

Lake District Commissioner Training Workshop 1

2012 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

Lake Associations are:

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

Qualified Lake Associations

- Incorporated under Ch 181, Wis. Stats.
- In existence for at least 1 year
- Formed for the purpose of lake improvement
- Membership open to anyone within 1 mile of the lake
- At least 25 members
- Annual dues between \$5 - \$50

What's Best?

- Whatever type meets your needs
- Districts & associations can work together
- What starts as an association may transition into a district in the future

Forming a Lake District

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

Districts should have 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 P.O. Box for district mail

A lake district is governed by:

- The Board of Commissioners
- The Annual Meeting

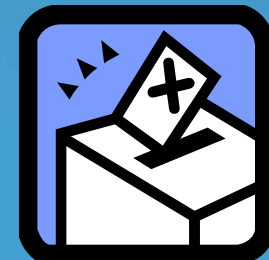


Board of Commissioners - 1

- 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 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**
- Grievance procedure in Ch 66, Wis. Stats.
- Budget & accounting laws in Ch 33, Wis. Stats.



Different from lake associations, clubs, and other civil organizations

p. 36, 68-69

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

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

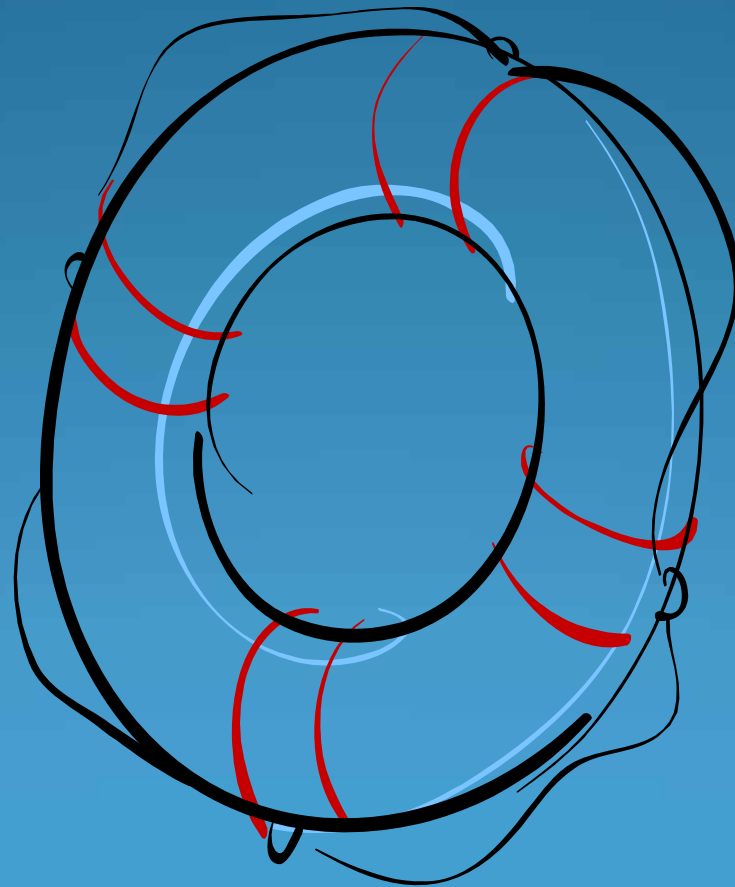
Open Records Requirements

- 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

Insurance and Grievances



Employee Compensation Fund

- Commissioners as Employees
 - In the case of elected or appointed officials in the service of the State of any Municipality, a minimum individual payroll of \$1,560 per year will apply.
 - Section 102.01(2)(d), Wis. Stats.
 - Section 102.07(1)(b), Wis. Stats.
 - Districts can “self-insure” [NOT RECOMMENDED] or purchase a policy from a licensed insurance carrier in the State of Wisconsin.

Employee Grievance Policy

- As of October 2011, a local governmental unit, not having a civil service system, must have:
 - A grievance policy
 - A disciplinary policy
 - A workplace safety policy

- Section 66.0509(1m)(c), Wis. Stats.

Employee Grievance Policy

- The grievance policy must include:
 - A **written** document specifying the process that a grievant and an employer must follow.
 -
 - A hearing process before an impartial hearing officer.
 - An appeal process in which the highest level of appeal is the governing body of the local governmental unit.

- Section 66.0509(1m)(d), Wis. Stats.

Annual & Special Meetings



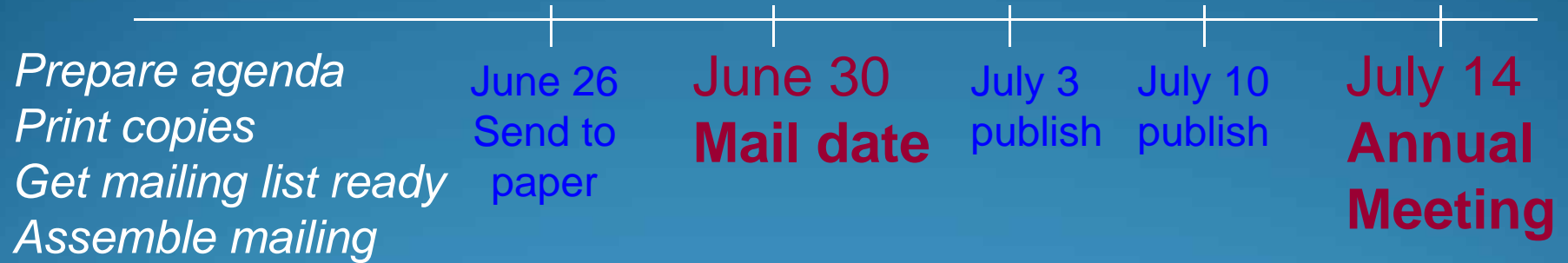
Annual & Special Meetings

- 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**

Funding Lake Districts

- Workshop 2 will cover

Budgeting, Bookkeeping, & Financing

- The Government 4-Step
 - **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



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

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

<u>64 8030 HONEY LAKE PRO & 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	\$31,242,730	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 mill rate: \$10,000 / \$31,242,730 = 0.00032 mills (\$0.32/\$1000)

Maximum levy: \$31,242,730 x .0025 mills = \$78,107.00
(\$2.50/\$1000)

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

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
- North American Lake Management Society





Contact us...

- Send questions or suggestions
 - Jeff Thornton
 - jthornton@sewrpc.org
 - iems@aol.com
 - info@environmentalhorizons.com
 - Judy Jooss
 - jjjooss@charter.net