

Polanco, Joanna

From: Cadle, Aaron
Sent: Thursday, July 14, 2016 7:11 AM
To: Polanco, Joanna
Cc: Witkowski, Terry; Spiker, Scott
Subject: FW: Water Works billings and collections_2015
Attachments: Binder1.pdf

Joanna,

Here's some information from Water Works for this afternoon's meeting. The e-mail says they do not intend to send a representative to the meeting. Ald. Witkowski may want to print the e-mail and distribute it for the members.

Thanks,

Aaron

From: Medhin, Menbere
Sent: Wednesday, July 13, 2016 4:53 PM
To: Cadle, Aaron
Cc: Lewis, Carrie
Subject: billings and collections_2015

Hi, Aaron.

Per your request, following is a summary of revenue billing and cash receipts for all Municipal Service bills, broken by fund, for 2015.

**Milwaukee Water Works -
Revenue Billing by Fund
2015**

	Fund 41	Fund 46	Fund 49	Fund 01
	<u>Water</u>	<u>Sewer Treatment</u>	<u>Sewer Maint/ Storm Water</u>	<u>Solid Waste/ Snow & Ice</u>
Total for the Year	\$ 96,686,959	\$ 44,115,166	\$ 60,780,109	\$ 49,289,239

**Milwaukee Water Works -
Cash Receipts by Fund
2015**

	Fund 41	Fund 46	Fund 49	Fund 01
	<u>Water</u>	<u>Sewer Treatment</u>	<u>Sewer Maint/ Storm Water</u>	<u>Solid Waste/ Snow & Ice</u>
Total for the Year	\$ 84,786,702	\$ 38,271,719	\$ 53,092,060	\$ 38,167,496

The State Statutes that authorize the Water Works to transfer delinquent water bills to the property tax roll are also attached as a pdf file. Also, a copy of the 2015 letter to the Comptroller's, transferring delinquent water and other bills to the property tax roll is included in the pdf packet.

Let us know if you need any other information on this. Tomorrow (Thursday), I will be working at another location until 12:30. However, Carrie is available to answer any questions.

Just FYI, we are not planning to go to the debt meeting at 2:00.

Thank you and good day,

Membere

Membere W. Medhin, C.P.A., C.G.F.M., M.B.A.

Water Financial Manager

Milwaukee Water Works

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Milwaukee, WI 53202

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of the members-elect, the common council of a 1st class city may create, establish, maintain and administer annuity and benefit funds for city officers and employees, including officers and employees of boards, agencies, departments and divisions of the city government and of a housing authority established under s. 66.1201.

(2) **RETIREMENT BOARD.** By a majority vote of its members, the common council of a 1st class city may create a retirement board to administer an annuity and benefit fund under this section. The retirement board may make rules and regulations under which all participants contribute to and receive benefits from the fund. Members of the board shall serve without compensation. Three members of the board shall be city employees elected by the members of the retirement system and shall serve 4-year terms and 5 members shall be appointed under s. 62.51 and shall serve 3-year terms. The common council may provide for contribution by the city to the annuity and benefit fund. The executive director of the retirement board shall be appointed under s. 62.51.

(3) **INVESTMENT OF RETIREMENT FUNDS.** The board of a retirement system of a 1st class city, whose funds are independent of control by the investment board, may invest funds from the system, in excess of the amount of cash required for current operations, in the same manner as is authorized for investments under s. 881.01.

(4) **EXEMPTION OF FUNDS AND BENEFITS FROM TAXATION, EXECUTION AND ASSIGNMENT.** Except as provided in s. 49.852 and subject to s. 767.75, all moneys and assets of a retirement system of a 1st class city and all benefits and allowances, both before and after payment to any beneficiary, granted under the retirement system are exempt from any state, county or municipal tax or from attachment or garnishment process. The benefits and allowances may not be seized, taken, detained or levied upon by virtue of any executions, or any process or proceeding issued out of or by any court of this state, for the payment and ratification in whole or in part of any debt, claim, damage, demand or judgment against any member of or beneficiary under the retirement system. No member of or beneficiary under the retirement system may assign any benefit or allowance either by way of mortgage or otherwise. The prohibition against assigning a benefit or allowance does not apply to assignments made for the payment of insurance premiums. The exemption from taxation under this section does not apply with respect to any tax on income.

