

BY-LAWS OF THE MOUNT MORRIS LAKES MANAGEMENT DISTRICT

Adopted at the First Annual Meeting on August 14, 1976 and amended at Annual Meetings of July 18, 1991, July 15, 1995, and July 16, 2022

INTRODUCTION

In keeping with the resolution of the Waushara County Board that created the Mount Morris Lakes Management 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.

DISTRICT BOUNDARIES

- Beginning at Bighorn Lane and State Road 152, thence northerly all property fronting on the westerly side of said State Road 152,
- Thence northerly all property fronting on the westerly side of said State Road 152 to County Road G.
- Thence northwesterly all property fronting on the westerly side of said County Road G to the intersection with Bighorn Avenue.
- Thence westerly all property fronting on the south side of said Bighorn Avenue to the intersection with Bighorn Court.
- Thence southwesterly all property fronting on the south side of said Bighorn Court to the intersection with the western boundary of Section 17.
- Thence south all property fronting on the east side of the west line of said Section 17 to the intersection of Bighorn Lane.
- Thence easterly all property fronting on the north side of said Bighorn Lane to the intersection with State Road 152, the place of beginning.

ARTICLE I – 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 who owns real property in the District shall be an eligible elector of the District. Any corporation, partnership, or association that owns real property is defined as a holder of a fee simple title or land contract on land or the owner of buildings on land which is leased for 20 years or more.

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 point of information inquiring as to whether the challenged elector's name appears on the District election role.

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 VOTERS

Each spouse of a married couple may cast one vote if one or both of them own real property within the District. Other 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: VOTING BY PROXY

Except as absentee ballots are permitted, an elector must be present at the meeting at the time the vote is called in order to vote. No elector shall vote by proxy.

SECTION 4: 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 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: ABSENTEE BALLOTS

Any elector may vote for commissioners by mail addressed to the secretary, The outside of the envelope shall be clearly marked “BALLOT”, shall contain the elector’s name, and shall be opened at the annual meeting by the elections committee or the secretary if an elections committee is not provided by these By-laws,

SECTION 6: REFERENDUM

The electorate directs the Board of Directors to conduct a binding mail referendum of all electors on projects which have a cost to the District in excess of \$5,000 and were not approved at the previous annual meeting. The referendum will describe the necessary increase to the approved annual budget in detail so electors can make an informed vote on the matter. This voting method is in lieu of scheduling a special meeting to conducts such a vote.

Revised from previous older text:

The annual meeting may direct the Board of Commissioner to conduct a mail referendum of all electors on projects which have a cost to the District in excess of \$5,000 which was not approved at the previous annual meeting or special meeting called for that purpose. The directive shall stipulate the nature of the question and how the results shall be interpreted.

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. [Sec.33.30(1) and 65.90(1)]

SECTION 2: NOTICE

A written notice of the annual meeting and budget hearing containing a statement of the agenda to be followed shall be mailed at least 15 days, and no more than 30 days, in advance of the event to all non-resident property owners whose names appear on the tax roll (and to resident electors whose addresses can be ascertained form the tax and election rolls) and to the Department of Natural Resources and the University of Wisconsin Extension. A summary if the proposed budget and notice of the place where such budget 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 first insertions shall be at least 15 days before the event and the second insertion shall be the following week, at least 7 days before the event. [Sec. 33.30(2) and 65.90(3)]

SECTION 3: NOMINATING COMMISSIONERS

The Board shall appoint at least 90 days prior to the annual meeting, a Nominating Committee consisting of three electors, none of whom shall be a serving commissioner, to nominate candidates to fill all vacancies on the Board. If none of the commissioners whose terms do not expire are resident electors, one of the candidates shall be a resident elector. The minimum number of candidates nominated by the Nominating Committee shall be equal to the number of vacancies. Any three electors may nominate additional candidates by submitting written nomination papers to the secretary at least 70 days prior to the annual meeting. The names of all nominated 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. [Sec. 30.30(3)(a)]

SECTION 5: ELECTING COMMISSIONERS

At the first annual meeting the electors shall elect three commissioners to the Board.

- The candidate receiving the greatest number of votes shall be elected to a three year term.
- The candidate receiving the second greatest number of votes shall be elected to a two year term.
- The candidate receiving the third greatest number of votes shall be elected to a one-year term.

