

BY-LAWS
TAINTER LAKE REHABILITATION DISTRICT

PREFACE

A lake district is a special purpose unit of government with powers focused on lake management and the provision of services to property located within its established boundaries. A lake district operates on its own, independent of its creating entity, in accordance with its statutory powers. The laws governing the formation and operation of lake districts can be found in Chapter 33 of the Wisconsin State Statutes. Those legal questions that lake districts may have which are not addressed in Chapter 33 are often covered under the same body of municipal laws that govern Wisconsin towns and counties.

Lake districts work cooperatively with other government bodies and private organizations to carry out authorized activities. Wisconsin local governments (including lake districts) have broad powers to undertake cooperative efforts with other government bodies and Indian tribes. For example, some lake districts construct and operate public sewer systems within their boundaries and jointly own and operate wastewater treatment plants with adjacent cities or villages. Other lake districts work cooperatively with counties or other government bodies on boating law enforcement, erosion control, and other programs important to the lake or its watershed. Lake districts can also work cooperatively with nonprofit organizations on conservation projects beneficial to the lake and the district's mission.

In keeping with the resolution of the Dunn County Board of Supervisors that created the Tainter Lake Rehabilitation District, the electors of the 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. Sections of the statutes are cited in brackets throughout these by-laws.

Article I - ELECTORS OF THE DISTRICT

Section 1 - AN ELIGIBLE ELECTOR OF THE DISTRICT: must be eighteen (18) years of age or older on the date of the vote, a citizen of the United States of America along with being either a RESIDENT or NON-RESIDENT PROPERTY OWNER as defined by:

1. A RESIDENT must be a current resident of a property in the lake district [§ 6.10].
2. A NON-RESIDENT PROPERTY OWNER must be an owner of a property in the district as listed on the deed of the property in the district and in the case of a deed listing any Corporation, partnership, or association, the listed group may appoint one designated representative. [§ 33.01(9)]

Proof of these requirements can be provided as defined by Wisconsin Voter Photo ID requirements or signing a "Lake District Voter Certificate" [§ 6.34] . A few examples of acceptable photo ID include:

1. A Wisconsin DOT-issued driver license, even if driving privileges are revoked or suspended, with or without a star in the right-hand corner.
2. A Wisconsin DOT-issued identification card, with or without a star in the right-hand corner.
3. A Wisconsin DOT-issued identification card or driver license without a photo issued under the religious exemption.

Article II - VOTING

Section 1 - VOTING OF AN ELECTOR OF THE DISTRICT:

1. Any elector may cast only one vote on any question.
2. 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 of these By-laws. [§ 33.30]

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 22nd and September 8th 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. [§33.30 (1)]

Section 2 - NOTICE: A written notice of the annual meeting and budget hearing shall be mailed at least 10 days in advance of the meeting to all non-resident property owners whose names appear on the tax roll and to the Department of Natural Resources and the University of Wisconsin Extension. The 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 the following week, at least 7 days before the meeting. The 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 meeting and budget hearing; the names of nominated candidates, any proposed changes in the By-laws; and any consideration of dissolution.

Section 3 - NOMINATION OF COMMISSIONERS: The Board shall nominate candidates to fill vacancies on the Board. A nomination for the Board requires candidates to provide the secretary a written statement of intent and signatures of five electors supporting the nomination forty-five (45) days prior to the annual meeting. Nominated candidates shall be published in the annual meeting notice. If none of the remaining elected commissioners, whose terms do not expire, are resident electors, then the candidates shall be resident electors. [§33.28 (2)] Ballots printed for the election shall provide space for write-in candidates.

Section 4 - ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect any elector to the Board. [§33.285]

Section 5 - ELECTING COMMISSIONERS: At the first annual meeting the electors shall elect three (3) commissioners to the Board for a total of five (5). If a proposed expansion of the board to seven (7) total commissioners is passed, the electors shall elect five (5) commissioners.

With a board of three (3) elected commissioners, 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, and the candidate receiving the third greatest number of votes shall be elected to a one-year term.

