

**BALSAM LAKE PROTECTION & REHABILITATION DISTRICT  
POST OFFICE BOX 202  
BALSAM LAKE, WISCONSIN 54810**

**BY-LAWS**

In keeping with the resolution of the Polk County Board that created the Balsam Lake Protection and Rehabilitation District, the electors of the said Balsam Lake District do adopt these By-Laws. The purpose of these By-Laws is to define and regulate the activities of the Balsam 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 – ELECTIONS**

All District resident electors who are U.S. citizens over 18 years of age (“the electors”) are qualified and entitled to vote at the annual meeting of the District. In addition, nonresident property owners who are U.S. citizens, 18 years of age or older are entitled to vote at the annual meeting.

For purposes of voting at a Lake District annual meeting, an elector includes:

- A person whose name appears on the tax roll
- A person who owns title to real property even though the person’s name does not appear on the tax roll.
- A person who is the official representative of a trust, foundation, corporation, association, or other organization that owns real property within the District.
- A person who may not own property and is a permanent resident within the district (such as a renter).

**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.

**Section 2 – Non-Resident Property Owners**

Every person whose name appears on the District assessment roll prepared for purposes of real property taxation, 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.

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.

## **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 more than one name appears on the assessment roll prepared for purposes of real property taxation, joint tenants or tenants-in-common shall select no more than two of the co-owners who shall represent them and shall cast one vote.

### **Section 3 – Qualification of Voters**

Persons whose names appear on the tax roll are qualified to vote. If a person is not named on the tax roll, it is up to that person to provide evidence to the District that he or she is an owner of property or a designated representative for an organizational property owner. Evidence shall consist of either:

1. A copy of a deed indicating ownership of the property, or
2. A letter on the stationery of an organization owning property, which clearly authorizes the person to vote on behalf of that organization.

### **Section 4 – 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. Chair may determine how votes are counted – show of hands or secret ballot – except that the election of commissioners must be by secret ballot.

## **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<sup>nd</sup> and September 8<sup>th</sup> at a time and place selected by the District Board of Commissioners, hereinafter referred to as the Board, unless the date has been set buy vote of the previous annual meeting.

### **Section 2 – Notice**

A written notice of the annual meeting and the budget hearing shall be mailed at least 10 days in advance of the meeting to all property owners whose names appears on the tax roll and to the Department of Natural Resources and the University of Wisconsin Extension. The notice 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 seven 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 annual meeting and budget hearing; the names of nominated candidates; and any proposed changes in the By-Laws.

### **Section 3 – Nominating of Commissioners**

Any elector requesting to be a candidate must submit written nomination papers to the secretary at least 45 days prior to the annual meeting. One commissioner must be a resident elector of the district (per section 33.28 chapter 33 of Wisconsin State Statues). The names of all candidates shall appear on the written 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 can elect any elector candidate to the office of commissioner.

### **Section 5 – Electing Commissioners**

The District shall elect five commissioners to serve for staggered three-year terms. A vacancy in the membership of the elected commissioners is filled, for the remainder of the term of the vacancy, by appointment of the District chairperson, subject to approval by the majority of the Board.

In addition to these elected representatives, the permanent Board of Commissioners includes an appointee of the city, village or town within the District with the largest equalized valuation and a nominee of the Land Conservation Committee appointed by the County Board.

The members of the Board of Commissioners appointed by the county or by the city, town or village serve at the pleasure of the appointing authority. Their terms end when their successors are appointed.

## **Section 6 – Qualifications of Commissioners**

Each elected commissioner must be a U.S. citizen, eighteen years of age or older, and either:

- A resident elector including permanent resident renters of the District, or
- An owner of property within the District.

A person who is an official representative of an organization which is an owner of property may hold office as a commissioner even though that person, as an individual, might not own property within the District.

## **Section 7 – 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 tax accordingly. The property tax levy of the District shall not exceed a rate of 2.5 mills of equalized valuation. The annual meeting may direct the Board to adopt and collect special charges or special assessments in addition to the 2.5 mills.

## **Section 8 - Project Approval**

The annual meeting or special 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 or special 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 ballot at the discretion of the chairperson or request of any voter.

## **Section 9 – Other Business**

The annual meeting shall take up and consider such other business as comes before it. No formal action will be taken on Non-Agenda items.

## **Section 10 – Special Meeting**

In addition to convening at the annual meeting, the electors and property owners may conduct business at a special meeting. Any action that can be taken at an annual meeting may be taken at a special meeting except as follows:

- No motion to consider the dissolution of the District may be taken up at a special meeting.
- The annual budget may not be approved at a special meeting (although it may be amended).
- The special meeting may not consider any matter that was resolved during any other special meeting held since the previous annual meeting.

Any special meeting of the district shall be held between Memorial Day and Labor Day. A special meeting may be called by a majority of the Board of Commissioners. In addition, the Board is required to schedule a special meeting if at least ten percent of the persons qualified to vote at the annual meeting so request.

Written notice of a special meeting shall be given to the same persons and in the same manner as an annual meeting notice.

## **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 or dispose of real personal property; disburse money; contract debt; and do such other acts as are necessary to carry out a program of lake protection and rehabilitation.

### **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 including dredging, bottom treatments, weed and algae control, swimmers itch control, and water level control.

### **Section 3 – Boating, Seaplane, and Vehicle Regulations**

Pursuant to the delegation of authority from 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 icebound lakes, and seaplanes.

### **Section 4 – Town Sanitary District**

Public inland Lake Protection and Rehabilitation Districts are also permitted to exercise certain powers of sanitary districts. These powers include the authority to plan, construct and collect charges for the following.

- A system of water supply;
- Solid waste collection and disposal; and
- Sewer service.

