

**CODIFIED BY-LAWS  
OF THE  
LAKE REDSTONE  
PROTECTION DISTRICT**

**La Valle, Wisconsin**

**August 2006**

**CODIFIED BY-LAWS  
OF THE LAKE REDSTONE PROTECTION DISTRICT  
August 2006**

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**ARTICLE I  
DEFINITIONS**

**Section 1. District.** "The District" shall mean and refer to the Lake Redstone Management District.

**Section 2. Board.** "The Board" shall mean and refer to the District Board of Commissioners.

**ARTICLE II  
BY-LAWS**

**Section 1. Adoption.** In keeping with the resolution of the Sauk County Board that created the Lake Redstone Lake Protection and Rehabilitation District, the electors of the said Lake Redstone Lake District do adopt these By-Laws.

**Section 2. Purpose.** The purpose of these By-Laws is to define and regulate the activities of the Lake Redstone 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 III  
ELECTORS**

**Section 1. Resident Electors.** Every resident of the District who is eligible to vote in general elections shall be an eligible elector of the District. (Sec. 33.30(2)).

**Section 2. Non-Resident Property Owning Electors.** Every person 18 years of age or older and is a U.S. citizen who owns real property in the District shall be an eligible elector of the District. Any corporation, partnership, trust, foundation, or organization that owns real property in the District may appoint an official representative who shall be an eligible elector of the District. (Sec. 33.30(2); 33.285). Real property owner is defined as a holder

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of a fee simple title or land contract or the owner of buildings on land which is leased for 20 years or more. The requirements of U.S. citizenship shall apply to owners who otherwise become eligible to vote after August 8, 1981.

**Section 3. Challenges.** Any elector may challenge the eligibility of another elector at any annual or special meeting of the District provided such challenge is made prior to the first vote of the meeting. The challenge shall be directed to the secretary as a point-of-information inquiring as to whether the challenged elector's name appears on the District's election roll.

**ARTICLE IV  
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.** Joint tenants or tenants in common shall select no more than two of the co-owners who shall represent them and shall each cast one vote.

**Section 3. Voting By Proxy Or Absentee Ballot.** Voting by proxy or by absentee ballot is not allowed. An elector must be present at the meeting.

**Section 4. Ballots.** All votes shall be counted by a show of hands or written ballot at the discretion of the chairperson, unless otherwise specified in these By-Laws or unless a motion is made, seconded, and approved, calling for a secret ballot, in which case the written ballot shall be used.

**Section 5. Referendum.** The annual meeting may direct the Board of Commissioners to conduct a mail referendum of all electors on projects which have a cost to the District in excess of \$10,000. The directive shall stipulate the nature of the question and how the results shall be interpreted. (See also Article V, Sec. 8).

**ARTICLE V**  
**ANNUAL MEETING AND BUDGET HEARING**

**Section 1. Time and Place.** Each annual meeting and budget hearing of the District shall be held on any Saturday or Sunday of August at an hour and place selected by the Board unless scheduled otherwise by majority vote of the previous annual meeting and in accordance with section 33.30(1) of the Wisconsin Statutes. (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 14 days, and no more than 60 days, in advance of the event to all electors within the district whose address is known or can be ascertained with reasonable diligence, and to the Department of Natural Resources. The District Board of Commissioners may substitute a Class 2 Notice, under Chapter 985, in lieu of sending written notice to electors residing within the District. The Board may provide a summary of the proposed budget and may publish a written notice of the place where a copy of the budget is available for inspection, as well as written notice of the time and place of the annual meeting in a newspaper of general circulation within the area. (Sec. 33.30(2) and 65.90(3)).

**Section 3. Content of Annual Meeting Notice.** The notice of the annual meeting shall include all of the following:

- (a) The proposed annual budget.
- (b) A list of each item proposed for consideration at the annual meeting in addition to the proposed annual budget.
- (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.

