

April 15, 2021

Thursdays
@4:00

Lake Districts in Wisconsin: The Basics



This webinar series is brought to you by the Wisconsin Lakes & Rivers Partnership.

FREE WEBINAR



Extension Lakes

College of Natural Resources

University of Wisconsin-Stevens Point

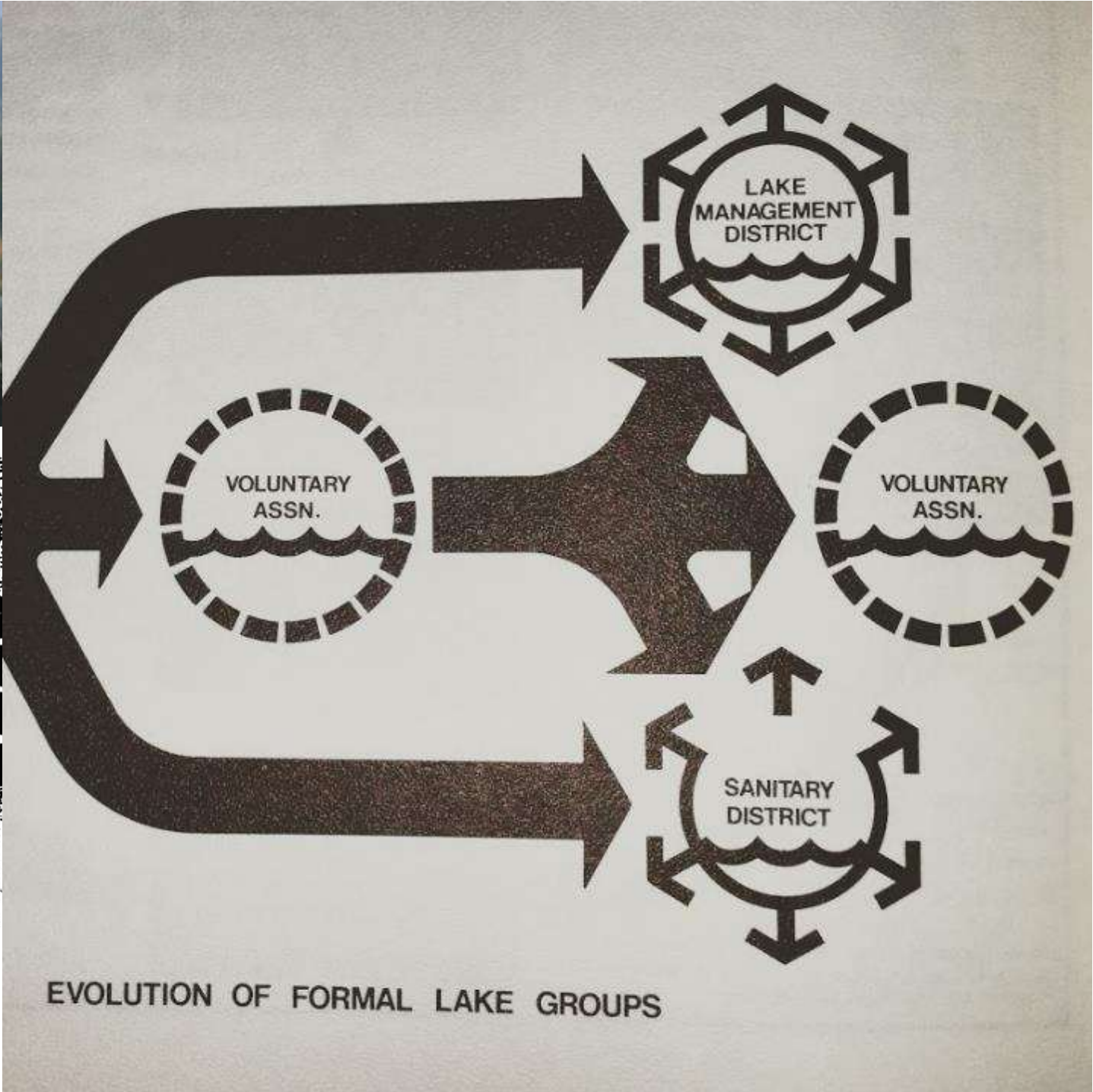
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THE UPPER G

