

# BYLAWS

## Apple River Protection and Rehabilitation District

### Preface

In keeping with the resolution of the Polk County Board that created the Apple River Protection and Rehabilitation District, the electors of the said Apple River Lake District do adopt these bylaws. The purpose of these bylaws is to define and regulate the activities of the Lake 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 district was created and operates. Sections of the Statutes are cited in brackets throughout these bylaws.

### ARTICLE I ELECTORS OF THE DISTRICT

#### Section 1 Resident:

Every resident of the District who is registered or 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 person whose name appears on the District assessment role prepared for the purpose of real property taxation or who has provided proof of the title to real property in the District , and who is a US 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(9Xb)]. 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(3Xg)]

### **Section 3 Casting Ballots:**

An elector must be present at the meeting at the time the vote is called to order to vote. No elector may vote by proxy or absentee ballot or referendum. All votes shall be counted by show of hands, or written ballot at the discretion of the chairman, 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 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 65.90(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 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 time, palace, and agenda of the annual meeting and budget hearing; any proposed changes in the bylaws; 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 [Sec. 33.28(2)]. The suggested number of candidates nominated by the Board is the number of vacancies plus one. Any three electors may nominate additional candidates by submitting written nomination papers to the Secretary at least 45 days prior to the annual meeting. In addition, nominations for additional candidates may be made from the floor at the annual meeting. Ballots for the election shall provide space for write-in candidates.

### **Section 4 Eligibility of Commissioners:**

The annual meeting can elect any elector to the office of commissioner. [Sec. 33.28(2Xc) 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. However, if none of the top three 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 all elect one commissioner to fill the expiring term on the Board [Sec. 33.30(3Xa)]. When a commissioner’s term of office has expired, his successor shall be elected to a three-year term [Sec. 33.28(2Xc)].

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 were 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 fiscal year, beginning July 1. 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 [Sec. 33.28(2Xc)] [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:**

Before approval of the annual budget, the annual meeting shall, by separate vote, approve or disapprove each project having a cost to the District in excess of \$5,000. 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(3Xd)]. Votes on projects may be taken by secret written ballot at the discretion of the chairman.

**Section 8 Other Business:**

The annual meeting shall take up and consider such other business as comes before it [Sec. 33.20(2Xe)].

## **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 [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 inactivation, 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 lake district may adopt ordinances to regulate equipment, use, and operation of watercraft, vehicles on icebound lakes.

## **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 shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District. [Sec. 33.28(1X2) and Sec. 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. [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. [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. 33.28(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 Bylaws and Chapter 33 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. [Sec. 33.29(3)]

1. The chairman shall preside at the annual and special membership meetings, all of the Board and all public hearings held by the Board. [Sec. 33.29(3Xa)]
2. The secretary shall keep the 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 all electors of the District as defined in Article I, and shall annually provide the University of Wisconsin Extension(College of Natural Resources, UW Stevens Point 54481) with the names and addresses of commissioners, and by copy said list shall annually notify the Department of Natural Resources(Lake Management Section Bureau of Water Resources Management, DR Box 7921, Madison, WI 53707) of the continued existence of the District. [Sec. 33.29(3Xb)]
3. The treasurer shall receive and take charge of all monies of the District, pay out the same only on order of the Board. [Sec. 33.29(3Xc)]

**Section 7 Compensation:**

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

Chairman \$150.00 / Secretary \$150.00 / Treasurer \$150.00

Commissioners shall also 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 shore lands, and the drainage basin. [Sec. 33.29(1Xa)]
2. Planning lake 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(1Xc)]
4. Adopting and carrying out lake protection plans and obtaining any necessary permits therefore. [Sec. 33.29(1Xd)]
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. [Sec. 33.29(1Xe)]
6. Implementing the decisions 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)] Subject to the decisions of the annual meeting, the board may borrow money or use any other financing method prescribed by law. [Sec. 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. [Sec. 33.31(2)]

## **Section 9 Indemnification of Commissioners:**

In the event that any claim, litigation, action or proceeding of any kind or nature is commenced or brought against a commissioner of the Apple River Protection and Rehabilitation District, relating to that commissioner's functioning in his capacity as a commissioner, or relating to his duties meetings he has attended, or other duties pursuant to his responsibilities as a commissioner, then the District shall reimburse and remunerate the commissioner for any costs incurred for purposes of defense of such an action, proceeding, or litigations, including specifically indemnifying the commissioner in the full amount of any claim successfully brought against him, as well as his underlying legal costs and fees incurred for purposes of defense of that claim.

Said commissioner shall be entitled to full reimbursement of any and all costs, including defense costs, for each and every proceeding brought against him, relating to his official duties as a commissioner of the Apple River Protection and Rehabilitation District.

## **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. The procedures for public works under Sec. 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. [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, parent, or 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 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.

### **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 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 Bylaws, 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 10% 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. [Sec.33.305]

### **Section 2 Conduct of Meetings:**

All meetings of the District shall be conducted according to the Roberts Revised Roles of Order unless contrary to the requirements of the Bylaws. The chairman, or person appointed by him, shall serve as parliamentarian.

### **Section 3 Adoption of Bylaws:**

These Bylaws may be adopted at any legal annual meeting of the District providing the proposed adoption was included in the notice. 8

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:**

Bylaw 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 vote of the electors present and voting at the meeting.

**Section 5 Dissolution:**

A proposal to dissolve 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 the 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.

**Section 6 Replacement of Previous Bylaws:**

These Bylaws are in placement for and a substitute for any and all previously adopted Bylaws. These Bylaws shall replace and supplant any and all previous Bylaws, and such previous Bylaws are now rendered null and void.

**CERTIFICATION:**

These Bylaws were adopted by vote of 46 yes and 1 no at the annual meeting on this 25 day of Aug. 1990.

Harold Spanjer/ Secretary

