

The State of Wisconsin

Office of the Secretary of State

V 477

Village of Caledonia

Racine County

Charter Ordinance No. 2011-002

Relating to Compensation to Terms for Appointment to Various Commissions, Committees
and Boards

Filed January 6, 2012

Charter Ord.

V477



PRUITT, EKES & GEARY, S.C.

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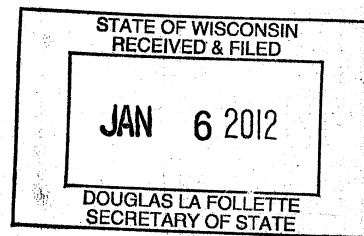
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January 4, 2012



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

RE: Village of Caledonia v. Charter Ordinance 2011-002
Relating to Compensation to Terms for Appointment
To Various Commissions, Committees and Boards

Government Records:

Enclosed please find an original and one copy of the Certification of Charter Ordinance 2011-002 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,

PRUITT, EKES & GEARY, S.C.

Elaine Sutton Ekas
esekes@peglawfirm.com

ESE:emz

Enclosures

cc: Ms. Karie Torkilsen – Clerk, Village of Caledonia

JAN 6 2012

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

CERTIFICATE

I, Karie Torkilsen, being the duly elected Clerk for the Village of Caledonia, certify that the attached is a true and correct copy of Charter Ordinance 2011-002, A Charter Ordinance of the Village Board of the Village of Caledonia Amending Sections 2-5-1(a) and (e), 2-5-3(b)(1) and (3), 2-5-4(c), 2-5-5(b)(2), 2-5-7(b), 2-5-8(b), and 2-5-9(b) of the Code of Ordinances for the Village of Caledonia, Racine County, Wisconsin, relating to the compensation and the terms for appointments to various Commissions, Committees and Boards.

Dated this 27th day of December, 2011.

Karie Torkilsen

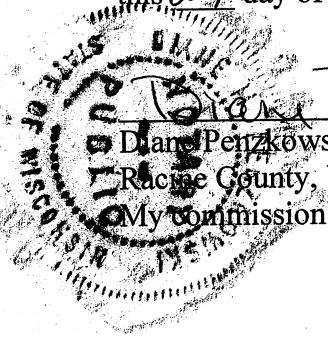
Karie Torkilsen
Village Clerk

Subscribed and sworn to before me
this 27 day of December, 2011.

Diane Penzkowski

Diane Penzkowski, Notary Public
Racine County, Wisconsin

My commission expires: 5-13-12



Charter Ordinance No 2011-02

A CHARTER ORDINANCE TO AMEND SECTIONS 2-5-1(a) and (e), 2-5-3(b)(1) and (3), 2-5-4(c), 2-5-5(b)(2), 2-5-7(b), 2-5-8(b), and 2-5-9(b) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO THE COMPENSATION AND THE TERMS FOR APPOINTMENTS TO VARIOUS COMMISSIONS, COMMITTEES AND BOARDS.

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

1. That pursuant to the powers granted under Sections 66.0101 and 61.34, Wis. Stats., the Village of Caledonia is amending the compensation and the terms for appointments to various commissions, committees and boards within the Village. The Village previously elected and continues to elect not to be governed by any portion of Sec. 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 the charter ordinance.

2. That Sec. 2-5-1(a) and (e) of the Code of Ordinance for the Village of Caledonia relating to the Board of Review be, and hereby are, amended to read as follows:

“(a) **Membership.** The Board of Review shall consist of the Village Clerk and four (4) residents of the Village to be appointed by the Village Board for a term of three (3) years, and one alternate member who is also a resident of the Village. The alternate member shall serve on the Board of Review when standing members are removed from individual cases pursuant to Section 70.47(6m) of the Wisconsin Statutes. The alternate member is to be appointed by the Village Board, and shall serve for a term of three years.”

“(e) **Compensation.** The members of the Board of Review, except members who are full-time employees or officers of the Village, shall serve without compensation.”

3. That Sec. 2-5-3(b)(1) and (3) of the Code of Ordinance for the Village of Caledonia relating to the Plan Commission be, and hereby are, amended to read as follows:

“(1) The Village Plan Commission shall consist of seven (7) members who shall serve without compensation. Membership of the Plan Commission shall include the Village President, one Village Trustee and five (5) citizen members who have recognized experience and qualifications but are not Village officials.”

“(3) Each citizen member shall serve a three (3) year term, commencing May 1st. Initially, the terms of various members shall be staggered for one, two and three years so that a proportionate number of terms shall expire each year.”

4. That Sec. 2-5-4(c) of the Code of Ordinance for the Village of Caledonia relating

to the Board of Police and Fire Commissioners be, and hereby is, amended to read as follows:

“(c) **Membership.** The Board of Police and Fire Commissioners shall be organized in the same manner as prescribed in Sec. 62.13(1), Wis. Stats., except as provided in this subsection. The Board shall consist of five (5) citizens, three (3) of whom shall constitute a quorum. The President of the Village of Caledonia, subject to confirmation by the Village Board, shall annually by March 30th, appoint in writing to be filed with the Secretary of the Board, one (1) member for a term of five (5) years. The initial appointment shall be of the required five (5) members, each for varying terms from one (1) to five (5) years. Terms shall commence on May 1st; provided, however, the initial appointments shall commence upon appointment and qualification. No appointment shall be made which will result in more than three (3) members of the Board belonging to the same political party.”

