

BY-LAWS
BIG ROCHE-A-CRI
LAKE PROTECTION AND REHABILITATION DISTRICT

PREFACE

In keeping with the resolution of the Town of Preston Board of Supervisors that created the Big Roche-A-Cri Public Inland Lake Protection and Rehabilitation District, the electors of the said Big Roche-A-Cri Lake District do adopt these By-Laws. The purpose of these By-Laws is to define and regulate the activities of the Lake District, its officers and committees. These By-Laws shall at all times be interpreted in a manner consistent with the laws of the State of Wisconsin and Chapter 33 of the Wisconsin Statutes under which the District was created and operates. Sections of the Statutes are cited in brackets throughout these By-Laws.

ARTICLE I – ELECTORS

Section 1 – Residents: Every resident of the District, whether or not an owner of real property, who is eligible to vote in general elections, shall be an eligible elector of the District.

Section 2 – Non Residents: Non residents may vote if they are U.S. citizens, 18 years of age or older and meet any of the following requirements: (1) the person's name appears as an owner of real property on the tax roll; (2) the person owns title to real property but the person's name does not appear as an owner of real property on the tax roll; (3) the person is an official representative, officer or employee who is authorized to vote on behalf of a trust, foundation, corporation, association or organization that owns real property in the district. [Sec. 33.01 (9) (ar)]

ARTICLE II – VOTING

Section 1 – Multiple Voting: Any elector may cast only one vote on any question called to a vote.

Section 2 – Casting Ballots: An elector must be present at the meeting at the time the vote is called in order to vote. No elector may vote by proxy or absentee ballot or referendum. All votes shall be counted by a show of hands, unless otherwise specified by Statute or in these By-Laws.

ARTICLE III – ANNUAL MEETING AND BUDGET HEARING

Section 1 – Time and Place: The annual meeting and budget hearing of the District shall be held between May 22 and September 8 at a time and place selected by the District Board of Commissioners, here in after referred to as the

Board, unless the date has been set by majority vote of the previous annual meeting. [Sec 33.30 (1) and 65.90 (1)]

Section 2 – Notice: A written notice of the annual meeting and budget hearing shall be mailed at least 10 days in advance of the meeting to all electors and property owners whose names appear on the tax roll and to the Department of Natural Resources and the University of Wisconsin Extension. A summary of the proposed budget and notice of the place where such budget in detail is available for public insertion, and notice of the time and place of the annual meeting and budget hearing shall be published twice in a paper of general circulation in the area. The first insertion shall be at least 15 days before the meeting and the second insertion shall be the following week, at least 7 days before the meeting. [Sec 33.30 (2) and 65.90 (3)]

Section 3 – Nomination of Commissioners: The Board shall nominate candidates to fill all vacancies on the Board. If none of the commissions whose terms do not expire are resident electors, then two of the candidates shall be resident electors. If no resident elector is willing to be elected, the residency requirement may be waived for that term. [Sec 33.20 (2)] The minimum number of candidates nominated by the Board shall be equal to the number of vacancies plus one. Any three electors may nominate additional candidates by submitting written nomination papers to the secretary at least 45 days prior to the annual meeting. The names of all nominated candidates shall appear on the written and published notices of the annual meeting.

Section 4 – Eligibility of Commissioners: the annual meeting can elect to the office of commissioners any elector. [Sec 33.28 (2) and 33.285]

Section 5 – Electing Commissioners: Electors could vote to elect 5 commissioners. [33.28 (2m)(a)] At the first annual meeting, the electors shall elect three commissioners to the Board. The candidate receiving the greatest number of votes shall be elected to a three year term. The candidate receiving the second greatest number of votes shall be elected to a two year term. The candidate receiving the third greatest number of votes shall be elected to a one year term. At subsequent annual meetings, the electors shall elect one commissioner to fill each vacancy on the Board [Sec 33.3 (3) (a)] When a commissioner's term of office has expired, his successor shall be elected to a three year term. [Sec 33.28 (2)] If a commissioner leaves office before the expiration of his term, his elected successor shall serve only the remainder of the unexpired term. In any year in which more than one vacancy exists, the candidate receiving the greater number of votes shall be elected to the three year term; the candidate received the second greatest number of votes shall be elected to the next longest; and the candidate receiving the third greatest number of votes shall be elected to the shortest term vacancy, if any. One of the three elected commissioners must be a resident of the District. [Sec 33.28 (2)] If no resident is willing to be nominated, this requirement can be waived for the term

for which that person is elected. [Sec 33.28 (2) (c)] If none of the commissioners whose term do not expire, is a resident elector, then the resident elector receiving the greater number of votes shall be elected to the three year term. All elections for the office of commissioner shall be conducted by secret, written ballot. Commissioners shall assume their office immediately following the annual meeting at which they are elected.

