

## **BY-LAW OF THE BEAR LAKE**

### **PROTECTION AND REHABILITATION DISTRICT**

In keeping with the resolution of the Oneida County Board that created the Bear Lake Protection and Rehabilitation District, the electors of the said Bear Lake District do adopt these by-Laws. The purpose of these By-Laws is to define and regulate the activities of the Bear 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 - ELECTORS**

**Section 1 - RESIDENT ELECTORS:** Every resident of the District who is eligible to vote in general elections shall be an eligible elector of the District. [Sec. 33.30 (2)]

**Section 2 - NON-RESIDENT PROPERTY OWNING ELECTORS:** Every person whose name appears on the District assessment roll 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. [Sec. 33.01 (9) (b)] 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 [Sec. 33.285]

#### **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 who shall represent them and shall each cast one vote. [Sec. 33.30 (3) (9)]

**SECTION 3 - BALLOTS:** All votes shall be counted by a show of hands or written ballot at the discretion of the chairman, unless otherwise specified in these By-Laws or unless a motion is made, seconded, and approved, calling for a secret ballot, in which case the written ballot shall be used. An elector must be present at the meeting at the time the vote is called in order to vote.

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 65.70 (1)].

Section 2 - NOTICE: A written notice of the annual meeting and budget hearing shall be mailed at least 10 days, and no more than 30 days, in advance of the event to all non-resident property owning electors whose names appear on the tax roll and to the resident electors whose address can be ascertained from the tax and election rolls, 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 notice of the time and place and agenda 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 event and the second insertion shall be the following week, at least 7 days before the event. [Sec. 33.30 (2) and 65.90 (3)].

Section 3 - NOMINATING COMMISSIONERS: The Board shall nominate candidates to fill all vacancies on the Board. The minimum number of candidates nominated by the Board shall be equal to the number of vacancies plus one. Additional nominations from the floor shall be requested by the chairman.

Section 4 - ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect to the office of commissioner any elector. [Sec. 33.28 (2) (C) and 33.285].

Section 5 - ELECTING 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.

At subsequent annual meetings, the electors shall elect one commissioner to fill each vacancy 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) (c)]. One of the three elected commissioners must be a resident of the District. [Sec. 33.28 (2)].

Commissioners shall assume their office immediately following the annual meeting at which they are elected.

All elections for the office of Commissioner shall be conducted by secret, written ballot.

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 fiscal year beginning July 1st. 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 shall not exceed a rate 2.5 mills of equalized valuation as determined by the Wisconsin Department of Revenue. [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. [Sec. 33.32].

Section 7 - PROJECT APPROVAL: The annual meeting shall approve or disapprove, by separate vote, each proposed project by the District having a cost to the District in excess of \$5,000.00. 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 - TEMPORARY BORROWING: The board may exercise its authority to borrow money when in temporary need, [Sec. 33.31 (5)] but in any one fiscal year the amount borrowed shall not exceed \$5,000.

Section 9 - 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, maintain, or dispose of real or personal property; disburse money; contract debt; and do such other acts as 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 studies, adopt a plan, and carry out implementation work including but not limited to aeration, nutrient diversion, nutrient removal or activation, erosion control, sediment manipulation including dredging, bottom treatments, weed and algae control, and water level control. [Sec. 33.13-15]

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 district may adopt ordinances to regulate equipment, use, and operation of watercraft, vehicles on ice bound lakes, and seaplanes.

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 five persons. Three 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 - MEETINGS: The District Board of Commissioners 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)]. Meeting shall be open and proper notice given in accordance with legislation governing meeting of public bodies. [Sec. 19.81-98].

Section 3 - QUORUM: Three commissioners shall constitute a quorum for the transaction of business. [Sec. 33.28 (3)]. A 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 approval by a majority vote of the board. [Sec. 33.18 (7)].

Section 5 - 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 23 of the Wisconsin Statutes, and shall carry out the mandates of the Annual meeting and special meetings, if any. [Sec. 33.29 (2)].

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 meetings, all meetings of the board and all public hearings held by the Board.
2. The secretary shall keep minutes of all meetings of the Board 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, Box 7921, Madison, WI 53707) of the continued existence of the District. [Sec. 33.29 (3) (b)].

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.
4. Officers shall receive an annual salary according to the following schedule:

Chairman	<u>\$100.00</u>
Secretary	<u>\$100.00</u>
Treasurer	<u>\$100.00</u>

Section 7 - 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. Sec. 33.28 (5)].

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 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 officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the Board as furthering 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 therefor. [Sec. 33.29 (1) (d)].
5. Maintaining liaison with those officials of State government involved in lake protection and rehabilitation. [Sec. 33.29 (1) (e)].
6. Sanitary District Powers - The District may project, plan, construct and maintain a system of garbage or refuse disposal, surface sewers or storm water sewers, provide chemical treatment of waters for the suppression of swimmers itch, algae and other nuisance-producing aquatic growths, or all of such improvements or any combination thereof necessary for the promotion of public health, comfort, convenience or public welfare and may require the testing and installation of private sewage systems, subject to the granting of sanitary powers by the town board of supervisors, Minocqua, Wisconsin.

7. Implementing the decision of the electors at annual and special meetings. [Sec. 33.29 (2)].

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 assessment or charges for the purpose of carrying out District protection and rehabilitation projects. [Sec. 33.32 (1)].

#### 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 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 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 or child), has a financial interest.

Section 4 - PUBLIC BIDDING LAW: For contracts in excess of \$5,000, the Board shall establish a formal, competitive bidding process and shall abide by the procedures established for municipal corporations in the letting of public contracts. [Sec. 66.29-66.295].

#### 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. If the District conducts business which involves more than \$20,000 summed across all categories of the activities in any given year, a professional accountant or the Department of Revenue shall be retained to conduct an audit.

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

Section 4 - REPORTING: All committees shall report to the chairman at his request and to the annual meeting.

Section 5 - COMPENSATION: Committee members (except commissioners) 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 10% of the 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. [Sec. 33.305]

Section 2 - CONDUCT OF MEETINGS: All meetings of the District shall be conducted according to Robert's Rules of Order, Newly Revised unless contrary to the requirements of these By-Laws. The chairman, or a person appointed by him, shall serve as parliamentarian.

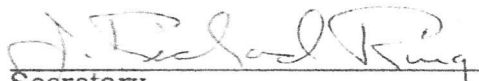
Section 3 - ADOPTION OF BY-LAWS: These By-Laws may be adopted at any legal annual meeting of the District. Adoption shall require a two-thirds vote of the electors, as defined herein, present and voting at the meeting. The By-Laws shall become effective immediately upon passage.

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.

Section 5 - DISSOLUTION: A proposal to dissolve the District under Sec. 33.35 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 indicating an intent to seek dissolution. The proposal for dissolution shall be included in the notice. The petition of the County Board to dissolve the District shall require a two-thirds vote of the electors present and voting at the annual meeting.

CERTIFICATION

These By-Laws were adopted/amended by vote of 12 yes and 0 no at the annual meeting on this 15th day of August, 1992.

  
Secretary