INLAND LAKES RENEWAL AND MANAGEMENT DEMONSTRATION

ENVIRONMENTAL AWARENESS CENTER
COLLEGE OF AGRICULTURAL
AND LIFE SCIENCES
SCHOOL OF NATURAL RESOURCES
UNIVERSITY OF WISCONSIN 1971



ACTIVITIES

1. Creating a legal lake district.

Initiated by lake people with assistance from local professionals

2. Compiling existing information on the lake and the watershed.

The District and local professionals pull together information and send to state.

(feasibility study)

3. Collecting additional information on lake problems and their causes.

District provides money (or other matching services) and administers the study by a private consultant

4. Analyzing the study results and formulating alternative methods for protecting or rehabilitating the lake.

District indicates management preferences and local financial constraints

(project implementation)

5. Adopting and implementing lake management plan.

District develops a specific plan, provides money (or other matching services) and administers project work by a private contractor.

STATE PARTNER

- Scientists (DNR) (UW)
- Educators (UWEX)
- Money (DNR)

State organizational experts provide advice

State technical experts analyze information and prescribe further study

State provides cost-sharing money and consultation

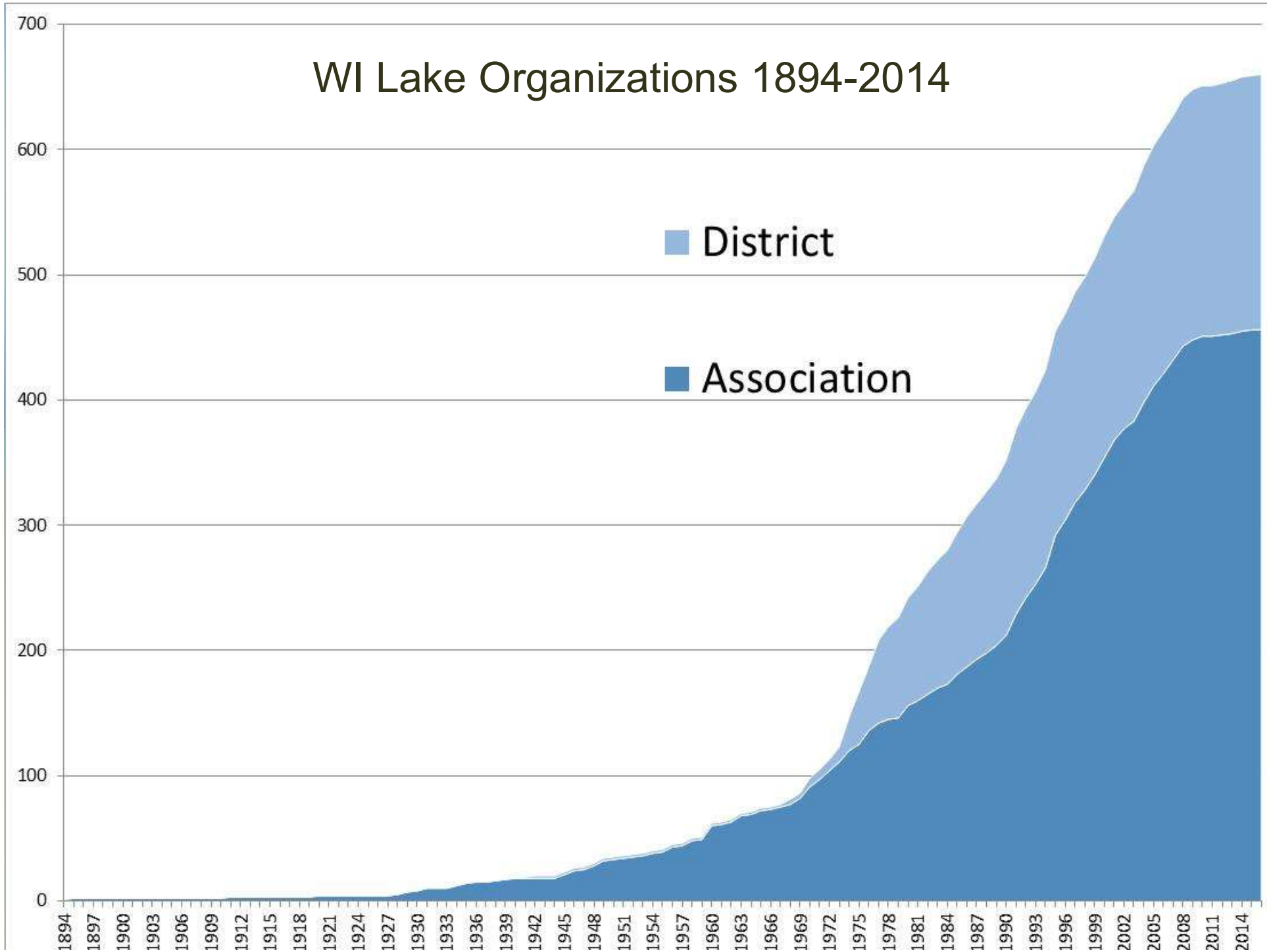
State experts analyze study results and define management alternatives

