

BY-LAWS OF THE TRI-LAKES MANAGEMENT DISTRICT

PREFACE

IN KEEPING WITH RESOLUTION 34 OF THE ADAMS COUNTY BOARD THAT CREATED THE TRI-LAKES MANAGEMENT DISTRICT, THE ELECTORS OF SAID TRI-LAKES MANAGEMENT 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 BYLAWS.

ARTICLE I - ELECTORS

Section 1 - RESIDENT PROPERTY OWNERS: Every resident property owner 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 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 2 of Article II. Any corporation or partnership 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 as a holder of a fee simple title or land contract on land or the owner of buildings on land which is leased for 20 years or more. [Sec. 33.30(3)(g)]

ARTICLE II - VOTING

Section 1 - MULTIPLE VOTING: An elector may cast only one vote on any question called to a vote. An owner of multiple properties may cast only one vote on any question.

Section 2 - NON-RESIDENT PROPERTY OWNERS: Joint tenants or tenants-in-common shall select no more than two of the co-owners who shall represent them and they shall each cast one vote. [Sec.33.30(3)(g)]

Section 3 - 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 other than commissioner elections shall be counted by a show of hands unless a motion is made, seconded, and approved by the electorate present to use secret ballot.

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 Board, unless the date has been set by vote of the previous annual meeting. [Sec.33.30(1) and 65.90(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 property owners in the District whose names appear on the tax roll 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 of the annual meeting and budget hearing shall be published in a paper of general circulation in the area. Such publication shall be at least 15 day before the meeting. [Sec. 33.30(2) and 65.90(3)]

Section 3 - NOMINATION OF 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.

Any twenty-five 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 notice of the annual meeting.

Section 4 - ELIGIBILITY OF COMMISSIONERS: Any elector can be elected to the office of commissioner at the annual meeting. [Sec. 33.28(2) and 33.285]

Section 5 - ELECTING COMMISSIONERS: Each of the three elected commissioner positions shall be filled by an elector residing or owning real property on or around the three lakes within the District: Arrowhead, Camelot and Sherwood. At the initial annual meeting an elector residing or owning real property on or around Lake Arrowhead shall be elected for a term of three (3) years; and elector residing or owning real property on or around Lake Camelot shall be elected for a term of two (2) years; and an elector residing or owning real property on or around Lake Sherwood shall be elected for a term of one (1) year.

ADDENDUM: At subsequent annual meetings the electors shall elect one commissioner to fill the expired term vacancy, for a three year term. The electee shall be from the Lake Association from which the vacancy occurs and will serve on the board for said term. [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, the Board shall appoint a successor from his/her respective lake area to serve until the next annual meeting. One of the three elected commissioners must be a resident of the District. [Sec.33.28(2)] If the two commissioners whose terms do not expire are resident electors then the candidate for third commissioner shall be a resident elector. 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 and budget hearing, the Board shall present a proposed budget and tax for the coming calendar year. The electors of the district present and voting 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 a rate of 2.5 mills of equalized valuation. [Sec.33.30(3)(c) Sec. 65.90(2)] The Board may be directed at the annual meeting to adopt and collect special charges or make 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 individual vote on each project. The Board may also be authorized, 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. [Sec. 30.30(3)(d)] Votes on projects may be taken by secret written ballot at the discretion of the chairperson.

Section 8 - 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 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. [Sec. 33.22(1)]

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. The District may study the causes of existing or potential lake problems, undertake the treatment of aquatic weeds, algae, swimmers' itch. [Sec. 33.13-15] The District may also operate water level controls on the lakes. The District shall initiate and coordinate research and surveys for the purpose of gathering data on the lakes, related shorelands and the drainage basin. [Sec. 33.29(1)(a)] The District shall be responsible for contacting and attempting to secure the cooperation of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary the Board to further the objectives of the District. [Sec.33.29(1)(c)] 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 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)]

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 Adams County Board and by the Town of Rome. [Sec. 33.28(1)(2)] and [Sec. 33.31(1)]

ADDENDUM: No more than 2 commissioners from any Lake Association may serve on the Board at the same time.

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 legislation governing meetings of public bodies. [Sec. 19.81-98]

Section 3 - QUORUM: Three commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to borrow money.

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 these by-laws and Chapter 33 of the Wisconsin Statutes, and shall carry out the 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 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 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 for actual and necessary expenses incurred while conducting the business of the District. A mileage rate and per diem, subject to approval at the annual meeting, shall be paid each commissioner. [Sec.33.28(5)]

Section 7 - POWERS AND DUTIES: The Board shall be responsible for carrying out the powers and duties of the District as set forth in Article IV, Section 2 of these by-laws and by provisions of Chapter 33 of the Wisconsin Statutes.

ARTICLE VI - PUBLIC BIDDING

Section 1 - LOW BID: all contracts exceeding \$2,500 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.

Section 2 - SECURITY BOND: The Board may 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/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 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 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. At the discretion of the Board a professional auditing firm may be contracted.

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: 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 Board, and may be replaced by it 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 5% 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.

Section 2 - CONDUCT OF MEETINGS: All meetings of the District shall be conducted according to Robert's Revised Rules of Order unless contrary to the requirements of these by-laws. The chairperson 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 voting electors, as defined herein, present 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.

CERTIFICATION: These by-laws were adopted at the annual meeting September 1, 1984 by a majority vote. The Addendums to Article III - Section 5 and Article V - Section 1 were approved at the annual meeting August 30, 1997 by a majority vote.