

LAKE IROQUOIS RECREATION DISTRICT

ARTICLE I

CREATION AND POWERS

Section 1. Creation

There is hereby created a union municipal district to be known as the "Lake Iroquois Recreation District."

Section 2. Purpose

The District is created and shall exist for the purpose of owning, leasing, developing, maintaining and managing its property located on Lake Iroquois and vicinity, for public park, conservation and recreational purposes to serve its member communities.

Section 3. Composition

The District shall consist of those municipalities which elect to join the District by a majority vote of its voters present and voting at an annual or special meeting duly warned for such purpose.

Section 4. Duration

The District shall continue unless and until dissolved according to the procedures set forth in this Agreement.

Section 5. Powers

The District shall be a body politic and corporate with the powers incident to a municipal corporation under the laws of the State of Vermont consistent with the purpose of the District, and in addition shall have the following powers:

- (a) To purchase, sell, lease, own, acquire, convey,

mortgage, improve, and use real and personal property in connection with the purposes of the District;

(b) To sue and be sued;

(c) To make contracts of every kind and nature;

(d) To fix, alter, charge and establish fees and other charges for the use of District property and for District services, which fees and charges shall be equitable and just;

(e) To enter into management contracts with any person or persons for the management of District property for such period or periods of time and under such compensation and other terms and conditions as shall be deemed advisable by the District;

(f) To accept gifts or grants or loans of money or other property, and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, or with any other public body of the state, including municipalities;

(g) To hire and fix the compensation of employees;

(h) To contract for professional services such as architects, engineers, accountants and legal consultants;

(i) To regulate the use of District property and the provision of District services by ordinance, rule or regulation;

(j) To establish a budget and assess member municipalities in accordance therewith;

(k) To appropriate and expend monies;

(l) To establish sinking funds for the retirement of bonded or other indebtedness;

(m) To establish capital reserve funds for improvements to District property;

(n) To borrow money and issue evidence of indebtedness as provided by Chapter 53 of Title 24, Vermont Statutes Annotated, as presently enacted and as later may be amended. For the purpose of that chapter, the grand list of the District shall be deemed to be the total of the grand lists of member municipalities, and the debt limit of the District shall not be diminished by any obligation incurred by a member municipality alone. Obligations incurred under such chapter shall be the joint and several obligations of the District and of each member municipality but shall not affect any limitation on indebtedness of a member municipality. The cost of debt service shall be included in the annual budget of the District and to the extent not paid by user fees and revenues shall be allocated among the member municipalities as set forth in Article IV, Section 5 of this Agreement. Where voter approval is required pursuant to Chapter 53 of Title 24, the Board of Commissioners shall determine the location of at least one polling place within each member municipality, and when a majority of all the voters present and voting on the question from all of the member municipalities at such meeting vote to authorize the issuance of bonds, the Board of Commissioners shall be authorized to issue the bonds as

provided in said chapter. The counting of ballots shall be conducted by the Board of Commissioners together with the town clerk from each member municipality or his or her designee;

(o) To exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of the District's purposes.

## ARTICLE II

### BOARD OF COMMISSIONERS

#### Section 1. Appointment

The purposes, powers, duties and responsibilities of the District shall be exercised by a Board of Commissioners, consisting of one commissioner and one alternative commissioner from each member municipality appointed by, and serving at the pleasure of, their respective legislative bodies. A municipality's alternate commissioner may act in the absence of the municipality's commissioner. Any vacancy on the Board of Commissioners shall be filled by the legislative body of the respective member municipality, but in the event the legislative body fails to appoint a commissioner or alternate commissioner within two months from the date of the occurrence of the vacancy, the chair of the legislative body of the member municipality in which the vacancy has occurred, shall be the new commissioner or alternate commissioner.

#### Section 2. Term of Office

Except for inaugural appointments, each commissioner and alternate commissioner shall serve for a term of two years ending

June 30 or until his or her successor is duly appointed and qualified. Terms of the inaugural commissioners shall be determined by the Commission itself by the drawing of lots. The initial terms shall be set so that an annual staggering of commissioners' appointments and terms is accomplished.

### Section 3. Meetings

The frequency and method of calling regular and special meetings of the Board of Commissioners, procedures for the transaction of business, and other necessary matters shall be in accordance with By-Laws adopted by a majority of the commissioners and amended from time to time by a majority of the commissioners.

### Section 4. Quorum and Voting

A quorum shall be necessary for the transaction of any business and shall consist of representation of a majority of the member municipalities. Action shall be by a majority of the commissioners' votes cast on a question, and each commissioner shall be deemed to have one vote.

## ARTICLE III

### OFFICERS

#### Section 1. Election

The Board of Commissioners annually shall elect from among its members a chair, vice chair, treasurer and secretary, and such other officers as it deems appropriate for the conduct of its business. The same person may hold the offices of secretary and treasurer.

## Section 2. Chair

The chair shall preside at all meetings of the Board of Commissioners. The chair shall also perform all of the duties incident to the position and office.

## Section 3. Vice Chair

During the absence of or inability of the chair to perform his or her duties, the vice chair shall perform such duties.

## Section 4. Secretary

The secretary shall have the custody of the public records of the District and shall record all votes and proceedings of the District including meetings of the District and meetings of the Board of Commissioners. The secretary shall also prepare and warn all meetings of the District and Board of Commissioners in accordance with Vermont law and shall cause the annual report approved by the Board of Commissioners and the minutes of the meetings of the Board of Commissioners to be distributed to the legislative bodies of the member municipalities. The secretary shall also perform all the duties and functions incident to the office of a secretary or clerk of a municipal corporation.

