

By-Laws (Amended August 13, 2016)

## **Lower Turtle Lake Protection and Rehabilitation District Preface**

In keeping with the resolution of the Barron County Board that created the Lower Turtle Lake Public Inland Lake Protection and Rehabilitation District (aka: Lower Turtle Lake Management District), the electors of said Lower Turtle 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, Wisconsin Statutes Chapter 33 and other Wisconsin state regulating statutes that pertain to the operation of a Lake District. In the event of conflict between the bylaws and Chapter 33 (or other state statutes) the state statutes control. Meetings shall be conducted in accordance to Robert's Rules of Order for running meetings and conducting deliberations.

### Article I—ELECTORS OF THE DISTRICT

Section 1-RESIDENTS: Every resident of the District who is register or eligible to vote in general elections shall be an eligible elector of the District.

Section 2-NONRESIDENT PROPERTY OWNERS: Every person whose name appears on the District assessment role prepared for purposes of real property taxation, including spouse or legal guardian if such individuals are not listed, or who has provided proof of title to real property in the district, and who is a U.S. citizen 18 years of age or older, shall be an eligible elector of the District and may vote in accordance with Article II Section 2. Any corporation partnership or association that owns real property in the District may appoint an official representative who shall be an eligible elector of the District.

### 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: When more than one person owns a parcel of real property, the joint tenants or tenants-in-common shall select no more than two of the co-owners, or their spouses or guardians, who shall represent them and shall each cast one vote.

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 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, herein after referred to as the Board, unless the date has been set by vote of the previous annual meeting.

Section 2-NOTICE: A written notice of the Annual or Special Meeting 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. The Annual Meeting notice shall include a summary of the proposed budget and the place where the detailed budget is available for public inspection: time, place, and agenda of the annual meeting and budget hearing, the names of nominated candidates, any proposed changes in the by-laws, and any consideration of dissolution. A notice shall be posted at each boat landing and Almena Town hall at least 24 hours before each meeting.

A written notice of the three additional required regular District meeting shall be mailed at least 14 days in advance of any of these meetings to all property owners whose names appear on the tax roll and to the Department of Natural Resources and the University of Wisconsin Extension. The information needs to be sufficient to allow an individual to understand the issue and decide whether or not they want to attend the meeting. A notice shall be posted at each boat landing and Almena Town Hall at least 24 hours before each meeting.

Additionally, a postcard will be sent out by the Secretary in March of each year to all of the property owners notifying them of the upcoming meeting dates, time and place for each meeting of that year.

Section 3-NOMINATION OF COMMISSIONERS: Any one elector may volunteer or any one elector may nominate a candidate by submitting written nomination papers to the secretary at least 20 days prior to the annual meeting. Volunteers and nominees will be included in the notification announcement of the Annual Meeting. Any one elector can volunteer or be nominated at the Annual Meeting as a write-in candidate. Write-in space will be provided on the ballot.

Section 4-ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect any elector to the office of commissioner.

Section 5-ELECTING COMMISSIONERS: At the first annual meeting the electors shall elect three commissioners to the board. The candidates receiving the greatest number of votes shall be elected to the 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. However, if none of the top three candidates is a resident elector, the resident elector with the most votes among the resident elector candidates shall be elected to a one-year term.

At subsequent annual meetings, the electors shall elect one commissioner to fill the expiring term on the Board. When a commissioner's term of office has expired, his successor shall be elected to a 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.

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 electors of the District shall approve the budget and vote the tax as proposed or modify the budget and change the funding accordingly. The property tax levy of the District shall not exceed a rate of 2.5 mills of equalized valuation. The annual meeting may direct the Board to adopt and collect special charges or special assessments.

Section 7-PROJECT APPROVAL: Before approval of the Annual Budget, the annual meeting shall by separate vote, approve or disapprove each proposed project. Once the Annual Budget is approved the Board Commissioners are then approved to execute and manage the project as long it remains within the set budget plus 10%.

Section 8-OTHER BUSINESS: The annual meeting shall take up and consider such other business as comes before it.

#### Article IV—POWER 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; maintain; or dispose of real or personal property, disperse money, contract dept, and do such other acts as are necessary to carry out a program of lake protection and rehabilitation.

Section 2-SPECIFIC LAKE MANAGEMENT POWERS: The District may conduct studies, 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, bottom treatment, weed and algae control, and water level control.

Section 3-BOATING, SEAPLANE AND VEHICLE REGULATIONS: pursuant to the delegation of authority from all towns, villages, and cities with frontage on the lake, the Lake District may adopt ordinances to regulate equipment, use, and operation of water craft, vehicles on ice-bound lakes and seaplanes.

#### Article V

Section 1-COMPOSITION: The affairs of the District shall be managed by the board, which shall consist of at least five persons. Three or more shall be elected as provided in Article III Section 5, and one shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District.

