

Ordinance No. 2023-21

AN ORDINARY ORDINANCE TO RENUMBER AND TO AMEND ALL SECTIONS OF TITLE 2 CHAPTER 3 OF THE VILLAGE OF CALEDONIA CODE OF ORDINANCES EXCEPT SEC. 2-3-1 GOVERNING THE POWERS, DUTIES, OPERATING PROCEDURES AND COMMITTEES OF THE VILLAGE BOARD FOR THE VILLAGE OF CALEDONIA

WHEREAS, Village staff, prior Village Legislative and Licensing Committee and current Committee of the Whole have been working on revisions to Title 2 Chapter 3 of the Village's Code of Ordinances governing the composition powers, duties, operating procedures and committees of the Village Board;

WHEREAS, the revisions to the Title 2 Chapter 3 have now been recommended by the Committee of the Whole for adoption by the Village Board;

WHEREAS, Sec. 2-3-1 was previously enacted by the Charter Ordinance by the Village Board and can only be amended by Charter Ordinance and the remaining sections of Title 2 Chapter 3 can be renumbered and amended by the adoption of an ordinary ordinance; and

WHEREAS, concurrently with the adoption of this ordinance, the Village will consider and act on a Charter Ordinance to amend Sec. 2-3-1 as follows, which shall become effective sixty (60) days after its passage and publication as provided by Section 66.0101(5) of the Wisconsin Statutes:

SEC. 2-3-1 VILLAGE BOARD; TRUSTEES; ELECTIONS TO.

- (a) **Election.** The Village Board of the Village of Caledonia shall consist of a President and six (6) Trustees. Each office shall have a term of two years. They shall include a President and Trustees numbered One through Six. The President and Trustees One, Three and Five shall be elected in the odd-numbered years. Trustees Two, Four and Six shall be elected in the even-numbered years. Notwithstanding any other provision of law to the contrary, no person shall be eligible to be nominated, elected or to serve in more than one (1) of the numbered seats for the office of Trustee of the Village of Caledonia at the same time. Notwithstanding any other provision of law to the contrary, no person shall be eligible to serve in one (1) of the numbered seats and as President at the same time.
- (b) **Acting President.** The President may designate another Trustee to chair Village Board meetings in his absence or when they remove themselves temporarily from the chair for purposes of debate or the making or seconding of a motion. This Section does not require the President to remove himself from the chair in order to debate or make or second a motion.

NOW THEREFORE, the Village Board of the Village of Caledonia do ordain as follows:

1. That existing Sections 2-3-2 through 2-3-19 are renumbered to be 2-3-2, 2-3-3, 2-3-4, 2-3-5, 2-3-6, 2-3-7, 2-3-8, 2-3-9, 2-3-10, 2-3-11, 2-3-12, 2-3-13, 2-3-14 and 2-3-15 of the Code of Ordinances for the Village of Caledonia be, and hereby are, amended to read as follows:

“SEC. 2-3-2 GENERAL POWERS AND DUTIES OF THE VILLAGE BOARD.

The Village Board shall have charge of all affairs of the Village not committed by law to another body or officer or to Village employee(s) and all powers of a Village as set forth in Wis. Stat. Chapter 61.

SEC. 2-3-3 RESERVED.

SEC. 2-3-4 POWERS AND DUTIES OF VILLAGE BOARD PRESIDENT.

The President shall be, by virtue of the office a Trustee, and preside at all meetings of the Board. The President shall be counted for purposes of a quorum, shall have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the Board and all orders drawn on the Treasury except as provided by Wis. Stat. § 66.0607.

Editor’s Note: The offices of constable and marshal have been abolished already. State law reference: Wis. Stat. § 61.24.

SEC. 2-3-5 INTERNAL POWERS OF THE BOARD.

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and censure Trustees for nonattendance.

SEC. 2-3-6 MEETINGS OF THE VILLAGE BOARD.

Regular meetings of the Village Board shall be as scheduled and noticed by the Village Board. All meetings of the Board shall be held at the Village Hall of the Village of Caledonia unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least twenty-four (24) hours prior to the time specified for the meeting, except as may be allowed under Wis. Stat. § 19.84(3). The Clerk shall cause public notice to be posted in at least one (1) public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the Village no less than twenty-four (24) hours prior to the time specified for the meeting, except as may be allowed under Wis. Stat. § 19.84(3).

