

BY-LAWS OF THE LITTLE GREEN LAKE PROTECTION AND REHABILITATION DISTRICT

Preface

In keeping with a motion of the Town of Green Lake Town Board, approved on September 4, 1984 that created the Little Green Lake Protection and Rehabilitation District, the electors and property owners of said Little Green Lake Protection and Rehabilitation 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 – ELIGIBLE VOTERS

Section 1 – Residents: Every resident of the District who is an elector eligible to vote in the general elections shall be an eligible voter of the District.

Section 2 – Non-Resident Property Owners: Every person, 18 years of age or older and who owns real property in the District shall be an eligible voter of the District and may vote on any matter upon which the eligible voters are permitted to vote under these By-Laws or under Chapter 33 of the Wisconsin Statutes. “Property owner” is defined for the purpose of voting at meetings and holding office in the District as the person(s) appear(s) on the assessment roll prepared for the purpose of real property taxation, and who is a U.S. citizen and 18 years of age or older. Any corporation, trust, partnership, foundation, association, or organization that owns real property in the District may appoint an official representative who shall be an eligible voter of District.

ARTICLE II – VOTING

Section 1 – Multiple Voting: Each eligible voter may cast only one vote on any question called to a vote.

Section 2 – Non-Resident Multiple Owners: Non-resident property owners who are joint tenants or tenants-in-common shall select no more than two of such co-owners who shall represent them and shall each cast one vote.

Section 3 – Casting Ballots: An eligible voter must be present at the meeting at the time the vote is called in order to vote. No eligible voter may vote by proxy, absentee ballot, or referendum. All votes shall be counted by a show of hands, unless otherwise specified by statute or in these By-Laws, or unless a motion from the floor to proceed by secret ballot is seconded and approved. Election of members of the Board of Commissioners shall be by secret written ballot.

ARTICLE III – MEETINGS OF THE DISTRICT AND BUDGET HEARINGS

Section 1 – Time and Place: The annual meeting of the District shall be held in the month of May at a time and place selected by the District’s Board of Commissioners, hereinafter referred to as “the Board,” unless the date has been set by majority vote of those attending the previous annual meeting. Special meetings of the District may be scheduled by the call of the Board at such time and place as the Board may direct, and shall be scheduled by the Board upon receipt of the petition signed by at least ten percent (10%) of the electors and owners of property in the District.

Section 2 – Notice: Written notice of the annual meeting and special meetings shall be mailed at least to (10) days in advance of such meeting to all eligible voters within the District and to all property owners whose names appear on the assessment rolls whose address is known or can be ascertained with reasonable diligence, and to the Department of Natural Resources (DNR). The Board may elect to substitute Class II notice under Chapter 985, Wisconsin Statutes, in lieu of mailed notice to such persons. The notice of meetings, including Budget Hearings, shall include a summary of the proposed budget and notice of the place where such budget, in detail, is available for public inspection, and notice of the time, place, and agenda of the meeting shall be provided to a newspaper of general circulation in the area, in accordance with Chapter 19 of the Wisconsin Statutes. Such notice shall be provided to the appropriate newspaper at least fifteen (15) days before the meeting.

Section 3 - Nomination of Commissioners: A committee appointed by the Board shall recommend candidates to fill all vacancies on the Board. If not of the commissioners whose terms do not expire are resident electors, then all candidates shall be resident electors. Any three eligible voters may recommend additional candidates by submitting a written recommendation signed by such eligible voters to the District’s official Post Office mailing address at least 45 days prior to the annual meeting. The names of all recommended candidates shall appear on the written and published notices of the annual meeting. Persons so recommended may stand for election to the Board upon their nomination being moved at the annual meeting. Nominations need not be seconded.

Section 4 – Eligibility of Commissioners: Any duly nominated elector or owner of property within the District shall be eligible to serve as a member of the Board of Commissioners. However, at all times, at least one (1) elected member of the Board of Commissioners shall be a resident of the District.