Section 2-OPEN MEETINGS: The Board shall meet at least quarterly, and at other times on the call of the chairman or the request of three of the commissioners. Meetings shall be open and proper notice given in accordance with legislation governing meetings of public bodies.

Section 3-QUORUM: Three commissioners shall constitute a quorum for the transaction of business. Majority of the commissioners plus one shall be present to borrow money.

Section 4-VACANCY: Vacancies on the board caused by death or resignation of an elected commissioner shall be filled by the chair. The appointment for the remainder of the unexpired term shall be subject to the approval by a majority vote of the board The commissioner appointed by the

county and the commissioner appointed by the town, village, or city shall serve at the pleasure of those bodies, who are also responsible for filling vacancies in those positions.

Section 5-FUNCTION: The Board shall conduct all business of the District not specifically reserved to the electors of the District, 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 and special meetings, if any.

Section 6-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 among its members.

1. The chairman shall preside at the annual and special membership meeting, all meetings of the board, and all public hearings held by the Board.
2. The secretary shall keep minutes of all membership and Board meetings of the District and hearings held by it, shall maintain a file of the names and addresses of the electors of the District as defined in Article 1 and shall annually provide the University of Wisconsin Extension (College of Natural Resources, UW-Stevens Point, 54481 with names and addresses of commissioners and by copy of said list shall annually notify the Department of Natural Resources (Lake Management Section, Bureau of Water Resources Management, DNR (Box7921, Madison WI. 53707) of the continued existence of the District.
3. The treasurer shall receive and take charge of all moneys of the District and pay out the same only on order of the board

Section 7-COMPENSATION: The commissioners shall receive no remuneration for their services in office, but a commissioner shall be paid for actual and necessary expenses incurred while conducting the business of the District.

Section 8-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 shore lands, and the drainage basin.
2. Planning lake rehabilitation projects.
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.
4. Adopting and carrying out lake protection plans and obtaining any necessary permits therefore.
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation.
6. Implementing the decisions of the electors at annual and special meetings.

The Board shall have control over the fiscal matters on 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. Subject to the decisions of the annual meeting, the Board may borrow money or use any other financing method prescribed by law. The Board may issue special assessments or special charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management activities undertaken by the District. The Board may exercise its authority to borrow money when in temporary need.

#### 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. The manner of soliciting bids and the determination of how responsible the bidder is shall be at the discretion of the Board. The procedures for public works under Sec.66.29 shall be utilized to the extent feasible for large-scale projects. If a bid is accepted which exceeds any other bid by more than 20%, the Board must provide a written justification for its action at the next annual meeting

Section 2-SECURTIY BONDS: The Board shall require that every contracting party in contract exceeding \$5,000 give adequate performance and liability security at the time the party submits the bid.

Section 3-CONFLICT OF INTEREST: Any commissioner shall abstain from voting on any matter before the Board in which she/he, as a private person or in which any member of her/his immediate family (spouse, parent, or 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 to 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 of the District and report its conclusions to the annual meeting.

Section 3-OTHER COMMITTEES: The chairman may appoint other committees, as she/he deems necessary to further the interests of the District.

Section 4-REPORTING: All committees shall report to the chairman or the Board upon 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 chairman, and may be replaced by him on an annual basis.

#### 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 except approval of the

annual budget, amendments of by-laws, or dissolution of the district. Amendments to the annual budget may be considered. The meeting may be called by the Board or upon written request to the secretary signed by at least 10% of the qualified electors of the District. The annual meeting notice requirements under Article III shall apply and the purpose of the meeting shall be stated. A matter voted upon at any special meeting prior to the next 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 or a person appointed by her/him shall serve as parliamentarian.

Section 3- ADOPTION OF BY-LAWS: These By-laws may be adopted at any legal annual meeting of the District providing the proposed adoption was included in the notice. 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: By-law changes may be proposed by a majority of the commissioners or a majority vote of the previous annual meeting. These By-laws may be amended at any legal annual meeting of the District providing the proposed change was included in the notice. Amendments shall require a two-thirds vote of the electors present and voting at the meeting.

Section 5-DISSOLUTION: A proposal to dissolve the District under Sec.33.25 may be made by a unanimous vote of the commissioners or a written notification from an elector at least 90 days prior to the annual meeting indication intent to seek dissolution. The proposal for dissolution shall be included in the notice. The petition to the County Board to dissolve the District shall require a two-thirds vote of the electors present and voting at the annual meeting.

Amendments to the By-Laws were motioned and passed at the following Annual Meetings:

- 8-1-2009
- 8-8-2015
- 8-13-2016

CERTIFICATION:

These By-laws were adopted by vote of \_\_\_\_yes and \_\_\_\_no at the annual meeting on this \_\_\_\_day of \_\_\_\_\_.

\_\_\_\_\_  
Secretary