State agrees to a specific plan, offers cost-sharing money and consultation

LOCAL PARTNER

- * Lake district
- County Extension
- District DNR
- SWCD
- RPC
- SCS

WI Lake Organizations 1894-2014



Lake Associations are:

- **Organizations, similar to homeowners groups**
- **Typically voluntary**
- **May be incorporated**
- **May be tax exempt**
- **“Qualified” lake associations are WI DNR grant eligible**

Lake Districts are:

- **Specialized units of government**
- **Powers and operations are set by state law**
- **Governed under Chapter 33 of State Statutes**
- **Governed under municipal law**
- **Automatically DNR grant eligible**

Lake Districts can:

- **Levy property tax and fees on landowners in the district**
- **Own property**
- **Receive gifts**
- **Make contracts & form partnerships**
- **Establish water safety patrols**
- **Create loans with WI BCPL**

Lake Districts cannot:

- **Make or enforce zoning or land use regulations**
- **Create boating regulations without concurrence by local gov and WI DNR**
- **Fund projects unrelated to lake protection and rehabilitation**

What's Best?

- **Whatever type meets your needs**
- **Districts & associations can and often do work together**
- **What starts as an association may transition into a district in the future**
- **Fairness, capacity and durability**
- **Major projects: Dams, AIS**

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.**

Determining Boundaries

- **lands proposed to be included within the district will benefit as a whole (need not examine parcels individually)**
- **need not be excluded just because the owner objects**
- **not required that each individual parcel of land be benefited or be located in the lake's watershed**
- **Riparian and riparian access lots**

PETITION TO ESTABLISH _____ DISTRICT

We, the undersigned landowners (the “Petitioners”) hereby petition the Board of Supervisors of the County of _____ to establish a public inland lake protection and rehabilitation district, pursuant to the authority vested in Chapter 33, Wisconsin Statutes, and state that:

1. The district, if established, shall be known as the _____ District (“The District”).
2. The District is necessary.
3. Establishment of The District will promote the public health, comfort, convenience, necessity and public welfare.
4. The lands to be included within The District will be benefited by the establishment of The District.
5. The boundaries of the proposed district are as follows:

Beginning at the intersection of Upper Red Lake Road and County Road G being the NE corner of the Southeast ¼ of the Northwest ¼ of Section 34 T.28N R.14E and the Point of Beginning; Thence in a Southerly direction on an imaginary line to a point which is on the south side of Hill Street Section 3 T.27N R.14E.; Thence Easterly along...

The boundaries of the land described above are shown on plat/sketch shown in Exhibit 1, attached hereto, indicating the approximate area and boundaries of the proposed district.

See Appendix C for a sample map and description of lake district boundaries.

