

The State of Wisconsin

Office of the Secretary of State

VILLAGE - 477

VILLAGE OF CALEDONIA

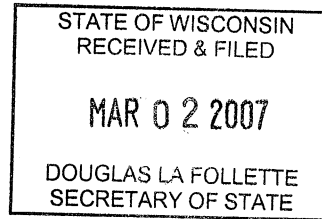
COUNTY OF RACINE

CHARTER ORDINANCE No. 2006-005

FILED March 2, 2007

H O S T A K
◆
H E N Z L
◆
B I C H L E R

ATTORNEYS AT LAW



Robert R. Henzl
Robert H. Bichler
James W. Hill
Stephen J. Smith
Thomas M. Devine
Timothy J. Pruitt
Susan M. Perry
David A. Wolfe
JoAnne Breese-Jaeck
Elaine Sutton Ekes
Christopher A. Geary
Anthony P. Hahn
Geoffrey R. Schiveley
Jessica A. Grundberg

Kenneth F. Hostak
(1930-2005)

March 1, 2007

Wisconsin Secretary of State
Attention: Tineisha
P.O. Box 7848
Madison, WI 53707-7848

RE: Village of Caledonia
Charter Ordinance 2006-005 – Relating to Utility District Commissions

Dear Tineisha:

Enclosed please find an original and one copy of the certification and Charter Ordinance 2006-005 on behalf of the Village of Caledonia. Please file this document with the Office of the Secretary of State and return a filed copy to our office in the envelope provided.

Thank you for your attention to this matter.

Sincerely,

HOSTAK, HENZL & BICHLER, S.C.



Timothy J. Pruitt
tp Pruitt@hbb.com
www.muniteam.com

TJP:emw
Enclosures
cc: Ms. Wendy Christensen – Clerk, Village of Caledonia



CALEDONIA

VILLAGE OF CALEDONIA
6922 Nicholson Road
Caledonia, Wisconsin 53108
262-835-4451
262-835-2388 Fax
www.caledoniawi.com

CERTIFICATE

I, Wendy M. Christensen, CMC, being the duly elected Clerk for the Village of Caledonia, certify that the attached is a true and correct copy of Charter Ordinance 2006-005, A Charter Ordinance to Amend, Repeal and Recreate Sections 2-5-8, 2-5-9, and 2-5-10 of the Code of Ordinances for the Village of Racine County, Wisconsin, Relating to Utility District Commissions

Dated this 28th day of February, 2007.

Wendy M. Christensen
Wendy M. Christensen, CMC,
Village Clerk

Subscribed and sworn to before me
this 28 day of February, 2007.

Sharon Chmielinski

Sharon Chmielinski, Notary Public

Racine County, Wisconsin

My commission expires: 5-30-10

STATE OF WISCONSIN
RECEIVED & FILED

MAR 02 2007

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

MAR 02 2007

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

**A CHARTER ORDINANCE TO AMEND, REPEAL, AND RECREATE
SECTIONS 2-5-8, 2-5-9, AND 2-5-10 OF THE CODE OF ORDINANCES FOR
THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN,
RELATING TO UTILITY DISTRICT COMMISSIONS**

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

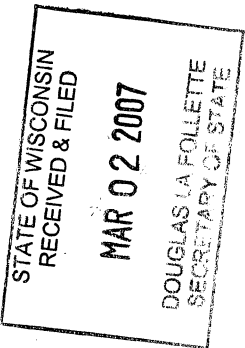
1. That pursuant to Sections 66.0101 and 61.34, Wis. Stats., the Village of Caledonia elects not to be governed by any portion of Section 66.0805, Wis. Stats., relating to the management of a municipal public utility to the extent, if any, that said section may be in conflict with this charter ordinance.
2. That Section 2-5-8 of the Code of Ordinances for the Village of Caledonia be, and hereby is, repealed and recreated to read as follows:

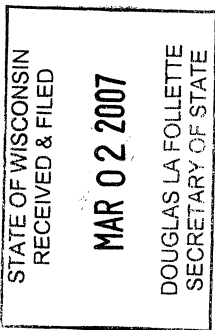
**“SEC. 2-5-8 CALEDONIA EAST SEWER AND WATER UTILITY DISTRICTS
AND CALEDONIA WEST SEWER AND WATER UTILITY
DISTRICTS.**