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- (3) The Petition is signed by persons who are eligible to vote at the annual meeting.
- (4) The number of persons signing the Petition equals or exceeds 20% of the number of parcels located in the district that are subject to the property tax.

**Section 4. Nominating 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, 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 forty-five (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. Nominations from the floor for candidates indicating a willingness to serve for Commissioner, will be accepted at the annual meeting prior to voting.

**Section 5. Eligibility of Commissioners.** The annual meeting can elect to the office of commissioner any elector. (Sec. 33.28(2) and 33.285).

**Section 6. Electing Commissioners.** At each 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 or her successor shall be elected to a three-year term. (Sec. 33.28(2)). If a commissioner leaves office before the expiration of his or her term, his or her 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 five elected commissioners must be a resident of the District. (Sec. 33.28(2)). If none of the commissioners, whose terms do not expire, are resident electors, 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.

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**Section 7. Annual Budget and Tax.** At the annual meeting and budget hearing the Board shall present a proposed budget and tax for the upcoming calendar year. The electors and property owners may consider and vote on amendments to the budget before approving the budget. The budget shall separately identify the capitol costs and costs of operation of the District, shall conform with the applicable requirements under Section 33. 29 (1) (g) and shall specify any item that has a cost to the District in excess of \$10,000.00. The property tax shall not exceed a rate 2.5 mills of equalized valuation as determined by the Wisconsin Department of Revenue. (Sec. 33.30(3)(c)).

**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 \$10,000.00 by 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 \$10,000.00 , and to enter into contracts accordingly. (Sec. 33.30(3)(d)). Votes on projects may be taken by secret written ballot at the discretion of the Chairperson. (See also Sec. 6, Article IV).

**Section 9. Temporary Borrowing.** The Board may exercise its authority to borrow money when in temporary need (Sec. 33.31) but in any one calendar year the amount borrowed shall not exceed \$50,000 .

**Section 10. Other Business.** The annual meeting shall take up and consider such other business as comes before it. (Sec. 33.30(3)(e)).

**Section 11. Approval of Borrowing.** At an annual or special meeting, the district may not consider or approve any borrowing or any tax to pay the indebtedness incurred under sub. (1) or (2) of Section 33.31, unless the meeting notice under section 33.30 (2) (A) or 33.305 (2) includes a statement that borrowing or a tax levy to pay the indebtedness will be considered at the meeting.

**ARTICLE VI**  
**DISTRICT BOARD OF COMMISSIONERS**

**Section 1. Commissioners.** The board of commissioners shall consist of: one person appointed by the county board who is a member of the county land conservation committee or is nominated by the county land conservation committee and appointed by the county board; one member of the governing body of LaValle Township who is appointed by the governing body and owns property within the district if possible; and five electors within the District in accordance with Article V of these By-laws. (Sec. 33.28(2)).

**Section 2. Meetings.** The District Board of Commissioners shall meet at least quarterly, and at other times on the call of the chairperson or the petition of three of the commissioners. (Sec. 33.28(6)).

**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. 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 chairperson, a secretary and a treasurer from among its members.

1. The chairperson shall preside at the annual and special meetings, all meetings of the Board and all public hearings held by the Board.
2. The vice chairperson shall assume the responsibilities of the chairperson in the chairperson's absence.
3. The secretary shall keep minutes of all meetings of the Board and hearings held by it, shall prepare and send notices required for annual meetings, any special meeting and any other meeting of the Board. In addition, the secretary shall maintain the District's

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election roll. [Section 33.29(3)(b)]

4. The treasurer shall receive and take charge of all moneys of the District, pay out the same only on order of the Board and shall deliver the property tax report by certified statement to the clerk of each municipality having property within the district for collection by November 1 of each year. (Sec. 33.30(3)(c).

**Section 6. Assistants To the Board.** At the discretion of the Board, an assistant secretary and/or an assistant treasurer may be appointed. The assistants will support the Secretary and Treasurer with their District duties.