These powers also give authority to:

- Perform related activities and improvements necessary for the promotion of the public health, comfort, convenience, or welfare of the District;
- Provide chemical or mechanical treatment of waters for the suppression of swimmers itch, algae and nuisance plants;
- Require the inspection of private sewerage systems for compliance with state plumbing code;
- Provide financial assistance for the replacement of failing private sewerage systems; and
- Levy special assessments to finance capital projects.

A Lake District may not assume the power to levy town sanitary district taxes.

A Lake District can assume only the powers of a sanitary district authorized by the annual meeting.

## **Article V – DISTRICT BOARD OF COMMISSIONERS**

### **Section 1 – Meetings**

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 shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District.

### **Section 2 – Open Meeting**

The Board shall meet at least quarterly, and at other times on the call of the chairperson or the request of four of the commissioners. Meetings shall be open and proper notice given in accordance with legislation governing meeting of public bodies.

Public notice must be given at least twenty four hours in advance of the meeting, unless for good cause and such notice is impossible, in which case notice must be given no less than two hours prior to the meeting.

Meetings of the Board must be held in a place which is reasonably accessible to all members of the public. Meetings must be open to all citizens at all times unless an exception applies.

While open meeting law grants citizens the right to attend and observe meetings of the Board of Commissioners, it does not grant citizens a right to participate in those meetings. The Board is free to determine for itself whether to allow citizen participation. The Board is required to keep minutes for each meeting which includes a record of motions and roll call votes. All records of the District must be available for public inspection.

### **Section 3 – Quorum**

Four commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners 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 chairperson. The appointment for the remainder of the unexpired term shall be subject to approval by a majority of the Board.

### **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 mandate of the annual meetings and special meetings, if any.

### **Section 6 – Officers**

At the first Board meeting immediately following each annual meeting of the District, the Board shall elect a chairperson, a vice chairperson, a secretary, and a treasurer from among its members.

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.
2. The vice chairperson shall preside at any official meeting in the absence of the chairperson.
3. The secretary shall keep minutes of all membership and Board meetings of the District and hearings held by it, and shall annually provide the University of Wisconsin Extension (College of Natural Resources, UW-Stevens Point 54481) and the Wisconsin Department of Revenue with the names and addresses of commissioners, and by said list shall annually notify the Department of Resources (Lake Management Section, Bureau of Water Resources, DNR, Box 7921, Madison, WI 53707) of the continued existence of the District.
4. The treasurer shall receive and take charge of all moneys of the District, and pay out the same only on order of the Board. Commissioners are authorized to allow a single signature on a check, or to enter into obligation approved by the board that totals \$2500 or less. Checks or obligations approved by the board greater than \$2500 shall require two signatures. The signatories shall be members of the executive committee,

### **Section 7 – Compensation**

The commissioners may, upon approval of an annual meeting, receive per diem as determined at an annual meeting for service in office and shall be paid for actual and necessary expenses incurred while conducting the business of the District.

### **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 drainage basin.
2. Planning lake rehabilitation projects.
3. Contacting and attempting to secure the cooperation of officials of units of general purpose government in the area for the purpose of electing 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 these officials of state government involved in lake protection and rehabilitation.
6. The Board may exercise its authority to borrow money when in temporary need, but in any one fiscal year the amount borrowed may not exceed \$10,000 without a special meeting.

The Board shall have control over 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 use any other financial method prescribed by law.

The Board may use special assessments or charges for carrying out District protection and rehabilitation projects, or for other lake management activities undertaken by the District.

## **Article VI – PUBLIC HEARING**

### **Section 1 – Low Bid**

All contracts exceeding \$2,500 for work or materials shall be let by the Board to the lowest responsible bidder. 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. 66.29 shall be utilized to the extent feasible for large scale projects. If a bid is accepted which exceeds any 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 its bid.

### **Section 3 – Conflict of Interest**

Any commissioner shall abstain from voting on any matter before the Board in which he or she, as a private person, or in which any member of his immediate family (spouse, parents, or child) has a financial interest.

## **Article VII – COMMITTEES**

### **Section 1 – Elections**

The chairperson shall appoint three or more electors who are not running for the office of commissioner to serve as the election committee. The committee shall distribute, collect, and count ballots at the annual meeting and report the results to the annual meeting.

### **Section 2 – Auditing**

The Board shall have an annual audit of financial transactions of the District prepared at the close of each fiscal year which must be presented and submitted to the annual meeting. The Board shall determine if the audit is to be performed by an accounting firm or by a three-member elector committee.

### **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 or the Board upon request and to the annual meeting.

### **Section 5 – Compensation**

Committee members shall receive remuneration for service to the District authorized by the Board. Committee members may submit a voucher 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 by him/her on an annual basis.

## **Article VIII – MISCELLANEOUS PROVISIONS**

### **Section 1 – Conduct at Meetings**

All meetings of the District shall be according to the **Roberts Revised Rules of Order** unless contrary to the requirements of these By-Laws. The chairperson, or person appointed by him/her, shall serve as parliamentarian.

## **Section 2 – 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 3 – 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 by 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 4 – Dissolution**

A proposal to dissolve the District under Sec. 33.35 may be made by a unanimous vote of the commissioners or a written notification from an elector at least 90 days prior to the annual meeting indicating 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 two-thirds vote of the electors present and voting at the annual meeting.

## **CERTIFICATION**

These By-Laws were adopted by a vote of \_\_\_ yes and \_\_\_ no at the annual meeting on this 19 day of July 2008.

These By-Laws were adopted by a vote of 62 yes and 0 no at the annual meeting on this 15 day of July 2017.

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Secretary