

# BY-LAWS OF THE NORTH LAKE MANAGEMENT DISTRICT

## Article I - NAME

The name of this organization shall be the North Lake Management District.

## Article II - PURPOSE

Section 1 -DEFINITION OF PURPOSE - Pursuant to Chapter 33, Wisconsin Statutes, the North Lake Management District is created to "manage" the body of water known as "North Lake" with particular regard to "North Lake" quality and environmental protection- rehabilitation and safe enjoyment for the riparian owners and the public, both present and future generations.

### Section 2- BOUNDARIES-

1. The property owners and residents surrounding North Lake in the NW 1/4 and SW 1/4 Sec. 16, NE 1/4 and SE 1/4 Sec. 17, NE 1/4, NW 1/4, SW 1/4 and SE 1/4 Sec 20 T8NR18E in the Town of Merton
2. The property owners and residents of Lots 5, 6 and 8 of Block 2, (Silver Spring Park) in the NE Sec. 17 T8N R18E.
3. The property owners and residents within the boundaries of the Village of Chenequa in the SW 1/4 of Sec. 16 and the NW 1/4 and SW 1/4, Sec. 21 along S.T.H. "83", and the SW 1/4, Sec. 21 along C.T.H. "K", and the SE 1/4 and SW 1/4, Sec. 20, T8NR18E and lots 16, 17, 18, 19 on Wildwood Point plus any other lots on Wildwood Point that fall within the prescribed boundaries of the Village of Chenequa, T8NR18E.

See attached map of the District.

Section 3- ADOPTION OF BY-LAWS - In keeping with the resolution of the Waukesha County Board that created the North Lake Management District, which includes the property owners and residents in the boundaries described in Section 2, in Waukesha County, Wisconsin, the electors of said North Lake Management District do adopt these By-laws, the purpose of 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 - ELIGIBLE ELECTORS

Section 1 -ELIGIBLE ELECTORS - Every person eighteen (18) years of age or older who is a U.S. Citizen, who owns real property in the District or who resides in the District, shall be an eligible elector of the District. A real property owner is defined as a holder of title or land contract on land, or the owner of buildings on land, which is leased for twenty (20) years or more in the District. Any corporation, partnership, association that owns real property in the District, may designate an official representative who shall be an eligible elector of the District.

Such designation shall be in writing specifying the date of issuance, name of the designated representative and the period for which the designation is made, and shall be presented to the Secretary of the District prior to any voting at the meeting. Each official representative may represent only one property owner.

#### Article IV- DISTRICT BOARD OF COMMISSIONERS

Section 1 -COMPOSITION OF THE BOARD - The North Lake Management District Board of Commissioners (Board) shall consist of three (3) elected commissioners, plus one (1) member appointed by Waukesha County, plus one (1) member from the Town of Merton. (Sec.33.28(2)(b)).

Section 2 –MEETINGS - The Board shall meet at least quarterly, and at other times on the call of the chairman or the petition of three of the commissioners. {Sec. 33.28(6)}. All meetings are subject to Wisconsin's open meetings law and notice of meetings and conduct of the meetings shall be in conformity with the open meetings law.

Section 3 - QUORUM - Three (3) commissioners, two of which must be elected commissioners, shall constitute a quorum for the transaction of business.

Section 4 - FUNCTION - The Board of Commissioners 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 Chairman, a Secretary, and a Treasurer from among its members.

1. The Chairman shall preside at the annual and special meetings, all meetings of the Board and all public hearings held by the Board.
2. The Secretary, or his/her assignee, shall keep minutes of all meetings of the Board and hearings, held by it, shall annually notify the Department of Natural Resources of the continued existence of the District, and shall obtain from Waukesha County a list of eligible electors for the District.
3. The President and/or Treasurer shall receive all bills and shall jointly review and approve for payment which the Treasurer shall then pay out.

Section 6 - COMPENSATION- The commissioners shall receive no remuneration for their service in office, but a commissioner shall be paid for actual, necessary and reasonable expenses incurred while conducting the business of the District.

