

BY-LAWS

Pickerel/Crane Lake Protection and Rehabilitation District

P.O. Box 18

Pickerel, WI 54465

PREFACE

In keeping with the resolution of the Forest County Board that created the Pickerel/Crane Lake Public Inland Lake Protection and Rehabilitation District, the electors of the said Pickerel/Crane 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.

Article I - POWERS OF THE DISTRICT

Section 1 - GENERAL POWERS: The Pickerel Crane Lake Public Inland Lake Protection and Rehabilitation District is established under Chapter 33 of the Wisconsin Statutes which authorizes the creation of lake districts and grants them specific powers to protect and improve inland public lakes. A lake district is empowered to operate on its own initiative, independent of its creating entity and the state, but subject to local ordinances and state law. Lake districts can act in concert with other municipalities to undertake lake protection and rehabilitation projects.

Section 2 - BODY CORPORATE POWERS: As a body corporate, the District has broad powers to carry out lake management functions. These include the power to:

- to sue and be sued,
- make contracts,
- accept gifts,
- create, operate and maintain water safety patrols,
- accept grants and state aid,
- purchase, lease, devise or otherwise acquire, hold, maintain or dispose of property,
- disperse money,
- take out loans,
- allocate money for the conservation of natural resources beneficial to the district,
- do any other acts necessary to carry out a program of lake protection and rehabilitation, and
- levy taxes, special assessments and special charges.

Section 3 - GENERAL LAKE MANAGEMENT POWERS: The District can operate in-a wide variety of lake management activities. These activities may include:

- evaluate lake management issues,
- carry out solutions to lake management issues,
- develop long-range lake management plans,
- undertake projects to enhance recreation,
- monitor water quality,
- cooperate with non-profit organizations on projects,
- operate water safety patrols,
- control erosion,
- survey lake users, local citizens and property owners,
- aerate the lake,
- harvest or treat aquatic plants,
- divert nutrients/dredge, or
- construct and operate dams.

Section 4 - ENACTMENT OF LAKE USE ORDINANCES: Lake districts may enact ordinances pertaining to the regulation of equipment, use, operation or inspection of boats, personal watercraft, skin diving, water skiing, or to an activity regulated by Wis. Stat. Sec. 30.60 to 30.71. In addition, the District may regulate boat use and other craft, including the landing and taking off of aircraft, and travel across ice bound lakes by snowmobiles and other motor vehicles.

Section 5-ASSUMPTIONS OF THE POWERS OF A TOWN SANITARY DISTRICT: Public inland lake protection and rehabilitation districts are also permitted to exercise certain powers of sanitary districts. These powers include the authority to plan, construct and collect charges for a system of water supply, solid waste collection and disposal, and sewer service.

Section 6 -AUTHORIZATION BY THE ELECTORS: Specific lake protection and rehabilitation projects having a cost in excess of \$10,000 require approval of the electors at the annual meeting. In addition, the lake district budget, which may include smaller projects, must also be presented to, and approved by, the electors at the annual meeting.

Article II - ELECTORS OF THE DISTRICT

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

Section 2 - NON-RESIDENT PROPERTY OWNERS: Every person whose name appears on the District tax assessment role prepared for purposes of real property taxation 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 trust, foundation, 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.

Section 3 – CHALLENGES: Any elector may challenge the eligibility of another elector at any annual meeting or special meeting of the District provided such challenge is made prior to the first vote of the meeting. The challenge shall be directed to the secretary as a point of information inquiring as to whether the challenged elector's name appears on the District's election role.

Article III - VOTING

Section 1 - MULTIPLE VOTING: Any elector may cast 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 who shall represent them and shall each cast one vote.

Section 3 - ELIGIBLE ELECTORS: Each qualified voter is entitled to one vote (limit of two votes for joint tenants). Ownership of more than one parcel of real estate within the district does not entitle the owner to more than one vote. Corporations, trusts, foundations and other organizational owners are treated as single owners with one vote.

Section 4 - 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.