(5) **TREATMENT OF ABANDONED RETIREMENT ACCOUNTS.** Funds in employee retirement accounts of a retirement system of a 1st class city, which are presumed abandoned under s. 177.13, are not subject to the custody of the state as unclaimed property under ch. 177, but shall be retained by the retirement system and used to reduce employer funding obligations to the retirement system. The board of a retirement system of a 1st class city shall devise rules and regulations for determining the conditions under which employee retirement accounts are presumed abandoned and for determining the manner in which funds in the abandoned employee retirement accounts may be used to reduce employer funding obligations to the retirement system.

History: 1999 a. 150 ss. 15, 569, 571, 574, 575; 2005 a. 189; 2005 a. 443 s. 265; 2009 a. 191; 2011 a. 260 s. 81.

Sub. (4) bars a court from directly dividing the pension. However, the pension is a marital asset accumulated during the course of the marriage. The court has discretionary authority to order the employee spouse to make a specific payout election or enter other orders in the event a selection is made that is counter to the non-employee spouse's interests. Sub. (4) does not usurp the court's ability to effectuate an equitable division of the parties' assets, including the pension. *Wain v. Wain*, 2005 WI App 54, 280 Wis. 2d 253, 694 N.W.2d 452, 04-1271.

62.65 Death benefit payments to foreign beneficiaries. The common council of a 1st class city may provide that under the city's retirement system no beneficiary may be designated for the payment of any retirement allowance, pension or proceeds of a member of the retirement system if the beneficiary is not a resident of either the United States or Canada. If a beneficiary is designated who is neither a resident of the United States nor Canada, any contributions or retirement allowance which would have been

paid to the beneficiary had the beneficiary been a resident of either the United States or Canada is payable to the estate of the deceased member of the retirement system. The common council may also provide that if a death benefit would be payable because of the death of a member of the retirement system and the designated beneficiary of the death benefit is not a resident of either the United States or Canada, the death benefit which would have been paid had the designated beneficiary been a resident of either the United States or Canada is payable to the estate of the deceased member.

History: 1991 a. 316; 1999 a. 150 s. 573; Stats. 1999 s. 62.65.

62.67 Uninsured motorist coverage; 1st class cities.

A 1st class city shall provide uninsured motorist motor vehicle liability insurance coverage for motor vehicles owned by the city and operated by city employees in the course of employment. The coverage required by this section shall have at least the limits prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

History: 1983 a. 537; Stats. 1983 s. 66.187; 1983 a. 538 s. 97; Stats. 1983 s. 66.189; 1999 a. 150 s. 309; Stats. 1999 s. 62.67; 2009 a. 28.

This section requires the city to provide uninsured motorist coverage for its vehicles regardless of whether it is able to obtain coverage from an insurance carrier. *American Family Insurance Co. v. Milwaukee*, 148 Wis. 2d 280, 435 N.W.2d 280 (Ct. App. 1988).

This section puts the city in the position of an insurer subject to the subrogation rights of its officer's personal insurers. *Millers National Ins. Co. v. Milwaukee*, 184 Wis. 2d 155, 516 N.W.2d 516 (Ct. App. 1994).

This section requires the city to be the primary provider of uninsured motorist coverage. *Norman v. City of Milwaukee*, 198 Wis. 2d 98, 542 N.W.2d 473 (Ct. App. 1995); 95-0009.

A self-insured city is not an insurer writing policies subject to s. 632.32 (4m) (a) 1. and is not subject to the requirement to provide underinsured motorist coverage. *Van Erden v. Sobczak*, 2004 WI App 40, 271 Wis. 2d 163, 677 N.W.2d 718, 02-1595.

62.69 First class city utilities. (1) APPLICATION. This section applies to 1st class cities.

(2) **WATER SYSTEMS.** (a) In this subsection, "commissioner of public works" includes any board of public works, or commissioner of public works, or other officer of the city having control of the city's public works.

(b) In this subsection, all acts authorized to be done by the commissioner of public works, except enforcement of regulations approved by the common council, shall be approved by the common council before the acts may take effect.

(c) Water rates shall be collected in the manner and by whom the common council determines, and shall be accounted for and paid to the other officials in the manner and at the times that the council prescribes. Persons collecting water rates shall give a bond to cover all the duties in an amount prescribed by the council. Final accounting shall be made to the comptroller and final disposition of money shall be made to the city treasurer.