Section 7 - 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 inlets, outlets, the lake, related shorelines and the drainage basin. (Sec. 33.29(1) (a).
2. Planning lake rehabilitation projects. {Sec. 33.29 (I) (b)}.
3. 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)).
4. Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits therefore. (Sec. 33.29 (I) (d)
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. (Sec. 33.29 (I) (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 reported by the Treasurer at the annual meeting. (Sec. 33.29(2)) (See Art. VIII, Sec. 2).

Section 8- OTHER -The Board may perform any responsibility delegated to it by state law.

Section 9 - VACANCIES - If a vacancy occurs in the membership of the Board appointed by the county board or by the town, the appointing authority shall appoint a person to fill the vacancy. If a vacancy occurs in the membership of the Board elected by eligible electors, the chairperson of the Board shall appoint a person to the remainder of the unexpired term, subject to approval by a majority vote of the Board.

## Article V - VOTING

Section 1 - MULTIPLE VOTING - Any eligible elector as defined in Article III may cast only one vote on any question called to a vote.

Section 2 - MANNER OF VOTING - No absentee ballots or proxies are permitted at an annual or special meeting.

Section 3 - BALLOTS - All votes shall be counted by a show of hands or written ballot at the discretion of the chairman, 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. Election of commissioners to fill vacancies occurring in the elected membership of the Board shall be by secret ballot.

Section 4 – VOTER ELIGIBILITY - To vote at a North Lake Management District (NLMD) Annual/Special Meeting a person must be a U.S. citizen and 18 years of age or older, and who is an elector (a qualified voter who resides in the District, see Wis. Stat. ss. 6.10 Elector residence) or they must meet any of the following requirements:

1. The person's name appears as an owner of real property on the tax roll.
2. The person owns title to real property but the person's name does not appear as an owner of real property on the tax roll. In this case, the person must sign a "Voter Certificate".
3. The person is the official representative, officer or employee who is authorized to vote on behalf of a trust, foundation, corporation, association or organization that owns real property in the district – One Vote. If the person does not have or has not previously submitted a designation that they are the authorized representative, they must sign a "Voter Certificate."

Each qualified voter is entitled to cast one vote at the annual or special meeting. Ownership of more than one parcel of real estate within the district does not entitle the owner to more than one vote. Corporations, trusts, governmental bodies and other organizational owners are treated as single owners with one vote, except revocable trusts receive one vote for each person listed on the tax role.

Commissioners appointed by the county or town/village/city are eligible to vote at the annual or special meeting only if they qualify as lake district property owners.

Section 5 - 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 list of eligible electors or proof of residence within the district.

#### Article VI -ANNUAL MEETING AND BUDGET HEARING; MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

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, herein after referred to as the Board, unless the date has been set by 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 fourteen (14) days, in advance of the event to all eligible electors and to the Department of Natural Resources. A summary of the proposed budget, notice of the place where such budget in detail is available for public inspection and notice of the time and place of the annual meeting and budget hearing shall be published twice in a paper of general circulation in the area. The meeting notice shall be published once each week for consecutive weeks. The last published notice shall be at least one (1) week before the meeting.

Section 3 - NOMINATING COMMISSIONERS - For the purpose of nomination and election to the Board of Commissioners, a resident elector is defined as an eligible elector who is also a registered voter in the District. If any commissioner who is serving an unexpired term is no longer an eligible elector, the commissioner will be replaced at an annual or special meeting by someone who is an eligible elector. Those eligible electors seeking election to the Board may notify the Secretary of the District at least thirty (30) days prior to the annual meeting. The names of all known candidates shall appear on the written and published notices of the annual meeting.

Section 4 - ELIGIBILITY OF COMMISSIONERS - The annual meeting can elect to the office of commissioner any elector or his/her official representative. (Sec. 33.28(2) and 33.285).

Section 5 - ELECTING COMMISSIONERS - At the first annual meeting, the electors shall elect three commissioners to the Board. In any year, including the first annual meeting, 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. At subsequent annual meetings, 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 successor shall be elected to a three-year term. (Sec.33.28 (2)). If an elected commissioner leaves office before the expiration of his/her term, the Board shall appoint an elector as interim commissioner to fill the vacancy until the next annual meeting. The duly elected successor at that annual meeting shall serve for the remainder of the unexpired term.