** It takes a unanimous vote to waive the secret, written ballot requirement.**

Section 6 – Annual. Budget and Tax: At the annual meeting and budget hearing, the Board shall present a proposed budget and tax for the coming calendar year. The budget shall separately identify capital costs and costs of operation of the district, and shall specify any item that has a cost to the district in excess of \$10,000.00. [Sec 33.30 (3) (b)] [33.30 (4) (a)], [65.90 (2)] The electors of the District shall approve the budget and vote the tax as proposed or modify the budget and change the tax accordingly. The property tax levy of the District shall not exceed a rate of 2.5 mills of equalized valuation. [Sec 33.30 (3) (c)], [Sec 65.90 (2)] The annual meeting may direct the Board to adopt and collect special charges or special assessments.

Section 7 – Other Business: The annual meeting shall take up and consider such other business as comes before it. [Sec 33.30 (2) (e)]

ARTICLE IV – POWERS OF THE DISTRICT

Section 1 – General Powers of a Body Corporate: The District may sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold or dispose of real or personal property, disburse money, contract debt and do such other acts as are necessary to carry out a program of lake protection and rehabilitation. [Sec 33.22 (1)]

Section 2 – Specific Lake Management Powers: The District may conduct a feasibility study, adopt a plan, and carry out implementation work including but not limited to aeration, nutrient diversion, nutrient removal or inactivation, erosion control, sediment manipulation including dredging, and bottom treatments. [Sec 33.13-15]

ARTICLE V – DISTRICT BOARD OF COMMISSIONERS

Section 1 – Composition: The affairs of the District shall be managed by the Board of Commissioners which shall consist of seven persons. Five shall be elected as provided in Article III, Section 5 and one each shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District. [Sec. 33.28 (1) (2) and Sec. 33.33 (1)]

Section 2 – Open Meetings: The Board shall meet at least quarterly, and at other times on the call of the chairman or the petition of three of the commissioners.

[Sec. 33.28 (5)] Meetings shall be open and proper notice given in accordance with legislation governing meetings of the public bodies. {Sec. 1981-98]

Section 3 – Quorum and Vacancies: Three commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to borrow money. The chairman shall appoint an elector to fill any vacancies until the next annual meeting.

Section 4 – Function: The Board shall conduct all business of the District not specifically reserved to the electors of the District, and shall carry out the provisions of these By-Laws and Chapter 33 of the Wisconsin Statutes, and shall carry out the mandates of the annual meeting.

Section 5 – Officers: At the first Board meeting immediately following each annual meeting of the District, the Board shall elect a chairperson, a secretary, and a treasurer from among its members. [Sec. 33.28 (3)]

1. The Chairperson shall preside at the annual and special meetings, all meetings of the Board and all public hearings held by the Board. [Sec 33.89 (3) (a)]
2. The Secretary shall keep minutes of all meetings of the District and the Board and hearings held by it, shall annually provide the University of Wisconsin Extension (Environmental Resources Unit) with names and addresses of commissioners, and by copy of said list shall annually notify the Department of Natural Resources (Office of Inland Lake Renewal) of the continued existence of the District. [Sec.33.29 (3) (b)]
3. The treasurer shall receive and take charge of all monies of the District, and pay out the same only on order of the Board. [Sec. 33.29 (3) (c)]

Section 6 – Compensation: The commissioners shall receive no remuneration for their service in office, but a commissioner shall be paid for actual and necessary expenses incurred while conducting the business of the District.

