

**Originally adopted 9/4/1982
Revised 8/18/2007**

**BYLAWS OF THE
HORSEHEAD LAKE PROTECTION & REHABILITATION
DISTRICT NO. 1
TOWN OF LAKE TOMAHAWK, WI
COUNTY OF ONEIDA**

[Note: “Chairman” means Chairperson, regardless of gender. Any pronouns such as “he” or “his” refer to Chairperson, regardless of gender]

In keeping with the resolution of the Oneida County Board that created the Horsehead Lake Protection and Rehabilitation District, the electors of the said Horsehead Lake District do adopt these by-laws.

The purpose of these by-laws is to define and regulate the activities of the Horsehead 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.

ARTICLE I – ELECTORS

Section I – Resident electors – Every resident of the District who is eligible to vote in general elections shall be an eligible elector of the District.

Section II – Non-resident property owning electors – Every person 18 years of age or older and a citizen of the United States who owns real property in the District shall be an eligible elector of the District. 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. 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 that is leased for 20 years or more.

Section III – Challenges – Any elector may challenge the eligibility of another elector at any annual or special meeting of the District provided such challenge is made prior to the first vote of the meeting. The challenge shall be directed to the secretary as a point of information inquiring as to whether the challenged elector’s name appears on the District’s roster. The secretary shall keep an up to date elector roster and make some available for review and up dates.

ARTICLE II – VOTING

Section I – **Multiple Voting** - Any elector may cast only one vote on any question called to a vote.

Section II – **Non-Resident Multiple Owners** – Each spouse of a married couple may cast one vote if one or both of them own real property within the District. Other 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.

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Section III – **Voting by Proxy** – Except as absentee ballots are permitted, 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.

Section IV – **Ballots** – All votes shall be counted by a “show of hands” or written ballot at the discretion of the chairperson, unless otherwise specified in these by-laws or unless a motion is made, seconded, and approved, calling for a secret ballot, in which case the written ballot shall be used.

Section V – **Absentee Ballots** – Neither mail in nominations nor absentee ballots are allowed under Wisconsin Statute Chapter 33, Sec. 30, and Subsection 2b.

Section VI – **Referendum** - The annual meeting may direct the Board of Commissioners to conduct a mail referendum of all electors on projects which have a cost to the District in excess of \$5,000 as in advisory directive. The directive shall stipulate the nature of the question and how the results shall be interpreted. If necessary, the board may call a special meeting to review the referendum and be voted upon by the electors.

ARTICLE III – ANNUAL MEETING AND BUDGET HEARING

Section I – **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 previous annual meeting.

Section II – **Notice** - A written notice of the annual meeting and budget hearing shall be mailed at least 15 days, and no more than 45 days, in advance of the event to all resident and non-resident property owning electors whose names appear on the tax roll, and to the Department of Natural Resources. 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 once in a paper of general circulation in the area. The first insertion shall be at least 15 days before the event. Annual meeting and commissioners meetings shall be posted at least 3 days before the meetings in two prominent places.

Section III – Nominating Commissioners- The Board shall nominate candidates to fill all vacancies on the Board. If none of the commissioners whose terms do not expire, are resident electors, one of the candidates shall be resident electors. The minimum number of candidates nominated by the Board shall be equal to the number of vacancies. Any electors may nominate additional candidates by submitting written nomination papers to the secretary prior to or at the annual meeting. The names of all nominated candidates

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recommended by the nominating committee shall appear on the written notice of the annual meeting.

Section IV – Eligibility of Commissioners – The annual meeting can elect to the office of commissioner any elector.

Section V – Electing Commissioners – At the annual meeting, the electors shall elect one commissioner to fill each vacancy on the Board. When a commissioner's term of office has expired, his/her successor shall be elected to a three-year term. If a commissioner leaves office before the expiration of his/her term, his/her successor appointed by the Board shall serve up the next annual meeting. In any year in which more than one vacancy exists, the candidate receiving the greatest number of votes shall be elected to the three-year term; the candidate receiving the second greatest number of votes shall be elected to the shortest term vacancy, if any. One of the three elected commissions must be a resident of the District. If none of the commissioners (whose terms do not expire) are resident electors, the resident elector receiving the greatest number of votes shall be elected to the three-year term.

Section VI – 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 January 1 to December 31. The electors 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 shall not exceed a rate of 2.5 mills of equalized valuation as determined by the Wisconsin Department of Revenue.

Section VII - Project Approval - The annual meeting shall approve or disapprove all proposed projects by the District having a cost to the District in excess of \$5,000 by vote of the resident electors and non-resident property owners within the District. 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 set by the electors annually and provided in the authorizing resolution.