Section 5 – Annual Budget and Tax: At the annual meeting, the Board shall present a proposed budget and general property tax levy for the coming year. The eligible voters of the District shall by majority vote either approve the budget and the tax levy as submitted, or modify either. The property tax levy of the District shall not exceed the maximum rate authorized by law, and shall be based on the equalized valuation of properties within the District. An annual or special meeting may direct the Board to adopt and collect special charges or special assessments.

Section 6 – Project Approval: An annual or special meeting shall approve or disapprove all proposed projects by the District having a cost to the district in excess of \$10,000.00. An annual or special meeting may also authorize the Board, during the succeeding year, and until the next annual meeting, to approve or disapprove projects having a cost to the District in excess of \$10,000.00, and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution. Votes on projects may be taken in a manner determined by the Board Chairman. A proposal to grant the Board such authority shall be included in the agenda and open meeting notice.

Section 7 – Other Business: An annual or special meeting shall take up and consider such other business as may properly come before it.

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 property, disburse money, contract debt, and do any 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 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.

Section 3 – Sanitary District Powers: The District shall have all such powers as a Town Sanitary District under Sections 60.77 and 60.78, Wisconsin Statutes, other than Section 60.77(6) (b), as may be authorized by resolution of the Town Board of the Town of Green Lake, Green Lake County, Wisconsin.

ARTICLE V – DISTRICT BOARD OF COMMISSIONERS

Section 1 – Composition: The affairs of the District shall be managed by a Board of Commissioners, which shall consist of five persons. Three shall be elected as provided in V, Section 2 of these By-Laws; one shall be appointed by the Green Lake County Board and shall either be a member of the County Land Conservation Committee or the nominee of said Committee; and one shall be appointed by the Town Board of the Town of Green Lake, Green Lake county, Wisconsin, and shall be a member of said Board and, if possible, an owner of property within the District.

Section 2 – Election/Appointment of Commissioners: The three (3) elected Commissioners shall be elected to three (3) year terms which shall be staggered at intervals of one (1) year as provided in Wis. Stat., 33.28(2). When an elected Commissioner's term of office has expired, his successor shall be elected to a three (3) year term. If an elected Commissioner leaves office before the expiration of his term, the chairperson of the Board shall appoint a person to fill the remainder of the unexpired term, subject to approval by a majority vote of the Board. At all times, one of the three

(3) elected Commissioners (which, for this purpose, shall include any appointed Commissioner) must be a resident of the District. 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 3 – Open Meeting: The Board shall meet at least quarterly, and at other times on the call of the Chairperson or the petition of three (3) of the Commissioners. Meetings shall be open to the public and proper notice given in accordance with legislation governing meetings of public bodies.

Section 4 – Quorum and Vacancies: Three (3) Commissioners shall constitute a quorum for the transaction of business. Not less than four (4) of the Commissioners shall be present and voting to borrow money. The Chairperson shall appoint an elector or owner of property within the District to fill any vacancies until the next annual meeting.

Section 5 – Function: The Board shall conduct all business of the District not specifically reserved to the eligible voters 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 annual and special meetings.

Section 6 – Officers: Immediately following each annual meeting of the District, the Board shall elect a Chairperson, a Secretary, and a Treasurer from among its members.

- (a) The Chairperson shall preside at the annual and special meetings, all meetings of the Board, and all public hearings held by the Board.
- (b) Planning lake rehabilitation projects.
- (c) Contacting and attempting to secure the cooperation of units of general government in the area for the purpose of enacting ordinances deemed necessary by the Board to further the objectives of the District.

Section 7 – Compensation: The Commissioners shall receive per diem meeting remuneration of \$35.00 per day plus \$150.00 stipend at each meeting or such other amount as may be established at any annual meeting for their service in office, and shall be paid for actual and necessary expenses while conducting the business of the District. This provision does not apply to Commissioners who receive remuneration for their service to the District by virtue of their position on town, village or county boards or city councils. The Commissioners shall also be compensated at the rate of \$15.00 per hour for services performed on special projects, provided the special project has received the Board's prior approval at a duly convened meeting.