With a board of five (5) elected commissioners, the two candidates receiving the first and second greatest number of votes shall be elected to a three-year term; the two candidate receiving the third and fourth greatest number of votes shall be elected to a two year term, and the candidate receiving the fifth greatest number of votes shall be elected to a one-year term.

At subsequent annual meetings, the electors shall elect one or two commissioner(s) to fill the expiring term on the Board. [§ 33.30 (3) (a)] When a commissioner's term of office has expired, his successor shall be elected to a three-year term. [§33.28 (2) (c)]

All elections for the office of commissioner shall be conducted by secret, written ballot or, by a motion from the floor for a unanimous approval of the candidate(s). If a secret Ballot is required the Chair shall follow the Election Guidelines found in Chapter 33, Section 33.30(5) 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. [§33.30 (3) (c)] [§65.90 (2)] The annual meeting may direct the Board to adopt and collect special charges or special assessments. [§33.32]

Section 7 - PROJECT APPROVAL: Before approval of the annual budget, the annual meeting shall, by separate vote, approve or disapprove each proposed project. [§33.30 (3) (b)]

Section 8 - OTHER BUSINESS: The annual meeting shall take up and consider such other business as comes before it that is on the agenda. [§33.20 (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 hold, maintain, or dispose of real or personal property; disburse money: contract debt; and do such other acts as are necessary to carry out a program of lake protection and rehabilitation. [§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 inactivation, erosion control, sediment manipulation including dredging, bottom treatments, weed and algae control, and water level control. [§ 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 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 (5) or seven (7) persons if expansion is approved at the annual meeting. Three (3) or if a board of seven is approved, five (5) 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. [§33 28 (1) (2) and §33.33 (1)]

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. [§33.28 (6)] Meetings shall be open and proper notices given in accordance with legislation governing meetings of public bodies. [§ 19.81-98]

Section 3 - QUORUM: With a board of five (5), three (3) commissioners shall constitute a quorum and with a board of seven (7), four (4) commissioners shall constitute a quorum for the transaction of business. [§ 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 term, up to the next annual meeting, shall be subject to approval by a majority vote of the Board. [§ 28 (7)] 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. [§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. [§ 33.29 (3)]

1. The chairman shall preside at the annual and special membership meetings, all meetings of the Board and all public hearings held by the Board. [§33.29 (3) (a)]
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, Box 7921, Madison, WI 53707) of the continued existence of the District. [§33.29 (3) (b)]
3. The treasurer shall receive and take charge of all money of the District, and pay out the same only on order of the Board. [§33.29 (3) (c)]

Section 7 - COMPENSATION: The commissioners shall receive no remuneration for their service in office, but a commissioner shall be paid for budgeted and Board approved actual and necessary expenses incurred while conducting the business of the District [§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 shorelines, and the drainage basin [§33.29 (1) (a)]
2. Planning lake rehabilitation projects. [§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. [§33.29 (1) (c)]
4. Adopting and carrying out lake protection plans and obtaining any necessary permits therefore. [§33.29 (1) (d)]
5. Maintaining liaison with those officials of the state government involved in lake protection and rehabilitation. [§33.29 (1) (e)]
6. Implementing the decisions of the electors at the annual and special meetings. [§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. [§33.29 (2)] Subject to the decisions of the annual meeting, the Board may borrow money or use any other financing method prescribed by law. [§33.31] The Board may use special assessment or special charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management activities undertaken by the District. (§ 33.32] The Board may exercise its authority to borrow money when in temporary need. [§33.31 (2)]

Article VI - 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. [§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. The procedures for public works under § 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 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 exceeding \$5,000 give adequate performance and liability security at the time the party submits his bid. [§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, parent, 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 service 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 an independent and qualified auditor who 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 he deems necessary to further the interest 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, amendment 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 a written request to the secretary signed by

at least ten 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 may not be reconsidered at another special meeting prior to the next annual meeting. [§33.305]

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 him. shall serve as parliamentarian.

Section 3 - ADOPTION OF BY-LAWS: The 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 § 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 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:

These By-laws were adopted by vote of ____ - yes and ____ - no at the annual meeting on this 5th day of August, 2023.

Jerry Porter