

By-Laws
Of the
Lake Beulah Management District

PREFACE

In keeping with the resolution of the Walworth County Board that created the Lake Beulah Management District (hereinafter referred to as the "District"), the electors of the said District have adopted 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, Wis. Stats., under which the District was created and operates. Sections of the statutes are cited throughout these By-laws. To the extent that such statutes are amended, repealed or superseded, these By-Laws shall be deemed to have immediately adopted the same, so as to be consistent at all times with State law.

Article I - ELECTORS OF THE DISTRICT

Section 1- RESIDENTS: Every resident of the District who is registered or eligible to vote in general elections shall be an eligible elector of the District § 33.30 (2), Wis. Stats.

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. §33.01(9)(ar). Any corporation, partnership, trust, foundation or association that owns real property in the District may appoint an official representative who shall be an eligible elector of the District. §33.285

Article II- VOTING

Section 1- MULTIPLE VOTING: Any elector may cast only one vote on any question called to vote. Ownership of more than one parcel of real estate within the district does not entitle the owner to more than one vote.

Section 2- CASTING BALLOTS: All votes for Commissioner must be cast in person by secret ballot. To participate in all other votes, an elector must be present at the meeting at the time the vote is called. No elector may vote by proxy or referendum. All other 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 vote of the previous annual meeting. §33.30 (1) and 65.90(1).

Section2- NOTICE: Notice of the annual meeting and budget hearing shall be mailed to the Department of Natural Resources with at least fourteen (14) days advance notice. The notice shall also be published as a class 2 Notice twice in a newspaper 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 a summary of the proposed budget and 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; any proposed changes in the By-laws; and any consideration of dissolution. §33.30(2)(a)

Section 3- NOMINATION OF COMMISSIONERS: The Board shall nominate candidates to fill 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. §33.28 (2). 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). 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 and a written consent signed by the nominated candidate starting his/her willingness to serve at least 30 days prior to the annual meeting. The names of all

nominated candidates shall appear on the written and published notices of the annual meeting. Ballots printed for the election shall provide space for write-in candidates.

Section 4- ELIGIBILITY OF COMMISSIONERS: The annual meeting may elect any elector to the office of Commissioner. §33.28(2)(c) and 33.285

Section 5- ELECTING COMMISSIONERS: At annual meetings, the electors shall elect Commissioners to fill the expiring terms on the Board. 33.30(3)(a). When a Commissioner's term of office has expired, his successor shall be elected to a three-year term. §33.38(2)(c). 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 tax as proposed or modify the budget and change the funding accordingly. That portion of the tax that is for the cost of the operation of the coming year may not exceed a rate of 2.5 mills of equalized valuation as determined by the Department of Revenue and reported to the District Board. §33.30(3)(c) and 65.90(2). The Board may collect special charges or special assessments as authorized under *Wis. Stat.* §33.32.

Section 7- Line Budget item: The Board shall prepare a proposed annual budget for presentation at the annual meeting satisfying the requirements of *Wis. Stat.* §33.29 (1)(g). The budget shall specify any proposed item having a cost to the District in excess of \$10,000 and separately identify capital costs and costs of operation of the District. Votes on the budget may be taken by secret written ballot at the discretion of the Chairperson. Miscellaneous expenses of the District such as postage, photocopying, public notices, etc., up to the sum of \$3,000, or equipment repair up to the sum of \$5,000 may be paid without board approval. Such expenses will be deemed approved upon payment by a check prepared by the Treasurer and signed by the Chairperson or the Vice Chairperson. Non budgeted expenses up to \$5,000 may be paid upon authorization of the Chairperson and Vice Chairperson. Expenses over \$2,500 shall be countersigned by the Chairperson, Vice Chairperson or the Treasurer.

Section 8- OTHER BUSINESS: The annual meeting shall take up and consider such other business as it comes before it. §33.30(4)(6)

Article IV- POWERS OF THE DISTRICT

Section 1- GENERAL POWERS OF A BODY OF 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. §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. §33.13-15

- A. By virtue of the “Intergovernmental Cooperation Agreement for Joint Operation of the Lake Beulah Dam”, an agreement between the LBMD, the Wisconsin Department of Natural Resources and Walworth County, the Board of Directors has the duty to operate the dam, located as part of Walworth County Trunk J (“Highway J”) whenever the level of water is 808.4 and below. The Board of Directors may delegate that responsibility to a specific Director who may further assign the task to an employee.
- B. However, the Board of Directors, nor their delegate, may order, allow or cause in any manner, the level of the lake to be adjusted below a level of 807.8 without the prior approval at an annual or special meeting of the electors called for that purpose except in the event of an emergency as defined by said agreement.

Section 3- BOATING, SEAPLANE, AND VEHICLE REGULATIONS: Pursuant to the delegation of authority from all municipalities 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 sea planes.

Section 4- SANITARY DISTRICT POWERS: The District shall exercise Town Sanitary District powers, including those set forth in §60.77(4) and (5) and 60.78, after the same have been granted to the District by the Town of East Troy. Under such powers, the District may project, plan, construct, and maintain a system of sewage disposal, and all other improvements or activities that are necessary for the promotion of the public health, comfort, convenience, or welfare of the District. The District may also provide for chemical or mechanical treatment of waters for the suppression of swimmer's itch, algae, and other nuisance-producing aquatic growths. The District may require and/or conduct the inspection of private sewage systems that have already been installed to determine compliance with the state plumbing code and may report violations of the state plumbing code to the governmental unit responsible for the regulation of private sewage systems for enforcement under §145.20. The District may also:

- A. Require the installation of private sewage systems.
- B. Fix and collect charges for sewage services, where applicable.
- C. Levy special assessments to finance the activities of the District using the procedures under §66.0701 or 66.0703
- D. Provide for the operation as a single enterprise of its sewage system or systems, or any part of combination of parts of such systems.
- E. Lease or acquire, including by condemnation, any real property situated in this state and any personal property that may be needed for the purpose of this subchapter.