The secretary and treasurer will maintain all responsibilities of their office. The assistants will not carry any voting rights at Board meetings. The assistants shall not be required to own land or reside within the District. Any Board member may also be an assistant.

**Section 7. Compensation.** The secretary and assistant secretary will be jointly compensated in an amount not to exceed \$200 per month (\$2400 per annum). The treasurer and assistant treasurer will be jointly compensated in an amount not to exceed \$100 per month (\$1200 per annum). The actual division of duties and compensation between the assistants and their respective commissioners shall be approved by the Board. The Chairman will be compensated in an amount not to exceed \$40 per month (\$480 per annum). The Vice Chairperson will be compensated in an amount equal to the Chairperson's when they assume the Chairperson's responsibilities.

In addition, all elected commissioners shall receive a per diem remuneration of \$40. The per diem remuneration is for local meetings for service in office and shall be paid for actual and necessary expenses incurred while conducting the business of the District. The commissioners will receive a per diem remuneration of \$40 for all-day State or regional meetings. These provisions shall not apply to commissioners who receive remuneration by virtue of their position on Town Boards, Village Boards, City Councils, and County Boards. These expenses shall include mileage in the amount allowed by the IRS and out-of-pocket expenses.

**ARTICLE VII  
POWERS AND DUTIES OF THE  
DISTRICT BOARD OF COMMISSIONERS**

**Section 1. Duties.** The Board shall be responsible for:

- (a) 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)).
- (b) Planning lake protection and rehabilitation projects. (Sec. 33.29(1)(b)).
- (c) 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)).
- (d) Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefor. (Sec. 33.29(1)(d)).
- (e) Maintaining liaison with those officials of state government involved in lake protection and rehabilitation and providing the Department of Natural Resources with the names and addresses of the current commissioners. (Sec. 33.29(1)(e)).
- (f) 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)).
- (g) Schedule the annual meeting of the district.

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- (h) Prepare the proposed annual budget for presentation to the annual meeting of the district. The proposed annual budget shall include all of the following:
  - (1) A list of all existing indebtedness and anticipated revenue from all sources during the ensuing year.
  - (2) A list of all proposed appropriations for each department, activity, and reserve account during the ensuing year.
  - (3) The actual revenues and expenditures for the preceding year.
  - (4) The actual revenues and expenditures for not less than the first six months of the current year.
  - (5) The estimated revenues and expenditures for the balance of the current year.
  - (6) For informational purposes by fund, all anticipated unexpended or unappropriated balances and surpluses.

**Section 2. Powers.** The Board shall have power:

- (a) Over the fiscal matters of the District, subject to the powers and directives of the annual or special meeting.
- (b) To borrow money when in temporary need. 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. (Sec. 33.31).
- (c) To use special assessment or charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management (or sanitary service) activities undertaken by the commissioners as an exercise of the District's police powers. (Sec. 33.32(1)).

**ARTICLE VIII  
PUBLIC BIDDING**

**Section 1. Low Bid.** All contracts exceeding \$2,500.00 for work or materials shall be let by the Board to the lowest possible 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. If a bid is accepted which exceeds any other bid by 10%, the Board must provide a written justification for its action to 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 his bid. (Sec. 33.22(2)).

**Section 3. Conflict of Interests.** 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.

**Section 4. Public Bidding Law.** For contracts in excess of \$10,000 the Board shall establish a formal, competitive bidding process and shall abide by the procedures established for municipal corporations in the letting of public contracts. (Sec. 66.29-66.295)

**ARTICLE IX  
COMMITTEES and VOLUNTEERS**

**Section 1. Number, Titles, and Members.** The Standing Committees and Volunteers of the District shall be:

- The Elections Committee
- The Auditing Committee
- The Water Quality Projects Committee
- The Committee and Project Coordinator Volunteers

Unless otherwise provided herein, each Committee shall consist of a chairperson and not less than two (2) or more electors. These committee chairpersons and the other electors of each respective committee and the

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volunteers shall be appointed by the Board and serve at the pleasure of the Board and may be replaced by it on an annual basis following the Board meeting immediately following the annual meeting. All committees and volunteers shall report to the Board at its request and to the annual meeting. The Board may appoint such other committees as it deems necessary to further the interests of the District.