Section 7 – Powers and Duties: The Board shall be responsible for:

1. Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shorelands and the drainage basin. [Sec. 33.29 (1) (a)]
2. Planning lake rehabilitation projects. [Sec 33.29 (1) (b)]
3. Contacting and attempting to secure the cooperation of units of general purpose governments in the area for the purpose of enacting

ordinances deemed necessary by the Board to further the objectives of the District. [Sec. 33.29 (1) (c)]

4. Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits thereof. [Sec. 33.29 (1) (e)]
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. [Sec.-33.29 (1) (e)]

The Board shall have control over the fiscal matter of the District, subject to the powers and directives of the annual meeting. The Board shall annually, at the close of the fiscal year, cause an audit to be made for the financial transactions of the District, which shall be submitted to the annual meeting. [Sec. 33.29 (2)] A majority of the commissioners plus one must be present when a resolution is passed to commit the District to borrowing money or to using any other financing method prescribed by law. [Sec. 33.31] The Board may use special assessment or charges for the purpose of carrying out District protection and rehabilitation projects, or for the other lake management activities undertaken by the District. [Sec. 33.32] The Board may exercise its authority to borrow money when in temporary need. [Sec. 33.31] **This explanation is to clarify this section: When money is borrowed the district SHALL levy an “annual irrepealable tax to pay the principal and interest” thereon; and this tax is to be levied without limitation as to the rate or the amount of all taxable property within the district, and MAY NOT be included in the operations tax limit of 2.5 mils. In other words, it appears that the interest and principal payments can be made only from money received by this separate tax, or be included in the unlimited special charges category which is likewise without the 2.5 mils limitation.

ARTICLE VI – PUBLIC BIDDING

Section 1 – LOW BID: All contracts exceeding \$2500 for work or materials shall be let by the Board to the lowest responsible bidder [Sec 33.22 (1)] The manner of soliciting bids and the determination of the irresponsibleness of the bidder shall be at the discretion of the Board. If a bid is accepted which exceeds any other bid by more than 20 percent, the Board must provide a written justification for its action to the next annual meeting

Section 2 – Security Bond: The Board shall require that every contracting party in contracts in excess of \$5,000 give adequate performance and liability security at the time the party submits his or her bid. [Sec. 33.22 (2)]

Section 3 – Conflict of Interest: Any commissioner shall abstain from voting on any matter before the Board in which he or she, as a private person, or in which any member of his or her immediate family (spouse, parents, or child) has a financial interest.

ARTICLE VII – COMMITTEES

Section 1 – Elections: The chairperson shall appoint three electors who are not running for the office of commissioner to serve as the elections' committee. The committee shall distribute, collect, and count the ballots at the annual meeting and report the results to the annual meeting.

Section 2 – Auditing: The chairperson shall appoint three electors to serve as the auditing committee. The committee shall examine all financial records of the District and report its conclusions to the annual meeting.

Section 3 – Other Committees: The chairperson may appoint other committees as she or he deems necessary to further the interest of the District.

Section 4 – Reporting: All committees shall report to the chairperson at his or her request and to the annual meeting.

Section 5 – Compensation: Committee members shall receive no remuneration for service to the District. With prior approval from the Board, committee members may submit vouchers for actual and necessary expenses incurred while conducting the business of the District.

Section 6 – Terms of Members: All committee members shall serve at the pleasure of the chairperson and may be replaced by him or her on an annual basis following the Board meeting immediately following the annual meeting.

ARTICLE VIII – MISCELLANEOUS PROVISIONS

Section 1 – Special Meetings: Special meetings of the District may be held for the purpose of transacting any lawful business which might be done at the annual meeting. The meeting may be called by the Board or upon a written request to the secretary signed by 12 qualified electors of the District. The annual meeting notice requirements under Article III shall be followed and the purpose of the meeting shall be stated. A matter voted upon at any special meeting may not be reconsidered at another special meeting prior to the next annual meeting.

Section 2 – Conduct of Meetings: All meetings of the District shall be conducted according to the Robert's Revised Rules of Order unless contrary to the requirements of these By-Laws. The Chairperson shall serve as parliamentarian.

Section 3 – Adoption of By-Laws: These By-Laws may be adopted at any legal annual meeting of the District. Adoptions shall require a two-thirds vote of the voting electors, as defined herein, present at the meeting. The By-Laws shall become effective immediately upon passage.

Section 4 – Amending By-Laws: These By-Laws may be amended at any legal annual meeting of the District. Amendments shall require a two-thirds vote of the electors present and voting at the meeting.

CERTIFICATION:

These By-Laws were adopted by unanimous vote at the Annual Meeting of September 1995.