## Section 5. Treasurer

The treasurer shall have the custody of the funds of the District and shall be the disbursing officer of the District. When authorized by the Board of Commissioners, the treasurer may sign, make or endorse in the name of the District all checks and orders for the payment of monies and pay out and disburse the same. The treasurer shall perform all of the duties and functions incident to

the office of treasurer of a municipal corporation.

#### ARTICLE IV

##### ANNUAL BUDGETS AND ASSESSMENTS

###### Section 1. Fiscal Year

The fiscal year of the District shall begin the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year for the District.

###### Section 2. Preparation of Budget

On or before December first in each year, the Board of Commissioners shall prepare a budget for the District for the next fiscal year, which shall include an estimate of the revenue of the District from fees and other sources. The budget shall be in such form as deemed desirable by the Board of Commissioners, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

###### Section 3. Budget Hearing

The Board of Commissioners shall call a hearing of the residents of the member municipalities on or before January thirty-first in each year for the purpose of presenting the proposed budget and inviting discussion thereon. The hearing shall be held within the geographic boundaries of the District and shall be warned by a notice published in a newspaper of general circulation in member municipalities at least fifteen (15) days prior to the meeting. The notice shall contain a summary of the proposed

budget, and the legislative body of each member municipality shall be sent a copy of the notice and a copy of the proposed budget, by certified mail, return receipt requested, at least fifteen (15) days prior to such hearing.

#### **Section 4. Adoption**

Following the public hearing provided for in the preceding section, the Board of Commissioners shall review the proposed budget in light of comments received at the meeting, and shall thereupon adopt a budget with or without changes. Copies of the approved budget shall immediately be sent to the legislative body of each member municipality by certified mail, return receipt requested.

#### **Section 5. Legislative Body Approval**

By March twelfth of each year the legislative body of each member municipality shall act to approve or disapprove the budget. The budget shall be approved if approved by the legislative bodies of all member municipalities. A legislative body that fails to act to approve or disapprove the budget by March twelfth of any year shall be deemed to have approved that budget. If the annual budget for any fiscal year is not approved by the legislative bodies of all municipalities, the amounts appropriated for operation for the previous fiscal year shall be deemed adopted for the ensuing fiscal year.

#### **Section 6. Assessment**

Based on the adopted budget, the treasurer of the District shall levy a per capita assessment against each member municipality

based on the most recent U.S. Census, and shall immediately notify the treasurer of each member municipality of the amount of that municipality's assessment. Member municipalities shall add such assessment to their own budgets, and shall assess such tax as is necessary to raise the amount of the assessment. Each municipality's assessment shall be paid to the treasurer of the District in three (3) equal installments on the 15th of each and every fourth month commencing the 15th day of August. Should any member municipality fail to pay any periodic assessment when due, it shall incur interest for each month or fraction thereof after the date on which the assessment was due. Prior to the commencement of any new fiscal year, the Board of Commissioners shall determine by resolution, the interest rate for that fiscal year, which in no case shall exceed one and one-half percent (1-1/2%) per month.

## ARTICLE V

### MEMBERSHIP TERMINATION AND ADMISSION

#### Section 1. Termination of Membership

A member municipality may terminate its membership in the District after the expiration of one (1) year from the date it became a member by a majority of its voters at a duly warned annual or special meeting voting for such termination. The termination shall take effect at the end of the first full fiscal year following notification or termination from the terminating municipality. The notice shall be in the form of a certification of the termination vote by the clerk of the terminating

municipality delivered to the secretary of the District. A terminating municipality shall continue to be liable for its share of all existing indebtedness incurred by the District pursuant to Chapter 53 of Title 24, Vermont Statutes Annotated, at the time its termination notice is delivered to the District.

**Section 2. Admission of New Members**

Municipalities which are not initial members of the District may, upon the requisite approval by its voters and the approval of the Board of Commissioners and the legislative bodies of the District members, become a member of the District. the Board of Commissioners, however, may in its sole discretion determine the terms and conditions of admission, which terms and conditions shall be in the best interests of the District. Immediately upon joining the District, the new member municipality shall appoint a commissioner and alternate commissioner as provided in Article II.

**ARTICLE VI**

**MISCELLANEOUS**

**Section 1. Dissolution of District**

The District may be dissolved upon approval of a majority plus one of its then existing member municipalities. A majority of the voters at a duly warned annual or special meeting in at least a majority plus one of the member municipalities, must approve the dissolution and a plan of dissolution which shall include provisions for the payment of all District obligations, a disposal of District assets and the means of apportioning continuing liabilities among the member municipalities. The dissolution plan,

prior to submission of the voters, must be submitted to the Attorney General of the State of Vermont to determine whether the plan is in proper form and compatible with the laws of the State. In the event the Attorney General fails to notify the District of his or her determination within thirty (30) days after receipt of a copy of the dissolution plan it shall be deemed to have been approved.

### Section 2. Annual Report

The Commission shall prepare an annual report of its activities including a financial statement, and submit the report no later than January of each year to the legislative bodies of its member municipalities.

### Section 3. Severability

If any section of this Agreement shall be held invalid, illegal or unenforceable by a court of competent jurisdiction, such judgment shall not affect the validity, legality or enforceability of the agreement as a whole or any other part of the agreement.

### Section 5. Amendment

Any proposed amendment to this agreement must be adopted by two-thirds (2/3rds) of the total membership of the Board of Commissioners. Upon approval by the Board of Commissioners, the amendment shall be submitted to the legislative bodies of the respective member municipalities. A majority of the legislative bodies of the member municipalities must likewise approve any proposed amendment prior to such proposed amendment becoming effective.