

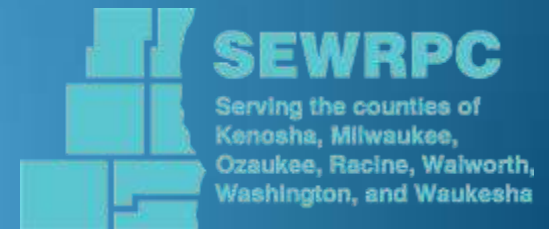
# County Lake District Commissioner Workshop

## County Commissioner Duties



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District of Powers Lake**

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# Lake Districts are:

- Specialized Units of Government
- Powers and Operations are set by law
- Governed under Chapter 33 of Wis. Stats.
- Governed under Municipal Law (Chapter 66 of Wis. Stats.)

# Lake Districts are not:

- Voluntary associations

# Forming a Lake District

- Petition signed by property owners whose names appear on tax role.
- Petition must contain statement of benefit, necessity, public welfare, description of boundaries, proposed name for district.
- Resolution from any city or village with land to be included within the district.
- Government approval.

# Create an Identity

- What's your name and where do you live?
  - Be consistent with what you call your lake district
    - Are you Bass Lake District, Bass Lake PRD, District of Bass Lake, Bass Lake District of Polk County, or ...
  - Establish a PO Box for district mail

# A lake district is governed by:

- The Board of Commissioners
- The Annual Meeting



# Board of Commissioners - 1

- Standard board:
  - 3 elected commissioners
    - One must be a district resident
  - 2 appointed commissioners
- Enlarged board:
  - 5 elected commissioners
    - Can not be reversed
  - 2 appointed commissioners

# Board of Commissioners - 2

- Elected commissioners:
  - 3 year staggered terms
  - secret ballot is required even if there is no contest
- Vacancies filled by appointment
- Are considered local government officials
  - May take oath of office

# Board of Commissioners - 3

2 appointed commissioners:

- Appointee of the city, village or town with the largest equalized valuation
- Appointee nominated by county Land & Water Conservation Committee & appointed by county board



# Board of Commissioners - 4

## Officers of the District:

- Chairperson, secretary, & treasurer
- One year term
- Elected by the board of commissioners

# Duties of Commissioners

- **Chair person** presides at all meetings of district
- **Treasurer** shall receive and take charge of all monies
- **Secretary** keeps minutes & other district records, prepares & sends notices of meetings
- **The board shall**
  - meet quarterly, not including the annual meeting
  - manage the day to day activities of the district
  - schedule the annual meeting
  - propose an annual budget

# Ethical Standards for Commissioners

As local government officials...

...you are prohibited from:

- Taking action on something you have a financial interest in
- Accepting a gift that could influence vote/action
- Using position to obtain financial gain
- Using position to benefit yourself

# Legal Responsibilities of Commissioners

As local government officials...

...you are required to follow:

- Open Meetings Law
- Public Records Law
- Budget & accounting laws in Ch 33, Wis. Stat.

*Different from lake associations, clubs, other organizations*

# Is this a walking quorum?



UW-Extension Lakes

# What is required by the Open Meetings Law?

- Advance public notice of a meeting — at least 24 hours
  - Longer notice requirements for annual & special meetings [Ch 33.30, Wis. Stats.]
- Sub-groups of the board must also post meetings
- All business must be conducted in open session
  - Special requirements for closed sessions [Ch 19.85(1), Wis. Stats.]

[http://www.doj.state.wi.us/dls/OMPR/2010OMCG-PRO/2010\\_OML\\_Compliance\\_Guide.pdf](http://www.doj.state.wi.us/dls/OMPR/2010OMCG-PRO/2010_OML_Compliance_Guide.pdf)

## Requirements for “open session”

- The meeting must be held in an area that is large enough for expected attendance and reasonably accessible to the public
- Meetings should not be held in private homes, private rooms in restaurants
- Meetings should be held in locations near the public that is being served

# The Public Must Be Notified

- For Commissioner meetings:
  - Notice may be posted at three different locations in the area frequented by members of the district, or
  - Notice may be given in a newspaper
  - Email & internet notices may not be used instead of postings or publication



# A Public Notice Includes:

- Time
- Date
- Place
- Subject matter
  - The agenda needs to contain enough detail for someone to understand the issue and decide whether or not they need to attend the meeting.
  - It's not enough to say "boating." Specific nature of agenda item should be spelled out: "discussion and possible action on the hiring of water safety patrols".



Good idea to include time for public comment.

