

BY-LAWS
PULASKI LAKE IMPROVEMENT DISTRICT, (WRIGHT COUNTY)
Revised August 19, 2015

Attachment "A" Follows:
Wright County Board Resolution #1984-51 Order to Establish

Attachment "B" Follows:
Pulaski Lake Improvement District Election Procedures December 11, 1984

Article 1. Establishment

Section 1. Established under Minnesota Statute 103B.535 by Wright County Board of Commissioners via Wright County Board Resolution #1984-51 Order to Establish on October 23, 1984.

Article 2. Name / Address of District

The name of this organization is: Pulaski Lake Improvement District, (Wright County). This may be referred to as The Pulaski Lake Improvement District, or (PLID). The official address of the district shall be:

Pulaski Lake Improvement District
P.O. Box 332
Buffalo, MN 55313

Article 3. Definition of the Pulaski Lake Improvement District

The Pulaski Lake Improvement District (PLID) is a political subdivision of the State of Minnesota. It is a local unit of government partially funded by a special taxation district authorized by Minnesota Statute 103B, Lake Improvement Districts, established by the Wright County Board of Commissioners Resolution #1984-51 and bound by provisions where Minnesota Statute Chapter 13, MN Open Meeting Law and Minnesota Statute 15.17, Official Records, apply.

Article 4. Priority

These by-laws, along with the Order to Establish referenced in Article 1, shall govern the activities of the Pulaski Lake Improvement District. In the event of a question of priority or interpretation, the Order to Establish shall have precedence over the by-laws. The Order to Establish is an integral part of these by-laws as Attachment 1.

Article 5. Purpose

Mission Statement

Our mission is to serve as a steward of our lake community, to protect, preserve, and improve the recreational and overall quality of Pulaski Lake. We will work within the lake community and cooperatively with the County and State Agencies to continuously refine our goals and develop annual work plans to meet these goals. We will work closely with the County to oversee funds collected and expensed to accomplish this mission.

Goals

- To manage and alleviate recurring high water
- To prevent and eliminate the infestation of aquatic invasive species
- To improve overall water quality
- To improve the quality of recreation and overall lake utilization

Objectives

With recurring high water and invasive aquatic vegetation in Pulaski Lake, the creation of a Lake Improvement District will allow for management of high water, and control and treatment of aquatic plants, and other in-lake studies and activities, and will promote the public enjoyment, will benefit property located within the district, and will not cause nor contribute to long range environmental pollution.

Article 6. Membership

Section 1. Boundaries of District

The boundaries of the Pulaski Lake Improvement District shall include those properties on Pulaski Lake, in Wright County, Minnesota.

Section 2. Membership Qualification

Owners of properties on Pulaski Lake, in Wright County, Minnesota.

Section 3. Voting Rights

Each property shall be assigned one (1) vote which vote may be cast by any record owner of such property it being understood that if multiple people own one parcel of land, it shall be up to the multiple owners to determine who has authority to cast the vote on behalf of the property, at the annual District meeting or at any special District meeting.

Section 4. Transfer of Membership

When a parcel of land is sold, membership shall transfer from the old owners to the new owners. When a parcel is sold on contract for deed, Membership shall transfer from the contract seller to the contract purchaser. When a parcel is leased or rented, Membership shall not transfer from the landlord to the tenant.

Article 7. Funding

Section 1. Initial Funding

The initial funding shall be raised by the Pulaski Lake Improvement Association, Inc. and supplemented via any of the following:

- a. Federal and state grants
- b. Donations and grants from private parties, corporations, or foundations
- c. Loans from governmental entities

Section 2. Subsequent Funding and Special Projects

Pulaski Lake Improvement District activities may be funded by any of the above means mentioned, and also by:

- a. Imposing service charges on the users of lake improvement district services within the District under Minn. Statute 428A.05
- b. Levying an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended on projects of special benefit to the district
- c. Imposing any combination of service charges and taxes

Section 3. Assessment Fee

- a. It is the intention of the Pulaski Lake Improvement District to charge a fee per assessable property within the district as part of the means to finance its budget.
- b. Said fee is based on the properties tax capacity
- c. The fee amount can only be changed with a majority vote at either an annual meeting, or a special meeting of district members called specifically for that purpose.