(d) When the city owns its water system, the commissioner of public works may make and enforce bylaws, rules and regulations in relation to the water system, and, before the actual introduction of water, the commissioner shall make bylaws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the water system, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off water for cause. The commissioner may alter, modify or repeal the bylaws, rules and regulations.

(e) Water rates are due as the common council provides. To all water rates remaining unpaid 20 days after the due date, there shall be added a penalty of 5 percent of the amount due, and if the rates remain unpaid for 10 additional days, water may be turned off the premises. If the supply of water is turned off, water may not be turned on to the premises until all delinquent rates and penalties, and a sum not exceeding \$2 for turning the water off and on, are paid. The penalty and charge may be made when payment is made to a collector sent to the premises. On or before the date on which rates become due, a written or printed notice or bill shall be mailed or personally delivered to the occupant or, upon written request, to the owner at the location the owner states, of all premises subject to the payment of water rates, stating the amount due,

attaching and connection of a water meter may lawfully be required, neglected or fails to attach and connect a water meter, as is required according to the rules established by the commissioner of public works, for 30 days after the expiration of the time within which the owner or occupant is notified by the commissioner of public works to attach and connect a meter, the commissioner of public works may cause the water supplied by the city to be cut off from the premises, and it shall not be restored except upon the terms and conditions prescribed by the commissioner of public works.

(j) The commissioner of public works may prescribe and regulate the size of connections made with the distribution mains for supplying automatic sprinkler systems and fix an annual charge for such service.

(k) The commissioner of public works may make rules and regulations for the proper venting and trapping of all drains, soil pipes and fixtures constructed to connect with or be used in connection with the sewerage or water supply of the city. The common council may provide by ordinance for the enforcement of the rules and regulations, including penalties. The commissioner may make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in the city proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material. The commissioner may prohibit the introduction in any building of any style of water fixture, tap or connection determined to be dangerous to health or unfit to be used. The commissioner shall require a rigid inspection by a skilled and competent inspector under the direction of the commissioner of all plumbing and draining work and water and sewer connections in any building in the city, and unless the work and connections are done or made according to rules of and approved by the commissioner, no connection of the premises with the city sewerage or water supply may be made.

(l) The commissioner of public works shall make an annual report to the council of the commissioner's doings under this section, the state of the water fund and the general condition of the water system. The report, after being submitted to the council, shall be filed in the office of the comptroller.

(3) UTILITY DIRECTORS. (a) In this subsection, "electric plant" means a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

(b) If the city decides to acquire an electric plant or any other public utility in accordance with the provisions of this section, the mayor, prior to the city taking possession of the property, shall appoint, subject to the confirmation of the council, 7 persons of recognized business experience and standing to act as the board of directors for the utility. Two persons shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a term of 6 years, and one for a term of 8 years. Successors shall be appointed for terms of 10 years each. A director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

(c) Utility directors may: employ a manager experienced in the management of electric plants or other public utilities, fix his or her compensation and the other terms and conditions of employment; and remove him or her at pleasure, subject to the terms and conditions of his or her employment; advise and consult with the manager and other employees as to any matter pertaining to maintenance, operation or extension of the utility; and perform other duties as ordinarily devolve upon a board of directors of a corporation organized under ch. 180 not inconsistent with this section and the laws governing 1st class cities. No money may be raised or authorized to be raised by the board of directors other than from revenues derived from the operation of the utility, except by action of the council.

(d) The manager appointed by the board of directors may manage and control the utility, subject to the powers conferred upon the board of directors and the council under this subsection and may appoint assistants and all other employees which the manager

the time when and the place where the rates can be paid and the penalty for neglect of payment.

(f) All water rates for water furnished to any building or premises, are a lien on the lot or parcel of land on which the building or premises is located. If any water rates or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on October 1, the unpaid rates or bills shall be certified to the city comptroller on or before November 1, and shall be placed by the comptroller upon the tax roll and collected in the same manner as other taxes on real estate are collected in the city. The charge for water supplied by the city in all premises where meters are attached and connected shall be at rates fixed by the commissioner of public works and for the quantity indicated by the meter. If the commissioner of public works determines that the quantity indicated by the meter is materially incorrect or if a meter has been off temporarily due to repairs, the commissioner shall estimate the quantity used, and the determination is conclusive. No water rate or rates duly assessed against any property may be remitted or changed except by the common council. Under this paragraph, if an unpaid charge or bill is for utility service furnished and metered by the waterworks directly to a mobile home unit in a licensed mobile home park, the delinquent amount is a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).