# Record Keeping - 1

## Open Records Requirements

- Secretary to maintain records
- Keep minutes – at least motions and votes
- Keep supporting documents for actions taken
- Recommended practice: designate/establish repository for district records

[http://www.doj.state.wi.us/dls/OMPR/2010OMCG-PRO/2010\\_Pub\\_Rec\\_Outline.pdf](http://www.doj.state.wi.us/dls/OMPR/2010OMCG-PRO/2010_Pub_Rec_Outline.pdf)

# Record Keeping - 2

## Open Records Requirements

- Requests for records
  - Need to provide
  - May charge for this service
- Options for making records easily available
  - Website
  - Post at library, public launch, town hall, post office...

# Annual & Special Meetings



# Annual & Special Meetings

- Property owners & electors have voice
- Notices – Open Meetings Law
  - Extra requirements
- Records – Public Records Law
  - Same as for commissioner meetings
- Time – annual meeting must occur between May 22 & September 10, unless another date is selected at the previous annual meeting

# Special Meetings - 1

- May be held at any time of the year
  - May be scheduled by the board
  - May be scheduled upon petition of 10% of the property owners & electors
- Subject to same notice requirements as annual meeting

# Special Meetings - 2

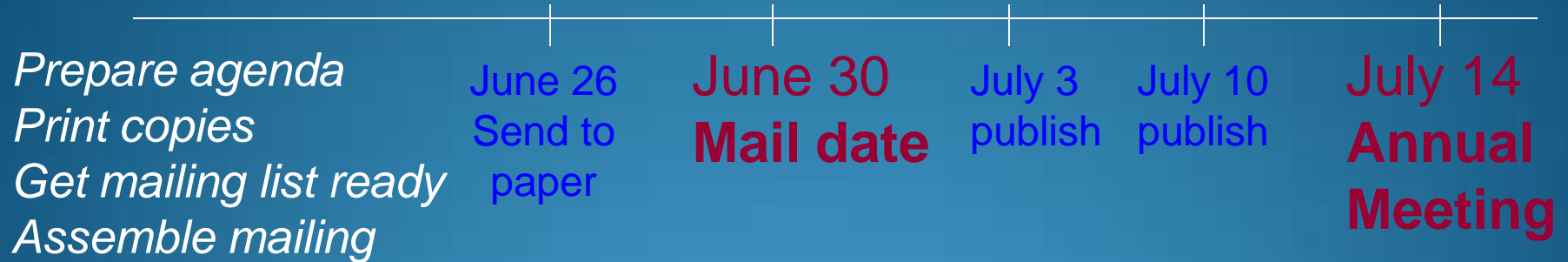
- Can NOT approve an annual budget
  - May amend the budget
- Can NOT dissolve the district
- Can NOT reconsider a matter resolved during another special meeting.

# Notice of Annual Meeting

- 14 days before meeting:
  - Mail to property owners (required)
  - Mail to electors  
(Option: Commissioners may vote to publish [paid] legal notice in two successive issues of official paper)
  - Mail notice to DNR
- Provide notice to any media that requests it



# Annual Meeting Example Timeline



# Annual Meeting Notice Includes

- Time, date, place
- Agenda
  - List of items to be considered, be specific
  - Public input time suggested
- Proposed budget
  - Detail (Ch 33.29(1)(g), Stats.)
  - Proposed levy
- Candidates – not required

# Who can vote?

- A person whose name appears on the tax roll.
- A person who owns title to real property – a “spouse” may vote.
- One official representative of a trust or corporation in the district.
- A registered voter resident in the district.
- Owners of multiple properties can only vote once.

# The Voting Process

- Be prepared
  - Have a copy of the tax roll
  - Voter self-certification document
  - Color coded ballots or voter ID cards
- Organize the process
  - Have a formal check-in process
  - Get enough help
  - Serve refreshments, have exhibits
  - “Complaint department”
- No absentee ballots or proxies

(your lake name) LAKE DISTRICT

VOTER CERTIFICATE

The undersigned does solemnly swear (or affirm) that he or she:

Is at least 18 years of age and a citizen of the United States and is not otherwise disqualified to vote in Wisconsin elections, and

Check One:

- Owns land within the boundaries of this Lake District.
- Resides within the boundaries of this Lake District.
- Is the official representative, officer or employee who is authorized to vote on behalf of the following trust, foundation, corporation, association or organization that owns real property in the District:

\_\_\_\_\_  
(print full name of organization that owns property within this Lake District)

\_\_\_\_\_  
(Signature of Voter)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Address)

**WARNING: VOTER FRAUD IS A FELONY**

Section 12.13 of the Wisconsin Statutes (voter fraud) prohibits any person from voting at the Annual Meeting unless the person meets the lake district voting requirements as an owner of property in the District or as an elector who resides within the District. A person who violates Wisconsin's voter fraud statutes may be imprisoned for up to 18 months.

