

Lake District reference – Voting

The following is an exchange of e-mails further discussing lake districts and “who can vote” at district meetings, that clarifies a little further what the **Lake Tides** (43)(2) page 14 “Q&A Lake Districts” discussed in answer to the question “*What happens if lake district bylaws conflict with statute?*”:
(Please also refer to Wisconsin State Statutes, Chapter 33 – Public Inland Waters for current version of statute, particularly **33:01(9)(ar)**):

<http://docs.legis.wisconsin.gov/statutes/prefaces/toc> - Chapter 33 / Public Inland Waters

UW-Ex Lakes current newsletter (and archives):

<https://www.uwsp.edu/cnr-ap/UWEXLakes/Pages/resources/newsletter/default.aspx>

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From: Marty Wilke

Sent: Monday, July 9, 2018 5:03 PM

To: 'Olson, Eric' <Eric.Olson@uwsp.edu>

Cc: Mike Engleson <mengleson@wisconsinlakes.org>; Nehring, Patrick <patrick.nehring@ces.uwex.edu>

Subject: WCWLC posting and clarification - lake district voters

Hi Eric –

Looked at the Lake Tides that just came last week. During the lake district workshop at the Silvercrist (5/18/18), we all had a lively discussion about who gets to vote at a district annual member meeting. Your articles are timely, following up on same issue/concern due to 33.01(9)(ar) wording. Scenario - Still seems that if there are 6 property owners listed on real property on tax bill for a piece of lake district property, and there are 10 people at a district’s annual member meeting, those 6 property owners would all get a vote and would be able to vote/pass motion on a matter that might not be in best “lake management” goals of the district. Could even see a property add a number of “owners” or owner title just to load votes in favor of a particular issue.

Am I reading this correctly? Sure seems that unlimited number of US citizens holding a piece of property in a district should not have more influence than the normal property owners who typically might have 1-2,3 names on a property document. Could hope they don’t all show up at the meeting, but could foresee that a selfish need by that property impacts against rest of the district if so.

Please clarify if you can. Wondered if this is all correct, should Mike Engleson be involved in legislative discussions to revise statutes to more fairly give equal value as possible to property owners in district when deciding best management decisions for all the district/health of lake.

Also, once is clear, would like to post attached document to WCWLC resource/reference page so handy for lake districts to use/be aware of.

- current Wisconsin Statutes/Chapter 33 (page 2) 33.01(9)(ar) along with a copy of the Lake Tides Q&A Lake Districts page 14

- Chapter 33 URL: <http://docs.legis.wisconsin.gov/statutes/statutes/33.pdf>

Thanks - Marty

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From: Nehring, Patrick
Sent: Tuesday, July 10, 2018 4:54 PM
To: Marty Wilke; Olson, Eric; Cc: Mike Engleson
Subject: RE: WCWLC posting and clarification - lake district voters

Hi Marty:

You are correct, the six property owners could be a majority at an annual lake district meeting where only four others showed up, which is why it is important for people to participate.

A similar situation can happen at a Town Caucus or at an Annual/Special Town Meeting. I have seen it happen. Actually, I have done it with my neighbors. A Town has hundreds of people eligible to vote, more than in a lake district. If only 10 show up and 6 are from the same family, they can influence who is on the ballot for the town board, the town levy, and authorization the Town Board has to take certain action. Because they chose to participate in our democracy, the six have more sway than the hundreds of eligible voters that did not show up.

A group could load an ownership title for property for a particular issue, but it would be rather impractical. Just like an owner could marry someone with adult kids that live at home in an effort to influence the vote on a particular issue. There is a legal process of adding names to the property deed. There is also a cost to do this. The people whose names are on the deed as property owners have equal legal rights to use the property, to sell the property, to mortgage the property, to have liens placed on the property, and are equally responsible for maintenance, accidents, and paying the property taxes. It would need to be a really significant issue for a property owner give up some of their ownership by adding additional owners in an attempt to influence a vote on a particular lake issue.

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From: Marty Wilke
Sent: Tuesday, July 10, 2018 8:36 PM
To: Nehring, Patrick; Olson, Eric; **Cc:** Mike Engleson
Subject: RE: WCWLC posting and clarification - lake district voters

Thanks Patrick – Hope to talk with Eric in next several days by phone when he’s available too. I guess the cynical me pictures wealthy family that has a specific agenda they want but isn’t for the good of the district, and as you say, if they are in the majority at voting time, their project/direction will get approved even if the board understands isn’t for the district’s best interests and may even cause negative impact.

Appears it’s too bad as written, because likely that other members may not choose to attend a critical vote, and board will be helpless.

Marty

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From: Nehring, Patrick
Sent: Wednesday, July 11, 2018 4:05 PM
To: Marty Wilke; Olson, Eric; **Cc:** Mike Engleson
Subject: RE: WCWLC posting and clarification - lake district voters

Hi Marty:

Other things to consider:

To decide to take on a project/direction at a meeting, it needs to be on the meeting's properly noticed agenda. Therefore the vote to do a project/take a direction should not be a surprise. This provides an opportunity for those that may be opposed to the project/direction of the "wealthy family" to attend and vote. If the project/direction is added to the annual budget through an amendment, it is basically an authorization for the board to carry out the project/direction, not a mandate, because the project/direction was not on the agenda (open meetings law). The Board could/should hold a Special Meeting of the District for a vote on the project/direction. Without the project/direction being listed on a properly noticed agenda for the annual meeting or special meeting, the board is not obligated to spend the budget authorized amount on the project/direction. However, the "wealthy family" could campaign to vote the board members out at the end of their term for not fulfilling the budgeted project/direction. Therefore, the "wealthy family" could vote down a project/direction at an annual or special meeting, but they could not mandate a surprise project/direction because it would need to be listed on the meeting agenda. Take a closer look at the duties of the District Board and the required and additional actions at an annual/special district meeting.

The board is not exactly helpless. They have some discretion on how they carry-out their responsibilities and use their authorization.

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