**Section 2. Elections Committee.** The Elections Committee shall not consist of an elector who is running for the office of commissioner, and shall distribute, collect, and count the ballots at the annual meeting and report the results to the annual meeting.

**Section 3. Auditing Committee.** Audits will be performed by a professional accountant every third year commencing with fiscal 1998. The Auditing Committee will perform audits in years not professionally audited. The results of the audit will be submitted at the annual meeting. Required Federal audits will be in addition to these audits. [Sec.33.30 (4)(b)].

**Section 4. Water Quality Projects Committee.** The Board shall appoint three (3) electors to serve as the Water Quality Projects Committee. The Water Quality Projects Committee shall be responsible for monitoring lake conditions and related situations that may present the District with opportunities to enhance the water quality of the lake which shall include non-point pollution projects and aquatic spraying. All aquatic chemical spraying will be performed by Wisconsin Department of Agriculture Trade and Consumer Protection licensed aquatic chemical spraying personnel under the direction of the Committee.

**Section 5. Committee and Project Coordinator Volunteers.** Any elector may serve as a committee volunteer and be the chairperson of or member of any standing or special committee or serve as a project coordinator. Such volunteer shall be responsible for discharging the powers and duties delegated to him or her by the Board from time to time as a project coordinator, committee chairperson or member. When volunteer possesses (or his or her employer) professional or technical skills relating to a particular project, such a volunteer, or his or her employer, may be compensated and employed by the district irrespective of any other provisions contained in these By-laws.

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**Section 6. Compensation.** The chairperson, members, and volunteers of each committee shall be reimbursed for all reasonable necessary services and expenses incurred while conducting the business of the District. These expenses shall include mileage in the amount allowed by the IRS and out-of-pocket expenses.

**Article X  
NONLAPSABLE FUND**

The annual meeting may approve and create a nonlapsable fund to finance specifically identified capital costs and for maintenance of capital equipment. See 33.30 (4)

**ARTICLE XI  
INDEMNIFICATION**

**Section 1. District Powers.** The District shall, to the fullest extent authorized by Chapter 33, indemnify any officer of the District against reasonable expenses and against liability incurred by an officer in a proceeding in which he or she was a party because he or she was an officer of the District. These indemnification rights shall not be deemed to exclude any other rights to which the officer of the District may otherwise be entitled. The District shall, to the fullest extent authorized by ch. 33, indemnify any committee member or volunteer who is not an officer of the District, to the extent the committee member or volunteer has been successful on the merits or otherwise in defense of a proceeding, for all reasonable expenses incurred in the proceeding if the committee member or volunteer was a party because he or she was a committee member or volunteer of the District. The District may, to the fullest extent authorized by ch. 33, indemnify, reimburse, or advance expenses of officers.

**ARTICLE XII  
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 written

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request to the secretary signed by 12 qualified electors of the District. The annual meeting notice requirements under Article V shall be followed 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.

**Section 2. Conduct at 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 shall serve as parliamentarian.

**Section 3. Adoption of By-Laws.** These By-Laws may be adopted at any legal annual meeting of the District. Adoption shall require a two-thirds vote of the electors, as defined herein, present and voting at the meeting. The By-Laws shall become effective immediately upon passage.

**Section 4. Amending By-Laws.** These By-Laws may be amended at any legal annual meeting of the District. Amendments shall require a two-thirds vote of the electors present and voting at the meeting.

**Section 5. Meeting Notice and Publication.** All regular meetings of the District shall be publicized in accordance with open meetings legislation.