

BY-LAWS OF THE ALPINE LAKE PROTECTION AND REHABILITATION DISTRICT

PREFACE

In keeping with the resolution of the Marion Town Board that created the Alpine Public Inland Lake Protection and Rehabilitation District (hereinafter District), the electors of the said District do adopt these by-laws. The purpose of these by-laws is to define and regulate the activities of the 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 1 – ELECTORS

Section 1 – Property Owners: Every person whose name appears on the District assessment roll prepared for the purpose of real property taxation or who has provided proof of title to real property in the District, may vote in accordance with ARTICLE II, Section 2. [Sec. 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. [Sec.33.285]

ARTICLE II – VOTING

Section 1 – Multiple Voting: An elector may cast only one vote on any question call to a vote.

Section 2 – 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. Election shall be by written ballot. All voting shall be according to Robert's Revised Rule of Order.

ARTICLE III – ANNUAL MEETING AND BUDGET HEARING

Section 1 – Time and Place: The annual meeting and budget hearing of the District shall be held the Saturday before Labor Day. It shall be held at the Marion Town Hall or a suitable place designated by the Board.

Section 2 – Notice: The annual meeting shall be preceded by written notice mailed at least 14 days in advance of the meeting to all electors within the District whose address is known or can be ascertained with reasonable diligence, to all owners within the District at the owner's address as listed in the tax roll, and to the department. The notice of the annual meeting shall include all of the following: (a) The proposed annual budget required under s. 33.29(1)(g), (b) A list of each item proposed for consideration at the annual meeting in addition to the proposed annual budget and (c) A list of any items proposed for consideration at the annual meeting by persons eligible to vote at the annual meeting if all of the following conditions are met: (1) The item relates to an issue that is within the District's authority, (2) Each item is submitted by a petition to the board at least 30 days before the annual meeting, (3) The petition is signed by persons who are eligible to vote at the annual meeting and (4) The number of persons signing the petition equals or exceeds 20 percent of the number of parcels located in the District that are subject to the property tax.

Section 3 – Nomination of Commissioners: The nominating committee shall provide a slate of nominees to fill all vacancies. The number of nominees provided by the committee shall be at least the number of vacancies plus one. At the annual meeting one commissioner shall be elected to fill each expiring term on the board. [Sec. 30] When a commissioner's term has expired the successor shall be elected to a three-year term. Any elector can be elected to the position of commissioner at the annual meeting. [Sec. 33.28(2)(c) and 33.285]

Section 4 – Electing Commissioners: At the annual meeting the electors shall elect commissioner to fill vacancies on the Board. Following the close of the annual meeting, all returning commissioners along with the newly elected commissioners shall assemble for the purpose of organizing. The newly elected commissioners shall attend the remaining Board meetings and assume their duties the meeting held the next January 1.

Section 5 – Annual Budget and Assessment: 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 assessment as proposed or modify the budget and change the funding accordingly. The property assessment levy of the District shall not exceed a rate of 2.5 mills of equalized evaluation. [Sec. 33.30(3)(c), Sec. 65.90(2)] The electors at the annual meeting may direct the Board to adopt and collect special charges or special assessments. [Sec. 33.32]

Section 6 – Project Approval: Before approval of the annual budget the electors shall approve or disapprove each proposed project of the District having a cost to the District in excess of \$5,000. At the annual meeting, the electors may also authorize the Board, during the succeeding year prior to 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(3)(d)] Votes on projects will be either by written ballot or at the discretion of the chairperson.

Section 7 – Other Business: At the annual meeting the electors shall consider such other business as comes before them. [Sec. 33.30(2)(e)]

ARTICLE IV – DISTRICT BOARD OF COMMISSIONERS

Section 1 – Composition: The Board of Commissioners, which shall consist of seven persons, shall manage the affairs of the District. 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 in 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 chairperson 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 shall be filled by appointment by the chairperson. 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 commissioner appointed by the town, village, or city shall serve at the pleasure of these bodies, who are also responsible for filling vacancies in these positions.

Section 5 – 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 to assume their duties January 1.

1. The chairperson shall preside at all meetings of the Board and all public hearings held by the Board and meetings of the membership. [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, shall maintain a file of names and addresses of the electors of the District as defined by Article 1, 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 of said list shall annually notify the Department of Natural Resources (Lake Management Section, Bureau of Water Resources, DNR, Box 7921, Madison, WI 53707) of the continued existence of the District. [Sec. 33.29(3)(b)]
3. Effective January 1, the treasurer shall receive and take charge of all monies of the District, and pay out the same only on the order of the Board. [Sec. 33.29(3)(c)]

Section 6 – Function: The Board shall conduct all business of the District not specifically reserved for the electors of the District, shall carry out the provisions of the 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 7 – Compensation: The commissioners shall receive no compensation, but a commissioner shall be paid for actual and necessary expenses, including mileage calculated at the IRS acceptable rate, incurred while conducting the business of the District. [Sec. 33.28(5)]

Section 8 – Duties: To identify, coordinate, research and survey for the purpose of gathering data on lake rehabilitation, [Sec. 33.29(1)(a)] to secure permission from appropriate governmental bodies and to advance the objectives of the District, [Sec. 33.29(1)(b)] and to adopt procedures that accomplish objectives of the District. [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 at 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 V – PUBLIC BIDDING

Section 1 – Low Bid: All contracts exceeding \$2,500 for work or materials shall be let by the Board to the lowest bidder. [Sec. 33.22(1)] The manner of soliciting bids and determination of the responsibility of the bidder shall be at the discretion of the Board. The procedures 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 20%, the Board must provide a written justification for its action at the next annual meeting.

Section 2 – 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 its 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/she, as a private person, or in which any member of his/her immediate family (spouse, parents or child) has a financial interest.

ARTICLE VI – COMMITTEES

Section 1 – Elections: The chairperson shall appoint three electors who are not running for 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.

Section 2 – Auditing: The chairperson shall appoint electors to serve as the auditing committee. The committee shall examine all financial records of the District and report its conclusions to the Board.

Section 3 – Other Committees: The chairperson may appoint other committees as necessary.

Section 4 – Reporting: All committees shall, upon request, report to the chairperson, the Board, or the membership.

Section 5 – Compensation: Committee members shall receive no compensation for service to the District. With prior approval from the Board, committee members may submit vouchers for actual and necessary expenses, including mileage, incurred while conducting business of the District.

Section 6 – Term of Members: All committee members shall serve at the pleasure of the chairperson and may be replaced on an annual basis.

ARTICLE VII – OTHER PROVISIONS

Section 1 – Special Meetings: Special meetings of the District membership 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 by-laws or dissolution of the District. Amendment 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 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 Roberts Revised Rules of Order unless contrary to the requirements of these by-laws. The chairperson, or a person appointed by the chairperson, shall serve as parliamentarian.

Section 3 – Adoption of By-laws: These by-laws may be adopted at any annual meeting 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 of the membership at the previous annual meeting. These by-laws may be amended at any legal annual meeting of the District provided the proposed changes are 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 Section 33.35 may be made by unanimous vote of the commissioners or written notification from and 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 third vote of the electors present and voting at the annual meeting.

Article III, Section 2 was amended at the annual meeting held on September 2, 2006. These by-laws were previously amended at the annual meeting held on September 2, 2000.