



White River Flowage Lake Management District
BY-LAWS FOR THE
WHITE RIVER FLOWAGE LAKE MANAGEMENT DISTRICT
TOWN OF DAKOTA, COUNTY OF WAUSHARA

PREFACE

In keeping with the resolution of the Waushara County Board that created the White River Flowage Lake Management District on November 8, 2005, the electors of the said White River Flowage Lake Management 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 - Resident Property Owners: Every resident property owner of the District who is eligible to vote in general elections shall be an eligible elector of the District [Sec. 33.30(2)]. Any resident property owner may appoint an official representative who becomes the eligible elector instead of the resident property owner. The official representative must be someone who is not already an eligible elector of the District. The resident property owner must complete the District's appointment of representative form at least 14 days before any District meeting. An official representative may not appoint an official representative. The appointment continues until the resident property owner revokes it by completing the District's revocation of appointment of representative form at least 14 days before any District meeting.

Section 2 - Non-Resident Property Owners: Every U.S. citizen, 18 years of age or older who owns real property in the District shall be an eligible elector of the District and may vote in accordance with Section 2 of Article II. Any non-resident property owner owning real property in the District may appoint an official representative who shall be an eligible elector of the District [Sec. 33.30(2)]. A real property owner is defined as a holder of fee simple title or land contract on land or the owner of buildings on land which is leased for 20 years or more [Sec 33.30(3)(g)]. The official representative must be someone who is not already an eligible elector of the District. The non-resident property owner must complete the District's appointment of representative form at least 14 days before any District meeting. An official representative may not appoint an official representative. The appointment continues until the non-resident property owner revokes it by completing the District's revocation of appointment of representative form at least 14 days before any District meeting.

ARTICLE II - VOTING

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

Section 2 - Non-Resident Multiple Owners: Joint tenants or tenants-in-common shall select no more than two of the co-owners who shall represent them and shall each cast one vote [Sec. 33.30(3)(g)].

Section 3 - 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, hereinafter referred to as the Board, unless the date has been set by vote of the previous annual meeting [Sec. 33.30(1) and 65.90 (1)].

Section 2 - Notice: A written notice of the annual meeting, proposed budget, and the time of the budget hearing shall be mailed at least 14 days in advance of the meeting to all 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 inspection, and notices of the time and place of the annual meeting and budget hearing shall be published once in a paper of general circulation in the area. The insertion shall be at least 15 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 Commissioners, whose terms do not expire, are resident electors, then two of the candidates shall be resident electors. The minimum number of candidates nominated by the Board shall be equal to the number of vacancies. Any three electors may nominate additional candidates by submitting written nomination papers to the secretary at least 30 days prior to the annual meeting. The names of all nominated candidates shall appear on the written and published notices of the annual meeting. Candidates may be nominated from the floor at the annual meeting, if they are present and willing to serve.

Section 4 - Eligibility of Commissioners: The annual meeting can elect to the office of Commissioner any elector [Sec. 33.28(2) and 33.28(5)].

Section 5 - Electing Commissioners: At the first annual meeting, the electors shall elect five Commissioners to the Board. Staggered terms of one, two, and three years, shall be determined by cutting a deck of cards. The candidates with the two highest cards shall be elected to three-year terms. The candidates with the next two highest cards shall be elected to two-year terms.

The candidate with the lowest card shall be elected to a one-year term. At subsequent annual meetings, the electors shall elect Commissioners to fill any open position(s) on the Board [Sec. 33.30(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 for the remainder of the unexpired term. In any year in which more than one vacancy exists, the staggered terms shall be determined by cutting a deck of cards. The candidate with the highest card shall be elected to the three-year term; the candidate with the second highest card shall be elected to the next longest term; and the candidate with the lowest card shall be elected to the shortest term vacancy, if any. One of the five elected Commissioners must be a resident of the District [Sec. 33.28(2)]. If none of the Commissioners, whose terms do not expire, is a resident elector, then the resident elector receiving the greatest 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. If the number of candidates equals the number of openings a unanimous voice vote may be used. Commissioners shall assume their office immediately following the annual meeting at which they are elected.

Section 6 - Annual Budget and Tax: At the annual meeting and budget hearing, the Board shall present a proposed budget and tax for the upcoming calendar year. 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 2.5 mills of equalized valuation [Sec. 33.30(3)(c) and Sec. 65.90(2)]. The annual meeting may direct the Board to adopt and collect special charges or special assessments, which are not part of the 2.5 mill limit.

Section 7 - Project Approval: The annual meeting shall approve or disapprove all proposed projects by the District having a cost to the District in excess of \$5,000 by special vote of the electors. The annual meeting may also authorize the Board, during the succeeding year until the next annual meeting, to approve or disapprove projects having a cost to the District in excess of \$5,000, and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution [Sec. 33.30(3)(d)]. Votes on projects may be taken by secret written ballot at the discretion of the Chairman.

Section 8 - 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 other such 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 consisting of seven persons. Five shall be elected as provided in Article III, Section 5, and one each shall be appointed by the Waushara County Board and by the Town of Dakota [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(6)]. Meetings shall be open and proper notice given in accordance with legislation governing meeting of public bodies [Sec. 19.81-98].

Section 3 - Quorum and Vacancies: Four 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 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 Chairman, a Secretary, and a Treasurer from its members [Sec. 33.29(3)].

1. The Chairman shall preside at the annual and special meeting, all meetings of the Board, and all public hearings held by the Board [Sec. 33.29(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 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 the 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

government 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 therefore [Sec. 33.29(1)(4)].
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 matters 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 of 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 assessments or charges for the purpose of carrying out District protection and rehabilitation projects, or for 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(2)].

ARTICLE VI - PUBLIC BIDDING

Section 1 - Low Bid: All contracts exceeding \$2,500 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 worthiness 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 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, as a private person, or in which any member of his immediate family (spouse, parents, child), has a financial interest.

ARTICLE VII - COMMITTEES

Section 1 - Elections: The Chairman 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 at the annual meeting.

Section 2 - Auditing: The Chairman shall appoint three electors to serve as the Auditing Committee. The Committee shall examine all financial records to the District and reports its conclusions to the annual meeting.

Section 3 - Other Committees: The Chairman may appoint other committees as deemed

necessary to further the interests of the District.

Section 4 - Reporting: All committees shall report to the Chairman 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 Chairman, and may be replaced by him 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 notices 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. Any action that can be taken at an annual meeting may be taken at a special meeting except as follows:

- ✍ No motion to consider the dissolution of the district may be taken up at a special meeting.
- ✍ The annual budget may not be approved at a special meeting (although it may be amended).
- ✍ The special meeting may not consider any matter that was resolved during any other special meeting held since the previous annual meeting.

Section 2 - Conduct of Meetings: All meetings of the District shall be conducted according to Roberts Revised Rules of Order unless contrary to the requirements of these By-Laws. The Chairman shall serve as parliamentarian. There are no quorum requirements for District Meetings.

Section 3 - Adoption of By-Laws: These By-Laws may be adopted at any legal district meeting. Adoption 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 district meeting. Amendments shall require a two-thirds vote of the electors present and voting at the meeting.

CERTIFICATION

These By-Laws were adopted by a vote of _____ yes and _____ no at the annual meeting on this _____ day of _____, 2006.

Secretary

Amended:

April 21, 2012

April 20, 2013