

Bylaws of the Potter's Lake Protection and Rehabilitation District

In keeping with the Resolution of the Town Board for the Town of East Troy, that created the Potter's Lake Protection and Rehabilitation District, the electors of said District do adopt these Bylaws. The purpose of the Bylaws is to define and regulate the activities of said District, its officers and 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.

ARTICLE I - ELECTORS OF THE DISTRICT

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

Section 2 - Non-Resident Property Owners: Every person whose name appears on the District assessment role prepared for the 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 11, Section 2 [Section 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 [Section 33.2851].

ARTICLE II - VOTING

Section 1 - Multiple Voting: Any elector may cast only one (1) vote on any question called to a vote.

Section 2 - Non-Resident Multiple Owners: When more than one (1) person owns a parcel of real property, the joint tenants or tenants-in-common shall select no more than two (2) of the co-owners who shall represent them and shall each cast one (1) vote.

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, absentee ballot, or referendum. All votes shall be counted by show of hands, unless otherwise specified by Statute or these Bylaws.

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 (Board). The annual meeting may be scheduled at such other times by a majority vote at the previous annual meeting [Section 33.30(1) and Section 65.90(1)].

Section 2 - Notice: A written notice of the annual meeting and budget hearing shall be mailed at least fourteen (14) days in advance of the meeting to all electors whose names appear on the tax roll and to the Department of Natural Resources and the University of Wisconsin Extension. In lieu of a written notice to electors, notice may be given by publishing twice in the official newspaper of the District. The first insertion shall be at least fifteen (15) days before the meeting and the second insertion shall be the following week, at least seven (7) days before the meeting. The notice shall include a summary of the proposed annual budget and the place where the detailed budget is available for public inspection; time, place and agenda of the annual meeting and budget hearing; the names of nominated candidates; any proposed changes in the Bylaws;

a list of any items properly proposed for consideration at the annual meeting by persons eligible to vote at such meeting; and any consideration of dissolution.

Section 3 - Nomination of Commissioners: The Board shall nominate candidates to fill all vacancies on the Board. If none of the remaining elected commissioners, whose terms do not expire, are resident electors, then the candidates shall be resident electors [Section 33.28(2)]. The minimum number of candidates nominated by the Board shall be equal to the number of vacancies plus one (1). Any three (3) electors may nominate additional candidates by submitting written nomination papers to the secretary at least forty-five (45) days prior to the annual meeting. The names of all nominated candidates shall appear on the written and published notices of the annual meeting. Ballots printed for the election shall provide for write-in candidates.

Section 4 - Eligibility of Commissioners: The annual meeting can elect any elector to the office of commissioner [Section 33.28(2)(c)].

Section 5 - Electing Commissioners: At the first annual meeting, the electors shall elect three (3) 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. However, if none of the top three (3) candidates is a resident elector, the resident elector with the most votes among the resident elector candidates shall be elected to a one-year term. At subsequent annual meetings, the electors shall elect one (1) commissioner to fill the expiring term on the Board [Section 33.30(3)(a)]. When a commissioner's term of office has expired, such commissioner's successor shall be elected to a three-year term [Section 33.28(2)(c)].

All elections for the office of commissioner shall be conducted by secret, written ballot. Commissioners shall assume their office in January of the following calendar year.

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 as determined by the Department of Revenue and reported to the District board [Section 33.30(3)(c) and Section 65.90(2)]. The annual meeting may direct the Board to adopt and collect special charges or special assessments [Section 33.321].

Section 7 - Project Approval: Before approval of the annual budget, the annual meeting shall, by separate vote, approve or disapprove each proposed project having a cost to the District in excess of ten thousand dollars (\$10,000.00). The annual meeting shall also authorize the Board, during the succeeding year until the next annual meeting, to approve or disapprove of projects having a cost to the District in excess of ten thousand dollars (\$10,000.00), and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution [Section 33.30(3)(d)]. Votes on the 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 other such business as comes before it [Section 33.20(4)(b)].

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 are necessary to carry out a program of lake protection and rehabilitation [Section 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 [Sections 33.13 through 33.15].

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 (5) persons. Three (3) shall be elected as provided in Article 111, Section 5, and one (1) each shall be appointed by the Walworth County Board and by the Town of East Troy [Section 33.28(1)(2) and Section 33.33(1)].

