

**PRETTY LAKE
PROTECTION AND REHABILITATION
DISTRICT

BY-LAWS**

Adopted at the August 11, 1990, Annual Meeting and Amended at the annual meetings of August 9, 2014, August 8, 2020, August 3, 2024, and August 8, 2026.

**BY-LAWS OF THE PRETTY LAKE PROTECTION
AND REHABILITATION DISTRICT**

PREFACE

In keeping with the resolution of the Waukesha County Board that created the Pretty Lake Protection and Rehabilitation District, the electors of the said Pretty Lake District do adopt these By-Laws. The purpose of these By-Laws is to define and regulate the activities of the Lake District, its officers and committees. These By-Laws shall at all times be interpreted in a manner consistent with the laws of the State of Wisconsin and Chapter 33 of the Wisconsin Statutes under which the District was created and operates. Sections of the Statutes are cited in brackets throughout these By-Laws.

Article I ELECTORS OF THE DISTRICT

Section 1 RESIDENTS: Every resident of the District who is registered or eligible to vote in general elections shall be an eligible elector of the District.
[Sec. 33.30(2)]

Section 2 NON-RESIDENT PROPERTY OWNERS: Every person whose names appears on the District assessment roll prepared for the purposes of real property taxation or who has provided proof of title to real property in the District, and is a U.S. citizen and 18 years of age or older shall be an eligible elector of the District and may vote in accordance with Article II, Section 2. *[Sec. 33.01]* Any corporation, partnership, or association that owns real property in the District may appoint an official representative who shall be an eligible elector of the District. *[Sec. 33.285]*.

Section 3 CHALLENGES: Any elector may challenge the eligibility of another elector at any annual or special meeting of the District. The challenge shall be directed to the secretary as a point-of-information inquiring as to whether the challenged elector's name appears on the District's election roll.

Article II VOTING

Section 1 MULTIPLE VOTING: Any elector may cast only one vote on any question, referendum, election, or any other item which may be called to a vote.

Section 2- NON-RESIDENT MULTIPLE OWNERS: When more than one person owns a parcel of real property, the joint tenants or tenants-in common shall select no more than two of the co-owners who shall represent them and shall each cast one vote.

Section 3 CASTING BALLOTS: An elector must be present at the meeting at the time the vote is called in order to vote. No elector may vote by proxy or absentee ballot or referendum. All votes shall be by a show of hands unless otherwise specified by Statute or these By-Laws.

Section 4 REFERENDUM: The Board of Commissioners may conduct an advisory referendum at any time.

Section 5 APPROVAL: On all items called to vote, a simple majority will be required for approval unless otherwise specified by Statute or in these By-Laws.

Article III - ANNUAL MEETING AND BUDGET HEARING

Section 1 - TIME AND PLACE: The annual meeting and budget hearing of the District shall be held on the first or second Saturday in the month of August, at a time and place selected by the District Board of Commissioners, hereinafter referred to as the Board, unless the date has been set by the majority vote of the electors of the previous annual meeting. *[Sec. 33.30(1) and 65.90(1)]*.

Section 2 - NOTICE: The annual meeting shall be preceded by written notice mailed or emailed at least 14 days in advance of the meeting to all electors within the district whose address or email address is known or can be ascertained with reasonable diligence, to all owners of property within the district at the owner's email address or address as listed in the tax roll, and to the Department of Natural Resources and the University of Wisconsin Extension. The notice may be provided by email only to electors and owners of property who have agreed to receive notice via email. The notice shall include a summary of the proposed budget and the place where the detailed budget is available for public inspection; time, place and agenda of the annual meeting and budget hearing; the names of the nominated candidates; any proposed changes in the By-Laws; and any consideration of dissolution. *[Sec. 33.30(2) and 65.90(3)]*

The District may not consider or approve any borrowing or any tax to pay an existing indebtedness at the meeting unless the notice states that such borrowing or a tax levy will be considered. *[Sec. 33.31 (4)]*.

Section 3 - NOMINATION OF COMMISSIONERS: The Board shall nominate candidates to fill all vacancies on the Board. If none of the remaining elected commissioners, whose terms do not expire, are resident electors, then the candidates shall be resident electors. The suggested number of candidates nominated by the Board is the number of vacancies plus one. Any three electors may nominate additional candidates by submitting written nomination papers to the secretary 45 days prior to the annual meeting. The names of all nominated candidates shall appear on the written and published notices of the annual meeting. Ballots printed for the election shall provide space for write-in candidates.