Article 8. Parcels Eligible for Assessment of Fees, Service Charges, or Taxes

All assessable properties within the boundaries of the district will be subject to a fee, tax, or charge as recommended and approved at the annual meeting. Assessable parcels are defined as all properties within the boundaries of the district as approved by the Board. A parcel may be granted an exemption from the assessment of fees only by the PLID Board of Directors. All property owners will be charged an assessment fee for at least one parcel (property with a pin #). Provided there is Board approval, those owners with additional parcels that do not have a dwelling, building, or structure (unimproved) on the property will be exempt from assessment of fees for those additional parcels. The Board will submit a list of assessable properties to the County along with the annual budget, for the assessment of fees.

Article 9. Board of Directors

Section 1. Board of Directors

The Board of Directors of the Pulaski Lake Improvement District shall consist of five (5) directors with three (3) year staggered terms who must be at least eighteen (18) years of age. At all times at least three of the members of the Board of Directors must reside within the District and all members of the Board of Directors shall own property within the District.

Section 2. Terms

The term of office for the Board members shall be three (3) years. However, in order to have members serve staggered terms of office, two (2) directors will be elected to a three (3) year term, two (2) directors will be elected to a two (2) year term, and one (1) director will be elected to a one (1) year term. Thereafter, directors will be elected to serve three (3) year terms.

Section 3. Election of Directors

Elections will be held by secret ballot at the Pulaski Lake Improvement District annual meeting. Results will be determined by two non-elected Lake Pulaski board members and tabulated immediately while visible to the attendees of the annual meeting.

Section 4. Removal of a Member

Removal of any member for non-performance of duty or mis-conduct in office shall be at the discretion of the County Board.

Section 5. Vacancies

Whenever there is a vacancy in the office of Director due to resignation, removal or death, the County Board shall fill the position by appointment.

As the initial terms of office expire, Directors shall be elected at the District annual meeting as provided in M.S.S. 378.57

Article 10: Officers / Board of Directors

Section 1. Officers

All Officers of the Pulaski Lake Improvement District (Wright County) shall be Directors.

Section 2. Officer Positions

The Officers shall consist of President, 1st Vice President, 2nd Vice President, Secretary and Treasurer. These officers are the Executive Committee.

Section 3. Election of Officers

Officers will be elected by the Board of Directors from among its members at the first scheduled board meeting following any Annual Meeting at which new Directors are elected. Election will be by secret ballot if more than one person is nominated for any office.

Section 4. Duties of Officers,

- a. The **President** shall preside over all District Board meetings and the Pulaski Lake Improvement District (Wright County) Annual Meeting, and shall see that the By-laws and any rules and regulations as adopted by the District and the Board are enforced.
- b. The **1st Vice President** shall preside in the absence of the President and perform duties normally associated with this office, including other duties as may be assigned by the board such as heading of special committees as may be designated.
- c. The **2nd Vice President** shall preside in the absence of the President and 1st Vice President and perform duties normally associated with this office, including other duties as may be assigned by the board such as heading of special committees as may be designated.
- d. The **Secretary** shall be responsible to keep accurate records of all meetings of the Board of Directors, regularly submit minutes to the Board of Directors and perform other duties normally associated with this office.
- e. The **Treasurer** shall present a financial statement at each meeting and shall perform all other duties normally associated with this office. The Treasurer shall approve all invoices for services previously approved by the Board of Directors and submit them for payment. Annually, or as required, the Treasurer will submit to the State, County, or any regulatory agency any financial reporting as is required.

Article 11: Directors Meetings

Section 1. Meetings

Directors are to hold quarterly meetings, in addition to the Annual Meeting of the Membership, as shall be scheduled by the President or in the President's absence by a majority of the remaining members of the Executive Committee. Special meetings may be called by the President or Vice Presidents as directed by the President, or by three members of the Board of Directors, as may from time to time be required to carry out the activities of the Board.

Section 2. Open Meetings

The provisions of Minn. Stat. Chap. 13D, which requires open meetings, apply to all meetings of the Board of Directors.

Section 3. Voting / Quorum

Voting rights are restricted exclusively to Directors only. A majority of the Board of Directors duly serving shall constitute the necessary quorum for the transaction of business.