(h) The city commissioner of public works may issue a permit to the county in which the city is located, to any national home for disabled soldiers, or to any other applicant to obtain water from the city's water system for use outside of the limits of the city and for that purpose to connect any pipe that is laid outside of the city limits with water pipe in the city. No permit may be issued until the applicant files with the commissioner of public works a bond in the sum and with the surety that the commissioner approves on the condition: that the applicant will obey the rules and regulations prescribed by the commissioner for the use of the water; that the applicant will pay all charges fixed by the commissioner for the use of the water as measured by a meter to be approved by the commissioner, including the proportionate cost of fluoridating the water and, except as to water furnished directly to county or other municipal properties, which may not be less than one-quarter more than those charged to the inhabitants of the city for like use of water; that the applicant will pay to the city a water pipe assessment if the property to be supplied with water has frontage on any thoroughfare forming the city boundary line in which a water main has been or shall be laid, and at the rate prescribed by the commissioner; if the property to be supplied does not front on a city boundary but is distant from a boundary, that a main pipe of the same size, class and standard as terminates at the city boundary shall be extended, and the entire cost shall be paid by the applicant for the extension; that the water main shall be laid according to city specifications and under city inspection; that the water main and appurtenances shall become the property of the city, without any compensation for the main or appurtenances, if the property supplied with water by the extension or any part of the property is annexed to or in any manner becomes a part of the city; and that the applicant will pay to the city all damages that it sustains, arising out of the manner in which the connection is made or water supply is used. In granting a permit to a county or to a national home for disabled soldiers, the commissioner of public works may waive the giving of a bond. Every permit shall be issued upon the understanding that the city is not liable for any damage in case of failure to supply water by reason of any condition beyond its control.

(i) The commissioner of public works shall prescribe and regulate the kind of water meters to be used in the city and the manner of attaching and connecting the water meters, and may make other rules for the use and control of water meters as are necessary to secure reliable and just measurement of the quantity of water used; and may alter and amend the rules as necessary for the purposes named. If the owner or occupant of any premises, where the

considers necessary and fix their compensation and other terms and conditions of employment, except that the board of directors may prescribe rules for determining the fitness of persons for positions and employment.

(e) The council shall fix the compensation, if any, of members of the board of directors and has other powers it possesses with reference to electric plants and other public utilities.

History: 1983 a. 192; 1985 a. 187; 1991 a. 32, 189, 316; 1995 a. 378, 419; 1999 a. 150 ss. 16, 17, 195 to 201; Stats. 1999 s. 62.69; 2011 a. 260 s. 81; 2013 a. 274.

62.71 Pedestrian malls in 1st class cities. (1) PURPOSE. The purpose of this section is to authorize a 1st class city to undertake, develop, finance, construct and operate pedestrian malls as local improvements.

(2) DEFINITIONS. In this section:

(a) "Annual pedestrian mall improvement" includes any reconstruction, replacement or repair of trees, plantings, furniture, shelters or other pedestrian mall facilities.

(b) "Annual pedestrian mall improvement cost" includes planning consultant fees, public liability and property damage insurance premiums, reimbursement of the city's reasonable and necessary costs incurred in operating and maintaining a pedestrian mall, levying and collecting special assessments and taxes, publication costs, and any other costs related to annual improvements and the operation and maintenance of a pedestrian mall.

(c) "Board of assessment" means the board created under subch. II of ch. 32, for the purpose of estimating benefits and damages in connection with the creation or improvement of a pedestrian mall.

(d) "Business district" means an existing recognized area of a city principally used for commerce or trade.

(e) "City" means a 1st class city.

(f) "Commissioner of public works" means the board of public works, commissioner of public works, or any other city board or officer vested with authority over public works.

(g) "Community development advisory body" means any corporation or unincorporated association whose shareholders or members are owners or occupants of property included in a proposed or existing pedestrian mall district.

(h) "Council" and "common council" mean the governing body of the city.

(i) "Intersecting street" means, unless the council declares otherwise, any street which meets or intersects a pedestrian mall, but includes only those portions of the intersecting street which lay between the mall or mall intersection and the first intersection of the intersecting street with a street open to general vehicular traffic.

(j) "Mall intersection" means any intersection of a city street which is part of a pedestrian mall with any other street.

