appointing power, the Mayor shall not appoint himself, the Council shall not appoint one of its own members, and The Trustees of the Common shall not appoint one of its own members.

Section 2. The Commission shall organize as soon as possible after the approval of this Act, and thereafter in April of each year, and elect one of their number as President and also a Secretary. The City Treasurer shall be Treasurer of the Commission, and shall hold the funds of the Commission in a separate account at the New Castle Trust Company, and shall pay the same out on orders signed by the President and Secretary. He shall give such additional bond as the Commissioners may require. The Commissioners shall receive no salary for their services, but shall be paid for their necessary expenses in the performance of their duties. No Commissioner shall hold any office of profit under the Commission or contract with it for work or supplies.

Section 3. The said Board of Water and Light Commissioners shall have control of the water and electric light supply in the City of New Castle, and the management and operation of the City water system and the City light system shall be entirely under their control, direction and supervision, and for this purpose they shall have power to enter into contracts on behalf of the City and in the name of the Municipal Corporation. They shall have charge of the collection of and shall receive all revenue due for water and light, which shall be held by the City Treasurer subject to the order of the Commissioners, and shall fix the rates for water and light from time to time. They shall appoint a superintendent and regulate his duties, and shall provide for such other employes as may from time to time be necessary, and shall fix the salary or pay of all employes. They shall provide for all supplies and work that may from time to time be necessary, and in general shall have full charge of the maintenance and operation of the City water and light system. The Commissioners shall have the power to borrow temporarily from time to time on the faith and credit of the City in order to provide for the current expenses of maintenance, replacement and operation; but the

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Commissioners shall have no power to enlarge or extend the water and light system, plant, mains, lines or apparatus, except out of surplus earnings, without the authority and approval of the Council of the City first had and obtained.

Section 4. The Commissioners shall meet at least once every month, and shall have power to make all needful rules and regulations for their meetings and for the regulation of the employes. They shall also have power to make rules regulating the use and supply of water and light by and to consumers. They shall establish regulations for the payment of bills for water and light, and may cause suit to be brought in the name of the Municipal Corporation for all bills overdue. All sums due for water shall be a lien upon the property to which such water was furnished in the same ways as the taxes due the City of New Castle. The Commissioners shall arrange for the prompt collection of all sums due for water and light, and shall have power to make rules for cutting off the service when bills are overdue.

Section 5. The Commissioners shall furnish to the Mayor, the Council of the City and the Trustees of the Common, quarterly, a full statement of their receipts and expenses, and shall in July of each year publish an annual statement and report for the benefit of the Citizens of New Castle.

Section 6. The Superintendent appointed by the Commissioners shall be paid a monthly salary to be fixed by the Board, and shall devote all his time to the work and shall not be engaged in any other occupation. He shall have direct and actual charge of the operation of the water and light system, and shall select the other employes, subject to the approval of the Commissioners. He shall attend the meetings of the Commissioners and furnish them reports as to the condition of the property, and shall also promptly report any accident or unusual condition.

Section 7. In lieu of water and light rental for the water and light supply to the City itself, the Council shall turn over from time to time to the credit of the Commissioners such sums as may be necessary to meet any deficiency for current bills of

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the Commissioners. In July of each year, or oftener in their discretion if the revenue warrants, the Commissioners shall turn over to the Council of the City such sum in their hands as may not be required to provide for current expenses and operation, which sums shall be used by the Council for the payment of interest on the water and light bonds and for a sinking fund for the payment of said bonds.

The Council and the Commissioners may, by mutual agreement if deemed desirable, arrange that the City shall pay a fixed rental to the Commissioners for the water and light supplied to the City in lieu of the above payments to meet a deficiency.

The Commissioners shall aim, in the operation of the systems and in fixing the rates, to produce revenue at least sufficient, when supplemented by fair allowances by the City for the water and light furnished for public purposes, to pay the operating expenses of the system and the interest on the water and light bonds as well as provide for ordinary maintenance.

Section 8. The Commissioners are intended to be merely a separate agency of the City for the operation of the water and light systems, and all contracts and bills shall be in the name of and on behalf of the Municipal Corporation, through the agency of the Commissioners.

Section 9. The Council of the City shall have the power to remove any Commissioner upon proper cause shown, but such removal shall be only after charges made and hearing thereon and by vote of two-thirds of all the members of the Council.

Section 10. The Commissioners shall have full control and direction of the expenditure of all money borrowed by the City, by bond issue or otherwise, for the improvement or alteration of the said water and light systems, and such money shall be held by the City Treasurer subject to the direction of the Commissioners.

Approved March 7, A. D. 1921.