SEC. 2-3-7 SPECIAL MEETINGS OF THE BOARD.

Special meetings may be called by the President or by any two (2) Trustees. Unless authorized by the Village President, a request for a special meeting shall be made to the Village Clerk no less than forty-eight (48) hours prior to the specified time of the meeting. The Clerk shall immediately notify all Trustees of the time and place of the meeting and shall cause public notice to be posted in at least one (1) public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the Village no less than twenty-four (24) hours prior to the time specified for the meeting, except as may be allowed under Wis. Stat. § 19.84(3) (for an emergency meeting).

SEC. 2-3-8 OPEN MEETINGS.

All Village Board and Village Committee meetings shall be open to the public pursuant to law and be held in compliance with Wisconsin's Open Meeting Law under Ch. 19 of the Wisconsin Statutes.

State Law Reference: Wis. Stat. Ch. 19, Subch. V

SEC. 2-3-9 QUORUM.

Four (4) Trustees shall constitute a quorum, but a lesser number may adjourn if a majority is not present.

SEC. 2-3-10 PRESIDING OFFICER.

The President shall preside at all meetings of the Village Board when present. In the absence of the President, the Acting President shall preside. In their absence, the Village Board may select another Trustee to preside and, in such case, the Clerk shall call the meeting to order and preside until the Village Board selects a Trustee to preside.

SEC. 2-3-11 MEETING AGENDAS.

- (a) **Agenda Items.** At all meetings, the following items may be addressed in conducting the business of the Village Board:
- (1) Call to Order by presiding officer;
 - (2) Roll call;
 - (3) Minutes of prior meeting(s);
 - (4) Reading and correcting the financial report including accounts payables and credit card charges;
 - (5) Citizen comments;
 - (6) Presentation of petitions and communications;
 - (7) Public hearings;

- (8) Reports from officials of the Village;
 - (9) Reports from committees;
 - (10) Unfinished business remaining from preceding sessions in the order in which it was introduced;
 - (11) New business including ordinances and resolutions may be introduced and considered; new business as may be added and presented by the President, 2 or more Trustees, and/or the Village Administrator;
 - (12) Any other business permitted by law; and
 - (13) Adjournment.
- (b) **Agenda Preparation.**
- (1) The Village Administrator and Village Clerk shall prepare an agenda incorporating the agenda items under subsection 8 and establishing the order of business.
 - (2) There shall be included on said agenda a time for hearing citizens wishing to address the Board;
 - (3) Unless authorized by the Village President, no matter requiring research, investigation or decision shall be placed on the agenda of the Village Board unless a request to do so is made to the Village Administrator or Village Clerk at least forty-eight hours prior to the meeting.
- (c) **Posted Agenda Order to be Followed; Citizen Comments Length.** No business shall be taken up out of order on a posted agenda unless authorized by majority consent of all Trustees present. The President, or presiding officer, may allow citizens to address the Board at any agenda item and may impose a time limit on the length of time citizens may address the Board during citizen comments and at an agenda item.
- (d) **Attendance.** As soon as the Board meeting shall be called to order, the Clerk shall proceed to call the names of the members, noting who are present and who are absent, and whether such absence is excused, and record the same in the minutes of the Village Board. If it shall appear that there is not a quorum present, the fact shall be entered on the minutes and the Board shall adjourn.

SEC. 2-3-12 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinance Adoption Procedures.**
- (1) Ordinances to be in Writing. All ordinances submitted to the Village Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.
 - (2) Subject and Numbering of Ordinances. Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the section number and title of the Ordinance to be amended or

repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.

- (3) Notice. The Village Board may take action on an Ordinance only if it appears on the written agenda for the meeting at which action is requested in order to provide proper legal notice.
 - (4) Reading. An ordinance may, at the discretion of the Village Board, be acted upon at the same meeting it is introduced. An ordinance shall be read by title only before a final vote is taken, unless requested by a Trustee to be read in full.
 - (5) Special Meetings. A reading of an ordinance may be had at any special Village Board meeting called for the purpose of considering such an ordinance or where such ordinance is added to the written agenda providing proper legal notice.
- (b) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk or other Village officer for reference to the Village Board, shall be delivered by the Clerk or such other Village officer to the President or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

SEC. 2-3-13 RULES OF PROCEDURE; CONDUCT OF DELIBERATIONS.

