

**BY-LAWS
LAKE RIPLEY PROTECTION
AND REHABILITATION DISTRICT**

PREFACE

In keeping with the resolution of the Jefferson County Board that created the Lake Ripley Inland Lake Protection and Rehabilitation District, the electors of the said Lake Ripley Lake 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 OF THE DISTRICT

Section 1 - RESIDENTS: Every owner of property within 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 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 II Section 2. [Sec. 33.01(9) (b)] Any trust, foundation, corporation, association or organization 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 a property has multiple owners, either as a joint tenancy or tenancy in common, they shall select no more than two of the co-owners who shall represent them and shall each cast one vote

Section 3 - CASTING BALLOTS: An elector must be present at the time the vote is called in order to vote. No elector may vote by proxy or absentee ballot or referendum (33.30(2)(b)). All votes shall be counted by a show of hands, unless otherwise specified by Statute or these By-laws.

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 majority 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 or emailed 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 annual meeting notice shall be published once in a paper of general circulation in the area. The insertion shall be at least 14 days before the meeting. The notice shall include 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; and proposed changes in the By-laws; and any consideration of dissolution.

Section 3 - NOMINATION OF COMMISSIONERS: Any eligible interested candidates for vacancies on the Board shall submit a completed Candidate Interest Form to the office of the Lake Manager by email, regular mail, or hand-delivery no later than 45 days prior to the annual meeting. The form shall be available on the District's website and include the candidate's contact information, qualifications, a brief statement of interest and a signed declaration indicating a willingness to serve a three-year term on the Board. The names of all interested candidates who timely submit a completed Candidate Interest Form shall appear on the written and published notices of the annual meeting and the ballot. Nominations will also be accepted from those electors in attendance at the annual meeting. [8-20-22]. Ballots printed for the election shall provide space for write-in candidates.

Section 4 - ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect any elector or owners of property to the office of commissioner. At least one of the elected commissioners shall be a resident of the district. A requirement that a person own property within the district to be eligible for membership on the board of commissioners is satisfied if a person is an official representative, officer or employee of any trust, foundation, corporation, association or organization which is an owner of property within the district. [Sec. 33.28(2)(c) and 33.285]

Section 5 - ELECTING COMMISSIONERS: At annual meetings, the electors shall elect one commissioner to fill each [8-20-22] expiring term on the board. [Sec. 33.30(3)(a)] When a commissioner's term of office has expired, a successor shall be elected to a three-year term. [Sec 33.28(2)(c)] In any year in which more than one vacancy exists, the candidates receiving the greatest number of votes shall be elected. However, 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. If no resident electors are willing to be elected, the residency requirement shall be waived until the end of the term. [33.28(2m)(b)] [8-20-22] 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 shall approve the budget and vote the taxes proposed or modify the budget and change the funding accordingly. The property tax levy of the District shall not exceed the rate of 2.5 mills of equalized valuation. [Sec. 33.30(4)(a)] [Sec. 65.90(2)] The annual meeting may direct the Board to adopt and collect special charges or special assessments. This provision does not limit the ability to adopt and collect special charges or special assessments through any other process provided by law. [Sec. 33.32]

Section 7 - PROJECT APPROVAL: Before approval of the annual budget, the annual meeting shall, by a separate vote, approve each proposed project having cost 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 \$10,000, and to enter into contracts accordingly, subject to the limitations provided in the authorizing resolution. Votes on projects may be taken by secret written ballot at the discretion of the chairman or chairwoman, hereinafter referred to as the chair.

Section 8 - OTHER BUSINESS: The annual meeting shall take up and consider such other business as comes before it. [Sec. 33.30(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. [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 ice-bound lakes, and seaplanes.

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 seven persons. Five shall be elected as provided in Article III Section 5, and one each shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District. [Sec. 33.28(1)(2)]

Section 2 - OPEN MEETINGS: The Board shall meet at least quarterly, and at other times on the call of the chair 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: Four 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 of 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 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 By-laws 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 its chair, secretary, and treasurer from among its members. [Sec. 33.29(3)]

1. The chair shall preside at the annual and special membership 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 membership and Board meetings of the District and hearings held by it, annually provide the University of Wisconsin Extension (College of Natural Resources, UW-Stevens Point 54481) with names and addresses of commissioners, and by copy of said list shall annually notify the Department of Natural Resources (Lake Management Section, Bureau of Water Resources Management, DNR, Box 7921, Madison WI 53707) of the continued existence of the District. The secretary shall prepare and send the

notices required for the annual meeting, any special meeting, and any meeting of the board. [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 7 - 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. [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 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 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(1)(c)]
4. Adopting and carrying out lake protection 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)]
6. Implementing the decisions of the electors at the annual and special meetings.