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People of the
Lakes

Sample Petition

The persons signing this Petition requesting the Board of Supervisors of _____ to establish _____ District state that they own land, or are authorized to sign on behalf of entities owning land, within the boundaries of the proposed district.

<u>Signature*</u>	<u>Name</u>	<u>Property Address</u>	<u>Date</u>	<u>Parcel ID Number**</u>
<i>John Smith</i>	John Smith	123 Lake Rd.	6/6/06	03 83 4 42 00000
<i>David Bell</i>	David Bell	456 Lake Rd.	6/6/06	03 83 4 42 00010
<i>Mary Bell</i>	Mary Bell	456 Lake Rd.	6/6/06	03 83 4 42 00010
<i>James Murray</i>	James Murray	789 Lake Rd.	6/7/06	03 83 4 42 00020
<i>Susan Murray</i>	Susan Murray	789 Lake Rd.	6/7/06	03 83 4 42 00020
<i>Michael Mason</i>	Michael Mason	1 West Shore Dr.	6/7/06	03 83 4 43 00000
<i>John Meyer</i>	John Meyer	2 West Shore Dr.	6/9/06	03 83 4 43 00050
<i>Mary Fee</i>	Mary Fee	2 West Shore Dr.	6/9/06	03 83 4 43 00050
<i>Carl Hill</i>	Carl Hill	2 West Shore Dr.	6/9/06	03 83 4 43 00050
<i>John Wilson</i>	John Wilson	6 West Shore Dr.	6/9/06	03 83 4 43 00045
<i>Ted Williams</i>	Ted Williams	708 Sunset Ln.	6/9/06	03 83 4 43 10002
<i>George Olson</i>	George Olson	710 Sunset Ln.	6/15/06	03 83 4 43 10003
<i>Ryan Peters</i>	Ryan Peters	712 Sunset Ln.	6/15/06	03 83 4 43 10006
<i>Kyle Adams</i>	Kyle Adams	756 Sunset Ln.	6/15/06	03 83 4 43 10026
<i>Robert Jones</i>	Robert Jones	802 Sunset Ln.	6/15/06	03 83 4 43 10035

Circulated by***: _____

I, (name), being duly sworn, state that I am the person described herein and hereby certify that the signatures on the petition attached hereto are true and correct to the best of my knowledge.

_____ (signature of person certifying petition pages)

STATE OF WISCONSIN ss.

COUNTY OF _____

Subscribed and sworn to this ___ day of _____, 200_.

_____ (signature of notary public)

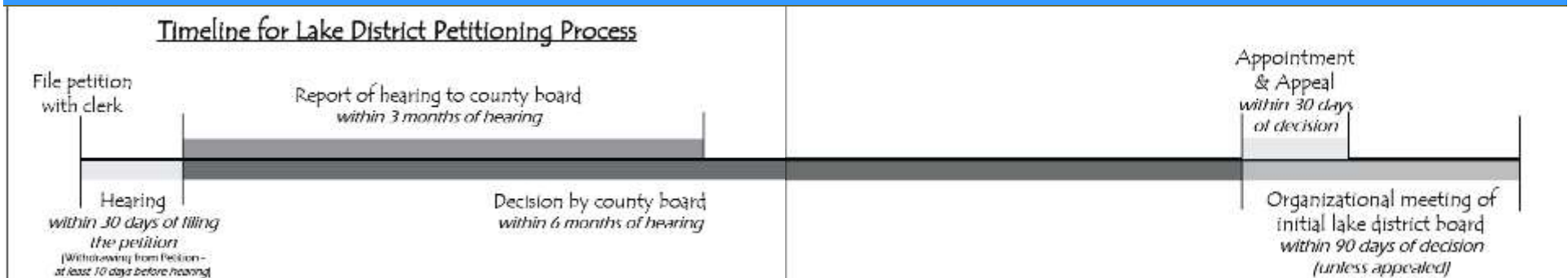
Notary Public, State of Wisconsin

My Commission Expires _____.