- (a) **Creation.** There shall be two sewer utility districts and two water utility districts for a portion of the Village of Caledonia organized pursuant to the Wisconsin Statutes, which shall be known as “Caledonia East Sewer Utility District,” “Caledonia West Sewer Utility District,” “Caledonia East Water Utility District,” and “Caledonia West Water Utility District.”
- (b) **Commission.** The Caledonia East Sewer and Water Utility Districts and the Caledonia West Sewer and Water Utility Districts shall be governed by one Utility District Commission, comprised of six (6) citizen commissioners appointed for staggered four (4) year terms by the Village Board, each term commencing on May 1, and one (1) Village Board Trustee, who shall serve as a liaison to the Village Board. To the extent practicable, three of the citizen commissioners shall reside within the Caledonia East district boundaries and three shall reside within the Caledonia West district boundaries. Initially, the terms of the various citizen members shall be staggered so that one term shall expire each year. The Village President shall appoint the liaison member, and an alternate liaison member, subject to confirmation by the Village Board. The compensation

paid to the citizen commissioners shall be determined from time to time by resolution of the Village Board. The liaison member shall have the same rights as the other Commission members, and shall be counted in determining the number required for a quorum or whether a quorum is present. The liaison member, and his or her alternate, shall serve a one-year term commencing on May 1st. The commission shall have the following powers and obligations:

- (1) The commission shall have charge and management of the districts subject to the general control and supervision of the Village Board as provided in this section.
- (2) The commission shall prepare a proposed budget for the districts in accord with Sec. 65.90, Wis. Stats., and shall file it with the Village Clerk for review and approval by the Village Board.
- (3) The commission shall choose a president and secretary from its membership. Subject to the appropriations in the budget, as approved by the Village Board, the commission may appoint and establish the compensation of a manager for the districts, may employ and fix the compensation of subordinates as necessary, and may employ the services and fix the compensation of such other agents or consultants as the commission deems necessary or convenient for the operation and management of the districts.
- (4) The commission shall keep books of account in the manner and form prescribed by the accountants retained by the Village and as required by law. Utility expenses shall be audited by the commission at its regular meetings, and if approved by the commission and signed by the President and Secretary, shall be paid by the Village Clerk and Treasurer pursuant to Sec. 66.0607, Wis. Stats. The commission may authorize the payment of wages, salaries and such other regular expenses as the commission may determine to be paid as they become due, if approved by the President and Secretary.
- (5) The Village Board, by resolution, may authorize one or more of the utility districts to obtain separate employer identification numbers from the Internal Revenue Service, process their own payroll, and obtain separate insurance. If so authorized, the commission shall establish appropriate personnel policies and provide for the retention of confidential personnel files. The Village Board may also authorize the utilities to pay approved utility expenses from separate bank accounts established by the Village Board for that purpose.
- (6) The commission shall have authority to enter into contracts as are necessary or convenient for the management and operation of the districts; provided, however, that contracts for any purchase, service, or project that





involves an expenditure of \$15,000.00 or more shall be subject to prior approval by the Village Board.

- (7) The commission shall have the authority to administer each district and set such rules and regulations for the operation of each district and the delivery of services within each district as are authorized by law. The commission may also adopt rules for its own governance. All such rules and regulations shall be subject to approval by the Village Board and shall be kept in printed form, and a copy shall be filed with the Village Clerk as a public record.

- (c) **Obligations to District.** Nothing in this section shall be construed as discharging any person, firm, corporation, or organization from any obligation to the Caledonia East Sewer and Water Utility Districts or the Caledonia West Sewer and Water Utility Districts, or their predecessor utility districts, incurred prior to the enactment of this section, including, but not limited to, compliance with the rules and regulations of the district, payments of any monies owing to the district and performance of any contracts entered into with the district. Nothing herein shall affect the obligations that the district has as to any outstanding bond issuances or other debt obligations.

- (d) **District Boundaries.** The boundaries of the four utility districts shall be established by resolution of the Village Board.”

3. That Section 2-5-9 of the Code of Ordinances for the Village of Caledonia be, and hereby is, deleted in its entirety.

4. That Section 2-5-10 of the Code of Ordinances for the Village of Caledonia be, and hereby is, deleted in its entirety.

5. That Section 2-5-11 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered as 2-5-9.

6. That Section 2-5-12 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered as 2-5-10.

7. Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

8. All ordinances in conflict with any provisions of this ordinance are hereby repealed.

9. This Charter Ordinance shall take effect sixty (60) days after its passage and publication, unless within such sixty days a referendum petition shall be filed as provided in Section 66.0101, Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon as provided by Section 66.0101, Wis. Stats.

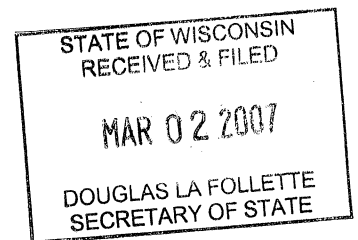
This Charter Ordinance was approved by the Village Board of the Village of Caledonia by at least a two-thirds (2/3) vote of the Village Board on this 19th day of December, 2006.

