

BY-LAWS OF THE  
LAKE MASON MANAGEMENT DISTRICT

PREFACE

In keeping with the resolution of the Adams County Board that created the Lake Mason Management District, the electors of the said Lake Mason 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 By-Laws.

Article I – ELECTORS

Section 1 – DISTRICT ELECTORS: For the purpose of voting at meetings of the district, all district electors must be a U.S. citizen, 18 years of age or older and who meets any of the following requirements: (1) the person's name appears on the tax roll; (2) the person who owns title to real property within the district but their name is not mentioned on the tax bill, (it is up to that person to provide evidence to the district that he or she is an owner of real property or a designated representative of an organization property owner); (3) the person is an official representative, officer, or employee who is authorized to vote on behalf of a trust, foundation, corporation, association or organization that owns real property in the district. [Sec. 3301 (9)(am)]

Article II – VOTING

Section 1 – MULTIPLE VOTING: Any elector may cast only one vote on any question called to a vote.

Section 2 – 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 shall be counted by a show of hands, unless specified by Statute or in these By-Laws. [Sec. 19.88 (1)]

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 Commissions, 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 who 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 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. [Sec. 33.30(1) and 65.90 (1).

Section 3 -- NOMINATION OF 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, then two of the candidates shall be resident electors. The minimum number of candidates nominated by the Board shall be equal to 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. The names of all nominated candidates shall appear on the written and published notices of the annual meeting.

Section 4 -- ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect to the office of commissioner any elector. [Sec. 33.28 (2) and 33.285]

Section 5 -- ELECTING COMMISSIONERS: At the first annual meeting, the electors shall elect 5 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. At subsequent annual meeting, the electors shall elect one commissioner to fill each vacancy on the Board. [Sec. 33.30 (3) (a). When a commissioner's term of office has expired, his successor shall be elected to a three-year term. [Sec. 33.28 (2)] If a commissioner leaves office before the expiration of his term, his elected successor shall serve only for the remainder of the unexpired term. 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 next longest; and the candidate receiving the third greatest number of votes shall be elected to the shortest term vacancy, if any. One of the three elected commissioners must be a resident of the district. [Sec. 28 (2)] If none of the commissioners, whose terms do not expire, is a resident elector, then the resident elector receiving the greatest number of votes shall be elected to the three-year term. 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 \*\*It takes an unanimous vote to waive the secret written ballot requirement.

Section 6 -- APPOINTMENT OF ADVISORY MEMBERS: The Board shall have the authority to appoint anyone in an advisory capacity deemed necessary to maintain the ecology of Lake Mason. These appointments will be subject to renewal on a yearly basis.

Section 7 -- ANNUAL BUDGET AND TAX: At the annual meeting and budget hearing, the Board shall present a proposed budget and assessment for the coming calendar year. The electors of the District shall approve the budget and vote the assessment 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 mils of equalized valuation [Sec. 33.30 (3) (c) and Sec. 65.90 (2)] The annual meeting may direct the Board to adopt and collect special charges or special assessments.

Section 8 – 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 special vote of the electors. 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 \$10,000, and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution. [Sec. 33.30 (3)(b)]

Section 9 -- OTHER BUSINESS: The annual meeting shall take up and consider such other business as comes before it

#### 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, purchases, lease, devise or otherwise acquire, hold or dispose of real or person 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, and bottom treatments. [Sec. 33.13-15]

#### 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 7 persons. 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 township with the largest portion by valuation within the District. [Sec.33.28 (1) (2) 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 petition of three of the commissioners. [Sec. 33.28 (5). Meetings shall be open and proper notice given in accordance with legislation governing meeting of public bodies. [Sec. 19.81-98]

Section 3 -- QUORUM AND VACANCIES: Three commissioners shall constitute a quorum for the transaction business. A majority of the commissioners plus one shall be present to borrow money. The chairman shall appoint an elector to fill any vacancies until the next annual meeting.

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 chairman, a secretary, and a treasurer from among its members. [Sec. 33.29 (3)]

1. The chairman 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 with names and addresses of commissions and by copy of said list shall annually notify the Department of Natural Resources 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 receive no remuneration for their service in office, but a commissioner shall be paid for actual and necessary expenses incurred while conducting the business of the District,

Section 7 -- 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. [Sec. 33.29 (1)(a)]
2. Planning lake rehabilitation projects. [Sec. 33.29 (1)(b)]
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. [Sec 33.29 (1) (c)]
4. Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefor. [Sec. 33.29 (1) (d)]
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. [Sec. 33.29 (1) (e)]

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. 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] \*\* This explanation is to clarify this section: When money is borrowed, the District SHALL levy an annual, irrevocable tax to pay the principal and interest thereon; and this tax is to be levied without limitation as to the rate or the amount on all taxable property within the District, and MAY NOT be included in the operations tax limit of 2.5 mils. In other words, it appears that the interest and principal payments, can be made only from money received by this separate tax, or be included in the unlimited special charges category which is likewise without the 2.5 mil limitation.

#### 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. [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. If a bid is accepted which exceeds any other bid by more than 20 percent, the Board must provide written justification for its action to the next 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 at his 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 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 12 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