Article 12: Annual Meeting of District

Section 1. Time

The Annual District Meeting shall be on the 3rd Tuesday in August of each year unless changed by vote at the previous annual meeting.

Section 2. Notice

Notice of the annual meeting will be provided by the Board of Directors in accordance with the requirements in Minn. Statute 103B.571. The annual meeting shall be preceded by a minimum of two weeks' published notice in the newspaper chosen by the Wright County Board of Commissioners for the County's official notices and by written notice to be mailed at least ten days in advance of the meeting to the county board and city boards wholly or partially within the District, and the Commissioner of the Department of Natural Resources.

Section 3. Quorum

A quorum is set by a majority.

Section 4. Election Procedures

See "Attachment B" for election procedures.

Section 5. Agenda

At the annual meeting the District, property owners present shall:

- a. Approve annual meeting minutes.
- b. Elect one or more Members to fill the vacancies in the Board of Directors;
- c. Approve or disapprove any budget item budget for the District having a cost in excess of \$10,000 per project per annum;
- d. Approve a full year budget for the fiscal year;
- e. Approve taxes or assessments to satisfy budget requirements; and
- f. Take up and consider other business that comes before them.

Article 13: Committees

The Chair, with the approval of a majority of the members of the Board of Directors at any regular or special meeting may create and appoint such additional committees as deemed necessary. The head of each committee shall regularly report to the Board of Directors on his / her committee's progress.

Article 14: Budget

A budget must be approved by a majority of all owners voting in the annual meeting each year.

Any unbudgeted project in excess of \$10,000 must be approved by a majority of the property owners either at the annual meeting or by special vote taken in accordance with the provisions of these bylaws.

In the annual budget for the district, which will be submitted to Wright County following the annual meeting and before the 1st week of September, the Board of Directors will include sufficient funds to cover the costs of administering the District.

The submission of the budget to the county will include a list of properties to be assessed, as well as the recommended method of assessing fees to the properties within the district.

Article 15: Expenditure / Receipt of District Funds

All request for funds, whether individually or for project expenditures, must be submitted to the Board of Directors. All expenditures must be pre-approved by a majority of the Directors.

Should any committee require funds for purposes of its work, the committee shall make application to the Board of Directors in writing with a full statement of the funds required and the purpose for which the funds are to be expended. Upon request of the Board of Directors, the committee shall meet with the Board at any regular or special meeting thereafter to review the request and secure approval of same. No committee shall expend any funds without the approval of the Board of Directors of the Pulaski Lake Improvement District.

All invoices or claims for expense reimbursement must be signed off by at least one member of the board that is not the signatory on the claim voucher. The Treasurer, or designate from the board, must sign off on the claim voucher to the county.

All funds secured by donation, fund raising, or from any committee shall be turned over to the Board of Directors.

Accounting functions will be performed by the Wright County Finance. Any other financial arrangements must be Board approved.

Article 16: Fiscal Year

The District fiscal year shall be a calendar year starting January 1 and ending December 31.

Article 17: Rules of Order

The rules contained in the current edition of *Roberts Rules of Order (Revised)* shall govern the convention in all cases to which they are applicable and which are not governed by the by-laws of the district.

Article 18: Liability Protection for Directors / Insurance

The personal liability of the directors and the officers of the PLID is eliminated to the fullest extent permitted by Minnesota Statutes and/or any other applicable governing law. The PLID will indemnify and defend the directors and the officers of the PLID to the fullest extent permitted by Minnesota law."

In order to adequately protect the Pulaski Lake Improvement District, the Board of Directors will maintain adequate insurance coverage for the district, including Liability Insurance and Directors and Officers Liability Insurance.

Article 19. Records

As a government entity, the provisions of Minn. Stat. Chap. 13 (the Minnesota government data practice act) apply to data of the Pulaski Lake Improvement District. Records necessary to a full and accurate knowledge of official activities must be made and preserved by the district in accordance with Minn. Stat. # 15.17

Article 20. Amendment of By-Laws

These Bylaws may be amended, altered, or repealed by a vote of the majority of the property owners; provided, however, that when there is a vote to amend or repeal the bylaws, notice of the proposed amendment or repeal will have been given in the notice of the meeting given to the property owners.