Section VIII – Temporary Borrowing – The Board may exercise its authority to borrow money when in temporary need, but in any one fiscal year, the amount borrowed shall not exceed \$5,000 or of an amount approved at the annual meeting.

Section IX – **Other Business** - The annual meeting shall take up and consider such other business as comes before it.

ARTICLE IV
DISTRICT BOARD OF COMMISSIONERS

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Section I – **Meetings** – The District Board of Commissioners shall meet on the call of the chairperson or the petition of three of the commissioners.

Section II – **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. The chairperson shall appoint an elector to fill any vacancies until the next meeting.

Section III – **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 IV – **Officers** – At the first board meeting, immediately following each annual meeting of the District, the Board shall elect a chairperson, secretary, and a treasurer from among its members.

- 1) The chairperson shall preside at the annual and special meetings, all meeting of the board and all public hearings held by the Board.
- 2) The secretary shall keep minutes of all meeting of the Board and hearings held by it, shall annual notify the Department of Natural Resources of the continued existence of the District, and shall maintain the District’s roster.
- 3) The treasurer shall receive and take charge of all money of the District, and pay out the same as approved by the budget.

Section V – **Compensation** – The elected District commissioner shall receive remuneration as set herein for service in office and shall in addition be paid for actual and necessary expenses incurred while conducting the business of the District and as directed by the Board.

Chairperson – Compensation shall be approved at the annual meeting

Secretary - Compensation shall be approved at the annual meeting

Treasurer Compensation shall be approved at the annual meeting

The commissioners shall be remunerated for their services and actual expenses. Expense vouchers shall be delivered to the Treasurer. This provision shall not apply to

commissioners who receive remuneration by virtue of their position on town boards, county boards and the like.

Section VI – **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.
- 2) Planning lake rehabilitation projects.

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- 3) Contacting and attempting to secure the cooperation of officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the Board as furthering the objectives of the District.
- 4) Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefore.
- 5) Maintaining liaison with those officials of state government involved in lake protection and rehabilitation.

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. 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. The Board may use special assessment or charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management (or sanitary service) activities undertaken by the District.

ARTICLE V **PUBLIC BIDDING**

Section I – **Low Bid** – All contracts exceeding \$2,500 for work or material shall be let by the Board to the lowest responsible bidder. The manner of soliciting bids and determination of the responsibility of the bidder shall be at the discretion of the Board. If a bid is accepted which exceeds any other bid, acceptance of a higher bid shall be explained at the next annual meeting.

Section II – **Security Bond** – The Board shall 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 III – **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.

Section IV – **Public Bidding Law** – For contracts in excess of \$5,000, the Board shall establish a formal, competitive bidding process and shall abide by the procedures established for municipal corporations in the letting of public contracts. (Sec. 66.29-66.295)

ARTICLE VI COMMITTEES

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Section I – **Elections** – The chairperson shall appoint two electors who are not running for the office of commissioner to serve as the nominating committee. The committee shall distribute, collect, and count the ballots at the annual meeting and report the results to the annual meeting.

Section II – **Auditing** -The chairperson shall appoint two 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. A professional accountant or the Department of Revenue shall be retained to conduct an audit when recommended by the auditing committee, with commissioners and/or electors present and approval at the annual meeting.

Section III – **Other Committees** – The chairperson may appoint other committees as he/she deems necessary to further the interests of the District.

Section IV – **Reporting** – All committees shall report to the chairperson at his/her request.

Section V – **Compensation** – Committee members (except commissioners) 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 VI – **Terms of Members** – All committee members shall serve at the pleasure of the chairperson as he/she sees fit.

ARTICLE VII 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 12 qualified electors of the district. The annual meeting notice requires 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. No other business shall be conducted at said special meeting.

Section II – **Conduct of Meetings** – All meetings of the District shall be guided by Roberts Revised Rules of Order unless contrary to the requirements of these By-Laws

Section III – **Adoption of By-Laws** - These By-Laws may be adopted at any legal annual meeting of the District. Adoption shall require a simple majority vote of the electors, as

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defined herein, present and voting at the meeting. The By-Laws shall become effective immediately upon passage.

Section IV – **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 and shall become effective immediately upon passage.

The foregoing By-Laws prepared explicitly for the Horsehead Lake Protection and Rehabilitation District No. 1 by the Board of Commissioners has been present and adopted by the District electors this 18th day of August in the year Two Thousand Seven.

First revision approved at annual meeting, August 18th, 2007.

_____ Chairperson	_____ Oneida County Representative
_____ Secretary	_____ Lake Tomahawk Representative
_____ Treasurer	

By-Laws Revision
August 18th, 2007
LKH-B/lkh-b