These rules of procedure shall apply in all respects to the Village Board and to the Committee of the Whole as follows:

- (a) **Roll Call Vote**. A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
 - (3) When required by the Wisconsin Statutes.
- (b) **Record of Votes**. All aye and nay votes shall be recorded in the official minutes.
- (c) **Robert's Rules of Order**. Except as provided below and in this Section, the Village Board and Committee of the Whole shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by Ordinance or Wisconsin Statute, except when otherwise limited or modified by this Code of Ordinances:
 - (1) No Trustee shall address the Board until they have been recognized by the presiding officer. They shall thereupon address themselves to the President and confine their remarks to the question under discussion and avoid all personalities.

- (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the Board except under order of business, except that citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.
- (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (d) **Reconsideration.** Any member who voted in the majority as to an agenda item, may move for reconsideration of any vote in question on that agenda item at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- (e) **Call for the Previous Question.** Any member desirous of terminating the debate may call the previous question when the question announced by the President shall be "shall the main question be put?" If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Board to a direct vote, first upon any pending amendment and then upon the main question.
- (f) **Suspension of Rules.** Any of the provisions of Subsections (a)-(e) above may be suspended temporarily by a majority vote of the Village Board members present at any meeting.

SEC. 2-3-14 PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS.

- (a) **General Requirement.** The Village Clerk shall publish as a Class 1 notice under Wis. Stat. Ch. 985, or post in at least one (1) public place in the Village likely to give notice to the public and persons affected and placed electronically on an Internet site maintained by the Village, the following, within one (1) week after passage or adoption, unless otherwise required by applicable Wisconsin Statute:
 - (1) Notice of newly created ordinances adopted by the Village Board that includes the information required under Wis. Stat. § 61.50(3), if published; or if posted, the ordinance must be posted in its entirety.
 - (2) Resolutions if required by another applicable Wisconsin Statute.
- (b) **Exception for Municipal Obligations.** Nothing under Subsection (a) may be deemed to require notice under this Subsection of the passage of any resolution authorizing the issuance of municipal obligations, as defined under Wis. Stat. § 67.01.
- (c) **Requirement for Forfeitures.** If an Ordinance imposes a forfeiture, posting may not be used in lieu of publication under Subsection (a).
- (d) **Effective Upon Publication.** An Ordinance or resolution required to be published or posted under this Section shall take effect the day after its

publication or posting, or at a later date if expressly provided in the Ordinance or resolution.

- (e) **Affidavit of Posting.** If an Ordinance or resolution, is published or posted under this Section, the Village Clerk shall sign an affidavit attesting that the item was published or posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

State Law Reference: Wis. Stat. Ch. 985

SEC. 2-3-15 COMMITTEES OF VILLAGE BOARD.

- (a) **Establishment.** The following committees may be activated by the Village Board from time-to-time:
- (1) Finance;
 - (2) Legislative and Licensing;
 - (3) Personnel;
 - (4) Public Works; and
 - (5) Committee of the Whole.
- (b) **Committee Membership.**
- (1) The Committee of the Whole shall be composed of all six Trustees and the Village President
 - (2) If activated, the remaining standing committees (not the Committee of the Whole) of the Village Board shall consist of at least two (2) members.
 - (3) No trustee shall serve on more than two (2) standing committees (does not apply to Committee of the Whole).
- (c) **Committee Operations.** If activated, this subsection shall govern standing committees (except Committee of the Whole) as follows:
- (1) The President shall appoint members of the Village Board to the standing committees which shall consist of all of the members of the Village Board.
 - (2) Appointments shall be made annually following election of members to the Village Board. In addition, at their pleasure, from time-to-time the Village President may remove members and appoint other members to the committees.
 - (3) The President shall designate one of the members of a committee as Chairperson of the committee.
 - (4) The President shall be an ex officio, non-voting member of any committee of which he or she is not otherwise a member. However, the President shall be entitled to vote on all matters presented to the Board. The President, at the request of the committee chairperson, shall be considered in determining if a committee quorum is present only if his presence is needed to obtain a quorum and in which case, he shall be entitled to vote on said committee. In those instances,

where the President is not needed to make a quorum, he may still vote to break a tie vote of committee members.

- (5) If an appointed member of a committee is absent, the committee member may designate an alternate member of the Village Board to attend one or more committee meetings on his or her behalf so that the committee meeting can proceed as scheduled. In the absence of a designation of an alternate member, the Village President may act under subsection (4) above or may designate a member of the Village Board to act as an alternate for the appointed member for one or more meetings during an absence of the appointed member. Any alternates designated hereunder shall be counted for purposes of determining a quorum and shall have the same powers to vote on all matters that may come before the committee.