(k) "Owner" includes any person holding the record title of an estate in possession in fee simple or for life, or a vendor of record under a land contract for the sale of an estate in possession in fee simple or for life.

(l) "Pedestrian mall" means any street, land or appurtenant fixture designed primarily for the movement, safety, convenience and enjoyment of pedestrians.

(m) "Pedestrian mall district" means any geographical division of the city designated by the board of assessment for the purpose of undertaking, developing, financing, constructing and operating a pedestrian mall.

(n) "Pedestrian mall improvement" includes any construction or installation of pedestrian thoroughfares, perimeter parking facilities, public seating, park areas, outdoor cafes, skywalks, sewers, shelters, trees, flower or shrubbery plantings, sculptures, newsstands, telephone booths, traffic signs, sidewalks, traffic lights, kiosks, water pipes, fire hydrants, street lighting, ornamental signs, ornamental lights, graphics, pictures, paintings, trash receptacles, display cases, marquees, awnings, canopies, overhead or underground radiant heating pipes or fixtures, walls, bol-

lards, chains and all other fixtures, equipment, facilities and appurtenances which, in the council's judgment, will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the city and the affected property owners.

(o) "Skywalk" means any elevated pedestrian way.

(p) "Street" means any public road, street, boulevard, highway, alley, lane, court or other way used for public travel.

(3) ACQUISITION, IMPROVEMENT AND ESTABLISHMENT OF PEDESTRIAN MALLS. (a) Upon petition of a community development advisory body or upon its own motion, the council may by resolution designate lands to be acquired, improved and operated as pedestrian malls or may by ordinance designate streets, including a federal, state, county or any other highway system with the approval of the jurisdiction responsible for maintaining that highway system, in or adjacent to business districts to be improved for primarily pedestrian uses. The council may acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights-of-way for inclusion in a pedestrian mall district or for use in connection with pedestrian mall purposes. The council may make improvements on mall intersections, intersecting streets or upon facilities acquired for parking and other related purposes, if the improvements are necessary or convenient to the operation of the mall.

(b) In establishing or improving a pedestrian mall, the council may narrow any street designated a part of a pedestrian mall, reconstruct or remove any street vaults or hollow sidewalks existing by virtue of a permit issued by the city, construct crosswalks at any point on the pedestrian mall, or cause the roadway to curve and meander within the limits of the street without regard to the uniformity of width of the street or curve or absence of curve in the center line of the street.

(c) 1. Subject to subd. 2., the council may authorize the payment of the entire cost of any pedestrian mall improvement established under this section by appropriation from the general fund, by taxation or special assessments, and by the issuance of municipal bonds, general or particular special improvement bonds, revenue bonds, mortgages or certificates, or by any combination of these financing methods.

2. If a pedestrian mall improvement is financed by special assessments and special improvement bonds are not issued, the special assessments, when collected, shall be applied to the payment of the principal and interest on any general obligation bonds issued or to the reduction of general taxes if general obligation bonds or the general tax levy is used to finance the improvement.

(d) The council may exercise the powers granted by this subsection only if it makes the findings required under sub. (4) and complies with the procedures and requirements under subs. (5), (6) and (8).

(4) PRELIMINARY FINDINGS. No pedestrian mall may be established under sub. (3) unless the council finds all of the following:

(a) That the proposed pedestrian mall will be located primarily in or adjacent to a business district.

(b) That there exist reasonably convenient alternate routes for private vehicles to other parts of the city and state.

(c) That the continued unlimited use by private vehicles of all or part of the streets in the proposed mall district endangers pedestrian safety.

(d) That properties abutting the proposed mall can be reasonably and adequately provided with emergency vehicle services and delivery and receiving of merchandise or materials either from other streets or alleys or by the limited use of the pedestrian mall for these purposes.

(e) That it is in the public interest to use all or part of the street in the proposed mall district primarily for pedestrian purposes.

(5) PROCEDURES. (a) Before establishing a pedestrian mall or undertaking any pedestrian mall improvement, the council shall by resolution authorize the commissioner of public works and the local planning agency to make studies and prepare preliminary

97-6.5 Water Supply

97-6.5. Delinquent Water and Meter Repair Bills. Upon presentation to the city clerk of a list of delinquent water and meter repair bills incurred during the preceding 12 months by customers of any municipal utility residing in the city and submitted by such municipal water utility on or before November 1st of each year, the city treasurer shall pay to such municipal water utility a lump sum of such total delinquency. This payment, however, shall be conditioned upon the fact that such municipal water utility has a reciprocal agreement with the city for the said amount of delinquent water and water meter repair bills shall become liens on the real estate to which water was furnished or upon which meters were repaired and shall be inserted in the tax roll as delinquent taxes against the property involved or shall be collected in the same manner as are other delinquent taxes.