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 the Town of East Troy. §33.28 (1) and (2).

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. §33.28 (6). Meetings shall be open and proper notice give in accordance with legislation governing meeting of public bodies. §19.81-98.

Section 3- QUORUM: Three Commissioners shall constitute a quorum for the transaction of business §33.28(3). Any Commissioner participating in a meeting in real time via telephone or electronic means shall be considered present for quorum purposes. E-mail or text message communications shall not be considered real time participation. A majority of the Commissioner 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. §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 By-laws and Chapter 33 of the Wisconsin Statutes, and shall carry out the mandates of the annual meeting and special meetings, if any. §33.29(2).

Section 6- OFFICERS: At the first Board meeting immediately following each annual meeting of the District, the Board shall elect a chairperson, vice chairperson, a secretary, and a treasurer from among its members. §33.39(3).

1. The chairperson shall preside at the annual and special membership meetings, all meetings of the Board and all public hearings held by the Board. §33.29(a).
2. The vice chairperson shall preside at all meetings over which the chairperson is unable to preside. In the event the chairperson is no longer able to fulfill his/her duties, the vice-chairperson shall assume the position of chairperson.
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. §33.29(3)(c). The treasurer shall also maintain the financial records of the district in an accurate and orderly manner, prepare detailed reports regarding the financial position of the district and make said reports available at all meetings of the Board, and shall be responsible for all financial duties as the Board directs, and as required by law.
4. The secretary shall keep 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 the electors of the

district as defined in Article I, and shall annually provide the names and addresses of Commissioners to 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 §33.29(3)(b)

Section 7- COMPENSATION: Commissioners shall receive an annual stipend as follows:

Chairperson	\$3,000 per year
Secretary	\$2,500 per year
Treasurer	\$2,500 per year
Aquatic Plant Harvesting	\$2,500 per year
All Other Commissioners Not Listed Above	\$1,500 per year

Commissioners shall also be paid for actual and necessary expenses incurred while conducting the business of the District. §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 to shorelines, and the drainage basin. §33.29(1)(a).
2. Planning lake rehabilitation projects. §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 §33.29(1)(c).
4. Adopting and carrying out lake protection plans and obtaining any necessary permits therefore. §33.29(1)(d).
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. §33.29(1)(e).
6. Implementing the decisions of the electors at annual and special meetings. §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. §33.29(2). Subject to the decisions of the annual meeting, the Board may borrow money or sue any other financial method prescribed by law. §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. §33.32. The Board may exercise its authority to borrow money when in temporary need. § 33.31(2)

Article VI- PUBLIC BIDDING

Section 1- LOW BID: All public works contracts exceeding \$5,000 shall be let by the Board to the lowest responsible bidder. §33.22(1). Public works contracts shall include contracts for construction, repair, remodeling, or improvement of public works or buildings or for the furnishing of materials or supplies, but excludes contracts for services or equipment, which may be let for public bidding if the Board, in its discretion, chooses to do so. The manner of soliciting bids and the determination of the irresponsibility of the bidder shall be at the discretion of the Board. The procedures for public works under §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 may require at its discretion that contracting party or parties in a public works contract, as defined in section 1, exceeding \$10,000 give adequate performance and liability security at the time the party submits his bid. §33.22(2). In addition the board may require proof of insurance on any contract let.

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 and shall refrain from activities prohibited under *Wis. Stat. §19.59*.

Article VII- COMMITTEES

Section 1- ELECTIONS: The Chairperson shall appoint at least one elector, any or all of whom are not running for the office of Commissioner, to serve as the election's 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 Treasurer with the approval of the Chairperson shall appoint up to three electors to serve as auditing committee. In the event no elector shall agree to serve in this capacity the Treasurer, with the approval of the Chairperson may appoint on outside licensed accountant to serve in this capacity. The committee shall examine all financial records of the District and report its conclusions to the annual meeting.

Section 3- OTHER COMMITTEES: The chairperson may appoint other committees as he/she deems necessary to further the interests of the District.

Section 4- REPORTING: All committees shall report to the chairperson. Upon request of the Board or electors at the annual meeting, the committees shall also report to the electors at 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 chairperson, and may be replaced as needed.

Article VIII- MISCELLANEOUS PROVISIONS:

Section 1- SPECIAL MEETINGS: Special meeting s 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 of 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 ten (10) 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 §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 him/her, shall serve as parliamentarian.

Section 3- ADOPTION 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 petition to dissolve the District under §33.35 may be made by a unanimous vote of the Commissioners or by written notification from a qualified elector to the Board at least 90 days prior to the annual meeting indicating intent to petition for dissolution. The petition for dissolution shall be included in the annual meeting notice. The District may be dissolved upon a two-thirds vote of the electors and property owners present and voting at the annual meeting.

CERTIFICATION:

These amended By-laws were adopted by a 13/13 vote on August 27, 2018 at an Annual Meeting of the Lake Beulah Management District.

Lake Beulah Management District,

By: 
Dave Bitter, Chairperson