Section 2 - Open Meetings: The Board shall meet at least quarterly [Section 33.28(6)], and at other times on the call of the chairperson or the request of three (3) of the commissioners [Section 33.28(6)]. Meetings shall be open and proper notice given in accordance with legislation governing meeting of public bodies [Section 19.81 through Section 19.98].

Section 3 - Quorum: Three (3) commissioners shall constitute a quorum for the transaction of business [Section 33.28(3)].

Section 4 - Vacancy: Vacancies on the Board caused by death or resignation of an elected commissioner shall be filled by the chairperson. The appointment for the remainder of the unexpired term shall be subject to a majority vote of the Board [Section 33.28(7)]. The commissioner appointed by Walworth County and the commissioner appointed by the Town of East Troy 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 Bylaws and Chapter 33 of Wisconsin Statutes, and shall carry out the mandates of the annual meeting and special meetings, if any [Section 33.29(2)].

Section 6 - 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 [Section 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 [Section 3.29(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 I, and shall annually provide the University of Wisconsin Extension and the Department of Natural Resources with the names and addresses of Commissioners and of the continued existence of the District [Section 33.29(3)(b)].
3. The treasurer shall receive and take charge of all monies of the District and pay out same only on order of the Board [Section 33.29(3)(c)].

Section 7 - Compensation: The chairperson, treasurer, and secretary shall receive remuneration for their service in the office provided sufficient funds are available at the end of the fiscal year. Remuneration shall be set at the annual meeting preceding the year for which the chairperson, secretary, and treasurer is being compensated. A commissioner shall be paid for actual and necessary expenses incurred while conducting the business of the District.

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 [Section 33.29(1)(a)].
2. Planning lake protection and rehabilitation projects [Section 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 [Section 33.29(1)(c)].
4. Adopting and carrying out lake protection plans and necessary permits therefore [Section 33.29(1)(d)].
5. Maintaining liaison with those officials of State government involved in lake protection and rehabilitation [Section 33.29(1)(e)].
6. Implementing the decisions of the electors at the annual and special meetings [Section 33.29(2)].
7. Scheduling the annual meeting [Section 33.29(1)(f)].
8. Preparing the proposed annual budget for presentation at the annual meeting of the District.

Section 9 – Financial Management: 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 [Section 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 [Section 33.31]. The Board may use special assessments or special charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management

activities undertaken by the District [Section 33.32]. The Board may exercise its authority to borrow money when in temporary need [Section 33.31(2)].

ARTICLE VI - PUBLIC BIDDING

Section 1 - Low Bid: All contracts for work or materials greater than the maximum of two thousand five hundred dollars (\$2,500.00) or the statutory limit at such time shall be let by the Board to the lowest responsible bidder [Section 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 Section 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 twenty (20) percent, the Board must provide a written justification for its action to the next annual meeting.

Section 2 - Security Bond: The Board may require that a contracting party in any contract exceeding five thousand dollars (\$5,000.00) give adequate performance and liability security at the time the party submits the bid [Section 33.22(2)].

Section 3 - Conflict of Interest: Any commissioner shall abstain from voting on any manner before the Board in which such commissioner as a private person, or in which any member of such commissioner's immediate family (spouse, parent, or child), has a financial interest.

ARTICLE VII - COMMITTEES

Section 1 - Elections: The chairperson shall appoint three (3) non-interested electors 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 (3) 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 deemed necessary to further the interests of the District.

Section 4 - Reporting: All committees shall report to the chairperson 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 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 except approval of the annual budget, amendment of the Bylaws, or dissolution of the District. Amendments to the annual budget may be considered. The meeting may be called by the Board or upon written request to the secretary signed by at least ten (10) percent 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 [Section 33.305].

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 provisions of these Bylaws. The chairperson, or a person appointed by the chairperson, shall serve as parliamentarian.

Section 3 - Adoption of Bylaws: The Bylaws 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 (2/3) vote of the voting electors, as defined herein, present at the meeting. The Bylaws shall become effective immediately upon passage.

Section 4 - Amending Bylaws: Bylaws changes may be proposed by a majority of the commissioners or a majority vote of the previous annual meeting. These Bylaws 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 (2/3) vote of the electors present and voting at the meeting.

Section 5 - Dissolution: A proposal to dissolve the District under Section 33.35 may be made by a unanimous vote of the commissioners or a written notification from an elector at least ninety (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 (2/3) vote of the electors present and voting at the annual meeting.

CERTIFICATION

These Bylaws were amended by a proper vote of the electors at the annual meeting on this 8th day of September 2007.

Attest: _____

Tom Purvis
Secretary

Date: _____