Section 4 - ELIGIBILITY OF COMMISSIONERS: The annual meeting can elect any elector to the office of commissioner. *[Sec. 33.28(2)(c)]*

Section 5 - ELECTING COMMISSIONERS: The electors shall at the annual meeting elect by secret ballot one commissioner to fill each elected commissioner vacancy on the Board. *[Sec.33.30(3)(a)]*. The commissioner's term of office shall be for 3 years. *[Sec. 33.28(2)]*. A commissioner may be reelected to additional successive terms of office. If an elected commissioner leaves office before the expiration of his term, his successor shall be appointed by the chairman to serve only the remainder of the unexpired term subject to approval by a majority vote of the Board. *[Sec. 33.28 (7)]*. One of 5 elected commissioners must be a resident of the District. *[Sec. 33.28(2)(c)]*. If none of the commissioners, whose terms do not expire, is a resident elector, then the resident elector receiving the greatest number of votes shall be elected to a three-year term. All elections

for the office of commissioner shall be conducted by secret, written ballot. *[Sec. 33.28(2)(c)]*. Commissioners shall assume their office immediately following the annual meeting at which they are elected.

Section 6 - ANNUAL BUDGET AND TAX: At the annual meeting and budget hearing, the Board shall present a proposed budget and tax for the coming calendar year. The electors of the District shall approve the budget and vote the tax as proposed or modify the budget and change the tax accordingly. The property tax levy of the District for the costs of operation shall not exceed a rate of 2.5 mills of equalized valuation. *[Sec. 33.30(4)(a)]*. *[Sec. 65.90(2)]*. The annual meeting may direct the Board to adopt and collect special charges or special assessments. *[Sec. 33.32]*.

Section 7 - PROJECT APPROVAL: Before approval of the annual budget, the annual meeting shall, by separate vote, approve or disapprove each proposed project having a cost to the District in excess of \$5,000.00. The annual meeting may also authorize the Board, during the succeeding year until the next annual meeting, to approve or disapprove projects having a cost to the District in excess of \$5,000.00, and to enter contracts accordingly subject to the limitations provided in the authorizing resolution *[Sec.33.30(3)(b)]*. Votes on projects may be taken by secret written ballot at the discretion of the chairman.

Section 8 - OTHER BUSINESS: The annual meeting shall take up and consider such other business as comes before it. *[Sec. 33.30(4)(b)]*.

Article IV POWERS OF THE DISTRICT

Section 1 - GENERAL POWERS OF A BODY CORPORATE: The District may sue and be sued, make contracts, accept gifts, purchase, lease, devise or otherwise acquire, hold, maintain or dispose of real or personal property, disburse money, contract debt and do such other acts as are necessary to carry out a program of lake protection and rehabilitation. *[Sec. 33.22(1)]*

Section 2 - SPECIFIC LAKE MANAGEMENT POWERS: The District may conduct studies, adopt a plan, and carry out implementation work including but not limited to aeration, nutrient diversion, nutrient removal or inactivation, erosion control, sediment manipulation including dredging, bottom treatments, weed and algae control, and water level control. *[Sec. 33.13-15]*.

Section 3 - BOATING SEAPLANE AND VEHICLE REGULATIONS: Pursuant to the delegation of authority from all towns, villages and cities with frontage on the lake, the lake district may adopt ordinances to regulate equipment, use and operation of watercraft, vehicles on ice-bound lakes, and seaplanes.

Section 4 - MANAGEMENT OF THE 'PRETTY LAKE PRESERVATION FUND' ENDOWMENT:

1. **Purpose:** The Pretty Lake Preservation Fund (the "Fund") is established by the PLPRD as an agency endowment fund with the Waukesha County Community Foundation (the "Foundation") to provide for the long-term protection, maintenance, and enhancement of the District's water resources and to address unforeseen or emergency lake-related needs. The Fund was established in April, 2025.
2. **Project Eligibility:** To ensure the meaningful use of these assets, distributions shall be restricted to projects that align with the PLPRD's mission. This includes, but is not limited to:

1. Large-scale environmental restoration or protection.
2. Emergency response to sudden ecological or infrastructure threats.
3. Significant capital improvements or long-term management initiatives that exceed the capacity of the annual operating budget.

3. Authorization & Approval Process:

1. **Board Recommendation:** The PLPRD Board of Directors, acting as the Fund Advisors, shall identify and vet potential projects. Any recommendation to request a distribution from the Foundation must be approved by a majority vote of the Board.
2. **District Electorate Approval:** Notwithstanding the Board's advisory role, no recommendation for a distribution from the Fund shall be submitted to the Foundation without the prior approval of the District electorate. Such approval must be granted via a majority vote at a properly noticed Annual Meeting or Special Meeting, in accordance with Wisconsin Statutes Chapter 33.
4. **Compliance:** All recommendations and expenditures shall be made in accordance with the Foundation's distribution and minimum balance policies.