Article 21. Written Action.

Any action that requires the approval of the members may be taken at the annual meeting. If an action requires the approval of the members and, in the reasonable opinion of the Board, cannot wait until the annual meeting, the Board may obtain approval from the members by sending out written ballots if (a) a ballot is provided to every member and (b) the Board receives a response from the number of property owners that would be required to make a quorum at the annual meeting.

Article 22. Wright County Contact

The Wright County Land Commissioner will act as a contact for the Pulaski Lake Improvement District.

Attachment "A"

CERTIFICATE OF APPROVAL OF SPECIAL LAW BY GOVERNING BODY

(Pursuant to Minnesota Statutes, 645.02 and 645.021)

STATE OF MINNESOTA

County of WRIGHT

TO THE SECRETARY OF STATE OF MINNESOTA:

PLEASE TAKE NOTICE, That the undersigned chief clerical officer of the

County of Wright
(name of governmental unit)

DOES HEREBY CERTIFY, that in compliance with the provisions of Laws, 19 , Chapter _____ requiring approval by a * majority vote of the governing body of said local governmental unit before it becomes effective, the Wright County Board of Commissioners
(designate governing body)

at a meeting duly held on the 23rd day of October, 19 84, by resolution

84-51

(If other than resolution, specify)

did approve said Laws, 19 , Chapter _____

by a 5-0 majority vote of all of the members thereof

(Ayes 5 ; Noes 0 ; Absent or not voting 0) and the following additional steps, if any, required by statute or charter were taken:

A copy of the resolution is hereto annexed and made a part of this certificate by reference.

SEAL

Signed:

Richard W. Norman

Executive Secretary
(Official designation of officer)

(This form prescribed by the Attorney General and furnished by
the Secretary of State as required in Minnesota Statutes 645.021)

*If extraordinary majority is required by the special law insert fraction or percentage here.

RESOLUTION NO. 84-51

WHEREAS, the Wright County Board of Commissioners has received a petition for the creation of a lake improvement district pursuant to Minnesota State Statutes 378.43, and

WHEREAS, said petition was found to meet the requirements of M.S.S. 378.43 and the signatures have been verified by the County Auditor, and

WHEREAS, the County Board has held a public hearing, on October 4, 1984, in accord with M.S.S. 378.43 (subd. 2) and 6. M.C.A.R. 1.4054B, and

WHEREAS, the advisory report from the Commissioner of the Department of Natural Resources, dated October 1, 1984, was read into the record at the public hearing, and the advisory report notes that "the petitioners have failed to provide justification for the exclusion of any lands in the direct watershed of Pulaski Lake from the lake improvement district" but also approves the proposed Pulaski Lake Improvement District noting that the approval "extends only to a district which as the limited function of planning for a project to relieve flooding around the lake", and

WHEREAS, the City of Buffalo has adopted zoning ordinances, shoreland management regulations and the Lake Pulaski Area Development Study which guide the use of land within the watershed of Lake Pulaski in the City of Buffalo and addresses concerns relative to potential effects of development on the Lake, and

WHEREAS, Wright County has adopted similar ordinances and policies which apply outside of the corporate limits of the City of Buffalo and within the watershed of Lake Pulaski, and

WHEREAS, the Township of Buffalo, City of Buffalo, Wright County and the Minnesota Department of Natural Resources have entered into a mutual agreement entitled "A Management Plan for the Developed Lake Bed Area of Lake Pulaski" which addressed development activities on or near the bed of Lake Pulaski, and

WHEREAS, the problems which exist in the Lake Pulaski area, as described within the petition are ongoing and of an increasingly urgent nature, the creation of an Lake Improvement District is necessary, that the public welfare will be promoted, and that the property included in the District will be benefited by the establishment thereof.

NOW, THEREFORE BE IT RESOLVED by the Wright County Board of Commissioners that the requested lake improvement district is hereby approved and shall be known as the Lake Pulaski Improvement District.

BE IT FURTHER RESOLVED, that the Lake Improvement District Board of Directors be comprised of five (5) members to be appointed by separate resolution in accord with M.S.S. 378.51.

BE IT FURTHER RESOLVED, that the Board of Directors shall have, exercise and perform, within the district, those powers and duties of the County Board under M.S.S. 378.31, except the power to acquire property by eminent domain.