97-6.6. Delinquent Service Pipe Repair Bills. Upon presentation to the city clerk of a list of delinquent bills for the repair of service pipes, stops or stop boxes incurred during the preceding 12 months by customers of any municipal utility residing in the city and submitted by such municipal water utility on or before November 1st of each year, the city treasurer shall pay to such municipal water utility a lump sum of such total delinquency. This payment, however, shall be conditioned upon the fact that such municipal water utility has a reciprocal agreement with the city for the payment of delinquent water bills. Thereafter the amount of delinquent bills for the repair of service pipes, stops or stop boxes shall become a lien on the real estate to which service pipes, stops or stop boxes were repaired and shall be inserted in the tax roll as delinquent taxes against the property involved or shall be collected in the same manner as are other delinquent taxes.

97-7. Water Used in Public Buildings. All public buildings wherein city water is used shall be assessed in accordance with the established rates for making water assessments and all water used by the city for flushing sewers, settling sewer or other trenches, for all city display fountains and all water used for any purpose in the public parks shall be assessed according to the established water rates or in accordance with the best information obtainable, and in all cases where water has been used as

described, the fund of the water works shall be credited annually by the city comptroller with the several amounts so assessed and the said amounts charged to the respective funds chargeable with the maintenance of the several departments so supplied with water. During the month of December in each year the city comptroller of public works shall certify to the city comptroller the several amounts used for street sprinkling purposes during that year, and the city comptroller shall thereupon, before the end of each year, credit the water works fund with the several amounts so certified as having been used by said ward for street sprinkling purposes.

97-8. Emergency Sprinkling Regulations.

1. TO BE DECLARED. Whenever in his or her opinion an emergency affecting the public health and safety shall exist by reason of insufficient water pressure, the commissioner of public works is authorized to promulgate an appropriate order restricting the use of water for sprinkling of lawns, gardens and premises. Upon approval by the mayor such an order shall be filed with the city clerk and shall thereupon be in full force and effect.

2. PENALTY.

Any person violating any provision of such order shall upon conviction thereof be subject to a penalty of not less than \$1 nor more than \$50, together with the costs of prosecution, and in the event of default in the payment of such penalty and costs of imprisonment in the county jail or house of correction for a period not to exceed 30 days.

97-9. Water Laboratory Reports. The superintendent of the water works shall make water supply and transmit a monthly bacteriological and chemical summary of the plant water and a monthly bacteriological summary of tap water from various locations in the distribution system to the health commissioner and the state of Wisconsin department of natural resources.

97-10. Rent Withholding. 1. LACK OF WATER SERVICE. a. Deposit in Escrow. Notwithstanding any other provision of law, if a lessor of residential premises fails or neglects to provide water service to the premises as a result of a discontinuance of water service due to delinquent water charges, the commissioner of public works shall authorize the tenant in writing



CUSTOMER SERVICES

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WI Legislature Statute 66.0809

Wisconsin State Legislature

66.0809 Municipal public utility charges.

66.0809(1) (1) Except as provided in sub. (2), the governing body of a town, village or city operating a public utility may, by ordinance, fix the initial rates and shall provide for this collection monthly, bimonthly or quarterly in advance or otherwise. The rates shall be uniform for like service in all parts of the municipality and shall include the cost of fluorinating the water. The rates may include standby charges to property not connected but for which public utility facilities have been made available. The charges shall be collected by the treasurer or other officer or employee designated by the city, village or town.

66.0809(2) (2) If, on June 21, 1996, it is the practice of a governing body of a town, village or city operating a public utility to collect utility service charges using a billing period other than one permitted under sub. (1), the governing body may continue to collect utility service charges using that billing period.