(d) **Meetings.**

- (1) Meetings of committees shall be noticed, held and recorded (minutes) in accord with the Open Meetings of Governmental Bodies, Wis. Stat. § 19.83.
- (2) The chairperson of the committee shall be responsible for setting the agenda for the committee meetings.
- (3) A majority of the members of a committee shall constitute a quorum for purposes of a committee meeting. If after a meeting is called to order with a quorum being present, one or more members shall depart so that there shall be less than a quorum present, the remaining member or members shall constitute a quorum merely for the purpose of taking information. Such a lesser quorum shall not take any other action on any matters.

(e) **General Duties and Powers.**

- (1) Each standing committee shall study, conduct investigations, and make recommendations and shall perform such other duties as the Village Board may from time-to-time direct relative to their areas of responsibility, and as set forth in the Village's Code of Ordinances.
- (2) Each standing committee shall meet as necessary with officials of the appropriate departments, boards or commissions.
- (3) In the event of referral to more than one committee, action must be taken separately by each committee, although joint meetings may be held, and joint reports may be issued.
- (4) Each standing committee may refer matters relating to their areas of responsibility to the Village Board.
- (5) Each standing committee shall place an item on its agenda for citizens' comments and shall report to the Village Board such concerns as expressed by citizens. Each standing committee may refer the citizens' comments and inquiries to Village Staff for follow up.

(f) **Reviewing Committee; Review of Applications and Appointments.**

- (1) All appointments, including reappointments to boards, commissions, or to committees, except the standing committees and

the Plan Commission, shall be referred by the President of the Village Board to one or more appropriate standing committees for review and recommendation (the "Reviewing Committee" as used in this Section).

- (2) The Reviewing Committee may take applications, references, and other information from applicants for any of the committee(s). The Reviewing Committee shall then investigate, study and interview prospective appointees and nominees and shall perform such other duties as the Village Board may from time-to-time direct relative to such reviews.
- (3) Any interview of prospective appointees and nominees held by the Reviewing Committee will relate to the applicant's familiarity with the Village, their expertise and qualifications for service on the committee, board, commission, or position in question, their understanding of the rules of procedure and due process, and their philosophy with respect to any issue or concern which the committee, board, commission, or department in question will, in all likelihood, face or be subjected to.
- (4) Said applications and interviews to boards, commissions, and committees, shall take place after the election in April of each year. The Reviewing Committee's recommendations for appointments shall be made prior to first Board meeting in May.

(g) **Oversight Authority and Areas of Responsibility.** If activated, the committees shall perform such duties as follows and as are directed or provided from time-to-time by the Village Board:

- (1) **Finance Committee.** All matters relating to purchasing, finance, taxes, budgets, assessments, audits, insurance, and the sale, lease, purchase or disposition of any Village lands or buildings which are to come before the Village Board shall be referred to the Finance Committee.
- (2) **Legislative and Licensing Committee.** All matters relating to the policies and rules of procedure of the Village Board, intergovernmental relations, intergovernmental communications, pending or proposed legislation and other governmental matters and all matters related to or affecting licenses and permits which are to come before the Village Board shall be referred to the Legislative and Licensing Committee. The committee shall also have the authority to review, hold public hearings and act upon licenses and permits as delegated by the Village Board or applicable ordinance.
- (3) **Personnel Committee.** All matters relating to personnel matters arising out of Wisconsin Statutes Chapter 111, employment relations, employee classification, reclassification, labor contracts, collective bargaining, employee safety and working conditions, insurance related to employee benefits and risk management which

are to come before the Village Board shall be referred to the Personnel Committee.

- (4) **Public Works.** All matters relating to highways, streets, dams, parks, recreation, and the Department of Public Works and all matters relating to major repairs, remodeling, expansion, construction, demolition, purchase, sale or lease of all Village buildings and grounds which are to come before the Village Board shall be referred to the Public Works Committee.”

2. That this ordinary ordinance shall become effective upon adoption and publication as provided by law

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 12 day of December, 2023.

VILLAGE OF CALEDONIA

By: Thomas R. Weatherston
Thomas Weatherston, Village President

Attest: Megan O'Brien
MEGAN O'BRIEN, Deputy Clerk