5. That Sec. 2-5-5(b)(2) of the Code of Ordinance for the Village of Caledonia relating to the Parks and Recreation Commission be, and hereby is, amended to read as follows:

“(2) Each citizen member shall serve a three (3) year, staggered term, commencing on May 1st of the year of the appointment unless appointed to fulfill a term of a member who had left during his or her term. Initially two (2) citizen members shall be appointed for a one (1) year term, two (2) citizen members shall be appointed for a two (2) year term and two (2) citizen members shall be appointed for three (3) years in order to stagger the terms. Thereafter, each year two (2) citizen members shall be appointed for staggered three (3) year terms, each term commencing May 1st. The Trustee and all citizen members shall be appointed by the Village Board. The Village Board liaison member, and his or her alternative, shall serve a one-year term commencing May 1st.”

6. That Sec. 2-5-7(b) of the Code of Ordinance for the Village of Caledonia relating to the Caledonia Economic Development Committee be, and hereby is, amended to read as follows:

“(b) **Membership.** The committee members shall be comprised of the President of the Village Board, one other Village Trustee and five (5) persons from the community, at least three (3) of whom shall be residents of the Village. The members of the committee shall be appointed by the Village President subject to confirmation by the Village Board. Each member shall serve for a three (3) year term, except that of those community members first appointed two (2) shall serve for one year, and three (3) for two (2) years. Each term shall commence on May 1st.”

7. That Sec. 2-5-8(b) of the Code of Ordinance for the Village of Caledonia relating to the Sewer and Water Utility District Commission be, and hereby is, amended to read as follows:

“(b) **Commission.** The Caledonia Sewer and Water Utility Districts shall be governed by one Utility District Commission, comprised of six (6) commissioners who are residents of the Village and reside within one (1) of the utility districts. Current Commissioners not residing within the boundaries of one (1) of the utility districts shall be permitted to complete their term, but may not be reappointed unless residency within a utility district is established. The six (6) Commissioners shall be appointed for staggered three (3) year terms by the Village Board, each term commencing May 1st, and one (1) Village Board Trustee, who shall serve as a liaison to the Village Board. Initially, the terms of the various members shall be staggered so that two terms shall expire each year. Citizen Commissioners currently serving terms on the effective date of this charter ordinance No. 2011-02 may be allowed to continue until the expiration of the appointed four (4) year term and any reappointments or new appointments shall be for the three (3) year terms under this ordinance. 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 \$25,000.00 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.”

8. That Sec. 2-5-9(b) of the Code of Ordinance for the Village of Caledonia relating to the Storm Sewer Utility District Commission be, and hereby is, amended to read as follows:

“(b) **Commission.** The Lake Michigan Storm Sewer Utility District (“LMSSUD”) and the Root River Storm Sewer Utility District (“RRSSUD”) shall be governed by the Caledonia Storm Sewer Utility District Commission, comprised of seven (7) commissioners, one (1) of whom shall be a Village Trustee. The Trustee shall serve a one (1) year term, commencing on May 1st of the year of his or her appointment, and the six (6) citizen members shall be appointed for staggered three (3) year terms, each term commencing on May 1st. The Trustee and all citizen members shall be appointed by the Village Board. Initially, the terms of various citizen members shall be staggered so that two terms shall expire each year. Of the six citizen members, at least two (2) shall

reside in the LMSSUD and two (2) in the RRSSUD. The presence of any four (4) commissioners, when duly assembled, shall constitute a quorum. All Commissioners shall serve on this Commission without compensation. The Trustee shall serve a one (1) year term, commencing on May 1st of the year of his or her appointment. The terms of the various citizen members shall be staggered so that two terms shall expire each year. Citizens currently serving terms on the effective date of this ordinance No. 2011-02 may be allowed to continue until the expiration of the appointed six (6) year term and any reappointments shall be for three (3) year terms under this ordinance. Thereafter, the citizen members shall be appointed for staggered three (3) year terms so that two terms expire each year. Each term commences on May 1st. The Trustee and all citizen members shall be appointed by the Village Board. The commission shall have the following powers and obligations:

- (1) The commission shall have charge and management of each district 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 each district 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 for each district in the manner and form prescribed by the accountants retained by the Village and required by law. Utility expenses of each district 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. The Commission shall not have the authority to transfer money from the funds of one district to the other district.
- (5) The commission shall have authority to enter into contracts as are necessary or convenient for the management and operation of each district; 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.
- (6) 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.”

9. 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.

10. Subsections of the various existing ordinances not mentioned above are not changed by this ordinance and remain in full force and effect.

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

12. 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 Sec. 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 Sec. 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 the 6th day of December, 2011.

VILLAGE OF CALEDONIA

By: Ronald Coutts
Ronald Coutts, Village President

Attest: Karie Torkilsen
Karie Torkilsen, Village Clerk