# Who can vote?

- Self- certification of eligibility

# Financing Lake District Operations

- General property tax (2.5 mil cap)
  - For general operating expenses
- Special charges (\$2.50/\$1000 cap)
  - For activities with temporary benefits to individual properties
- Special assessments
  - For very large projects – usually involves financing

# Fiscal Year

- Usually based on a calendar year
  - Fits well with local budgets and taxing cycles
  - Allows for 6 months of spending before annual meeting & budget presentation

# The Budget

- General operating expenses
- Capital fund
- Grants and Loans
- Projects \$10,000 or greater
- Annual meeting “may consider and vote on amendments” before approving budget



# Budgets

- This is government accounting – designed to protect the taxpayers whose money is being spent
  - It will differ from familiar household and corporate accounting
  - The format and content presented here are required by law
- **4 step process** :
  - **appropriation** – asking for the money
  - **allocation** – assigning the money for a specific purpose
  - **authorization** – allowing the money to be spent
  - **accounting** – reporting that the money has been spent for the designated purpose

# Annual Budget Requirements: Part 1

- The actual revenues and expenditures for the preceding year
- The actual revenues and expenditures for at least the first six months of the current year
- The estimated revenues and expenditures for the balance of the current year

# Annual Budget Requirements: Part 2

- Existing indebtedness and anticipated revenue from all sources for the coming year
- Proposed expenses for each account category and reserve account for the ensuing year
- All anticipated unexpended or unappropriated balances and surpluses (For informational purposes)

# Operating Costs & Capital Costs

- Operating costs – cost of doing business
  - Mailings, insurance, membership fees
  - Operating a harvester
  - Creating a lake management plan
  - Attending conferences/workshops
- Capital costs – equipment or assets
  - Purchase a weed harvester
  - Purchase land — park, wetlands

# Non-lapsable Fund

- Only for Capital Costs
  - Weed harvesting equipment
  - Water patrol boat, buoys
  - Land
  - Office furniture/equipment
- May also be used for the maintenance of capital equipment
- May not be used for the operation of capital equipment

# Year End Surplus

- May not be “banked” for a rainy day
- Must be applied against next year’s levy
- May be reallocated to same project as previous year

# \$10,000

- Any item or project with a cost *to the district* of \$10,000 or more must be specified in the budget
  - Aquatic Plant Treatments
  - Capital costs
  - Grants

# Bids Required

- If enter into a contract for the performance of work over:
- The purchase of any materials exceeding:
- Lowest responsible bidder
- Typically — Written request for proposals sent to local paper and distributed to contractors/vendors
- Don't be afraid to ask contractors/ consultants for references...  
...and follow up on them.

**\$2,500**



# Professional Services vs. Work

- Professional services –
  - Define – task requiring specialized knowledge
  - Examples: lake management plan, APM, insurance evaluation, legal advice
  - Bids not required
- Work
  - Define – repetitive tasks
  - Examples: dredging, purchase of insurance, aquatic plant treatments,
  - Bids are required

WIS. DEPT. OF REVENUE SPECIAL DISTRICT CERTIFICATION OF 20XX VALUES 10/04/XX  
BUREAU OF INFORMATION SYSTEMS  
TX27110A

<u>64 8030 HONEY LAKE PRO &amp; REHAB DIST</u>	<u>FULL VALUE</u>	<u>% TOTAL</u>
51 014 T ROCHESTER	\$14,942,789	47.828052
64 024 T SPRING PRAIRIE	\$16,299,941	52.171948
SPECIAL DISTRICT TOTAL	<b>\$31,242,730</b>	100.000000

Example:

Levy: \$10,000      \$10,000 x 47.8% = \$4,780 T Rochester  
\$10,000 x 52.2% = \$5,220 T Spr. Prairie

Current mil rate: \$10,000 / \$31,242,730 = 0.00032 mils (\$0.32/\$1000)

Maximum levy: \$31,242,730 x .0025 mils = \$78,107.00  
(*\$2.50/\$1000 of equalized valuation*)

# Audit

- Prepared annually
- Presented at annual meeting
- May be done by an internal committee or an accounting firm

# Odds & Ends

# Bylaws – yes / no / maybe...

- Drawbacks
- The simpler, the better
- Need to comply with Chapter 33 & other laws
  - cannot conflict / Ch 33 supersedes
- Provide for making changes
- Alternatives
  - Operating policies

# Robert's Rules

- Purpose is to help conduct an orderly meeting
- Become familiar with basics
  - But don't become bogged down in procedure
- Order of motions - on CD
- [www.robertsrules.com](http://www.robertsrules.com)

# Communications

- How do you communicate with your members?
  - Newsletter
  - Website
  - Other... grapevine, blog?

# Networking

- WAL
- UW-Extension
- DNR
- Each other
- Lake Leaders
- Lakes Convention
- Lake List [www.uwsp.edu/cnr/uwexplakes](http://www.uwsp.edu/cnr/uwexplakes)



