

# Lake District Commissioner Training Workshop 1

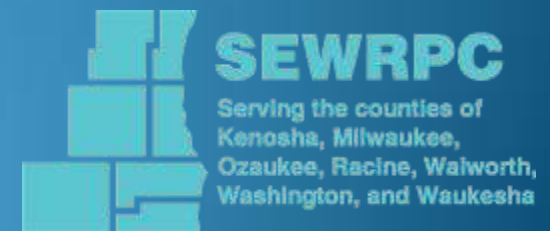
## 2011 Wisconsin Lakes Convention

### Meetings & Operations



**Judy Jooss, Commissioner (County),  
District of Powers Lake**

**Jeff Thornton, PhD PH CLM, Principal  
Planner, SEWRPC**



# We'd like to meet you...

*Every lake district is unique and will have its own unique situations —*

- nothing is too trivial
- we are always learning from each other —  
“networking”

# 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, Wis. Stats.)

# Lake Districts are not:

- Voluntary associations

# 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 and 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

- **Chairperson** presides at all meetings of district
- **Treasurer** shall receive & 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 in which you have a financial interest
- 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, and other civil 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
- Sub-groups of the board must also post meetings
- All business must be conducted in open session unless otherwise noticed
  - 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 and reasonably accessible to members of 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

- 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** in place 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

## Open Records Requirements

- Keep minutes – at least of motions and votes
- Requests for records
  - **Must** provide
  - **May** charge for this service
- Options for making records easily available
  - Website
  - Post at library, public launch, town hall, post office...



[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)

# Annual & Special Meetings



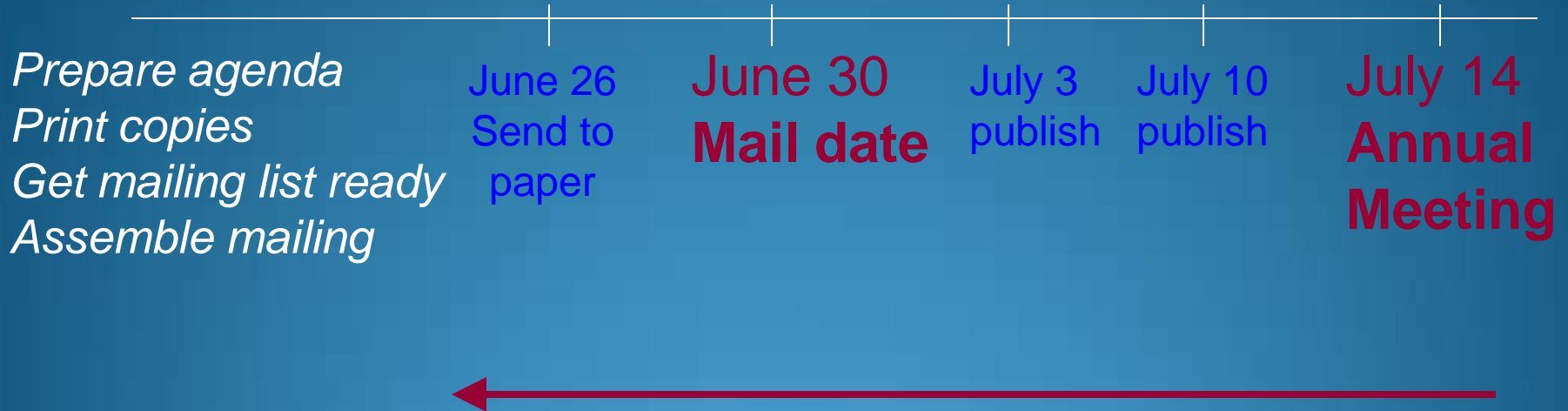
# Annual & Special Meetings

- 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

# Notice of Annual Meeting

- **14 days before meeting:**
  - Mail to property owners (required)
  - Mail to electors  
(option: may vote to use legal ad)
- Publish paid legal notice in two successive issues of official paper (resolution needed to substitute)
- Mail notice to WDNR
- Provide notice to any media that requests it

# Annual Meeting Example Timeline



# Notice of Annual Meeting

- Time, date, place
- Agenda
  - List of items to be considered, be specific
  - Public comment period
- Proposed budget
  - Detail
  - 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
  - Voters self-certification example
  - 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**



# Financing Lake District Operations

- General property tax (mil levy)
  - For general operating expenses
- Special charges
  - For activities with temporary benefits to individual properties
- Special assessments
  - For very large projects – usually involve financing

# The Budget

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

# The Audit

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

# 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.

# 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



# 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 plan, insurance evaluation, legal advice
  - Bids not required
- Work
  - Define – repetitive tasks
  - Examples: dredging, purchase of insurance, aquatic plant treatments,
  - Bids are required

# 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

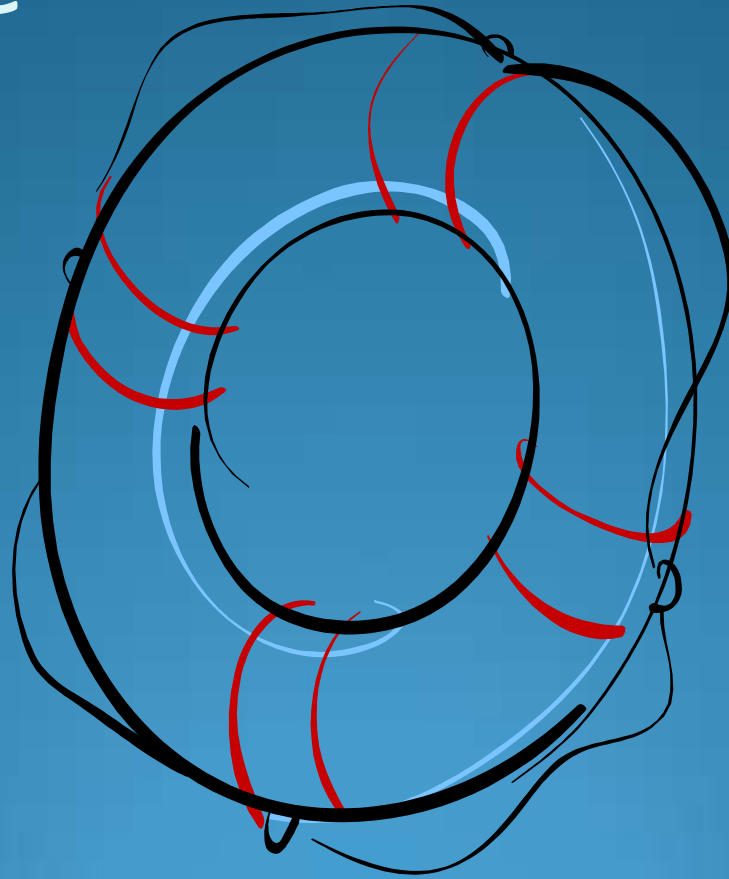
- How do you communicate with your electors and property owners?
  - Newsletter
  - Website
  - Other... grapevine, blog?

# Networking

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



# Insurance





# Contact us...

- Send questions or suggestions
  - Jeff Thornton
    - [jthornton@sewrpc.org](mailto:jthornton@sewrpc.org)
  - Judy Jooss
    - [jjjooss@charter.net](mailto:jjjooss@charter.net)