VILLAGE OF CALEDONIA

By: Jonathan Delagrave
Jonathan Delagrave, President

Attest: Wendy M. Christensen
Wendy M. Christensen, Clerk, CMC

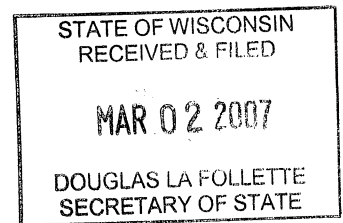
770272.100 (Title 2, Sec. 5 - 12/5/06)



Steps to Alter A Utility District Under §66.0827

- (1) Resolution to Institute Proceedings to Alter Utility District Boundaries adopted by the Village Board, which schedules a public hearing.
- (2) Notice of Public Hearing: (a) is published as a Class 1 notice under ch. 985, and (b) a copy shall be mailed at least 10 days before the hearing to every interested person (i.e., to each owner whose property may be added to the district).
- (3) A public hearing is held not less than 10 nor more than 40 days after publication of the notice.
- (4) Resolution to Alter Boundaries of Utility District is adopted by the Village Board (requires a 3/4 vote to pass).

730852.001 (61)



1st Pub. Dec 27, 11
Charter Ordinance
No. 2006-005
A CHARTER ORDINANCE
TO AMEND, REPEAL,
AND RECREATE
SECTIONS 2-5-8, 2-5-9,
AND 2-5-10 OF THE
CODE OF ORDINANCES
FOR THE VILLAGE OF
CALEDONIA, RACINE
COUNTY, WISCONSIN,
RELATING TO UTILITY
DISTRICT
COMMISSIONS

The Village Board of
the Village of Caledonia,
Racine County, Wisconsin,
do ordain as follows:

1. That pursuant to Sections 66.0101 and 61.34, Wis. Stats., the Village of Caledonia elects not to be governed by any portion of Section 66.0805, Wis. Stats., relating to the management of a municipal public utility to the extent, if any, that said section may be in conflict with this charter ordinance.

2. That Section 2-5-8 of the Code of Ordinances for the Village of Caledonia be, and hereby is, repealed and recreated to read as follows:

"SEC. 2-5-8 CALEDONIA
EAST SEWER AND WATER
UTILITY DISTRICTS AND
CALEDONIA WEST
SEWER AND WATER UTILITY
DISTRICTS.

(a) **Creation.** There shall be two sewer utility districts and two water utility districts for a portion of the Village of Caledonia organized pursuant to the Wisconsin Statutes, which shall be known as "Caledonia East Sewer Utility District," "Caledonia West Sewer Utility District," "Caledonia East Water Utility District," and "Caledonia West Water Utility District."

(b) **Commission.** The Caledonia East Sewer and Water Utility Districts and the Caledonia West Sewer and Water Utility Districts shall be governed by one Utility District Commission, comprised of six (6) citizen commissioners appointed for staggered four (4) year terms by the Village Board, each term commencing on May 1, and one (1) Village Board Trustee, who shall serve as a liaison to the Village Board. To the extent practicable, three of the citizen commissioners shall reside within the Caledonia East district boundaries and three shall reside within the Caledonia West district boundaries. Initially, the terms of the various citizen members shall be staggered so that one term shall expire each year. The Village President shall appoint the liaison member, and an alternate liaison member, subject to confirmation by the Village Board. The compensation paid to the citizen commissioners shall be determined from time to time by resolution of the Village Board. The liaison member shall have the same rights as the other Commission members, and shall be counted in determining the number required for

a quorum or whether a quorum is present. The liaison member, and his or her alternate, shall serve a one-year term commencing on May 1st. The commission shall have the following powers and obligations:

(1) The commission shall have charge and management of the districts subject to the general control and supervision of the Village Board as provided in this section.

(2) The commission shall manage a...

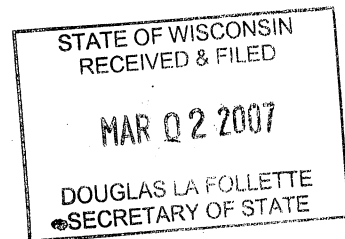
STATE OF WISCONSIN)
SS.
COUNTY OF RACINE)

Donna Melby being first duly sworn, on oath says she is one of the chief clerks of Lee Enterprises, Incorporated, a foreign corporation, licensed to do business in Wisconsin, and which corporation is the publisher, printer, and owner of the Journal Times, a daily newspaper printed and published in the City of Racine, Racine County, Wisconsin; affiant further states that this affidavit on behalf of said corporation is made in compliance with Sec. 985.12 of the Wisconsin Statutes, and that the notice (or other legal publication), a true copy of which is hereto attached, was printed and published in the Journal Times one day, the publication having been made on December 27, 2006.