Article V DISTRICT BOARD OF COMMISSIONERS

Section 1 - COMPOSITION: The affairs of the District shall be managed by the Board of Commissioners which shall consist of Seven persons. Five shall be elected as provided in Article III, Section 5 and one each shall be appointed by the County Board and by the local municipality with the largest portion by valuation within the District. *[Sec. 33.28(1)(2)]*

Section 2 - OPEN MEETINGS: The Board shall meet at least quarterly, and at other times on the call of the Chairperson or the request of three of the commissioners. *[Sec. 33.28(6)]*. Meetings shall be open and proper notice given in accordance with legislation governing meeting of public bodies. *[Sec. 19.81-98]*.

Section 3 - QUORUM: Three commissioners shall constitute a quorum for the transaction of business. A majority of the commissioners plus one shall be present to borrow money.

Section 4 - VACANCY: Vacancies on the Board caused by death or resignation of an elected commissioner shall be filled by the Chairperson. The appointment for the remainder of the unexpired term shall be subject to a majority vote of the Board. *[Sec. 33.28(7)]*. The commissioner appointed by the town, village or city shall serve at the pleasure of those bodies, who are also responsible for filling a vacancy in that position.

Section 5 - FUNCTION: The Board shall conduct all business of the District not specifically reserved to the electors of the District, shall carry out the provisions of these By-Laws and Chapter 33 of the Wisconsin Statutes, and shall carry out the mandates of the annual meeting and special meetings, if any. *[Sec. 33.29(2)]*.

Section 6 - OFFICERS: At the first Board meeting immediately following each annual meeting of the District, the Board shall elect a Chairperson, a Secretary, and a Treasurer from among its members. *[Sec. 33.29(3)]*.

1. The Chairperson shall preside at the annual and at all special membership meetings, all meetings of the Board and at all public hearings held by the Board. *[Sec. 33.29(3)(a)]*.
2. The Secretary shall keep minutes of all membership and Board meetings of the District and hearings held by it, shall maintain a file of the names and addresses of the electors as defined in Article 1 , and shall annually provide the University of Wisconsin Extension (College of Natural Resources, UW-Stevens Point 54481) with the names and addresses of the commissioners, and by copy of such list shall annually notify the Department of Natural Resources (Lake Management Section, Bureau of Water Resources Management, DNR, Box 7921 , Madison, WI 53707) of the continued existence of the District. *[Sec.33.29(3)(b)]*
3. The Treasurer shall receive and take charge of all moneys of the District, and pay out the same only on the order of the Board. Checks shall require the signature of the Treasurer and either the Chairperson or the Secretary. *[Sec. 33.29(3)(c)]*.

Section 7 - COMPENSATION: The commissioners may be paid for actual and necessary expenses incurred while conducting the business of the District. They may be paid annual salaries, established with regard for the general level of compensation for other local officials and approved by the electors at the annual meeting or a special meeting. *[Sec.33.28(5)]*

Section 8 - POWERS AND DUTIES: The Board shall be responsible for:

1. Initiating and coordinating research and surveys for the purpose of gathering data on the lake, related shorelands and the drainage basin. *[Sec. 33.29(1)(a)]*.
2. Planning lake rehabilitation projects. *[Sec. 33.29(1)(b)]*.

3. Contacting and attempting to secure the cooperation of units of general-purpose government in the area for the purpose of enacting ordinances deemed necessary by the Board to further the objectives of the District. *[Sec. 33.29(1)(c)]*.
4. Adopting and carrying out lake protection plans and obtaining any necessary permits therefore. *[Sec. 33.29(1)(d)]*.
5. Maintaining liaison with those officials of state government involved in lake protection and rehabilitation. *[Sec. 33.29(1)(e)]*.
6. Implementing the decisions of the electors at annual and special meetings. *[Sec. 33.29(2)]*.

The Board shall have control over the fiscal matters of the District, subject to the powers and directives of the annual meeting, The Board shall annually, at the close of the fiscal year, cause an audit to be made of the financial transactions of the District, which shall be submitted to the annual meeting. *[Sec. 33.29(2)]*. Subject to the decisions of the annual meeting, the Board may borrow money or use any other financing method prescribed by law. *[Sec. 33.31]*. The Board may use special assessment or special charges for the purpose of carrying out District protection and rehabilitation projects, or for other lake management activities undertaken by the District. *[Sec. 33.32]*. The Board may exercise its authority to borrow money when in temporary need. *[Sec. 33.31 (2)]*.