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/her successor shall be elected to a three year term. [Sec. 33.28(2)]

If a commissioner leaves office before the expiration of his/her term, his/her elected successor shall serve only for the remainder of the unexpired term. In a 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;
- The candidate receiving the third greatest number of votes shall be elected to the shortest term vacancy, if any.

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 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 change the tax accordingly. The property tax shall not exceed a rate of 2.5 mills of equalized valuation as determined by the Wisconsin Department of Revenue. [Sec. 33.30(3)(c)]

SECTION 7: PROJECT APPROVAL

The annual meeting shall approve or disapprove all proposed projects by the District having a cost to the District in excess of \$5,000 by vote of the resident electors and non-resident property-owning electors within the District. 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 of more than \$5,000, but not more than \$50,000, and to enter into contracts accordingly. [Sec. 33.30(3)(d)]

SECTION 8: OTHER BUSINESS

The annual meeting shall take up and consider such other business as comes before it. [Sec.3 3.30(2)(e)]

ARTICLE IV – DISTRICT BOARD OF COMMISSIONERS

SECTION 1: 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)]

SECTION 2: QUORUM

Three commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to borrow money. The chairman shall appoint an elector to fill any vacancies until the next annual meeting.

SECTION 3: FUNCTION

The Board shall conduct all business of the District not specifically reserved to the electors of the District, and shall carry out the mandates of the annual meeting.

SECTION 4: OFFICERS

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

1. The chairman will preside at the annual and special meetings, all meetings of the Board, and all public hearings held by the Board.
2. The secretary 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 maintain the District's election roll.
3. The treasurer shall receive and take charges of all moneys of the District, and pay out the same only on order of the Board.

SECTION 5: COMPENSATION

The commissioners shall receive remuneration at the same rate per meeting for their service in office as that received by members of the Waushara County Board of Supervisors while attending County Board meetings, and a commissioner shall be paid for actual and necessary expenses incurred while conducting the business of the District with mileage for use of a personal automobile at the rate authorized by the Internal Revenue Service for such use.

SECTION 6: 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 the drainage basin. [Sec. 33.29(1)(a)]
2. Planning lake rehabilitation projects [Sec. 33.29(1)(b)]
3. Conducting 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.(1)(c)]
4. Adopting and carrying out lake protection and rehabilitation plans and obtaining any necessary permits. [Sec. 33.29(1)(d)]
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation, [Sec. 33.29(1)(e)]
6. 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 submitted to the annual meeting. [Sec. 33.29(2)]

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]

The Board may 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 District. [Sec. 33.32(1)]

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 responsible bidder. [Sec. 33.22(1)] The manner of soliciting bids and the determination of the responsibilities of the bidder shall be at the discretion of the Board. If the Board determines the low bid is not responsible, and if the bid accepted exceeds any other bid by more than 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/her 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.

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 procedures established for municipal corporations in the letting of public contracts. [Sec. 66.29-66.295]

ARTICLE VI – COMMITTEES

SECTION 1: AUDITING

The chairman shall appoint three electors to serve as the auditing committee. The committee shall examine all financial records of the District and report its conclusions to the annual meeting.

SECTION 2: OTHER COMMITTEES

The chairman may appoint other committees as he/she deems necessary to further the interests of the District.

SECTION 3: REPORTING

All committees shall report to the chairman at his/her request and to the annual meeting.

SECTION 4: COMPENSATION

Committee members shall receive no remuneration or compensation.

SECTION 5: TERMS OF MEMBERS

All committee members shall serve at the pleasure of the chairman and may be replaced by him/her on an annual basis following the Board meeting immediately following the annual meeting.

ARTICLE VII – 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 a written request to the secretary signed by at least 10% of the qualified electors and property owners of the District. [Sec. 33.305(1)] The annual meeting requirements under Article III shall be followed and the purpose of the meeting shall be posted. A matter voted upon at 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 Newly Revised Rules of Order” unless contrary to the requirements of these By-laws. The Board shall appoint a qualified parliamentarian who shall attend all special and annual meetings.

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: QUORUM – Removed per majority vote at the Annual Meeting of July 16, 2022
A quorum at annual and special meetings shall consist of twenty (20) electors.*

SECTION 4: AMENDING BY-LAWS

Adopted at the annual meeting of August 14, 1976. These By-laws may be amended by a two-thirds vote at an annual meeting following notice of the proposed changes being given in the written notice required under Article III, Section 2 of the By-laws.