

# Bylaws of the Lake Altoona District

## Preface

In keeping with the resolution of the Eau Claire County Board that created the Lake Altoona District, the electors of the Lake Altoona District do adopt these Bylaws. The purpose of these Bylaws is to define and regulate the activities of the Lake Altoona District, its officers, and its committees. These Bylaws 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 Bylaws.

## Article I – Electors

**Section 1 – Residents:** 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 – 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 1 of Article II. 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. 33.30 (2)] “Real property owner” is defined in Section 33.01 (9) of the Wisconsin Statutes.

## Article II – Voting

**Section 1 – Voting:** Any elector and any property owner may cast only one vote on any question called to a vote.

**Section 2 – 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 Bylaws.

## **Article III – Annual Meeting**

**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, unless scheduled outside those dates by majority vote of the previous annual meeting. [Sec. 33.30 (1)]

**Section 2 – Notice:** A written notice of the annual meeting shall be mailed at least 10 days in advance of the meeting to all property owners within the District and to all electors within the District. [Sec. 33.30 (2)]

**Section 3 – Nomination of Commissioners:** At each annual meeting any elector or property owner may nominate candidates to fill all vacancies on the Board.

**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 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 and property owners shall elect by secret ballot one commissioner to fill each vacancy on the Board. [Sec. 33.30 (3) (a)] When a commissioner's term of office has expired, his/her successor shall be elected to a three-year term. [Sec. 33.28 (2)] If a commissioner leaves office before the expiration of his/her term, his/her elected successor shall serve only for the remainder of the unexpired term. In any other year in which more than one vacancy exists, 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 the next longest; the candidate receiving the third greatest number of votes shall be elected to the shortest-term vacancy, if any. At least one of the elected commissioners shall be a resident of the District. [Sec. 33.28 (2)] 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 the Board shall present a proposed budget and tax for the coming calendar year. The electors and property owners 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 mils of equalized valuation. [Sec. 33.30 (4) (a)] The annual meeting may direct the Board to adopt and collect special charges or special assessments.

**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 \$10,000 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 proposed projects by the District 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. [Sec. 33.30 (3) (b)] Votes on projects may be taken by secret written ballot at the discretion of the chairperson.

**Section 8 – Resolutions:** All resolutions, in order to be considered at any annual meeting, shall be submitted in writing to the Board at or prior to the last regularly scheduled meeting of the board before the annual meeting.

**Section 9 – Other Business:** The annual meeting may take up and consider such other business as comes before it. [Sec. 33.30 (4) (b)]

## **Article IV – Powers of the District**

**Section 1 – General Powers of the District:** 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 debts and do such other acts as are necessary to carry out a program of lake protection and rehabilitation. [Sec. 33.22 (1)]

**Section 2 – Specific Lake District 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, which shall consist of five persons: one person appointed by the county board who is a member of the County Land Conservation Committee or is nominated by the County Land Conservation Committee and appointed by the county board; one member of the governing body of the town, village, or city within which the largest portion by valuation of the district lies, appointed by the governing body and owning property within the District if possible; and three electors or owners of property within the District elected by secret ballot by the qualified electors and property owners within the District, for staggered three-year terms. At least one of the elected commissioners shall be a resident of the District. [Sec. 33.28 (2)]

**Section 2 – Open Meetings:** The Board shall meet at least quarterly, and at other times on the call of the chairperson or the petition of three of the commissioners. [Sec. 33.28 (6)] Meetings shall be open and proper notice given in accordance with the legislation governing meeting of public bodies. [Sec. 19.81–98]

**Section 3 – Quorum and Vacancies:** Three commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to

borrow money. The chairperson shall appoint an elector to fill any vacancies until the next annual meeting. [Sec. 33.28]

**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 the Bylaws 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 chairperson, a secretary, and a treasurer from among its members. [Sec. 33.29 (3)]

1. The chairperson shall preside at the annual meeting and special meetings, 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 a copy 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 moneys 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 be paid actual and necessary expenses incurred while conducting business of the District, plus such compensation as may be established by the annual meeting. [Sec. 33.28 (5)]

**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 protection and 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 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)]

The Board shall have control over the fiscal matters of the District, subject to the powers and directives of the annual or a special 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 will 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, 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) and Sec. 67.12]

## **Article VI – Public Bidding**

**Section 1 – Low Bid:** All contracts exceeding \$2500 for the performance of work or the purchase of any 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 responsible ness of the bidder shall be at the discretion of the Board. If a bid is accepted that 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 District may require that a contracting party give adequate security to assure performance of the contract and to pay all damages that may arise from inadequate performance. [Sec. 33.22 (2)]

**Section 3 – Conflict of Interest:** Any commissioner shall abstain from voting on any matter before the Board in which he/she, as a private person, or in which any member of his/her 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 running for 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 chairperson 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 chairperson may appoint other committees as he/she deems necessary to further the interests of the District.

**Section 4 – Reporting:** All committees shall report to the chairperson at his/her request and to the annual meeting.

**Section 5 – Compensation:** Committee members shall receive no remuneration for services to the District, except as provided in Article V, Section 6. With prior approval from the Board, committee members may submit vouchers for actual and necessary expenses incurred while conducting the business of the District. Vouchers shall be submitted for payment within 90 days of incurring the actual and necessary expense.

**Section 6 – Terms of Members:** All committee members shall serve at the pleasure of the chairperson, and may be replaced by him/her on an annual basis following the Board meeting that immediately follows the annual meeting.

## **Article VIII – Miscellaneous Provisions**

**Section 1 – Special Meetings:** The Board of Commissioners of the District may schedule a special meeting of the District at any time. The Board shall schedule a special meeting upon receipt of a petition signed by at least 10 percent of the electors and property owners in the District. Written notice of a special meeting shall be given to the same persons and in the same manner as in Article III, Section 2. At a special meeting, electors and property owners may take any action that is required or allowed to be taken at an annual meeting, except they may not do any of the following: (a) Approve an annual budget; but they may consider and vote on amendments to the annual budget. (b) Consider the dissolution of the District or dissolve the District. (c) Consider a matter that was resolved during another special meeting that was held since the previous annual meeting. [Sec. 33.30 (5)]

**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 Bylaws. The chairperson shall serve as parliamentarian.

**Section 3 – Adoption of Bylaws:** These Bylaws may be adopted at any legal annual meeting of the District. Adoption shall require a two-thirds vote of the voting electors, as defined herein, present at the meeting. The Bylaws shall become effective immediately upon passage.

**Section 4 – Amending Bylaws:** These Bylaws 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.

### **Certification:**

These Bylaws were amended by a vote of 85 Yes and 0 No at the annual meeting on this 29<sup>th</sup> day of October 2002.