Article VI PUBLIC BIDDING

Section 1 - LOW BID: All contracts exceeding \$2,500.00 for work or materials shall be let by the Board to the lowest responsible bidder. *[Sec.*

33.22(1)]. The manner of soliciting bids and the determination of the responsibility of the bidder may be at the discretion of the Board. The procedure for public works under Sec 66.29 shall be utilized to the extent feasible for large-scale projects. If a bid is accepted which exceeds any other bid by more than 20 percent, the Board must provide a written justification for its action to the next annual meeting.

Section 2 - SECURITY BOND: The Board shall require that every contracting party in contracts in excess of \$5,000.00 give adequate performance and liability security at the time the party submits his bid. [Sec. 33.22(2)].

Section 3 - CONFLICT OF INTEREST: Any commissioner shall abstain from voting on any matter before the Board in which he or she, as a private person in or which any member of his or her immediate family (spouse, parents, or child) has a financial interest.

Article VII – COMMITTEES

Section 1 - ELECTIONS: The Chairperson shall appoint three electors who are not running for office of commissioner to serve as the elections committee. The committee shall distribute, collect and count the ballots at the annual meeting and report the results at the annual meeting.

Section 2 - AUDITING: The Chairperson shall appoint three electors to serve as the auditing committee. The committee shall examine all financial records of the District and report its conclusions to the annual meeting.

Section 3 - OTHER COMMITTEES: The Chairperson may appoint other committees as he or she deems necessary to further the interests of the District.

Section 4 - REPORTING: All committees shall report to the Chairperson or the Board upon request and to the annual meeting.

Section 5 - COMPENSATION: Committee members shall receive no remuneration for service to the District. With prior approval from the Board, committee members may submit vouchers for actual and necessary expenses incurred while conducting the business of the District.

Section 6 - TERMS OF MEMBERS: All committee members shall serve at the pleasure of the Chairperson, and may be replaced by the Chairperson on an annual basis.

Article VIII MISCELLANEOUS PROVISIONS

Section 1 - SPECIAL MEETINGS: Special meetings of the District may be held for the purpose of transacting any lawful business which might be done at the annual meeting except approval of the annual budget, amendment of the By-Laws or dissolution of the District. Amendments to the annual budget may be considered. The meeting may be called by the Board or upon a written request to the Secretary signed by at least 10 of the qualified electors of the District. The annual meeting notice requirements under Article III shall apply and the purpose of the meeting shall be stated. A matter voted upon at any special meeting may not be reconsidered at another special meeting prior to the annual meeting. *[Sec. 33.305]*.

Section 2 - CONDUCT OF MEETINGS: All meetings of the District shall be conducted according to Roberts Revised Rules of Order unless contrary to the requirements of these By-Laws. The Chairperson or a person appointed by the Chairperson shall serve as parliamentarian.

Section 3 - ADOPTION OF BY-LAWS: These By-Laws may be adopted at any legal annual meeting of the District providing the proposed adoption was included in the notice. Adoption shall require a two-thirds vote of the voting electors, as defined herein, present at the meeting. The By-Laws shall become effective immediately upon passage.

Section 4 - AMENDING BY-LAWS: By-Law changes may be proposed by the majority of Commissioners or a majority vote of the previous annual meeting. These By-Laws may be amended at any legal annual meeting of the District provided the proposed change was included in the notice.

Amendments shall require a two-thirds vote of the electors present and voting at the meeting.

Section 5 - DISSOLUTION: A proposal to dissolve the District under Sec. 33.35 may be made by a unanimous vote of the commissioners or a written notification from an elector at least 90 days prior to the annual meeting indicating an intent to seek dissolution. The proposal for dissolution shall be included in the notice. The petition to the County Board to dissolve the District shall require a two-thirds vote of the electors present and voting at the annual meeting.

CERTIFICATION:

These By-Laws were adopted at the annual meeting on this 11th day of August, 1990 and amended at the annual meetings of August 9th, 2014, August 8th, 2020, August 3rd, 2024, and August 8th, 2026.

BY-LAW CHANGE LOG

August 8, 2026: **Added Article IV, Section 4: “MANAGEMENT OF THE ‘PRETTY LAKE PRESERVATION FUND’ ENDOWMENT”**

(Randy Cavaiani)

August 3, 2024: **Edited Article III, Section 2: NOTICE:** Added email as an approved means of communicating the annual meeting notice with the district electorate, provided explicit email opt-in.

(Randy Cavaiani)

August 3, 2024: **Edited Article V, Section 6: OFFICERS:** Added Secretary to the approved signatory list – “Checks shall require the signature of the Treasurer and either the Chairperson or the Secretary.”

(Randy Cavaiani)

August 8, 2020: **Edited Article III, Section 2: NOTICE:** Removed the requirement that we both mail the notice/agenda of our annual meeting as well as publish it in a local newspaper of record.

(Bill Sowinski)