

**OLMSTED COUNTY BOARD AND WABASHA COUNTY BOARD
RESOLUTION #13-87**

**RESOLUTION AND ORDER ESTABLISHING THE BYLAWS OF THE LAKE
ZUMBRO IMPROVEMENT DISTRICT**

WHEREAS, on February 9, 2010, the Olmsted County Board issued a resolution and an order authorizing the establishment of the Lake Zumbro Improvement District as to the portion to Lake Zumbro within Olmsted County; and

WHEREAS, on February 16, 2010, the Wabasha County Board issued a resolution and an order authorizing the establishment of the Lake Zumbro Improvement District as to the portion of Lake Zumbro within Wabasha County; and;

WHEREAS, on March 9, 2010, the Olmsted and Wabasha County Boards held a joint meeting in order to discuss the bylaws under which the Lake Zumbro Improvement District would operate and authorized the existing 4 person Olmsted – Wabasha Lake Zumbro Joint Powers Board, with input from a temporary citizen task force of 4 property owners who reside on Lake Zumbro, to serve as the “joint county authority” as contemplated by Minnesota Statutes Section 103B.525 and to establish more detailed guidelines for operation of the District;

WHEREAS, on April 8, 2010, the Joint Powers Board and citizen task force met and agreed upon these bylaws; and on July 10, 2013, the Joint Powers Board met again and ratified an updated version of these bylaws.

NOW, THEREFORE BE IT RESOLVED that the Olmsted County Board and the Wabasha County Boards issue the following order establishing bylaws for the Lake Zumbro Improvement District:

1. The number of members of the Board of Directors of the Lake Zumbro Improvement District is set at 7 persons.
2. The 7 person Board shall be comprised of the following members. There shall be 2 resident property owners from Olmsted County and 2 resident property owners from Wabasha County. There shall be 1 non-resident property owner from Olmsted County and 1 non-resident property owner from Wabasha County. There shall be 1 commercial property owner from either county. There shall be 1 county commissioner from Olmsted County and 1 county commissioner from Wabasha County who will serve as ex-officio non-voting members of the Board. Board members may not be renters of property in the District and shall be 18 years of age or older.

OLMSTED COUNTY BOARD AND WABASHA COUNTY BOARD
RESOLUTION NO.: #2013-236

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ZUMBRO IMPROVEMENT DISTRICT**

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3. The terms of the Board members shall be as follows. As to the first members of the Board, 3 members shall be appointed for 1 year, 2 members shall be appointed for 2 years and the remaining 2 members shall be appointed for 3 years. After the initial terms of the Board members expire, the members shall be elected by the members of the District as contemplated by Minnesota Statutes Section 103B.571

4. Any vacancies which may occur on the Board of Directors prior to the expiration of a member's term shall be filled by a majority vote of the Board of Directors.

5. The Olmsted and Wabasha County Board shall make their initial appointments to the Board on or before August 1, 2013.

6. The annual meeting of the District shall be held in July or August as required by Minnesota Statutes Section 103B.571. There is a pending effort to submit a petition for a referendum on whether or not the District should be established as permitted by Minnesota Statutes Section 103B.545. If Olmsted and Wabasha County would agree that a petition meeting all of the legal requirements to direct the holding of a referendum election has been submitted, these bylaws shall not take effect pending the results of the required referendum election which shall be held in July or August of 2014 rather than the initial annual meeting.

7. Once members of the Board of Directors are to be elected, they shall be elected in accordance with the following procedure. Potential candidates for election must apply to the county where they reside or where their property is located. There will be a filing period of 2 weeks which will commence 8 weeks prior to the annual meeting of the District and which will close 6 weeks prior to the annual meeting. Once the applications of the candidates have been received, the Olmsted County Property Records and Licensing Department and the Wabasha County Auditor shall review the applications, verify that the applicants own property within the District and shall certify a roster of candidates for election to be considered by members of the District at the next annual meeting. The candidates who receive the highest vote totals shall be elected to fill any seats which may be open at the time of the election. Voters in the election must be age 18 or over. Mail in ballots for candidates for open Board seats will be accepted with the process to be supervised by Olmsted and Wabasha County if needed. No proxy votes shall be accepted.

8. Member of the Board of Directors may be removed from office for cause, which would include but not limited to, poor meeting attendance (missing 25% of scheduled meetings or more without being excused), fraud, misappropriation of public funds, election fraud, felony convictions, and open meeting law violations.

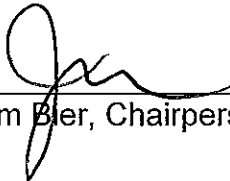
9. Board members shall not receive financial compensation for their services as members of the Board.

10. All other issues relating to the operations of the District including, but not limited to, addressing liability concerns, and hardship procedures if assessments are levied on members of the District, shall be addressed by the Board when it convenes for its first annual meeting.


I CERTIFY THAT the above resolution and order establishing bylaws for the Lake Zumbro Improvement District was adopted by the Wabasha County Board on December 3, 2013 and by the Olmsted County Board and the Wabasha County Board on December 5, 2013.

Dated: December 5, 2013

OLMSTED COUNTY BOARD
OF COMMISSIONERS

By: 
Jim Bier, Chairperson

ATTEST:


Richard G. Devlin, Clerk-Administrator

Dated: December 5, 2013

WABASHA COUNTY BOARD
OF COMMISSIONERS

By: _____
Rich Hall, Chairperson

ATTEST:

Larry Timmerman, Administrator

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Dated: December ____, 2013

OLMSTED COUNTY BOARD
OF COMMISSIONERS

By: _____
Jim Bier, Chairperson

ATTEST:

Richard G. Devlin, Clerk-Administrator

Dated: December 3rd, 2013

WABASHA COUNTY BOARD
OF COMMISSIONERS

By: _____
Rich Hall, Chairperson

ATTEST:

Denise Anderson, Board Clerk