Section 5 – REFERENDUM: A majority vote at the annual meeting may direct the Board of Commissioners to conduct a mail referendum of all electors on projects which have a cost to the District in excess of \$20,000. The directive shall stipulate the nature of the question and how the results shall be interpreted.

Article IV - ANNUAL MEETING AND BUDGET HEARING

Section 1 - TIME AND PLACE: The annual meeting 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. Since its inception, the Pickerel/Crane Lake District has conducted two elector or membership meetings during the summer months. The meetings will be held the Saturday one week before the Memorial and Labor Day weekends. The official annual meeting, which will include the required budget hearing and approval, will be the second meeting of the summer that is one week before the Labor Day weekend, unless the date has been set by majority vote of the previous annual meeting. The location of elector meetings shall be selected by the Board and shall be held in an accessible public place.

Section 2 - NOTICE: Written notice of the annual meeting must be mailed at least 10 days in advance of the meeting to all property owners whose names appear on the tax roll. This advance written notice may be made via the District newsletter or through a first-class mailing providing there is reasonable assurance that all electors have been notified at least 10 days in advance of the meeting. In addition, notice 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 at least 7 days before the meeting. The notice shall include a summary of the proposed budget, and a place where the detailed budget is available for public inspection; time, place, and agenda of the annual meeting; the names of all nominated candidates for the Board; any proposed By-Laws changes; and any consideration of dissolution.

Section 3 - NOMINATION OF COMMISSIONERS: The Board shall nominate candidates to fill all expiring terms on the Board. If none of the remaining elected commissioners whose terms do not expire, are resident electors, then the candidates shall be resident electors. The suggested number of candidates nominated by the Board is 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. Nominations for the Board will also be accepted from the floor at the annual meeting.

Section 4 - ELECTION OF FIRST COMMISSIONERS: 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. 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/her successor shall be elected to a three year term.

Section 5 - ELECTION OF CURRENT COMMISSIONERS: At the annual meeting in 1995, the electors voted to increase the number of elected commissioners from three to five. With staggered three-year terms, one or two of the elected commissioner positions will expire and be up for election at each annual meeting. Ballots will be prepared in advance of the annual meeting with spaces for write-in candidates and candidates nominated from the floor by electors.

Section 6 - ANNUAL BUDGET AND TAX (MILL LEVY): At the annual meeting, the Board shall present a proposed budget and tax (mill levy) for the coming calendar year. The electors of the District shall approve the budget and vote the tax levy 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. Electors at the annual meeting may approve or direct the Board to adopt and collect special charges or special assessments.

Section 7 - PROJECT APPROVAL: Before approval of the annual budget, electors at the annual meeting, by separate vote, shall approve or disapprove each proposed project having a cost to the District in excess of \$10,000. Electors at 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 \$10,000, and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution. Votes on projects may be taken by secret, written ballot at the discretion of the chair.

Section 8 - OTHER BUSINESS: The annual meeting shall consider such other business as comes before it subject to the limitations and conditions as outlined in Chapter 33 of the Wisconsin Statutes.

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 IV, Section 5, and one each shall be appointed by the County Board and by the local municipality or town with the largest portion by valuation within the District. The members of the Board appointed by the county and town serve at the pleasure of the appointing authority. Their terms end when their successors are appointed. The elected members of the Board of Commissioners serve for staggered three-year terms. Thus two elected commissioners will be elected (or re-elected) at each annual meeting.

Section 2 – ELIGIBILITY: Each elected commissioner must be a US citizen eighteen years of age or older, and be either:

- a resident elector of the district, or
- an owner of property within the district

At least one commissioner must be a resident, unless no resident is willing to serve. A person who is an official representative of an organization or trust which is an owner of property may hold office as a commissioner even though that person, as an individual, might not own property within the lake district.

Section 3 - OPEN MEETINGS: The Board of Commissioners shall meet at least quarterly, and at other times on the call of the chair or the request of three of the commissioners. Meetings shall be open and proper notice given in accordance with legislation governing the meeting of public bodies.

