



## Legislation Text

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**File #:** 00581, **Version:** 1

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### **Fiscal Note**

No expenditure necessary.

### **Title**

Authorizing the Mayor and City Clerk to execute an intergovernmental agreement with the City of Fitchburg to the Madison Water Utility to provide public water service to the Boys and Girls Club.

### **Body**

WHEREAS, both Madison and Fitchburg own and operate public water utilities that provide municipal water service to parcels of land within their respective corporate limits, and in other specified areas as authorized by law; and  
WHEREAS, Madison and Fitchburg share an extensive and fragmented common boundary, and a limited exchange of public utility service across that boundary to designated parcels in the other city may be in the public interest when service efficiency and economy conditions exist and the cities mutually agree to such service extensions; and  
WHEREAS, the Boys and Girls Club of Dane County (hereinafter "Club") proposes to construct a new facility near that common boundary that will provide neighborhood services to residents of both cities; said facility will be located on land in Fitchburg (hereinafter the "Parcel"); and the Parcel is not now and cannot be efficiently or economically served by Fitchburg public water, but can be efficiently served by existing, nearby Madison Water Utility mains; and  
WHEREAS, Madison and Fitchburg find this new Club facility to be in the public interest, and wish to enter into an agreement that will most efficiently and economically provide essential municipal water service to the Parcel and new Club facility, and any future users of the Parcel; and  
WHEREAS, Section 66.0301, Wis. Stats., authorizes cities to contract for the receipt or furnishing of municipal services and the joint exercise of mutual powers and duties, and, under Section 66.0813(3), Wis. Stats., municipalities may fix the limits of public water utility service beyond its boundaries, and Madison has done so, under Section 13.16(2)(b), Madison General Ordinances, to designated properties identified by intergovernmental agreement; and  
WHEREAS, pursuant to the above-mentioned authority, Madison and Fitchburg agree that the Madison Water Utility shall provide public water service to serve the Club or any future user of the Parcel in the City of Fitchburg, at the Club's or any future user's sole cost and in the manner authorized and approved by the Madison Water Utility Engineer, provided that the Club or any future user of the Parcel becomes a Madison Water Utility customer, subject to all Wisconsin Public Service Commission approved Utility rules and applicable Madison General Ordinances relating to said service. Pursuant to Wis. Stat. § 66.0707, in the event the Club or a future user fails to timely pay any outstanding Madison Water Utility charges, Fitchburg hereby agrees to allow Madison to impose a special charge under Wis. Stat. § 66.0627 against the Parcel for the current services rendered. Fitchburg shall collect such special charges in the same manner as it collects the taxes of the municipality and upon receipt by Fitchburg of such special charges, Fitchburg shall immediately pay such collected charges to Madison. Fitchburg shall have no obligation to pay any outstanding charges to Madison, unless and until it receives payment from the Club or any future user of the Parcel.  
NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute an intergovernmental agreement containing the foregoing terms and conditions, in a form approved by the City Attorney.