BE IT FURTHER RESOLVED, that the boundary of the District shall be as submitted and described within the petition.

BE IT FURTHER RESOLVED, that the District shall be financed solely as follows: (A) through federal or state grant monies; (B) through private foundations, gifts, or donations; and (C) through funds raised within the district as specified in M.S.S. 378.52.

BE IT FURTHER RESOLVED, that, in order to provide funding for the District until its first annual meeting, there is hereby budgeted an amount of five thousand dollars (\$5000.00) to be expended on research or administrative costs of the district.

BE IT FINALLY RESOLVED, that the Wright County Executive Secretary is directed to cause this resolution to be published in the official newspaper, and filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources. The Pulaski Lake Improvement District shall be deemed established thirty (30) days after such publication.

Attachment "B"

BOARD OF COUNTY COMMISSIONERS
WRIGHT COUNTY, MINNESOTA

Attachment I

Date December 11, 1984 Resolution No. 84-57

Motion by Commissioner Nelson Seconded by Commissioner Bogenrief

APPOINTING BOARD OF DIRECTORS - PULASKI LAKE IMPROVEMENT DISTRICT

(see attached)

YES

NO

McAlpine	<u>X</u>
Bogenrief	<u>X</u>
Engstrom	<u>X</u>
Nelson	<u>X</u>
Schillewaert	<u>X</u>

McAlpine	_____
Bogenrief	_____
Engstrom	_____
Nelson	_____
Schillewaert	_____

STATE OF MINNESOTA)

ss.

County of Wright)

I, Richard W. Norman, duly appointed, qualified, and acting Clerk to the County Board for the County of Wright, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Board of County Commissioners, Wright County, Minnesota, at their session held on the 11 day of December, 1984, now on file in my office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Buffalo, Minnesota, this 11 day of December, 1984.

Richard W. Norman
Clerk to the County Board

PROPOSED RESOLUTION

APPOINTING BOARD OF DIRECTORS

PULASKI LAKE IMPROVEMENT DISTRICT

WHEREAS, The Wright County Board of Commissioners has approved, by resolution, the establishment of the Lake Pulaski Improvement District pursuant to M.S.S. 378.41 et. seq., and

WHEREAS, the Wright County Board of Commissioners is authorized to appoint the initial Board of Directors of the District, and

WHEREAS, the County Board in establishing the initial Board of Directors of said Lake Improvement District is required to provide for the requirements as to the number, qualifications, terms of office, removal and filling of vacancies for said Board of Directors, and

WHEREAS, the County Board has received the names of ten (10) nominees as submitted by petitioners for the Lake Improvement District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners in and for the County of Wright, that the number, qualifications, terms of office, filling of vacancies and removal for the Board of Directors of the Lake Pulaski Improvement District are hereby established as follows:

1. The Lake Pulaski Improvement District Board of Directors shall be composed of five (5) members.
2. At all times at least two of the members of the Board of Directors must reside within the District and all members of the Board of Directors shall own property within the District.
3. The term of office for the Board members shall be three (3) years. However, in order to have members serve staggered terms of office, the terms shall be initially as described below.
4. Removal of any member for non-performance of duty or misconduct in office shall be at the discretion of the County Board.
5. Whenever there is a vacancy in the office of Director due to resignation, removal or death, the County Board shall fill the position by appointment.
6. As the initial terms of office expire, Directors shall be elected at the District annual meeting as provided in M.S.S. 378.57.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following are hereby appointed to serve as the initial Board of Directors for the Lake Pulaski Improvement District:

1. Douglas J. Wagner to serve until the district annual meeting in 1987 to be designated as Directorship Seat #1.
2. Jay McKinstry to serve until the district annual meeting in 1986 to be designated as Directorship Seat #2.
3. Michael McGlennen to serve until the district annual meeting in 1985 to be designated as Directorship Seat #3.
4. David Randel to serve until the district annual meeting in 1986 to be designated as Directorship Seat #4.
5. Gerald How to serve until the district annual meeting in 1987 to be designated as Directorship Seat #5.

THEREAFTER, as the above terms expire, said Directors shall be elected as provided herein.