66.0809(3) (3)

66.0809(3)(a) (a) Except as provided in subs. (4) and (5), on October 15 in each year notice shall be given to the owner or occupant of the lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by a town, city, or village and payment for which is owing and in arrears at the time of giving the notice. The department in charge of the utility shall furnish the treasurer with a list of the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer, unless the governing body of the city, village, or town authorizes notice to be given directly by the department. The notice shall be in writing and shall state the amount of arrears, including any penalty assessed pursuant to the rules of the utility; that unless the amount is paid by November 1 a penalty of 10 percent of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15, the arrears and penalty will be levied as a special charge, as defined under s. 74.01 (4), against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. The notice may be served by delivery to either the owner or occupant personally, or by letter addressed to the owner or occupant at the post-office address of the lot or parcel of real estate.

66.0809(3)(b) (b) On November 16, the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description, for which notice of arrears was given under par. (a) and for which arrears remain unpaid, stating the amount of arrears and penalty. Each delinquent amount, including the penalty, becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the delinquent amount and penalty as a special charge, as defined under s. 74.01 (4), against the lot or parcel of real estate.

66.0809(3)(c) (c) All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes apply to the special charge under par. (b) if it is not paid within the time required by law for payment of taxes upon real estate.

66.0809(3)(d) (d) Under this subsection, if an arrearage is for utility service furnished and metered by the utility directly to a manufactured home or mobile home unit in a licensed manufactured and mobile home community, the notice shall be given to the owner of the manufactured home or mobile home unit and the delinquent amount becomes a lien on the manufactured home or mobile home unit rather than a lien on the parcel of real estate on which the manufactured home or mobile home unit is located. A lien on a manufactured home or mobile home unit may be enforced using the procedures under s. 779.48 (2).

66.0809(3)(e) (e) This subsection does not apply to arrearages collected using the procedure under s. 66.0627.

66.0809(3)(f) (f) In this subsection, "metered" means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.

66.0809(3m) (3m)

66.0809(3m)(a) (a) If sub. (5) applies and a notice of arrears under sub. (3) (a) is given or past-due charges are certified to the comptroller under s. 62.69 (2) (f), on the date the notice of arrears is given, or the past-due charges are certified under s. 62.69 (2) (f), the municipality has a lien upon the assets of each tenant of a rental dwelling unit who is responsible for arrears in the amount of the arrears, including any penalty assessed pursuant to the rules of the utility.

66.0809(3m)(b) (b) The department in charge of the utility shall provide a notice to each tenant against whom the municipality has a lien. The notice shall be in writing and shall state the amount of arrears including any penalty assessed pursuant to the rules of

the utility, that the tenant is subject to a lien upon his or her assets for arrears for which he or she is responsible, that the lien will transfer to the owner of the rental dwelling unit if the owner pays the arrears, and that the lien will be enforceable upon the filing of the lien with the clerk of courts.

66.0809(3m)(c) If par. (a) applies, prior to December 17, the municipality shall file with the clerk of courts a list of tenants of rental dwelling units responsible for arrears and against whom the municipality continues to have a lien. No action to enforce a lien under par. (a) may be maintained unless a notice of lien is filed under this paragraph.

66.0809(3m)(d) If par. (a) applies and the owner of the rental dwelling unit has paid the municipality the amount provided in the notice of arrears given under sub. (3) (a), or certified to the comptroller under s. 62.69 (2) (f), or the amount placed as tax against the real estate under sub. (3) (b) or s. 62.69 (2) (f), the lien under par. (a) transfers to the owner of the rental dwelling unit and the municipality no longer has a lien against the tenant.

66.0809(3m)(e) An owner of a rental dwelling unit who has a lien under par. (d) may file a notice of lien with the clerk of court of the county in which the rental dwelling unit is located not more than 6 months after the date the lien arose under par. (a). The clerk of courts shall file and enter the notice of lien in the judgment and lien docket. No action to enforce a lien under par. (d) may be maintained unless a notice of lien is filed under this paragraph.

66.0809(3m)(f) Within 7 days after a lien established and filed under this subsection is satisfied, the lienholder shall file with the clerk of courts a notice of lien satisfaction.

66.0809(4) (4) A municipal utility may use the procedures under sub. (3) to collect arrears for electric service only if one of the following applies:

66.0809(4)(a) The municipality has enacted an ordinance that authorizes the use of the procedures under sub. (3) for the collection of arrears for electric service provided by the municipal utility.

66.0809(4)(b) In 1996, the municipality collected arrears for electric service provided by the municipal utility using the procedures under s. 66.60 (16), 1993 stats. 66.0809(5) (5)

66.0809(5)(a) This subsection applies only if all of the following conditions are met:

66.0809(5)(a)1. Water or electric utility service is provided to a rental dwelling unit.

