

April 22, 2021

**New Lake District
Commissioner Orientation**

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

Thursdays
@4:00



FREE WEBINAR

Lake Districts are Governed by Ch. 33 and other state law

Chapter 33

Specific to lake districts

Can/should serve as “bylaws”

Can include language that is more restrictive or prescriptive than other state laws affecting districts

State law for all local governments

19.59 Code of Ethics for Government Officials

19.85 Open Meeting Requirements

19.31-19.39 Open Record Requirements

<https://docs.legis.wisconsin.gov/statutes>

All lake districts have been granted the power to:

- Levy taxes and impose special charges and special assessments
- Borrow money
- Disburse money
- Make contracts
- Accept gifts
- Buy, hold, and sell property
- Undertake projects to enhance recreational uses, including recreational boating facilities (such as boat launches or breakwaters)
- Sue and be sued
- Take other acts necessary to carry out a program of lake protection and rehabilitation



Governing



Key Point

The authority to govern a lake district is shared by the board of commissioners and the electors (resident voters) and property owners at the annual meeting. The board of commissioners has general responsibility for conducting the business of the district. The district's electors and property owners control major policy matters by electing commissioners, setting the annual budget and exercising other powers at an annual or special meeting.

Wis. Stat. § 33.28

Wis. Stat. § 33.30

Wis. Stat. § 33.305

Lake District Board of Commissioners

Standard board:

- 3 elected commissioners
 - One must be a district resident
- 2 appointed commissioners

Enlarged board (vote at annual meeting to expand):

- 5 elected commissioners
- 2 appointed commissioners

Elected commissioners voted on at annual meeting

- 3 year long, staggered terms
- secret ballot is required even if there is no contest
- Vacancies filled by appointment (nominated by chair, vote of commissioners)

Elected commissioners voted on at annual meeting

- Qualifications: To serve as an elected lake district commissioner, a person must be a U.S. citizen, eighteen years of age or older, and either an elector (resident voter) or an owner of property within the district. In order to qualify as an elector, a citizen must be a resident of the district. A person who is an official representative of an organization which is an owner of property may hold office as a commissioner even though the person does not own property within the district or qualify as an elector.
- At least one commissioner must be a district resident, unless no resident is willing to serve. If no resident is willing to serve, this requirement is waived until the end of that term.

Wis. Stat. § 33.30(3)(a)
Wis. Stat. § 33.30(2)(b)



Key Point



Chapter 33 does not set detailed election procedures, but it does mandate the use of secret ballots and prohibits the use of absentee ballots and proxies. Electors (resident voters) and property owners are eligible to vote in lake district elections only if they are physically present at the annual meeting. *For more information on voter eligibility, see Voting, page 73.*

33.30 (5) now has specific guidance for the election of commissioners; reiterates that people must be voting in person and describes a recount process for close elections.

Two Appointed Commissioners

- One appointee of the city, village or town with the largest equalized valuation
- One appointee nominated by county Land & Water Conservation Committee & approved by county board
- Might not 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 (resident or landowner or corporate designee)

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)

County Appointee

- The county appointee needs to be either a member of the county land conservation committee or nominated by the county land conservation committee and then appointed by the county board.

Appointing body replaces vacancies and can change their appointees following their own policies/procedures

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



Good Idea

Oath of Office

Lake district board of commissioners are elected government officials, similar to town and county supervisors, city alderman, or village trustees. Although the law does not require that commissioners take an oath of office,² many do so to acknowledge the importance of serving as elected officials for the lake district. Some lake districts invite the town or county clerk, a dignitary, or community leader to publicly administer an oath of office at the annual meeting. *See Oath of Office, page 95.*

The Board Selects Their Officers

- 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



Good Idea

Lake district boards may create positions such as a recording secretary and bookkeeper, however, these positions are not considered officers and are not voting board members.



Compensation

Commissioners shall be paid actual and necessary expenses that they incur while conducting the business of the district. They may also be paid additional compensation if that compensation is established by the annual meeting.

Board Duties

- Schedule the Annual Meeting (agenda, budget, notice, audit)
- Conduct the Annual Meeting
- Manage the finances of the district
- Schedule Special Meetings if needed
- Appoint vacancies
- Meet at least quarterly

Quarterly Meetings

- Must be public meetings with notice posted at least 24 hours in advance
- Can be done virtually so long as public is provided access
- The secretary is required to keep minutes for each meeting including a record of motions and votes. All records of the district must be available for public inspection.
- 3 commissioners constitute a quorum

April 29, 2021

**Annual Meetings for
Lake Districts During
COVID in 2021**

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