The board shall have control over the fiscal matters of the District, subject to the powers and directives of 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. 33.32] The Board may exercise its authority to borrow money when in temporary need. [Sec. 33.31(2)]

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. 66.0901 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 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/her bid. [Sec. 33.22(2)]

Section 3 - CONFLICT OF INTEREST: Any commissioners shall abstain from voting on any matter before the Board in which they, as private people, or in which any member of their immediate families (spouse, parent, or child), have a financial interest.

Article VII - COMMITTEES

Section 1 - ELECTIONS: The chair 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 chair 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 chair may appoint other committees deemed necessary to further the interests of the District.

Section 4 - REPORTING: All committees shall report to the chair 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 chair and may be replaced 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 by-laws, or dissolution of the district. Amendments to the annual budget may be considered. The meetings may be called by a written request to the secretary signed by at least 10 percent of the qualified electors of the District. The annual meeting notice 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 Roberts Revised Rules of Order unless contrary to the requirements of these By-laws. The chair, or a person appointed by the chair, shall serve as parliamentarian.

Section 3 - ADOPTION OF BY-LAWS: These By-laws 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 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: By-law changes may be proposed by a majority of the commissioners or a majority vote of the previous annual meeting. These By-laws 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 the District under Sec. 33.35 may be made by a written notification from an elector at least 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 vote of the electors present and voting at the annual meeting.

CERTIFICATION

These By-laws were adopted by way of a vote of at the annual meeting on this 17th day of August 2024.

BY-LAW AMENDMENTS APPROVED AT ANNUAL MEETINGS:

8-20-94: Expansion of the Board of Commissioners from five to seven members.

8-16-97: Language of Article III, Section 5, paragraph 2 changed to read: "they shall elect commissioners (delete the word "one" and make plural the word "commissioner") to fill expiring terms on the Board.

8-22-98: Approval of \$50/meeting stipend for Board members.

8-17-02: Approval of an additional \$100/month stipend for the chairman and treasurer.

8-15-20: Language of Ch. 33.30(4)(c). changed to read: "board commissioners may receive a stipend", deleting the word "shall" and replacing it with "may" to make the choice optional.

8-15-20: Expansion of the Board of Commissioners for a quorum from three to four members.

8-15-20: Approval of adding language to 33.30(5)(f) regarding a tie for a contested seat. The added language will read: "In the event of an exact tie for a contested seat, and after the procedures for recounts have been either voluntarily forfeited or exhausted, a member of the election committee will flip a coin to determine the winner

of the seat. In a tie where there are more than two tied candidates for one seat, a member of the election committee will have the candidates draw straws with long straw winning the seat. If either of these becomes necessary as outlined under this paragraph, the secretary shall note the action in the meeting minutes.”

8-20-22: Language of Article III, Section 3 changed to read: “Any eligible interested candidates for vacancies on the Board shall submit a completed Candidate Interest Form to the office of the Lake Manager by email, regular mail, or hand-delivery no later than 45 days prior to the annual meeting. The form shall be available on the District’s website and include the candidate’s contact information, qualifications, a brief statement of interest and a signed declaration indicating a willingness to serve a three-year term on the Board. The names of all interested candidates who timely submit a completed Candidate Interest Form shall appear on the written and published notices of the annual meeting and the ballot. Nominations will also be accepted from those electors in attendance at the annual meeting.”

8-20-22: Language of Article III, Section 5 changed to read: “At annual meetings, the electors shall elect one commissioner to fill each the expiring term on the board. [Sec. 33.30(3)(a)] When a commissioner’s term of office has expired, a successor shall be elected to a three-year term. [Sec 33.28(2)(c)] In any year in which more than one vacancy exists, the candidates receiving the greatest number of votes shall be elected. However, 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. If no resident electors are willing to be elected, the residency requirement shall be waived until the end of the term.”

8-17-24: Seventeen bylaw changes were approved at this annual meeting. Most of the changes were correcting incorrect statutory citations, incorrect language of a state statute, or comports with current state statutes.

Last updated 8/20/2024
Updated by: L.S.