66.0809(5)(a)1m. The water or electric utility service is provided by a town sanitary district created under subch. IX of ch. 60 that has sewerage connections serving more than 700 service addresses, by a public inland lake protection and rehabilitation district under subch. IV of ch. 33 that has sewerage connections serving more than 700 service addresses or by a municipal public utility.

66.0809(5)(a)2. The owner of the rental dwelling unit notifies the utility in writing of the name and address of the owner.

66.0809(5)(a)3. The owner of the rental dwelling unit notifies the utility in writing of the name and address of the tenant who is responsible for payment of the utility charges.

66.0809(5)(a)4. If requested by the utility, the owner of the rental dwelling unit provides the utility with a copy of the rental or lease agreement in which the tenant assumes responsibility for the payment of the utility charges.

66.0809(5)(am) A municipal public utility shall send bills for water or electric service to a customer who is a tenant in the tenant's own name. If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past-due notices to the customer at his or her forwarding address until the past-due charges are paid or until notice has been provided under sub. (3) (a) or the past-due charges have been certified to the comptroller under s. 62.69 (2) (f).

66.0809(5)(b) A municipal public utility may use sub. (3) or, if s. 62.69 applies, s. 62.69 (2) (f), to collect arrears incurred after the owner of a rental dwelling unit has provided the utility with written notice under par. (a) if the municipal public utility serves the date on which the tenant's charges became past due. The municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

66.0809(5)(bm) No earlier than 14 days after receiving a notice under par. (b) of a tenant's past-due charges for electric service, the owner of a rental dwelling unit may request that the municipal utility terminate electric service to the rental dwelling unit. Except as provided under rules of the public service commission relating to disconnection of service and subject to the procedural requirements under those rules, unless all past-due charges are paid, the municipal utility shall terminate electric service to the rental dwelling unit upon receipt of a request under this paragraph. This paragraph does not apply if a municipal public utility does not use the procedures under sub. (3) to collect the past-due charges.

66.0809(5)(c) A municipal public utility may demonstrate compliance with the notification requirements of par. (b) by providing evidence of having sent the notice by U.S. mail or, if the person receiving the notice has consented to receive notice in an electronic format, by providing evidence of having sent the notice in an electronic format.

66.0809(5)(d) **(d)** If this subsection applies and a municipal public utility elects to collect arrearages under sub. (3) or s. 62.69(2)(f), the municipal public utility shall provide all notices under sub. (3) or s. 62.69(2)(f) to the tenant and to the owner of the property or a person designated by the owner.

66.0809(7) **(7)** A municipal utility may require a prospective customer to submit an application for water or electric service.

66.0809(8) **(8)** A municipal public utility shall disclose to the owner of a rental dwelling unit, upon the owner's request, whether a new or prospective tenant has outstanding past-due charges for utility service to that municipal public utility in that tenant's name at a different address.

66.0809(9) **(9)** A municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement.

66.0809(10) **(10)** A municipal utility may adopt application, deposit, disconnection, or collection rules and practices that distinguish between customers based upon whether the customer owns or leases the property that is receiving utility service where the possibility exists for any unpaid bills of a tenant to become a lien on the property that is receiving utility service.



FOR
Carrie M. Lewis, Superintendent
Milwaukee Water Works

Very truly yours,

If you have any questions, please contact Ms. Nichelle Jackson at ext. 2828.

Please Note: Code 9D only includes MMSD charges which are accounted for in Fund 46.

Fund	Code	Accounts	Amount
41	93	16,019	\$8,184,760.21
46	9D	15,537	\$5,240,400.42
01	85	25,562	\$10,657,958.66
49	8T	19,237	\$7,208,608.25
			\$31

In response to your letter dated September 24, 2015, following are the final totals of the number of items and dollar amount of special charges to be placed on the 2015 tax roll related to Delinquent Water Fees (Code 93), Delinquent MMSD Sewer Charges (Code 9D), Delinquent Solid Waste and Snow & Ice Fees (Code 85) and Delinquent City Sewer and Storm Water Fees (Code 8T).

Dear Mr. Matson:

RE: Placement of Special Charges on the 2015 Tax Roll

Martin Matson, Comptroller
City of Milwaukee
200 East Wells, Room 401

November 16, 2015

Safe, Abundant Drinking Water.

Milwaukee
Water Works