Section 8 – Powers and Duties: The board shall be responsible for:

- (a) Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shore lands, and the drainage basin.

- (b) Planning lake rehabilitation projects.
- (c) Contacting and attempting to secure the cooperation of units of general government in the area of the purpose of enacting ordinances deemed necessary by the Board to further the objectives of the District.
- (d) Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefore.
- (e) Maintaining liaison with those officials of the State government involved in lake protection and rehabilitation.
- (f) The Board shall have control over fiscal matters of the District, subject to the powers and directives of the annual and special meeting. The Board shall annually, at the close of the fiscal year, cause and audit to be made of the financial transactions of the District, which shall be submitted to the next meeting. The audit shall be conducted in accordance with Section 2 of Article VII hereof.
- (g) The Board may approve the borrowing of money and may use any other financing method prescribed by law, including but not limited to temporary borrowing under Wis. Stat., sec. 67.12. Not less than four (4) of the Commissioners must be present and voting when a resolution is passed to commit the District to the borrowing of money or use of another financing method.
- (h) The Board may levy special assessments or special charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management activities or sanitary service activities undertaken by the District.

ARTICLE VI – PUBLIC BIDDING

Section 1 – Low Bid: All contracts exceeding \$15,000.00 for work or materials shall be let by the Board to the lowest responsible bidder. The manner of soliciting bids and the determination of the responsibility of the bidder shall be at the discretion of the Board provided that it is consistent with Wis. Stat., sec. 66.0901 and other applicable law. If a bid is accepted which exceeds any other bid by more than twenty (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 bidder for a contract in excess of \$5,000.00 give adequate performance and liability security at the time the party submits its bid.

Section 3 – Conflict of Interest: Any Commissioner shall abstain from voting on any matter before the Board which he, as a private person, or in which any member of his 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 nominees for the office of Commissioner to serve as the election 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 willing eligible voters who are not then serving on the Board or any other committee appointed by the Board to serve as the auditing committee.--- The committee shall examine all financial records of the District and report its conclusions to the annual meeting. In the alternative, the auditing committee may, by majority vote of its members after a preliminary examination of the District’s financial records, decline to conduct the audit. In that event, the committee shall so report and the Board shall thereupon retain a professional accountant to conduct the audit.

Section 3 – Other Committees: The Chairperson may appoint other committees as he or she 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, if required, to the annual meeting.

Section 5 – COMPENSATION: Committee members shall receive monthly stipends of \$35.00 and payment of \$150.00 per meeting for the Chairman, Treasurer and Secretary for service to the District. With prior approval from the Board, committee members may submit vouchers for actual and necessary expenses while conducting the business of the District.

Section 6 – Terms of Committee Members: All committee members shall serve at the pleasure of the Chairperson.

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 ten percent (10%) of the eligible voters and property owners of the District. The annual meeting notice requirements under Article III of these By-Laws 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 Roberts Revised Rules of Order unless contrary to the requirements of these By-Laws or of Chapter 33 of the Wisconsin Statutes. The Chairperson shall serve as parliamentarian.

Section 3 - Adoption of By-Laws: Adoption shall require a two-thirds (2/3) favorable vote of the voting eligible voters; as defined herein, present and voting at an annual meeting. The By-Laws shall become effective immediately upon passage.

Section 4 – Amendment of By-Laws: These By-Laws may be amended upon proper notice at any duly convened annual meeting of the District. Amendments shall require a two-thirds (2/3) favorable vote of the eligible voters present and voting at the meeting.

Section 5 – Fiscal Year: The fiscal year of the District shall coincide with the calendar year, ending on December 31st and have the annual meeting sometime in May.

Certification: These By-Laws were amended by a vote of 30 “yes” and 0 “no” at an annual meeting of the Little Green Lake Protection and Rehabilitation District on this day of May 24, 2014.

By: _____
Gregory A. Cygnar, Chairperson

Attest:

By: _____
Renée Braun, Secretary