Donna Melby

Subscribed and sworn to before me this 27 day of December, 2006.

Christine L. Hann
Notary Public, Racine Co., Wisconsin
My Commission Expires 11-25-07



shall have charge and management of the districts subject to the general control and supervision of the Village Board as provided in this section.

(2) The commission shall prepare a proposed budget for the districts in accord with Sec. 65.90, Wis. Stats., and shall file it with the Village Clerk for review and approval by the Village Board.

(3) The commission shall choose a president and secretary from its membership. Subject to the appropriations in the budget, as approved by the Village Board, the commission may appoint and establish the compensation of a manager for the districts, may employ and fix the compensation of subordinates as necessary, and may employ the services and fix the compensation of such other agents or consultants as the commission deems necessary or convenient for the operation and management of the districts.

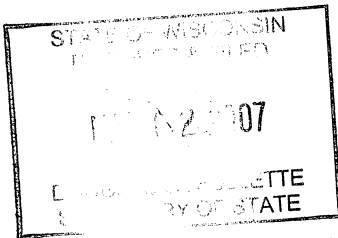
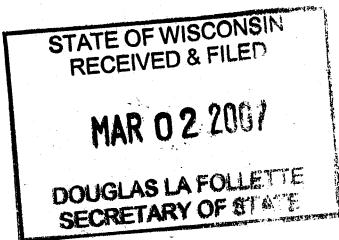
(4) The commission shall keep books of account in the manner and form prescribed by the accountants retained by the Village and as required by law. Utility expenses shall be audited by the commission at its regular meetings, and if approved by the commission and signed by the President and Secretary, shall be paid by the Village Clerk and Treasurer pursuant to Sec. 66.0607, Wis. Stats. The commission may authorize the payment of wages, salaries and such other regular expenses as the commission may determine to be paid as they become due, if approved by the President and Secretary.

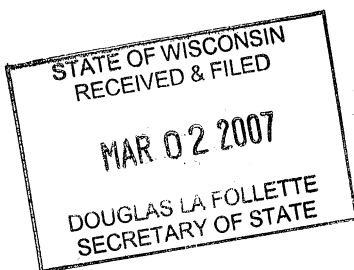
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(7) The commission shall have the authority to administer each district and set such rules and regulations for the operation of each district and the delivery of services within each district as are authorized by law. The commission may also adopt rules for its own governance. All such rules and regulations shall be subject to approval by the Village Board and shall be kept in printed form, and a copy shall be filed with the Village Clerk as a public record.

(c) **Obligations to District.** Nothing in this section shall be construed to create a corporation, or organization from any obligation to the Caledonia East





the Village Clerk as a public record.

(c) **Obligations to District.** Nothing in this section shall be construed as discharging any person, firm, corporation, or organization from any obligation to the Caledonia East Sewer and Water Utility Districts or the Caledonia West Sewer and Water Utility Districts, or their predecessor utility districts, incurred prior to the enactment of this section, including, but not limited to, compliance with the rules and regulations of the district, payments of any monies owing to the district and performance of any contracts entered into with the district. Nothing herein shall affect the obligations that the district has as to any outstanding bond issuances or other debt obligations.

(d) **District Boundaries.** The boundaries of the four utility districts shall be established by resolution of the Village Board."

3. That Section 2-5-9 of the Code of Ordinances for the Village of Caledonia be, and hereby is, deleted in its entirety.

4. That Section 2-5-10 of the Code of Ordinances for the Village of Caledonia be, and hereby is, deleted in its entirety.

5. That Section 2-5-11 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered as 2-5-9.

6. That Section 2-5-12 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered as 2-5-10.

7. Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

8. All ordinances in conflict with any provisions of this ordinance are hereby repealed.

9. This Charter Ordinance shall take effect sixty (60) days after its passage and publication, unless within such sixty days a referendum petition shall be filed as provided in Section 66.0101, Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon as provided by Section 66.0101, Wis. Stats.

This Charter Ordinance was approved by the Village Board of the Village of Caledonia by at least a two-thirds (2/3) vote of the Village Board on this day of December, 2006.

VILLAGE OF CALEDONIA

By: Jonathan Delagrave,
President

Attest:

Wendy M. Christensen,
Clerk, CMC
770272.100 (Title 2, Sec. 5
12/5/06)

LOVING MOM has open
ings to watch your child
near Hwy 31 & 3 Mile Rd
752-9730 / 262-488-1331

CHILD CARE