Section 4 – QUORUM: Four commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to borrow money.

Section 5 - VACANCIES: Vacancies on the board caused by the death or resignation of an elected commissioner shall be filled by the chair, subject to approval by majority vote of the Board. Vacancies on the board of appointed commissioners shall be filled by the County or Town Board responsible for initially making that appointment.

Section 6 – FUNCTION: The Board shall conduct all business 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 7 – OFFICERS: At the first Board meeting immediately following each annual meeting of the District, the Board shall elect a chair, vice-chair, secretary and treasurer from among its members.

- the chair will preside at the annual and special membership meetings, all meetings of the Board and all public hearings held by the Board.
- the vice-chair will preside at the meetings listed above in the absence of the chair.
- 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 II, and shall annually provide the University of Wisconsin Extension (College of Natural Resources, UW-Stevens Point 54481) with names and addresses of current commissioners, and by copy of said list shall annually notify the Department of Natural Resources (Lake Management Section, Bureau of Water Resources Management, ONR, Box 7921, Madison, WI 53707) of the continued existence of the District.
- the treasurer shall receive and take charge of all moneys of the District, and disburse the same with prior approval of the Board.

Section 8 - POWERS AND DUTIES: The powers and duties of the Board of Commissioners are the same as enumerated in Chapter 33 of the Wisconsin Statutes and enumerated in Article I of these By-Laws. The Board shall have control over the fiscal matters of the District, subject to the directives of the annual meeting and budget hearing. 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 and budget hearing. 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 use 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, but in any one fiscal year the amount borrowed shall not exceed \$20,000.

Section 9 – COMPENSATION: The commissioners shall receive no remuneration for their service in office, but they shall be paid for actual and necessary expenses incurred while conducting the business of the District.

Article VI - COMMITTEES

Section 1 - ELECTIONS COMMITTEE: At the annual meeting, the chair shall appoint three electors not running for 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 - AUDIT COMMITTEE: The chair shall appoint three electors to serve as the auditing committee. The committee shall examine all financial records of the District and report its conclusions at the annual meeting.

Section 3 - OTHER COMMITTEES: The chair may appoint other committees as deemed necessary to further the interests of the District. In most instances, the District chair will appoint a committee chair and grant that chair the authority to select members for the committee.

Section 4 – REPORTING: All committees shall report their findings or recommendations to the chair or the Board upon request and to the annual meeting. Committee reports should be in writing and chairs of the committees should be encouraged to report their results to the membership via the District newsletter in addition to the annual meeting report.

Section 5 - COMPENSATION: Committee chairs and 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 committee business.

Section 5 - TERMS OF MEMBERS: All committee chairs and members shall serve at the pleasure of the chair, and may be replaced on an annual basis.

Article VII - PUBLIC BIDDING

Section 1 - LOW BID: All contracts exceeding \$10,000 for work or materials shall be let by the Board to the lowest responsible bidder. The manner of soliciting bids and determination of the responsibility 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 at the next annual meeting.

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

Section 3 - CONFLICT OF INTEREST: Any commissioner shall abstain from voting on any matter before the Board in which they, as a private person, or in which any member of their immediate family, has a financial interest.

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, amendment of the 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 twenty-five (25) of the qualified electors of the District. The annual meeting notice requirements under Article IV shall apply 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 Roberts Revised Rules of Order unless contrary to the requirements of these By-Laws. The chair, or his designee, 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 OF BY-LAWS: By-Laws 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 meeting of the District providing the proposed change(s) 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 Lake District may be made by a majority vote of the members present at the previous annual meeting, by unanimous vote of the commissioners, or by written notification from an elector at least 90 days prior to the annual meeting indicating an intent to seek dissolution. The proposal for dissolution must be included in the annual meeting 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.

CERTIFICATION

This by-laws revision was adopted by vote of _____ yes and _____no at the annual meeting of the

Pickerel/Crane Lake Protection and Rehabilitation District

on this _____ day of _____, _____

(Secretary)

(Chair)