The petitioners need to determine that the petition includes the required number of signatures (at least 51%). Only certain owners of land are qualified to sign a lake district petition:

- Each person whose name appears as an owner of real property on the previous year's tax roll¹ is qualified to sign.
- The spouse of a person named on the previous year's tax roll² is eligible to sign the petition, provided that the spouse is "referred to on the tax roll." For example, some tax rolls include the terms "John Smith and spouse" or "John Smith et ux," which refer to the spouse even though that person is not explicitly named.
- Ownership of more than one parcel of real estate within the proposed district does not entitle the individual to sign more than once. An individual signs the petition only once for all of the parcels he or she may own within the proposed district
- A partnership, corporation, trust, foundation, association or local unit of government is treated as a single owner of property entitled to one petition signature. In these cases, the petition must be signed by the authorized representative.³ State and federal governments are not eligible to sign the petition.

1. Petition from landowners goes to County Clerk
2. County committee holds hearing



3. County committee reports to County Board
4. County Board decides
5. Appointment and appeal
6. Initial organizational meeting

County board decision based on:

- **petition is signed by the requisite number of owners (50% of owners or owners of 50% of land)**
- **the district is necessary**
- **public health, comfort, convenience, necessity or public welfare will be promoted**
- **property included in the district will be benefited**

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

Town, City, Village Appointee:

- **Can be a member of the local government's elected body**
- **If not, appointee must be a resident of the district, ideally one who owns property in the district (2015 Act 25)**

Board of Commissioners - 5

Appointed Commissioners:

- do not need to be property owners or electors of the district
- have a full voice at the quarterly meetings of the board of commissioners of the district
- can vote at the annual meeting of the district only if they meet the annual meeting voting requirements

Duties of Commissioners

- **Chair 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**

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***

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 8, unless another date is selected at the previous annual meeting**

Notice of Annual Meeting

- **14 days before meeting:**
 - **Mail to all property owners (required)**
 - **Mail to electors (who are they?)**
(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**

33.30 Annual meeting of district.

(2)

- (a) The annual meeting shall be preceded by written notice mailed at least 14 days in advance of the meeting to all electors within the district whose address is known or can be ascertained with reasonable diligence, to all owners of property within the district at the owner's address as listed in the tax roll, and to the department. The district board of commissioners may substitute a class 2 notice, under ch. 985, in lieu of sending written notice to electors residing within the district.

Note the comma...



Annual Meeting Example Timeline

Prepare agenda

Print copies

Get mailing list ready

Assemble mailing

June 26

Send to
paper

June 30

Mail date

July 3

publish

July 10

publish

July 14

**Annual
Meeting**



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 who resides in the district (aka “electors”).**
- **Owners of multiple properties can only vote once.**

Who can vote?

- **Self-certification of eligibility**

(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.

Financing Lake District Operations

- **General property tax (2.5 mill 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

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**

Lake District Budgets

- **In any given year, only 75% of lake districts typically raise funds**
- **Most (over half) use the levy, 25% use fees**
- **Average levy is about \$43k; average fee total \$41k**
- **All districts combined revenue adds up to about \$9 million/year**

Future Thursday Afternoon Webinars

Working in partnership with Wisconsin Lakes and the Wisconsin DNR, Extension Lakes will be offering a series of 4pm webinars on Thursdays addressing a range of topics relevant to lake district and lake association board members. These are free and a la carte- please share them with others and help us reach the best audience for each topic.

April 22: New Lake District Commissioner Orientation

April 29: Annual Meetings for Lake Districts During COVID in 2021

May 6: Liability and Insurance: For Lake Districts and Lake Associations

May 13: Lake District Treasurer 1: Before the Annual Meeting

May 20: Local Boating Enforcement Grants

May 27: Lake Association Capacity Training Discussion

June 3: Electronic Communications, Websites, and LakeKit

June 10: Regulating Recreation on Lakes: Carrying Capacity

**2022 Wisconsin Lakes Partnership
Convention April 6-8**

Lake District workshops: April 6, 2022

**Holiday Inn Hotel & Convention Center
Stevens Point**

<http://www.uwsp.edu/uwexlakes/>