One of the three 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.

Section 6 - ANNUAL BUDGET AND SPECIAL CHARGE - At the annual meeting and budget hearing, the Board shall present a proposed budget and special charge for the coming calendar year. The electors of the District shall approve the budget and vote the special charge as proposed or modify the budget and change the special charge accordingly. The Board may not exceed the expenditures approved in the annual budget or the approved special charge except by approval of the electors at an annual or special meeting.

Section 7 - PROJECT APPROVAL - In the event it becomes necessary or prudent for the Board to consider a project not approved in the current annual budget, the Board may call a Special Meeting to consider approval of such project and the resulting increase in the annual budget and special charge.

Section 8 – MEETINGS OF THE COMMISSIONERS BY ELECTRONIC MEANS OF COMMUNICATION.

Members of the Commissioners may conduct any regular or special meeting by use of any electronic means of communication provided, (1) all participating may simultaneously hear each other's communications during the meeting or (2) all communication during the meeting is immediately transmitted to each participating Commissioner and each participating Commissioner is able to immediately send messages to all other participating Commissioners. Before the commencement of any business at a meeting at which any Commissioners do not participate in person, all participating Commissioners shall be informed that a meeting is taking place at which official business may be transacted. Participation in such manner shall constitute presence in person at such meeting for the purposes of these Bylaws.

Section 9- OTHER BUSINESS - The annual meeting shall take up and consider such other business as comes before it. (Sec. 33.30(2)(e)).

## Article VII -PUBLIC BIDDING

Section 1 - LOW BID - All contracts in excess of \$2,500.00 for work or materials shall be let by the Board to the lowest responsible bidders. (Sec. 33.22(1)). The manner of soliciting bids and the determination of the responsibilities and qualifications of the bidder shall be at the discretion of the Board. 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 – CONTRACTOR'S INSURANCE - The Board may require that every contracting party shall provide evidence of adequate liability insurance coverage.

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.

Section 4 - PUBLIC BIDDING LAW- For contracts in excess of \$5,000, the Board shall establish a formal, competitive bidding process and shall abide by the procedure established for Municipal Corporation in the letting of public contracts. (Sec. 66.0901).

## Article VIII - COMMITTEES

Section 1 - ELECTIONS - The chairman shall appoint two electors who are not running for the office of commissioner to serve as the Elections Committee. The chairman shall also solicit

volunteers to distribute, collect, and count the ballots at the annual or special meeting and report the results to the annual or special meeting.

Section 2- AUDITING - When the District conducts business which involves more than \$30,000 summed across all categories of activities in any given year, an independent third-party accountant or the Department of Revenue may be retained to conduct an audit. The Treasurer shall report and comment on the audit at the annual meeting.

Section 3 - OTHER COMMITTEES - The chairman may appoint other committees, as he deems necessary to further the interest of the District.

Section 4- 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 5- TERMS OF COMMITTEE MEMBERS- The Chairman shall appoint all committee chairs and the committee chairs shall select the committee members. The committee chairs shall serve at the pleasure of the chairman and may be replaced by him or her at any time.

## Article IX - 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 for the following:

1. Approve an annual budget but you may consider and vote on amendments to the annual budget.
2. Consider the dissolution of the district or dissolve the district.
3. Consider a matter that was resolved during another special meeting that was held since the previous annual meeting.

A special meeting may be called by the Board of Commissioners at any time or upon receipt of a petition signed by at least 10% of the electors and property owners in the district. The annual meeting notice requirements under Article VI shall be followed and a matter considered at a special meeting may not be reconsidered at another special meeting prior to the next annual meeting.

Section 2 - CONDUCT OF MEETING - 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 chairman, or a person appointed by him, 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 majority vote of the eligible 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. Proposals to amend the By-Laws must be received in writing or email at least 14 days prior to the scheduled annual meeting. Amendments shall require a two-thirds vote of the eligible electors present and voting at the meeting.

Revised: August 25, 2022

Attachment - Boundary Map of NLMD:

