

Intergovernmental Cooperation



A Guide to Preparing the Intergovernmental Cooperation Element of a Local Comprehensive Plan



Wisconsin Department of Administration

Intergovernmental Cooperation

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Division of Housing & Intergovernmental
Relations

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Chapter 1:

Introduction

Why was this guide created?

This guide is a resource for your community and others across the state of Wisconsin that are preparing a Comprehensive Plan under Wisconsin's Comprehensive Planning law (§66.1001, Wis. Stats).

Passed in 1999, the Comprehensive Planning Law, commonly referred to as “Smart Growth”, specifically requires at least the following nine elements:

1. Issues and opportunities
2. Housing
3. Transportation
4. Utilities and Community Facilities
5. Agricultural, Natural, and Cultural Facilities
6. Economic Development
- 7. Intergovernmental Cooperation**
8. Land Use
9. Implementation

From the law

The Comprehensive Planning Law describes an Intergovernmental Cooperation Element as:

A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under §66.0301, §66.0307, §66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

§66.1001(2)(g), Wis. Stats.

The Comprehensive Planning Law was developed in response to the widely held view that state planning laws were outdated and inconsistent with the current needs of Wisconsin communities. Under the new law, any program or action of a town, village, city, county, or regional planning commission after January 1, 2010 that affects land use must be guided by, and consistent with, an adopted Comprehensive Plan. [§66.1001(3), Wis. Stats.]

In addition to this guide on the Intergovernmental Cooperation Element, several other guides are available to assist your community with the development of the other elements of a Comprehensive Plan, including:

- *Housing Wisconsin*
- *Transportation Planning Resource Guide*
- *Planning for Natural Resources: A Guide to Including Natural Resources In Local Comprehensive Planning¹*
- *Planning for Agriculture in Wisconsin – A Guide for Local Communities*
- *Smart Growth Guide to Cultural Resources Planning*

All of these guides are, or will soon be, available from the Office of Land Information Services (OLIS).

What is included in this guide?

- ✓ Issues that should be addressed in your community's Intergovernmental Cooperation Element.
- ✓ Other governmental units that can help you develop your element.
- ✓ Techniques and ideas for coordinating with other governmental units.
- ✓ Techniques for improving intergovernmental cooperation and coordination, including common sense ideas.
- ✓ Tips on how to implement, monitor, and update your element.
- ✓ Resources that are available to assist your community with its element, along with contact information.

TIP

What are some planning resources?

In addition to the Comprehensive Planning guides, other planning resources are:

- Office of Land Information Services (OLIS)
- Your Regional Planning Commission (RPC)
- Your county planning agency or department.
- Your county uw-extension agent.
- State and federal district offices, such as WisDNR, WisDOT, USDA-Forest Service, USDA-Rural Development.
- UW-Extension Local Government Center
☎ (608) 262-9960 or www.uwex.edu/lgc
- Wisconsin Counties Association
☎ (800) 922-1993 or www.wicounties.org
- Wisconsin Towns Association
☎ (715) 526-3157 or www.wisctowns.com
- League of Wisconsin Municipalities
☎ (608) 267-2380 or www.lwm-info.org
- Wisconsin Alliance of Cities
☎ (608) 257-5881 or www.wiscities.org
- Private planning consultants
- Municipal attorneys

¹ Although agricultural, cultural, and natural resources are described as one element by the Comprehensive Planning Law (see §66.1001(2)(e)), the element is addressed by three different guides. When developing this element, your community may want to consider using all three guides together or separately, depending on how you will structure your element.

What is NOT included in this guide?

This guide does not establish a particular standard or methodology that must be used to develop an Intergovernmental Cooperation Element. Instead, your community's element will be unique depending on your particular needs and circumstances.

TIP

To financially assist communities interested in developing a Comprehensive Plan, the Comprehensive Planning Law created a grant program. The grant program is administered by the Office of Land Information Services (OLIS) within the Wisconsin Department of Administration (DOA). For more information, contact OLIS at:

☎ (608) 267-2707 or www.doa.state.wi.us/olis

The Intergovernmental Cooperation Element of a Comprehensive Plan

The Intergovernmental Cooperation Element creates an opportunity for your community² to coordinate with other communities and governmental units to promote consistency between plans. By 2010, decisions and actions of each community must be based on an adopted plan. If their plans are going in different directions, neighboring communities will experience problems. The Intergovernmental Cooperation Element is an opportunity to get everyone pulling in the same direction.

Does the law require intergovernmental cooperation?

No. While the Comprehensive Planning Law does require that your community consider intergovernmental relationships and develop ways to resolve conflicts, it does not require that you undertake specific intergovernmental activities. However, a law recently enacted envisions *area cooperation compacts* in the future. (§66.0317, Wis.Stats.)

Will our community need to start from scratch?

If your community already communicates and cooperates with neighbors and other governmental units, you will not need to start from scratch. Wisconsin has a long history of intergovernmental cooperation and state law provides authority for communities to cooperate on a wide range of issues. As a result, many communities already cooperate. For these communities, an Intergovernmental Cooperation Element will identify existing efforts and build on the cooperation that already exists. If your community has little experience or success in working effectively with your neighbors, then your Intergovernmental Cooperation Element will be critical.

TIP

The process of developing an Intergovernmental Cooperation Element can further cooperative efforts by getting communities to think about inter-jurisdictional relationships and impacts. The element will set the overall tone for how jurisdictions will relate and can be the cornerstone of your community's intergovernmental efforts.

² The term 'community', as used in this guide, refers to entities that can adopt a comprehensive plan, including cities, counties, regional planning commissions, towns, and villages.

What is intergovernmental cooperation?

In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as communicating and sharing information, or it can involve entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue. It can even involve consolidating services, jurisdictions, or transferring territory.

Why is intergovernmental cooperation important?

Many issues cross jurisdictional boundaries, affecting more than one community. For example, air and water pass over the landscape regardless of boundaries so that one jurisdiction's activities with regard to air and water impacts other jurisdictions downwind or downstream.

Today, increased communication technologies and personal mobility mean that people, money, and resources also move across jurisdictions, as quickly and freely as air and water. Persons traveling along roadways use a network of transportation routes, moving between jurisdictions without even realizing it.

Frequently, the actions of one governmental unit impacts others. Increasingly, we have come to the realization that many vital issues are regional in nature. Watersheds and other ecosystems, economic conditions, land use, commuter patterns, housing, media markets, and effects from growth and change are all issues that spill over municipal boundaries and impact the region as a whole. Our communities are not islands. The health of our community and the health of our region are interconnected. The fate of one mirrors the fate of the other.

FACT

Wisconsin has over 2,500 units of government and special purpose districts:

- 72 counties
- 190 cities
- 395 villages
- 1265 towns
- 426 school districts
- 16 technical college districts
- Sanitary districts, drainage districts, lake protection districts, metropolitan sewage districts, etc.

Why is intergovernmental cooperation particularly critical in Wisconsin?

Wisconsin ranks thirteenth nationwide in total number of governmental units and third nationwide in governmental units per capita. Having so many governmental units allows for very local representation and means that Wisconsin residents have numerous opportunities to participate in local decision-making.

However, the sheer number of governmental units with overlapping decision-making authority presents challenges. More governmental units can make communication, coordination, and effective action more difficult, creating a greater potential for conflict. Instead of communicating ideas within one

FACT

Though it has less than 20% the population of California, Wisconsin has twice as many police departments.

jurisdiction, communication needs to move across multiple jurisdictions and involve multiple boards, commissions, committees, executives, administrators and citizens. Instead of one community's vision, there may be multiple visions, some of which may conflict.

More governmental units may also mean unwanted and wasteful duplication in the delivery of community services. Cooperation can help to avoid this.

The importance of intergovernmental cooperation in Wisconsin is demonstrated by the many groups that have examined this issue over the years. Intergovernmental relations is one of the most studied issues in Wisconsin's history.

What are some benefits of good intergovernmental cooperation?

- ✓ **Cost savings**– Cooperation can save money by increasing efficiency and avoiding unnecessary duplication. Cooperation can enable some communities to provide their residents with services that would otherwise be too costly.
- ✓ **Address regional issues** - By communicating and coordinating their actions, and working with regional and state jurisdictions, local communities are able to address and resolve issues which are regional in nature.
- ✓ **Early identification of issues** - Cooperation enables jurisdictions to identify and resolve potential conflicts at an early stage, before affected interests have established rigid positions, before the political stakes have been raised, and before issues have become conflicts or crises.
- ✓ **Reduced litigation** – Communities that cooperate are able to resolve issues before they become mired in litigation. Reducing the possibility of costly litigation can save a community money, as well as the disappointment and frustration of unwanted outcomes.

FACT

Many groups in Wisconsin have studied intergovernmental cooperation, including:

- Urban Problems Committee (1957-59)
- Task Force on Local Government Finance and Operation, commonly known as the Tarr Task Force (1967-69)
- Local Government Committee (1970)
- Citizens Study Committee on Metropolitan Problems (1971-73)
- Knowles Commission (1973)
- Wallace Commission (1977)
- Special Committee on the Interrelationship of Urban and Rural Policies (1982)
- Special Committee on Municipal Boundary and Related Issues (1990-92)
- Wisconsin Strategic Growth Task force and Interagency Land Use Council (1994)
- Wisconsin Land Council (1997- present)
- Governor's Blue Ribbon Commission on Intergovernmental Relations, commonly known as the Kettl Commission (2001)
- Governor's Task Force on State and Local Government (2002-03)

TIP

Consistency between plans is especially important because the Comprehensive Planning Law did not change the relationships between, or authorities of, local governments. This means that you cannot force your plan onto another community to achieve consistency. You and your neighbors will need to cooperate.

- ✓ **Consistency** – Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.
- ✓ **Predictability** – Jurisdictions that cooperate provide greater predictability to residents, developers, businesses, and others. Lack of predictability can result in lost time, money, and opportunity.
- ✓ **Understanding** – As jurisdictions communicate and collaborate on issues of mutual interest, they become more aware of one another’s needs and priorities. They can better anticipate problems and work to avoid them.
- ✓ **Trust** – Cooperation can lead to positive experiences and results that build trust between jurisdictions.
- ✓ **History of success** – When jurisdictions cooperate successfully in one area, the success creates positive feelings and an expectation that other intergovernmental issues can be resolved as well.
- ✓ **Service to citizens** – The biggest beneficiaries of intergovernmental cooperation are citizens for whom government was created in the first place. They may not understand, or even care about, the intricacies of a particular intergovernmental issue, but all Wisconsin residents can appreciate their benefits, such as cost savings, provision of needed services, a healthy environment and a strong economy.

TIP 

How can an Intergovernmental Cooperation Element help improve cooperation?

- ⇒ Provides an opportunity and reason for communicating with your neighbors and other governmental units.
- ⇒ Gets communities thinking about the intergovernmental impacts of their actions.
- ⇒ Offers a forum for discussing intergovernmental issues and resolving conflicts.
- ⇒ Helps ensure that your community's actions (both current and planned) are consistent with those of your neighbors and other governmental units.
- ⇒ Provides ongoing opportunities for cooperation as you implement, monitor, and update your element.

Chapter 1 Key Points:

- ⇒ An Intergovernmental Cooperation Element is a required element of a Comprehensive Plan.
- ⇒ Many issues are area-wide and regional in nature and require cooperation between jurisdictions.

Chapter 2:

Who Should You Involve?

The Comprehensive Planning Law requires that communities prepare written procedures describing exactly how the public will participate in the planning process. Public participation obviously includes the residents of your community. It should also include various stakeholder groups that could be affected by your plan.

One stakeholder group that you should include is neighboring communities and other jurisdictions. While the Comprehensive Planning Law requires that other jurisdictions be provided with copies of your community's adopted and amended Comprehensive Plan, this may be too little too late.

Include other jurisdictions at the early stages of your planning process, and throughout. Involving them can help to ensure consistency. Also, early and continuous involvement means that potential conflicts can be identified and resolved during the planning stage, rather than during plan implementation.

Not identifying and resolving issues early can cost time and money, and can cast doubt over all the work that you've done. Unresolved conflicts can also result in lost opportunity. For example, if a private consultant has been retained to develop your community's plan, the consultant may have already used all the time budgeted, and not have additional time to address conflicts emerging at the end of the planning process or during plan implementation. Ironically, these conflicts are probably the most important and complex of your planning issues – the ones for which the consultant's help would have been most beneficial.

The Comprehensive Planning Law provides your community with flexibility to invite a wide range of different governmental units to participate in your planning process.

The jurisdictions that your community invites will depend on the issues you address. For example, if storm water management is important, then all of the jurisdictions in the watershed should be invited to participate.

At a minimum, you should involve the following:

- Adjacent governmental units
- Counties
- School districts
- Regional Planning Commission (RPC)
- Metropolitan Planning Organization (MPO)
- State agencies

These are the jurisdictions with whom the Comprehensive Planning Law requires your community to analyze its relationship.

FACTS

What's an RPC?

Regional Planning Commissions (RPCs) are regional governmental entities responsible for a broad range of activities. RPCs prepare regional plans and studies, collect information, and assist local communities with plans, federal and state programs, economic development, needs assessments, and studies, among other things. Wisconsin has 9 RPCs that represent almost every county and municipality in the state.

The 9 RPCs are:

- BayLake Regional Planning Commission
☎ (920) 448-2820 or www.baylakerpc.org
- Dane County Regional Planning Commission
☎ (608) 266-4137 or www.co.dane.wi.us/rpc/rpc.htm
- East Central Wisconsin Regional Planning Commission
☎ (920) 751-4770 or www.eastcentralrpc.org
- Mississippi River Regional Planning Commission
☎ (608) 785-9396 or www.centurytel.net/mrrpc
- North Central Wisconsin Regional Planning Commission
☎ (715) 849-5510 or www.ncwrpc.org
- North West Regional Planning Commission
☎ (715) 635-5480 or www.nwrpc.com
- Southeastern Wisconsin Regional Planning Commission
☎ (262) 547-6721 or www.sewrpc.org
- South West Wisconsin Regional Planning Commission
☎ (608) 342-1214 or www.swwrpc.org
- West Central Wisconsin Regional Planning Commission
☎ (715) 836-2918 or www.wcwrpc.gov

A map of Wisconsin's RPC's can be seen at:

www.dot.state.wi.us/dtim/bop/planning-rpc-map.htm

The following is a list of some of different kinds of jurisdictions, quasi-governmental units, and private service organizations that may impact your community, including those that are required to be included in your element.

- State and federal agencies
- Regional planning commissions (RPCs)
- Counties
- Cities
- Villages
- Towns
- Tribal entities
- Metropolitan planning organizations (MPOs)
- School districts
- Sanitary sewer service districts
- Water utility districts
- Municipal electric utilities
- Universities or colleges
- Vocational Technical Adult Education (VTAE) districts

- Lake management or protection districts
- Storm water management districts
- Drainage districts
- Transit and paratransit districts, authorities, and commissions
- Housing or redevelopment authorities
- Economic development corporations and districts
- Fire protection districts
- Public airports
- Flood control districts
- Port authorities
- Chambers of Commerce
- Soil and water conservation districts
- Resource conservation and/or development districts
- International Trade, Business, and Economic Development Councils (ITBECs)

FACT

What's an MPO?

Metropolitan Planning Organizations (MPOs) are federally required entities that are responsible for developing long-range transportation plans and improvement programs for metropolitan areas over 50,000 in population. There are currently 12 MPOs in Wisconsin: Appleton-Oshkosh, Beloit, Dubuque, Janesville, La Crosse, Madison, Sheboygan, Wausau, Chippewa Falls-Eau Claire, Green Bay, Superior-Duluth, and Kenosha, Milwaukee, and Racine Counties. Also, the most recent U.S. Census found the Fond du Lac urbanized area to be greater than 50,000 persons. This means that it too will need to be served by an MPO.

Although separate entities, MPOs are often located and staffed within municipal and county departments or regional planning commissions. Contact your WisDOT district office for more information about the MPO in your area.

FACT

What's an ITBEC?

An International Trade, Business, and Economic Development Council (ITBEC) is a partnership effort between counties, business leaders, tribal representatives, and others, organized to target tourism from other countries and create new export markets for Wisconsin products. ITBECs:

- sponsor trade missions to and from other countries,
- develop promotional newsletters, videos, and maps,
- work with local and international media
- coordinate between member counties and municipalities.

Wisconsin has 4 ITBECs representing 52 counties and the municipalities within those counties. To learn more:

☎ (800) 922-1993 or www.wicounties.org/Econ/itbecs.html

Your community's Intergovernmental Cooperation Element, in coordination with your written procedures for public participation, can be a place to describe which jurisdictions were involved in your planning process, and which will be involved in the future.

Your element can also address:

- ▷ How were other jurisdictions involved? What techniques were used to solicit their input and ideas, and to reach agreement about any conflicts? What techniques will be used in the future to implement plan recommendations?
- ▷ What role did other jurisdictions play, and at what stages of the planning process? What role will they play in the future, and when?



Chapter 2 Key Points:

⇒ Public participation in your Comprehensive Plan should include not only residents but also neighboring communities and other relevant governmental units. Include these jurisdictions throughout your entire planning process – not just at the end.

⇒ The Comprehensive Planning Law specifies that certain jurisdictions be involved during preparation of your community's Intergovernmental Cooperation Element, and also provides the flexibility to include many others.

Chapter 3:

Intergovernmental Issues

This chapter offers ideas on the kinds of issues that are intergovernmental in nature and can be addressed in your Intergovernmental Cooperation Element. Because each community is unique, each will have different issues.

Frequently policies, goals, and objectives of one Plan element relate to other elements. For example, a multi-jurisdictional public transportation system could be addressed both in your Transportation Element and in your Intergovernmental Cooperation Element. This is ok – in fact, examining issues across program areas is one of the strengths of Comprehensive Planning. In this case, your Transportation Element could look at the specifics of the public transportation system while your Intergovernmental Cooperation Element could identify it as an area of intergovernmental effort, and ensure that conflicts are resolved and that Plans are consistent.

TIP

The Comprehensive Planning Law's flexibility means that communities can address issues that they feel are important. Your element provides an opportunity to take a fresh look at issues that involve multiple jurisdictions, and to resolve conflicts.

The intergovernmental issues identified in this chapter are organized around the nine required elements of a Comprehensive Plan. Some of these issues may apply to your community, while others may not. This is not a complete list but it may help your community brainstorm about the kinds of intergovernmental issues that you face. Keep in mind that an Intergovernmental Cooperation Element need not be limited to just boundary issues; it can, and should, address other intergovernmental areas.

Issues and Opportunities³

- Age. What is the average age of residents in your community? Are residents at a different life cycle stage in general than residents of surrounding communities? Age has important ramifications for housing choices, jobs, school needs, and the types of services demanded.

³

 Indicates one of the nine required elements of a Comprehensive Plan

□ Income. Are there differences in the incomes of your residents with those of surrounding communities, the region, and the state? Communities with a disproportionate share of lower income households may face greater demands for services and experience greater difficulty in paying for those services. This can strain regional relationships.

TIP

Demographic information, such as age and income, will already be included as part your Comprehensive Plan's Issues & Opportunities Element. This means that your Intergovernmental Cooperation Element can simply reference the relevant information.

Demographic information is available from:

- University of Wisconsin-Extension county agent
- Your county
- Your RPC
- Bureau of Census U.S. - www.census.gov

Department of Administration's (DOA) Demographic Services Center - www.doa.state.wi.us/dhir/boir/demographic/

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Housing

□ Regulations. Housing in your community may be influenced by the regulations of other municipalities in the region. For example, if a neighboring community uniformly requires a certain lot size or setback or minimum floor space, the range of housing options available in that community may be limited. This could affect housing demand in your community.

□ Available land. Some cities and villages may have shortages of land available for housing, even after looking at infill opportunities. This may lead to disputes over what land is available. For example, a village's Land Use Element might call for annexation of peripheral town lands in order to develop new housing, while the town's plan designates these lands rural and under town jurisdiction.

TIP

For more information about Comprehensive Planning and intergovernmental cooperation issues related to housing, see 'Housing Wisconsin', available from UW-Extension and online at:

www.wisc.edu/urpl/people/ohm/projects/housingf/index.html

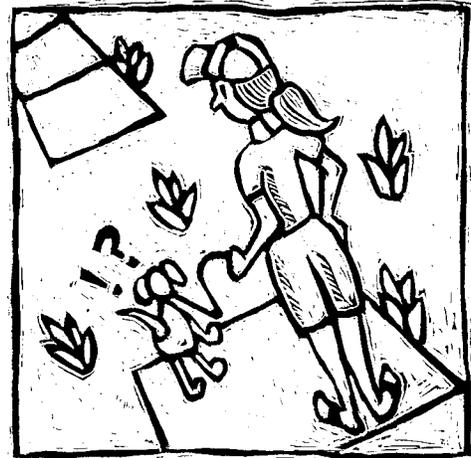


Transportation

□ Regional bodies. The federal Transportation Equity Act for the 21st Century (TEA-21) and its precursor, the Inter-modal Surface Transportation Efficiency Act (ISTEA) require regional transportation and land use planning by metropolitan planning organizations (MPOs). MPOs are made up of area governmental units. If your community is located in a metropolitan area, you will need to coordinate your transportation improvements with your MPO and WisDOT District Office.

□ Coordination with school districts. Transportation plans and improvements should be coordinated with school districts, and vice versa. For example, are there sidewalks, bike paths, and other safe alternatives for children to get to school in your community? Are there opportunities between transit providers and school districts to coordinate or consolidate bus service?

□ Transportation facilities. Transportation facilities – streets, bike paths, sidewalks, etc. usually pass through more than one jurisdiction. This means that multiple jurisdictions should agree on issues such as need, capacity, design standards, and access. Unfortunately, coordination does not always happen. Due to irregular municipal boundaries and lack of coordination, sidewalks may abruptly end at the edge of a municipality’s jurisdiction, only to start up again where its jurisdiction resumes, or, streets may not align between adjacent jurisdictions resulting in safety concerns, inefficient traffic flows and congestion.



□ Regional Transit Systems. Wisconsinites often meet their daily needs by traveling between jurisdictions. They may work, shop, go to school, recreate, etc. in the same metropolitan area or general region, but not in the same municipality. Therefore, the most effective mass transportation systems are often multi-jurisdictional in nature. Rather than terminating at the edge of jurisdictions, they go where people need them to go. This requires intergovernmental coordination of scheduling, cost-sharing, personnel, liability, and ownership issues – all things that can be addressed or referenced in an Intergovernmental Cooperation Element.

TIP

For more information about transportation planning issues related to intergovernmental cooperation, see 'Transportation Planning Resource Guide', available from WisDOT and online at: www.dot.state.wi.us/dtim/bop/planning-index.htm

Utilities and Community Facilities

□ Solid waste and recycling. Because of the expense and specialized nature of siting, permitting, developing, and operating landfills and recycling centers, your community may wish to cooperate with area communities to provide these services. Many Wisconsin communities already do.

□ Sanitary sewer service areas. Sanitary sewer service area planning helps communities anticipate future needs for wastewater treatment. If your community belongs to a multi-jurisdictional sewer service area⁴, your

⁴ The Wisconsin Department of Natural Resources (WisDNR) encourages communities to cooperate in developing multi-jurisdictional wastewater treatment facilities instead of each jurisdiction having its own smaller facility. Contact your WisDNR district office for more information.

Intergovernmental Cooperation Element could address coordination issues. Your element could also show how the sewer service area plan relates to your community's other Comprehensive Plan elements and how it relates to the Comprehensive Plans of other jurisdictions. Where a special entity has been created to deal with wastewater treatment, your Intergovernmental Cooperation Element could describe ways to coordinate with this entity.

□ School district facilities. Are there opportunities in your community for joint use of facilities with the school district? For example, playgrounds and libraries can be jointly used and maintained by the municipality and the school district. Where communities have growing numbers of school-aged children, a particular school building might be jointly managed so that it can fulfill some other community purpose after enrollment numbers decline. Does your community and school district anticipate a need to recondition, expand, or build facilities? Can use of existing school capacity in the region forestall building new schools? Your element can coordinate the timing and location of capital projects to ease the tax burden on area residents and businesses.

A Wisconsin Example

Ettrick Community Center and Library. Built in 1999 as an addition onto the Ettrick Elementary School, the Ettrick Community Center and Library was a cooperative effort between the Village of Ettrick, the Town of Ettrick, the Gale-Ettrick-Trempealeau School District, and a number of private groups. These entities all shared in the costs of the project.

The Center meets everyone's interests. The town and village had long wanted a library and a community center to accommodate various community meetings and civic groups, and the school district needed more space. By adding to the elementary school, the school district and community gained space for a lunch room and large meeting space, a gymnasium, and a weight room.

Agricultural, Natural and Cultural Resources

□ Stormwater management. Stormwater flows across the landscape without regard to jurisdictional boundaries. This means that stormwater generated in a neighboring community can impact your community. For example, development in one municipality that increases the amount of impervious surfaces (asphalt, concrete, rooftops, etc., do not absorb stormwater as well as natural surfaces) can worsen flooding in "downstream" communities. If stormwater is an issue, your element should examine your relationship with "upstream" and "downstream" communities.

A Wisconsin Example

The Village of Combined Locks and the Towns of Harrison and Buchanan in Calumet County cooperated to create the Garner's Creek Stormwater Utility. The utility was formed to address frequent stormwater problems in the village and helped avoid litigation between these communities.

□ Environmental corridors. Are there opportunities for your community to link area parks together to form continuous natural areas? The state, counties, cities, villages, and towns all provide parks. Your community's Intergovernmental

Cooperation Element can study ways for these entities to coordinate their efforts and link their facilities in order to create connected natural systems.

□ Farmland preservation. Your community's efforts to preserve farmland and farm economies will be most successful if they are multi-jurisdictional. For example, state and county farmland preservation efforts should be coordinated with town efforts. Cities and villages

should also be involved - agriculture isn't just a rural issue. Cities and villages can coordinate with towns and counties to protect productive agricultural lands from annexation and/or development, and to minimize conflicts with farming operations. Cities and villages can also promote economic opportunities for farmers, such as farmer markets, roadside stands, subscription farms, and 'pick-your-own' enterprises.

□ Wellhead protection. All new municipal wells must have wellhead protection plans approved by the DNR.⁵ The areas covered by wellhead plans and ordinances may extend beyond your community's boundaries into adjacent jurisdictions. This may mean that your community must work closely with other jurisdictions to prevent land uses that are harmful to the quality of groundwater recharge of your well.

Economic Development

□ Cooperation. Your community can use the Intergovernmental Cooperation Element as an opportunity to coordinate with other area jurisdictions on projects that benefit everyone. For example, your element could recommend creation of a multi-jurisdiction or county-wide economic development group. It could describe ways for local units of government and area chambers of commerce to work together to develop economic trend data and a strategic vision to promote the area as a whole. It could cooperatively identify future industrial sites in designated growth areas. It could also recommend revenue-sharing arrangements so that there are no economic losers in an area or region – just winners.

□ Tourism and recreation. Your Intergovernmental Cooperation Element could identify tourism related investments such as tourist information centers, fairgrounds, trails, and other infrastructure projects that could be developed by multiple jurisdictions.

TIP

For more information about Comprehensive Planning and intergovernmental cooperation issues related to natural resources, see 'Planning for Natural Resources: A Guide to Including Natural Resources in Local Comprehensive Planning', available from WisDNR and at:

www.dnr.state.wi.us/org/es/science/landuse/smart_growth/urbplan_bk.pdf

"Competition has been shown to be useful up to a certain point and no further, but cooperation, which is the thing we must strive for today, begins where competition leaves off."

-Franklin D. Roosevelt

⁵ See NR 811.16(5) of the Wisconsin Administrative Code.

- Commuting. Where do residents in your community work? Are there sufficient economic opportunities in your community? Can residents meet basic needs - groceries, health care, post office, bank, etc. – or must they travel to adjacent communities for goods and services? If your residents commute elsewhere to work, are there intergovernmental impacts related to transportation, housing, or other Comprehensive Plan elements?

A Wisconsin Example

Created in 1992, the Columbia County Economic Development Corporation (CCEDC) is a non-profit organization made up of municipalities in Columbia County to coordinate economic development efforts. The corporation helps member communities attract and retain businesses, prepares grant applications, provides information about starting a business and about available commercial land and buildings, funds studies, and serves as a coordinator between employers and educators to help better train workers. For more information, contact CCEDC at:

 (608) 742-9696 or www.ccedc.com

Your community's Intergovernmental Cooperation Element could recommend creation of an economic development corporation or entity, or recommend ways to better work with an existing one.

Land Use

- Land use trends. How do the land use allocations in your community compare to those of neighboring communities? For example, is more land in your community devoted to residential or commercial use than in neighboring communities? Does your community have more buildable land or less than your neighboring communities? How has land use in your community changed over time? How does the price of raw land influence what is built on it? Is land in your community owned and managed by other governmental units, such as the U.S. Forest Service or Native American tribes? How does the number of building permits issued by your community compare with other communities?
- Projected land uses. Does your community's Land Use Element contain proposals that may impact other governmental units? For example, does it propose parks or residential uses for areas that are currently under town jurisdiction? Will, or could, these areas be annexed or transferred into your community as part of a boundary agreement or developed by the other jurisdiction? Similarly, are the land uses consistent and compatible across boundaries? Your Intergovernmental Cooperation Element can reference and describe agreements or cooperative processes designed to reach agreement.
- Ideas and values. Does your community's vision for land use differ from that of neighboring communities? Maybe your town wishes to remain agricultural while an adjacent community hopes to attract residential or commercial development. Maybe there are differences in design standards or density levels. Your community's Intergovernmental Cooperation Element can identify value differences between jurisdictions and include agreed-upon strategies to accommodate these differences.

Implementation

- How do the ordinances that your community will use to implement its Comprehensive Plan compare to the ordinances of neighboring communities? Do they conflict at the jurisdictional boundary? Do the ordinances of neighboring communities suggest different uses, lot sizes, setbacks, or design standards? Do they seek to accomplish different objectives or goals than yours?
- How do existing plan implementation tools such as intergovernmental agreements and capital improvement plans compare to implementation tools of neighboring communities?

TIP

Will other jurisdictions need to be involved in order for your community's Comprehensive Plan to be implemented? Your Intergovernmental Cooperation Element is the place to coordinate with other jurisdictions about the actions required to achieve your vision.



Chapter 3 Key Points:

- ⇒ Your community's Intergovernmental Cooperation Element need not be limited to boundary issues; it can, and should, address many other intergovernmental issues.
- ⇒ The Comprehensive Planning Law provides your community with the flexibility to address the issues that you feel are important. This means that each community's Intergovernmental Cooperation Element will be unique.

Chapter 4:

Content and Structure of Your Element

The Comprehensive Planning Law provides a general framework for the content of an Intergovernmental Cooperation Element. This framework requires coverage of the four components shown on the following page in the Comprehensive Planning Grant Program close-out form for the Intergovernmental Cooperation Element.

Communities that have been awarded a Comprehensive Planning Grant will need to certify that their Comprehensive Plan addresses the four components of the Intergovernmental Cooperation Element. Before receiving their final Comprehensive Planning Grant payment, communities need to complete the grant close-out form for all nine required elements by indicating page numbers where requirements are addressed.

Within the Comprehensive Planning Law's general framework for an Intergovernmental Cooperation Element, your community has a great deal of discretion on how to address the four subject areas, and how to organize and structure the element. There is no one "right way" to do an element. Instead, your community will need to find an approach that is most appropriate based on your own needs, circumstances, and resources.

TIP

Grant close-out forms detailing minimum statutory requirements for the other eight Comprehensive Plan elements are available at:

www.doa.state.wi.us/olis/complanning.

[asp](http://www.doa.state.wi.us/olis/complanning) or ☎ (608) 267-2707

TIP

Copying another community's Intergovernmental Element, or using 'boilerplate' language developed elsewhere, may not improve cooperation as much as original ideas and words. Learn and benefit from the experience of others, but be creative!

Statutory Requirements of the Intergovernmental Cooperation Element

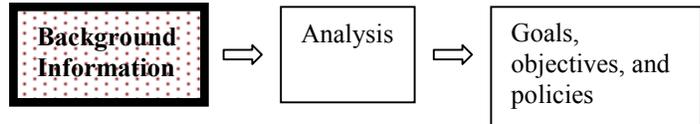
This Comprehensive Planning Grant Close-Out Form is used by OLIS to verify the minimum statutory requirements are met by recipients of a Comprehensive Planning Grant. Grant recipients complete the form indicating the page numbers where applicable information can be found in their plan.

1. A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions including:					
	Objectives	Policies	Goals	Maps	Programs
SCHOOL DISTRICTS FOR SITING AND BUILDING PUBLIC FACILITIES AND SHARING PUBLIC SERVICES					
Adjacent and other local govts. for siting and building public facilities and sharing public services					
2. Analyze the relationship of the local governmental unit to:					
SCHOOL DISTRICTS					
Adjacent local governments					
Region					
State					
Other governmental units					
3. Incorporate cooperative boundary plans and/or agreements to which the local governmental unit is party to under Ch. 66, Wis. Stats.					
4. Identify existing/potential conflicts between the governmental unit and other governmental units.					
EXISTING CONFLICTS					
Potential conflicts					
Describe the process to resolve conflicts.					

The following is a very basic 3-step approach for how your community could address these components and comply with the Comprehensive Planning Law. It is an example of how an element could be organized – not how it must be organized.

Step One: Background information

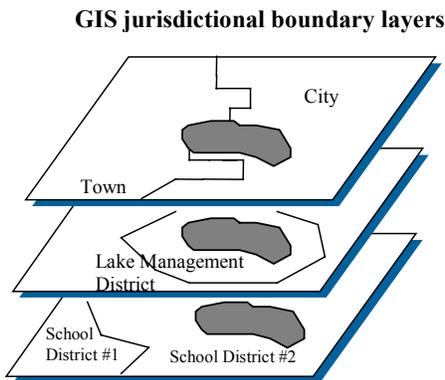
Background information is critical because it describes your community’s intergovernmental context. It sets the stage for the rest of the element by providing the basis for the element’s analysis and ultimate recommendations.



The following are types of information to consider including in your element. Keep in mind that the appropriate scope and extent of background information will vary depending upon the size of your community and the complexity of your regional setting.

TIP Background information may already have been collected as part of other Comprehensive Plan Elements. In these instances, your Intergovernmental Element can simply refer to the tables or maps presented elsewhere. Other governmental units, such as the state, your RPC, and your county can also provide background information on intergovernmental issues.

▷ Identification of governmental units that impact your community. What are the jurisdictions in your area? How does your community interact with them? Does cooperation already exist? Did these jurisdictions participate in your planning effort? GIS mapping technology is an effective way to show relationships between jurisdictions.



TIP
Where can our community find GIS data?

- Office of Land Information Services (OLIS)
- State and federal agencies
- GIS software companies such as ESRI
- Your county land information office (LIO)
- Private planning consultants
- Utilities
- Your RPC

▷ Identification and review of plans and agreements. What plans does your community have? What plans do other jurisdictions have? Do their plans impact your community? Are area plans consistent with one another? If not, then how are they inconsistent? Are there multi-jurisdictional plans or intergovernmental agreements that have been, or will be, developed?

▷ Identification of laws, ordinances, and regulations. Obviously state and federal laws have a tremendous impact on your community, but are there specific laws that affect intergovernmental cooperation in your region? Are your land use ordinances different from those of other area communities? For example, are there differences in the lot sizes or setbacks allowed by zoning ordinances? Since there are some instances where Wisconsin law allows ordinances from multiple jurisdictions to overlap and apply to the same parcel simultaneously, it is important to recognize existing and potential conflicts.

▷ Identification of policies. Does your community, or a neighboring community, have a particular policy that affects intergovernmental cooperation? For example, a neighboring municipality may have a policy prohibiting extending sewer or water service to residents of your community unless they annex. How anchored are you and your neighboring units of government to these policies? Might they be addressed in, and negotiated as part of, an intergovernmental agreement?

▷ Integration of other Comprehensive Plan elements. Do the other elements of your community's Comprehensive Plan identify intergovernmental issues? For example, does your Agricultural, Natural, and Cultural Resources Element identify resources that cross municipal boundaries or that are jointly managed? Does your Utilities and Community Facilities Element identify shared facilities and services, or opportunities to do so? A good idea might be to organize the intergovernmental issues that you identify elsewhere in your Comprehensive Plan into a table or summary.

TIP

Towns, cities, villages, counties, RPC's and the state are all statutorily authorized to develop plans. Examples of the different types of plans that may exist for your area are:

- Comprehensive Plans
- Land use plans
- Highway corridor plans
- Sewer service area plans
- MPO plans
- County forest plans
- Economic development plans
- Farmland preservation plans
- Consolidated housing plans required by HUD
- Solid waste management plans
- Stormwater management plans
- Park & open space plans
- Neighborhood plans
- Plans developed as part of boundary agreements
- WisDOT multi-modal plans

▷ Identification of trends. Are there trends identified in your Issues and Opportunities Element that are intergovernmental in nature? For example, are there demographic differences between your community and neighboring communities that impact housing, services, etc.? Are land uses changing in a way that affects you or your neighbors?

TIP

Demographic information will already be included as part of your Comprehensive Plan's Issues & Opportunities Element. Your Intergovernmental Cooperation Element could simply reference the information that relates to intergovernmental issues.

▷ Identification of conflicts. What are the opportunities for cooperation? What are the existing or anticipated conflicts between jurisdictions?

Step Two: Analysis

Background information that you collect is valuable because it helps your community understand its intergovernmental context. It is valuable to the extent that it reveals issues, relationships, successes and conflicts. It is important that your Intergovernmental Element go beyond just presenting information. Don't stop there! Your element should recommend actions to improve intergovernmental cooperation that are acceptable to your neighbors and feasible to implement.



The analysis step is where you link your background information to the actions that you ultimately recommend. The analysis should include an assessment of the current situation and alternatives for addressing the identified needs and conflicts. Questions your community might ask are:

Assessment

- What are the primary issues that emerge from the element's background information?
- Can these issues be ranked by importance, urgency, or need?
- What is the timeframe for addressing these issues?
- What are the resources available?
- What is the capacity of your community or another jurisdiction(s) to address the particular issue?
- Are there issues for which additional expertise or resources will be needed?
- Who will represent governmental units and other stakeholders?
- What processes will be used to address these issues? How will decisions be made?

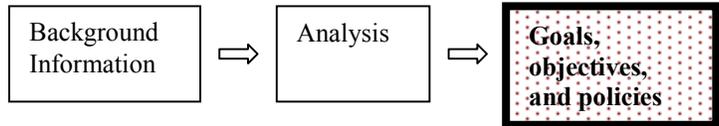
Alternatives

- What alternative courses of action are available to address issues?
- What are the advantages and disadvantages of these alternatives?
- How will your community decide upon an alternative or suite of alternatives?

Step Three: Goals, objectives, and policies for cooperation

The Comprehensive Planning Law describes the Intergovernmental

Cooperation Element as a *compilation of objectives, policies, goals, maps, and programs for* intergovernmental cooperation. The items that your element ultimately recommends should logically draw from the background information and analysis. Your recommended actions will guide your community's interactions with other governmental units and the decisions that you make.



TIP ~~123~~ Some Definitions

Goal = a desired state of affairs to which planned effort is directed.

Policy = a general rule for action focused on a specific issue, derived from more general goals.

From Growing Smart Legislative Guidebook by the American Planning Association (1998).

Objective = a goal or end toward the attainment of which plans and policies are directed.

Plan = a design which seeks to achieve agreed upon objectives.

Program = a coordinated series of policies and actions to carry out a plan.

From A Development Plan for Waukesha County, Wisconsin (1996) by SEWRPC.

An example of an intergovernmental goal, objective, and policy might be:

Goal: Establish mutually-beneficial intergovernmental relations with other jurisdictions.

Objective: Establish effective intergovernmental land use policies within the extraterritorial jurisdiction area.

Policy: Within the next two years, adopt cooperative boundary agreements with all surrounding towns describing agreed upon jurisdictional boundaries, land uses and service levels within the city's extraterritorial jurisdiction area.

It is important that the goals, objectives, policies, programs, and maps that your community ultimately recommends in its element be:

1) **Specific** – What will be done, how, by whom, and when? Be concrete. It is easy to recommend actions that are general and benignly positive. However, by being detailed, your community will be in a better position to evaluate the success of your intergovernmental efforts. You will know what worked, what didn't and why, and what adjustments should be made in subsequent plan updates.

TIP

Make sure that the recommended actions of your Intergovernmental Element are coordinated with, and reflected by, the Implementation Element of your Comprehensive Plan.

2) **Internally Consistent** – Recommended actions for intergovernmental cooperation should be consistent with those of your community's other Comprehensive Plan elements.

3) **Externally Consistent** – Goals, objectives, and policies for intergovernmental cooperation should also be consistent and coordinated with those of neighboring communities, other governmental units in the area, the region, and the state.



Chapter 4 Key Points:

⇒ The Comprehensive Planning Law provides a general framework for the content of an Intergovernmental Cooperation. How to address the four components that comprise this framework is left to your community's discretion.

⇒ The goals, objectives and policies your Intergovernmental Cooperation Element ultimately recommends should logically draw from your background information and analysis.

Chapter 5:

Cooperating with Planning

Cooperating with planning may be the most effective way for your community to cooperate with neighboring communities and other governmental units. It can be an opportunity to collectively identify issues, brainstorm ideas, and reach consensus about what to do. It is a chance to address issues before decisions have been made and before development activities occur that may limit future solutions. Cooperating with planning provides opportunities for jurisdictions to be proactive rather than reactive.

TIP

Authority for planning is found in the Wisconsin Statutes at:

- Chapter 66 (the Comprehensive Planning Law) (RPCs)
- Chapter 62 (Cities)
- Chapter 61 (Villages)
- Chapter 60 (Towns)
- Chapter 59 (Counties)

Because there are so many kinds of intergovernmental issues (see Chapter 3) and so many different types of jurisdictions (see Chapter 2), the extent to which communities can cooperate with planning is unlimited. This chapter provides some cooperation ideas, ranging from simple, common-sense suggestions such as listening to more involved processes like joint planning.

 **Pay attention to people.** Jurisdictions are made up of people. This seems obvious, but it's something to keep in mind every time you interact with neighboring municipalities and other governmental units. Like people everywhere, your neighbors have ideas, hopes, and dreams about their own future and that of their community or governmental organization. The communities that are most successful at intergovernmental cooperation spend time getting to know these people and their values, motivations, skills, personalities, and communication styles. Successful communities recognize that cooperation takes all kinds of people and personalities – leaders, followers, dreamers, big-picture people, detail-oriented people, one-issue people, promoters, optimists and pessimists (pessimists are good at spotting trouble points). The most successful communities treat people with respect even when there are disagreements and setbacks. They strive to keep disagreements centered on the issue rather than becoming personal.

A Wisconsin Example

The City of Waupaca knows the importance of human relationships. According to Henry Veleker, the City's Administrator, positive relationships don't just happen - you have to work at them.

"Intergovernmental cooperation can be like a marriage. Sometimes it's hard, but you have to keep working at it, keep putting energy into it." Veleker says that there are 6 keys to effective intergovernmental cooperation:

- Account for elected official stability factor. Stability allows time for relationships to develop and positive experiences to happen. Should an election result in newly elected officials, you'll need to devote considerable time getting these people engaged and up to speed.
- Start small. Cooperate first with things that you know you can agree on, such as services, then move onto more difficult problems.
- Start with informal cooperation. Use it to build the foundation for more formal arrangements.
- Use other staff assistance. In Waupaca's case, staff from East Central Regional Planning Commission (ECWRPC) and UW-Extension have helped to facilitate cooperation.
- Listen! Be a good listener.
- Guts! It takes courage to think about, and suggest, new ways to do things.

The City of Waupaca now cooperates with its neighbors and other jurisdictions with regard to fire protection, ambulance service, recycling, recreation, wellhead protection, animal control, public library services, land use planning, and stormwater management.



Listen. When we think of communicating, our first thought is often the active part – talking. But equally important is the passive part – listening. Listening is especially important in Wisconsin because our state has so many jurisdictions. There will be many different ideas and perspectives your community will need to hear and consider.



"We have two ears and one mouth so that we can listen twice as much as we speak."

- Epictetus (Greek Philosopher, 55-135 A.D.)



Participation of other jurisdictions.

Invite other jurisdictions to participate in your community's Comprehensive Planning process. Ask them to serve on a plan advisory committee or a technical workgroup or to help with specific tasks such as providing data and maps or facilitating between your community and other jurisdictions. Include them on mailing lists for newsletters and other planning-related mailings and invite them to planning meetings, workshops, presentations, listening sessions, and hearings. In turn, accept similar invitations from your neighbors as they prepare their own Comprehensive Plans. **DON'T WAIT FOR AN INVITATION.** It may not occur to your neighbors to invite you, or they may forget. Keep in mind that governmental meetings are open to the public. This means that you may attend and participate – and should do so. Showing up will let your neighbors know that you are interested.

A Wisconsin Example:

To assist with creating the *St. Croix County Development Management Plan* (2000), the county invited state and federal jurisdictions to serve on a technical advisory committee, including the National Park Service, U.S. Fish & Wildlife Service, Minnesota/Wisconsin Boundary Area Commission, WisDNR, WisDOT, and Lower St. Croix River Planning Commission. This technical committee raised issues that otherwise may not have been considered or known.

Including other jurisdictions in your planning process greatly improves the amount and quality of intergovernmental communication. It helps ensure that issues are identified and talked about early on and throughout your planning effort, and increases the likelihood for ultimately reaching consensus. Your Intergovernmental Cooperation Element can identify those jurisdictions that already participate and those that should participate in the future.

Coordinate with a neighboring community(ies) to develop your Comprehensive Plans simultaneously. Facing issues of mutual concern at the same time provides opportunities for coordination and improved efficiency.



Provide plan drafts to your neighbors and other jurisdictions.

The Comprehensive Planning Law already requires that your community provide plan drafts and proposed plan amendments to certain jurisdictions (see box). However, it is a good idea to also share drafts with all of the other jurisdictions that affect your community. For example, if your community contains national forest lands, then you could send a draft to your U.S. Forest Service district office.

The Law

The Comprehensive Planning Law requires that your community provide plan drafts and proposed plan amendments to:

- Every governmental body that is located in whole or in part within your boundaries
- Every local governmental unit that is adjacent to you
- The Wisconsin Land Council
- Your RPC
- The public Library serving your area

See §66.1001(4)(b), Wis.Stats.

In many cases, issues addressed in, or parts included in a Comprehensive Plan may

fulfill federal or state agency requirements. For example, the information in your Housing Element can also be used in a *Consolidated Housing Plan* required by the U.S. Department of Housing and Urban Development (HUD). By sending drafts to, and otherwise including, federal or state agencies in your planning process, it is more likely that certain requirements can be met simultaneously.

 **Meet regularly.** Meeting regularly with your neighbors and the other governmental units that impact your community allows for continuous exchange of planning information and ideas and is an opportunity to develop relationships. These regular meetings could continue even after your Comprehensive Plan is developed. For example, your Intergovernmental Cooperation Element could recommend holding two meetings per year with your neighbor, with one meeting held in the spring and hosted by your community and the other held in the fall and hosted by your neighbor.

Many planning and intergovernmental issues will not require their own separate meeting but can be dealt with as a single agenda item within a larger meeting. This means that it may be possible for your community to “piggyback” onto a meeting that has already been scheduled. Working to reduce scheduling, travel, and time commitments may by itself improve intergovernmental relationships because it shows that you are concerned about the time and convenience of others.

 **Use governmental associations.** An association of area jurisdictions can provide a forum to meet and talk about planning and intergovernmental issues and to get to know one another. An association that meets regularly even after a Comprehensive Plan has been developed can help implement the plan and discuss conflicts that

TIP

Open Meetings Law

Efforts to improve the efficiency of intergovernmental meetings and communication will need to comply with Wisconsin's *open meetings law* (see §§19.81-19.98, Wis.Stats.). This law requires (subject to exceptions) that governmental units and all their committees, commissions, and boards provide the public with prior notice anytime that representatives gather to discuss jurisdictional matters. For more information about the open meetings law, contact your corporation counsel, district attorney, or municipal attorney. See also:

- *Open Meeting Law Fact Sheet* (1999), by UW-Extension Local Government Center, ☎ (608) 262-9960 or www.uwex.edu/lgc
- *Wisconsin Open Meetings Law: a Compliance Guide* (2001), by the Wisconsin Department of Justice. ☎ (608) 266-1221 or www.doj.state.wi.us

A Wisconsin Example

The Mid-Moraine Municipal Association was founded in the late 1950s and consists of fifteen cities and villages in Ozaukee and Washington Counties. Dinner meetings are hosted by member communities at locations of their choosing. The association's purposes are to exchange information and resource materials, discuss problems and mutual concerns, influence other governmental units to be more responsive to the needs of the association's members, and to stay informed about, and influence, relevant state legislative matters.

may arise. Associations can also be used to more effectively interact with state and regional governmental entities. If your community does not belong to an existing association, your element may explore joining one.

 **Share information and data.** Developing a Comprehensive Plan requires information and data such as demographics, housing, economic conditions, soils, land use, municipal boundaries, zoning, topography, sewer and water facilities, environmental corridors, wetlands, shorelands and floodplains, and roads.

Because collecting or creating original information can be very expensive, it is important to communicate with other jurisdictions about your data needs. In doing so, your community may discover existing data that can be accessed for free or at a much lower cost. Other advantages are:

- Increased chance for reaching consensus on what the issues and conflicts are, since everyone is relying on the same information.
- Ability to get hard-to-collect information. For example, if your community's Land Use Element addresses areas beyond your current municipal boundaries, you may need to get information from that particular municipality, county, or RPC.
- Collecting, analyzing, and maintaining information can be an opportunity for ongoing intergovernmental cooperation – not just a one-time activity.

TIP

The compatibility of data is an important issue, particularly with *Geographic Information Systems (GIS)*. 'Compatibility' means that your community's data can be integrated and used with the data of others. Lack of compatibility means that data is not used as widely and efficiently as it can be. It may even mean wasted time and effort. See page 20 for GIS data sources.

 **Conduct joint educational efforts.** Because Comprehensive Planning is new to many communities, education may be a critical component of your community's planning effort. Education should include elected officials, staff, citizens, and interest groups. It may include intergovernmental issues such as the importance of and techniques for cooperation, and the different roles and authorities of various types of governmental units in Wisconsin. Education activities could happen through speakers, newsletters, web sites, tours, etc. Could your community and your neighbors

TIP

Cooperating to provide education about intergovernmental issues has a number of benefits:

- Ensures that area residents receive consistent information, no matter what their jurisdiction.
- Saves costs by pooling resources, resulting in more education for less money.
- Helps residents to understand the importance of cooperation and builds support for the actions that your element ultimately recommends.
- Is an opportunity for communities to work together.

share the time and costs of educational activities?



Contract with other jurisdictions. Your community could contract with staff from a neighboring community or other jurisdiction - such as your county or RPC - in order to help you develop your plan or a part of your plan. This can save money, help ensure consistency, and also take advantage of special expertise. For example, maybe staff from a neighboring community has experience conducting historical resource surveys. Contracting with this community to help with your Agricultural, Natural and Cultural Resources Element could save your community time and money and also result in a better element.

TIP

Cooperating with your County and RPC

The Comprehensive Planning Law includes counties and RPCs. Your county or RPC may have already developed a plan or be in the process of developing a plan. There are a number of advantages to your community coordinating its planning efforts with your county or RPC:

- **Broader scope.** Because your RPC includes hundreds of municipalities and governmental units, and your county includes dozens, they can provide a broader perspective to your community's planning effort and show how local issues impact regional issues.
- **Technical expertise.** RPCs and counties can provide information on population, income, age, race, households, commuting and employment patterns, housing choices and affordability, land uses and trends, significant wildlife and natural features, soils information, historic and cultural resources, and community facilities such as sewer and water service, streets and highways, airports, rail infrastructure, and parks. Access to information is one of the many benefits to being a member of your RPC.
- **Expertise with Intergovernmental matters.** Improving intergovernmental cooperation is one of the functions and purposes of RPCs. RPC staff (and county staff too) understand, and can help explain, the powers and statutory relationships between the different types of governmental units, and can help facilitate and/or mediate discussions and agreements between jurisdictions.
- **Consistency.** Coordinating with your RPC and county can help ensure that your plan is consistent with the plans of neighboring communities (known as 'horizontal consistency'). It can also ensure that your community's plan is consistent with the plans, programs, and policies of regional, state, and federal governmental entities (known as 'vertical consistency').



Develop a joint planning area. Your community and your neighbor could develop separate Comprehensive Plans but plan jointly for certain areas of

common interest, such as where boundaries coincide or where regulatory authority overlaps. A joint planning area could range in size from hundreds of acres to a few parcels. It could be developed as part of your community's Comprehensive Planning effort or something that your Comprehensive Plan recommends for the future to address a particular issue. Joint planning areas are often formalized by an intergovernmental agreement (see Chapter 6, Section D).

A Wisconsin Example

The City of Marshfield and Town of Cameron have created a 300 acre Joint Planning Area (JPA). Designed to ensure that the land uses in this area will be compatible with both the city and the town, this planning area was formalized in a cooperative boundary agreement using section §66.0307, Wis. Stats. The agreement created a committee to govern the JPA consisting of three representatives from the City and three from the Town. The committee meets at least once a month and is responsible for preparing a plan and zoning map for the area, approving building permits, reviewing proposed land divisions, and reviewing and recommending changes to traffic regulations in the area.



Promote multi-jurisdictional plans. Your community could develop a single plan jointly with a neighboring community and other governmental units. You could develop a single plan together with any combination of cities, villages, counties, and towns, and could include the participation of school districts, special purpose districts, RPCs, MPOs, and other governmental units.

There are a number of good reasons for your community to organize or take part in a multi-jurisdictional planning effort, including:

TIP

Multi-jurisdictional plan: For purposes of this grant, a multi-jurisdictional plan means two or more local governmental units participating in the development of a single comprehensive plan that covers the jurisdictions of those local governmental units which is adopted separately by each unit under s. 66.1001, Wis. Stats. A county comprehensive plan is a multi-jurisdictional plan if two or more local governmental units located in the county participate and adopt the plan. For example, a multi-jurisdictional plan at a minimum would include a county and two local governmental units; a regional planning commission and two additional local governmental units; a town and a village; a town and a city, etc.

From the Comprehensive Planning Grant Manual (FY 2002).

See OLIS' web site at www.doa.state.wi.us/olis or

☎ (608) 267-2707.

▷ Three benefits under the Comprehensive Planning Grant Program:

- Increased chance of being awarded a Comprehensive Planning Grant.
- An additional 10% in the total grant award amount.
- Additional time to develop and adopt the plan.

- ▷ Easier implementation. Jointly developing a plan means that communities will reconcile their differences at the planning stage as opposed to later on during plan implementation. The joint plan can lead to easier implementation because all the communities involved have a stake in its success.
- ▷ Cost savings. Jointly developing a plan means that communities can share the costs of planning staff, gathering information, developing data, conducting citizen surveys and newsletters, purchasing computer equipment and software, and printing and distributing copies of the plan, among other things. Multi-jurisdictional planning allows some communities to develop a plan when they could not otherwise afford to.
- ▷ Ongoing cooperation. Implementation, revision, and periodic update of a multi-jurisdictional plan provides an ongoing forum for communication and cooperation.
- ▷ Broader plan ownership. Developing a multi-jurisdictional plan can unify communities and jurisdictions. By involving other communities in a single planning effort, the resulting plan becomes everyone's plan, and communities who might otherwise have been critics turn out to be advocates.

The Comprehensive Planning Law is flexible and allows for many different combinations of multi-jurisdictional plans. For example, a multi-jurisdictional plan could include:

- a town and a village
- a town, a city, and a Native American tribe
- a group of areawide towns, cities, and villages
- a county and some, or all, of its cities, villages, and towns
- an RPC and some, or all, of its cities, villages, and towns

Using a county as an example, the following are some of the different approaches that a multi-jurisdictional planning effort could take:

- A county and all of its towns, cities, and villages could agree to develop one overall county plan that will be adopted by each municipality as its own plan, so that the county and all of its municipalities are working from the same plan.

A Wisconsin Example

Burnett County Land Use Plan (1998):
 Developed by the county with input and cooperation from its towns. Although it is a county plan, it is specific enough to each town that towns consider it to be their plan as well.

- A county could assist its towns, cities, or villages to develop individual Comprehensive Plans which would then be stitched together to form the county Comprehensive Plan. Under this approach, a county could provide its municipalities with information and technical expertise and could help to coordinate individual plans to promote overall consistency.

A Wisconsin Example

Rock County Comprehensive Development Plan (1975-current): With the assistance of County planning staff, almost every town to Rock County has developed a land use plan. Taken together, these town plans constitute the County's land use plan.

- A county could develop a county Comprehensive Plan - with county-wide data, maps, trends, and general goals - and its member towns, villages, and cities could develop individual Comprehensive Plans on their own that are more detailed and specific. These individual plans would be based on, and consistent with, the county plan. Under this approach, a county could provide information and technical expertise to municipalities and help ensure that municipal plans are consistent with the larger county plan. Consistency could be use of the same information, planning goals, development standards, benchmarks, etc.

A Wisconsin Example

A Development Plan for Waukesha County (1996): This plan coordinates other regional functional plans (transportation, agriculture, watersheds, etc.) and develops a framework of county-wide goals, policies, and objectives. To help municipalities develop individual plans that conform to the county plan, Waukesha County has created a 50% cost-sharing program.

If your community decides to participate in a multi-jurisdictional planning effort, it is a good idea to agree up front about major aspects of the arrangement. Who will lead the effort? How will costs be split? How will decisions be made? Who will serve on the advisory committee(s)? What role will the committee(s) play? Who will manage consultants? Who will facilitate and organize meetings? Who will write and distribute newsletters? Who will print and distribute plan drafts and final plan documents? To avoid misunderstandings, document the answers to these detailed questions. This could be done with an intergovernmental agreement, a memorandum of understanding (MOU), or an approved resolution.

TIP

For multi-jurisdictional planning efforts that are awarded a Comprehensive Planning Grant, an approved resolution to develop, and the intention to adopt, a Comprehensive Plan is required from each participating unit of government.

 **Create a library of planning materials.** Your community could develop a library of the Comprehensive Plans of neighboring jurisdictions, or you could coordinate with area communities to create one library used by all. The library could include a collection of planning materials, including ordinances, studies, reports, and other documents. Having a planning library provides your community with ready access to the specific planning goals, objectives, policies, and implementation tools of area communities.



Chapter 5 Key Points:

- ⇒ Cooperating with planning is one of the best ways to improve intergovernmental cooperation. It can be an opportunity to collectively identify issues, brainstorm ideas, reach consensus, and base decision-making on a broader perspective.

- ⇒ Pay attention to personal relationships when you deal with other jurisdictions. Good communication and positive relationships don't just happen – you have to work at it.

- ⇒ Your efforts to cooperate with other jurisdictions about planning can be described in your Intergovernmental Cooperation Element – both the cooperation that occurred as part of developing your Comprehensive Plan and also the cooperation ideas that are recommended for the future.

Chapter 6:

Implementation Tools

Implementation tools are the specific means by which your community can accomplish your Comprehensive Plan's goals, objectives and policies. Implementing your Comprehensive Plan is important because achieving results is the essential reason for developing a plan. Implementing your plan maximizes the return on your planning investment and can result in citizens supporting future planning efforts. It is important to keep in mind that your Comprehensive Plan is the result of community-wide participation, vision, and probably compromise. Implementation ensures that your community's intentions and desires are followed.

It is important that your community closely connect your implementation tools to your Comprehensive Plan.

Your plan will guide your implementation efforts and determine what it is that specific tools, such as zoning, are intended to accomplish. Implementation will be easier if issues have already been resolved at the planning stage. For example, applying a zoning ordinance will be much easier for your community, and much less likely to upset neighboring communities and other jurisdictions, if potential zoning issues have already been identified and worked through as part of your Comprehensive Plan.

TIP

Implementation tools are what your community will use to accomplish your Comprehensive Plan recommendations. The Comprehensive Planning Law requires that by 2010 local government activities that affect land use must be consistent with your community's Comprehensive Plan. Some of these activities are plan implementation techniques. Examples are:

- Zoning
- Land division regulations
- Official maps
- Intergovernmental Agreements
- Sharing staff and equipment
- Sharing revenue
- Annexation
- Incorporation
- Detachment
- Consolidation

These, and others, are described in more detail in this chapter.

Historically, planning and plan implementation in Wisconsin have not been directly connected. However, the Comprehensive Planning Law has changed this in a number of ways.

- The law requires that communities develop an Implementation Element to describe all of the specific tools, programs, and actions that will be used to implement your Comprehensive Plan.⁶ By requiring specificity, the Implementation Element will ensure that everyone will know what is expected, when, how, by whom, and later on, whether or not you were successful. Your community's Intergovernmental Cooperation Element will need to be coordinated with your Implementation Element to ensure that the tools recommended for intergovernmental cooperation are consistent with those recommended to implement your other Comprehensive Plan elements.
- The Comprehensive Planning Law requires that communities adopt their plans by ordinance.⁷ Prior to the law, many communities did not formally adopt their plan or adopted only a portion of their plan. This often resulted in confusion over whether the plan was guiding decisions and reflecting the desires of community residents and leaders.

This chapter is broken into four sections that describe a variety of approaches, tools, and ideas that your community can utilize in your element to implement your element's recommendations and improve cooperation between jurisdictions. The sections are:

- A. Cooperating with Services
- B. Cooperating with Regulations
- C. Cooperating by Sharing Revenue
- D. Cooperating with Boundaries

However, before addressing techniques specific to these intergovernmental issues, the following are just a few ideas for improving intergovernmental cooperation in general.

 **Distribute an annual cooperation update.** Your community could develop an annual intergovernmental cooperation report, such as a newsletter, to share with neighboring communities, area residents, stakeholder groups, regional and state jurisdictions, state legislators, and the media. You could acknowledge that year's cooperation results and show benefits. You could also describe the projects and issues that will be tackled in the upcoming year. An annual report acts like a to-do list, letting residents, elected officials, and staff in your community, adjacent communities, and other governmental units know what's expected, what's being achieved, and what remains to be done. It can be a

⁶ §66.1001(2)(i), Wis.Stats.

⁷ §66.1001(4), Wis.Stats.

good way to publicize cost and resource savings and recognize citizen contributions.

 **Use a diversity of strategies.** Intergovernmental issues and conflicts are frequently complex and may need to be approached from a variety of angles using more than one implementation tool - one alone may not do it. For example, a boundary conflict might be resolved using a boundary agreement, a revenue sharing agreement, extraterritorial zoning, and also an agreement on how services will be provided to the conflict area.

 **Take advantage of opportunities that pop up.** Keep in mind that using one tool may lead to other chances for cooperation. For example, jointly operating a garage with your neighbor to repair and maintain municipal vehicles might lead to consolidating your police departments, which then might lead to discussion of consolidating other services, which might ultimately lead to talk of consolidating jurisdictions. Other opportunities to watch for are a government mandate to provide a particular service or a certain level of service, turnover or retirement of elected officials and staff, friendship between community leaders, a crisis.

 **Make intergovernmental cooperation part of staff job descriptions.** If applicable, include in the 'Community Planner' position description, or within the contract for planning consulting services, a provision that the individual or consultant will be responsible for promoting intergovernmental cooperation. Because the individual is being specifically evaluated on intergovernmental cooperation, it is likely that he or she will make cooperation more of a priority and that your community will get better results implementing your element's recommendations.

A Wisconsin Example

In 1995, the North Shore Fire District (NSFD) was created from the previously independent fire departments of Bayside, Brown Deer, Fox Point, Glendale, Shorewood, Whitefish Bay, and River Hills in Milwaukee County. Consolidation of fire protection services was attempted at least 3 times previously. Success was ultimately due to several opportunities and factors, including:

- Decision by the City of Milwaukee to no longer provide mutual aid to surrounding communities.
- New state 911 emergency dispatch requirements
- 2 major apartment fires which would likely have been contained with more coordinated and timely response from neighboring communities.
- Smaller communities' lack of staff and equipment to respond to larger fires.
- Use of a neutral facilitator
- Staff turnover



Chapter 6 Key Point:

⇒ Your community's Comprehensive Plan is a policy document that guides implementation tools such as zoning. It determines what it is that these tools are intended to accomplish.

A. Cooperating with Services

Public officials find themselves in the increasingly difficult position of being asked to provide more services in an environment of shrinking federal and state aid, and local pressure to reduce taxes.

New services, as well as those with a long history, are being scrutinized to find better and more efficient delivery methods.

Because of the potential cost savings, efficiencies, and other improvements that are possible from cooperatively providing services, the idea of cooperation is experiencing a renaissance.

TIP

There are a number of ways a municipality can deliver a service:

- Provide the service itself using the municipality's own equipment and staff.
- Contract with the private sector to provide the service.
- Cooperate with other municipalities and governmental units to provide the service.

Many of Wisconsin's governmental entities already cooperate to provide services. Responses from a 1997 survey by the Wisconsin Legislative Audit Bureau indicated that 75 percent of all local governments participate in one or more cooperative service agreements. A 2001 survey by the Wisconsin Towns Association shows that intergovernmental cooperation by Towns may be even greater.

Relative to other intergovernmental issues, cooperating with services may be the easiest area that your community and another jurisdiction(s) can agree on. It can be a chance to build a base of success and positive feelings from which more challenging intergovernmental projects can be undertaken. It can be a good place to start your intergovernmental efforts.

TIP

For more specific information about cooperating with services, see the UW-Extension Local Government Center's:

- *Sharing Government Services: A practical guide* (1998)
- *Alternatives for the Delivery of Government Services* (1998)

☎ (608) 262-9960 or www.uwex.edu/lgc

The Comprehensive Planning Law requires that your Intergovernmental Cooperation Element address the issues of shared services.⁸ Your element can inventory past and current cooperation efforts with services, and can identify future needs and opportunities. It can also describe your community's goals, objectives, and policies for cooperating with services and what your community hopes to achieve through these arrangements. Other Comprehensive Plan elements might describe services in great detail. For example, your Transportation Element might address the specifics of a shared road maintenance arrangement. However, your Intergovernmental Cooperation Element can be the place to reference and coordinate all of the intergovernmental cooperation activity with services.

⁸ See §66.1001(2)(g), Wis.Stats.

What services can be shared, and who can share them?

Wisconsin law provides communities with tremendous flexibility and opportunity for creativity. Towns, cities, villages, counties, state and federal agencies, Native American Tribes, and all other governmental units for:

A Wisconsin Example:

The Town of Sannborn, in Ashland County, cooperates with the Bad River Tribe to remove beaver dams that cause flood damage to area roads.

- ✓ Planning
- ✓ Ordinance enforcement such as zoning, land division, building code, traffic, etc.
- ✓ Police protection
- ✓ Fire protection
- ✓ Emergency medical response
- ✓ Hazardous materials response and rescue services
- ✓ Dispatch systems for police, fire, and emergency medical services
- ✓ Employee services, such as building inspectors, clerks, attorneys, mechanics, engineers, assessors, zoning administrators, and planners.
- ✓ Recycling, landfills, solid waste collection
- ✓ Road and street construction and maintenance, including snow removal, mowing, patching, signage, and grading.
- ✓ Property tax collection
- ✓ Employee pension pools
- ✓ Liability insurance pools
- ✓ Street cleaning
- ✓ Court and parole supervision
- ✓ Tax collection
- ✓ Buildings for meeting space, storage, administrative offices and equipment, etc.
- ✓ Libraries
- ✓ Economic development
- ✓ Recreational programs and facilities
- ✓ Maintenance of grounds, vehicles, buildings, etc.
- ✓ Transit systems
- ✓ Stormwater Management
- ✓ Acquisition of parks and open space
- ✓ Housing
- ✓ Animal control
- ✓ Emergency management
- ✓ Public health
- ✓ Historical resources
- ✓ Elections
- ✓ Mapping
- ✓ Cemeteries
- ✓ Airports
- ✓ Training personnel
- ✓ Cooperative purchasing
- ✓ Purchasing and owning equipment
- ✓ Sewer and water

What are ideas for how to cooperate with services?

 **Voluntary assistance.** Your community, or another, could voluntarily agree to provide a service to your neighbors because doing so makes economic sense and improves service level. For example, many police and fire departments in Wisconsin have *mutual aid* agreements with the departments of neighboring communities. These agreements provide that in the event of an emergency, the departments will assist one another to the extent necessary. Over time, these mutual aid agreements benefit everyone.

 **Trading services.** Your community and another could agree to exchange services. You could exchange the use of different pieces of equipment, or equipment for labor, or labor for labor. For example, many towns in Wisconsin coordinate the snowplowing of town line roads so that each town does one side of the road, rather than turning their plows around needlessly and backtracking. Other municipalities maintain dead-end roads or pieces of road that are logistically easier for another municipality to plow.

A Wisconsin Example:

In exchange for snowplowing some of the Town of Medary's roads (in La Crosse County), the Town of Barre uses Medary's ballot counting equipment at election times.

 **Renting equipment.** Your community could rent equipment to, or from, neighboring communities and other governmental units. Renting equipment can make sense for both communities - the community renting gets the use of the

A Wisconsin Example

The Town of Vienna in Dane County conducted a formal equipment inventory survey of all Dane County towns. This survey provided Vienna with information on the types of machinery existing in the area and helped the Town make decisions about whether to purchase or rent.

equipment without having to buy it, and the community renting out earns income from the equipment rather than having it sit idle. To determine whether a particular piece of equipment exists in your area and is available for rent, you could send out a formal survey, advertise in your annual cooperation update, or just call around.

 **Contracting.** Your community could contract with another community or jurisdiction to provide a service. For example, you could contract with an adjacent town or village to provide police or fire protection, or you could contract with the county for service in addition to that already routinely provided by the county sheriff's department. Another example is contracting with your county planning department for assistance with developing a Comprehensive Plan.

A Wisconsin Example

The City of Green Bay purchases water from the Town of Scott Sanitary District for use in certain eastern portions of the city.

 **Routine county services.** Some services are already paid for through taxes or fees. Examples are police protection services from the county sheriff's department, county zoning, county public health services, and county parks. Your Intergovernmental Cooperation

A Wisconsin Example

The Towns of Doty, Lakewood, Mountain, Riverview and Townsend in northern Oconto County worked with the Oconto County Sheriff's department to develop a satellite office in the northern part of the county. This office enables the sheriff's department to provide the 5 northern towns with better service than before. These towns help pay the costs of the building and equipment based on equalized value.

Element could identify areas where improvements are needed and could recommend ways to cooperatively address them.



Sharing municipal staff.

Your community could share staff with neighboring communities and other jurisdictions – both municipal employees and independently contracted professionals. You could share a building inspector, assessor, planner, engineer, zoning

administrator, surveyor, accountant, drivers, mechanics, grounds crew, etc. Sharing staff has numerous advantages, including:

- Improving communication between jurisdictions (because shared staff can cross-pollinate information and ideas).
- Saving costs, including salary and fringe benefits, administration, and training⁹ expenses.

A Wisconsin Example

The Village and Town of Rochester in Racine County share a municipal building and a clerk. The clerk, Betty Novy, spends part of her week in the building's east end working on village matters and part of her week in the building's west end working on town matters.

It is important to keep in mind that sharing staff may involve union issues.¹⁰



Consolidating services.

Your community could agree with one or more other communities or governmental units to provide a service together. Consolidating services is frequently done to provide fire protection service. This is evident from the fact that Wisconsin has 1,850 cities, villages, and towns, but only 863 fire departments.¹¹ Consolidation can make a particular service feasible when it otherwise might have been cost-prohibitive or inefficient.

Some tips for consolidating services are:

- Strong political leadership is needed to build community support for consolidation.
- Use a neutral facilitator so that smaller communities will not feel coerced by larger ones.
- Involve current staff. It is much easier to implement a new department when current staff is comfortable with how it will happen.
- Set service goals. Improved services are usually a major reason for consolidation. Setting measurable goals allows success to be gauged.

⁹ Given the growing complexity of operating and maintaining technical equipment, decreased training costs (or more training at the same cost) is one of the greatest benefits of sharing staff.

¹⁰ A potential union issue could be differences in work hours or it could be a contract clause that prohibits a municipality from using staff from a non-unionized municipality. However, according to the American Federation of State, County, and Municipal Employees (AFSCME), union issues have not typically hindered staff sharing. Where there are differences in union contracts, these can be renegotiated.

¹¹ *Alternatives for the Delivery of Government Services* (1998), by the Local Government Center, UW-Extension, pg. 7.

- Create a new identity. Things such as new uniforms, logos, letterheads, badges, or new work rules signify a fresh start and help the consolidated office begin to function as a team.
- Set up an oversight team to monitor the new service outcomes.

A Wisconsin Example

In 1995, the villages of Kimberly and Little Chute consolidated their police departments. The new department chose new badges, uniforms, and a new name - the *Fox Valley Metro Police Department*. Operations were moved to the Little Chute Public Safety Building. The former police headquarters in Kimberly were closed and reopened as a senior center. The consolidation resulted in better service (including more specialized staff and expanded community relations activities), increased crime reporting, and decreased violent crime.

 **Joint use of a facility.** Your community could use a public facility along with another jurisdiction(s). The facility could be jointly owned or one jurisdiction could rent space from another. Examples of facilities that can be shared are municipal buildings, school buildings and grounds, garages, jails, parks, campgrounds, education/job training centers, marinas, landfills, theatres, stadiums, swimming pools, golf courses, and neighborhood centers.

A Wisconsin Example

Outagamie, Brown, and Winnebago Counties share recycling facilities. Paper is sent to one facility, and metal, glass and plastics to a different facility. This eliminates the need for multiple versions of the same equipment. The arrangement has saved residents millions of dollars.

 **Special purpose districts.**

Special purpose districts are created to provide a particular service, unlike municipalities which provide many different types of services. Like municipalities, special purpose districts are separate and legally independent entities. They have their own governing bodies, boundaries, ordinances, and taxing authority. This distinguishes them from municipal financing tools such as Tax Incremental Financing (TIF) districts or sidewalk districts that are not legally separate. Autonomy is one of the advantages of special purpose districts, but it can also be a disadvantage (see box). Because they have their own boundaries, they may include more than one municipality, or may include parts of municipalities. Some examples of the kinds of services that a special purpose district could provide are sewer and water, transportation, utilities, stormwater management, lake protection, solid

TIP

Think carefully before you create a special purpose district. While they can provide excellent service, they are yet another layer of government and can make cooperation more challenging. Once created, special purpose districts can be autonomous. If you do create one, pay close attention to how it will be governed.

waste and recycling, and energy. School districts are also considered special purpose districts because they exist solely to provide education.



Joint purchase and ownership of equipment.

Your community could agree with other jurisdictions to jointly purchase and own equipment such as pothole patching machines, mowers, rollers, shoulder-shaping machines, snowplows, street sweepers, and crack-sealers. Sharing equipment can be especially important for towns because road maintenance represents such a large percentage of their expenditures.¹²

TIP

Pros of jointly sharing equipment

- + Allows a community to benefit from equipment it would not otherwise have access to
- + Reduces storage needs
- + Allows for more frequent equipment upgrades
- + Increases the use of equipment so it spends less time idle
- + May decrease insurance costs
- + Enables communities to use the newest technologies
- + Improves quality of life for area residents

Cons

- Equipment may not be available when desired.
- A schedule needs to be developed for use of the equipment.
- Increased record keeping may be required.
- Equipment may deteriorate more rapidly.



Cooperative purchasing.

Cooperative purchasing, or procurement, is where jurisdictions purchase supplies and equipment together to gain more favorable prices. In addition to saving money, cooperative purchasing reduces staff time in researching products, comparing prices, writing bid specifications, and administering the contract. Cooperative purchasing can also include buying used or surplus equipment from other jurisdictions.

TIP

VendorNet

VendorNet is Wisconsin's electronic purchasing system. It provides a purchasing forum for state agencies, municipalities, and other governmental units who want to purchase goods and services, and the businesses that seek to provide them. Municipalities can use VendorNet to find and use contracts already negotiated by the state, or they can post their own municipal bids and proposals on VendorNet to gain a far broader base of prospective businesses from which to choose. Municipalities can save between 20% to 60% when using statewide contracts on VendorNet. A state contract exists for just about every good or service that your community might need. VendorNet is available at: <http://vendornet.state.wi.us/vendornet/> See also the Wisconsin Association of Public Purchasers (WAPP) for more information about cooperative purchasing: www.wapp.org.

¹² In 2000, towns in Wisconsin devoted 48.1% of their expenditures to construction and maintenance of streets and roads.

The importance of seeking input

Before entering into a service-sharing arrangement, it is a good idea to seek input from area residents, stakeholder groups, vendors, and neighboring communities and other governmental units that are not a party to the arrangement. Your service sharing arrangement may impact them. For example, some residents may not want a service consolidated despite the cost savings of doing so. They might prefer the more immediate and personalized service they currently receive, even if it is more expensive.

Should a service sharing arrangement be in writing?

People forget the details over time, and putting your arrangement in writing ensures that it will survive staff turnover and changes in elected officials. An intergovernmental agreement that is integrated with your community's Comprehensive Plan is the most secure way of recording your service sharing agreement.

There are 2 statutory methods for formalizing intergovernmental agreements for services:

□ General agreements under §66.0301, Wis. Stats.

This is the type of intergovernmental agreement that is most commonly used for services. These agreements are called general agreements because §66.0301, Wis. Stats., grants municipalities¹³ with authority to cooperate on a very broad range of subjects. Specifically, §66.0301, Wis. Stats., authorizes municipalities to cooperate together for the *receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law*¹⁴. The only limitation is that municipalities with varying powers can only act with respect to the limit of their powers. This means that a general agreement cannot confer upon your community more powers than it already has.

□ Cooperative Boundary Agreements under §66.0307, Wis. Stats.

If your community's service sharing arrangement is part of a larger agreement about municipal boundaries, then you could utilize the cooperative boundary agreement statute. Section 66.0307, Wis. Stats., requires that a plan be developed that describes, among other things, how services will be provided to the agreement area.

Whichever type of agreement your community uses, it is important to specify WHO will share services, WHAT will be shared, WHEN will the arrangement commence and end, WHERE will services be provided (to the entire community

¹³ Section 66.0301, Wis. Stats. broadly defines 'municipality' to include the state, cities, villages, towns, counties, school districts, public library systems, lake protection districts, sanitary districts, drainage districts, metropolitan sewerage districts, sanitary sewer districts, solid waste management systems, water utility districts, transit commissions, and RPCs, amongst others. Additionally, § 66.0303, Wis.Stats., further expands 'municipality' to include jurisdictions in other states.

¹⁴ See §66.0301(2), Wis. Stats.

or just part?), HOW will the arrangement work, and HOW can the arrangement be changed or terminated? For example, if your community and your neighbors are arranging to jointly purchase and own equipment, you should specify which jurisdictions are participating, what equipment will be jointly purchased and owned, for how long, where will the equipment be stored, how will the purchase price be divided, how will use of the equipment be shared, how will maintenance and liability costs be apportioned, and how will records be kept?



Key Points of Section A. Services:

- ⇒ Cooperating with services can save money, improve the quality and efficiency of services, and allow services to be provided that would not otherwise be feasible.

- ⇒ The Comprehensive Planning Law requires that your Intergovernmental Cooperation Element address services. Your element can identify existing service sharing arrangements, and identify and recommend future opportunities for cooperation.

- ⇒ Services are a good place for your community to start its intergovernmental cooperation efforts.

B. Cooperating with Regulations

Cities, villages, towns, counties, the state, the federal government and other types of jurisdictions may all create and administer laws and regulations. The kinds of regulations will vary. For example, cities, villages, towns, and counties may develop ordinances while the state has statutes and administrative rules. Other jurisdictions' laws and regulations may profoundly affect the issues that your community faces and the courses of action that are available.

Your own community's ordinances are important because they play a key role in helping you implement your plan. How your ordinances relate to those of neighboring communities and to the laws of other jurisdictions could influence whether or not your plan is implemented. For this reason, intergovernmental cooperation is vital. Consider that:

- Developing and administering a code of ordinances can be expensive. You'll expend time and resources drafting code language, answering questions, issuing permits, and investigating and enforcing violations. It also requires office space and equipment, some of which may need to be specialized such as survey and mapping equipment. In this way, administering ordinances is similar to the services mentioned in Section A. It can be thought of as a service to the community as a whole. As with other services, cooperating with your neighbors can help communities administer ordinances more cost effectively.
- Local land use authority in Wisconsin is often overlapping in nature with other jurisdictions, or reciprocally shared. This means that cooperation needs to happen in order for your community's ordinances to work effectively.

TIP

Examples of the kinds of laws and ordinances that your community could cooperate with your neighbors on include:

- General zoning ordinances
- Land division ordinances
- Building permits
- Municipal violations such as speeding, parking, and stray animals
- Lake management ordinances
- Official maps
- Certified survey maps
- Impact fees
- Non-metallic mining ordinances
- Shoreland, wetland, and floodplain ordinances
- Airport zoning ordinances
- Agricultural preservation ordinances
- Erosion control and construction site ordinances
- Sanitary sewer/private septic system ordinances
- Drainage district rules
- Stormwater management ordinances

The Comprehensive Planning Law requires that by 2010, regulations, such as those above, that affect land use be consistent with your community's Comprehensive Plan.

- Your community’s ordinances may have impacts beyond your boundaries. For example, local ordinances dictating lot sizes can affect housing in neighboring communities.
- Some local ordinances are required as part of a larger legal framework. For example, Wisconsin counties are required by state statute to have ordinances for shoreland areas along lakes, rivers, and other navigable waters. Cities, villages, and towns may also adopt shoreland ordinances.

Your community’s Intergovernmental Cooperation Element can inventory other jurisdictions’ ordinances and regulations. Which specific regulations most affect your community? How? Are there areas where laws conflict? Are there state laws that hinder the resolution of conflicts? Are there state laws that create opportunities? These are questions your element can tackle.

Your element and your Comprehensive Plan as a whole should be developed with not only your community’s current legal tools and framework in mind, but also potential tools and framework which would best accomplish your goals, objectives, and policies.

This section focuses on three of these regulations:

- general zoning ordinances
- land division ordinances
- official mapping.

These are the ordinances whose application overlaps (or is reciprocally shared) to the greatest degree with other jurisdictions. They are also ordinances required by the Comprehensive Planning Law to be consistent with your plan by 2010.

□ Zoning

Zoning is a regulatory mechanism that indicates how a parcel of land may be used. For example, zoning may indicate that land is used for residential, agricultural, commercial, forestry, conservation, or mixed-use or other specified purposes. A zoning ordinance typically includes text that describes the land uses permitted within various zoning districts and a map that shows the application of these

TIP

Zoning is frequently confused with planning. Zoning is actually a tool, among many different tools, used to implement a plan. A zoning code is limited to describing the uses that will be permitted for various districts, while a plan is much broader and expresses community goals, objectives, and visions. The plan is what guides a zoning code.

Authority for zoning is found in the Wisconsin Statutes at:

- Chapter 62 (Cities)
- Chapter 61 (Villages)
- Chapter 60 (Towns)
- Chapter 59 (Counties)

For more information about zoning in Wisconsin, see *Community Guide to Planning* (1998), by UW-Extension. The guide is available at:

 (608) 266-2098 or www.wisc.edu/urpl/people/ohm/index.html

districts to the community. Zoning can apply to incorporated area (cities and villages) and unincorporated area (towns).

City and village zoning authority can extend beyond their boundaries into unincorporated lands. These are extraterritorial zoning jurisdiction areas. The extraterritorial zoning jurisdiction for a first, second, and third class city extends 3 miles beyond its corporate limits. The extraterritorial zoning jurisdiction for fourth class cities and villages extends 1½ miles beyond the corporate limits. If the extraterritorial areas of two cities or villages overlap the area of overlap is divided equally between the two jurisdictions.

Tribal lands may also be zoned.

The table below shows the local jurisdictions that may have general zoning authority. It shows how parcels located in unincorporated areas and extraterritorial areas in particular may have jurisdictions with overlapping or reciprocal authority.

Jurisdictions having General Zoning Authority

Location of Parcel	City/Village	County	Town
Incorporated Area	Yes	No ¹⁵	No
Unincorporated Area (outside extraterritorial area)	No	Yes ¹⁶	Yes
Extraterritorial Area	Yes ¹⁷	No	Yes

The zoning process is slightly different depending on whether a parcel is located in an incorporated or an unincorporated area.

▷ Zoning in incorporated areas. Cities and villages may zone the territory within their municipal boundaries. Although zoning is not required in incorporated areas, most cities and villages in Wisconsin do have zoning. If your community is a city or village, it is important that you coordinate your zoning activities with those of neighboring jurisdictions and the county to ensure compatible uses, especially at municipal boundaries. Lack of coordination can lead to unwanted impacts. For example, if an area along your boundary is zoned “residential” and a neighboring municipality zones the adjacent parcel “industrial”, there may be negative impacts to your residential area with truck traffic, noise, bright lights, odors, etc.

¹⁵ Although counties do not have authority inside incorporated areas over general zoning, they may have authority over certain special zoning ordinances, such as shoreland and floodplain ordinances.

¹⁶ In unincorporated areas, a parcel may be zoned by a town, the county, or it may have no zoning at all.

¹⁷ Zoning authority in extraterritorial areas is reciprocally shared between the city or village and the affected town.

▷ Zoning in unincorporated areas.

There can be county-level zoning or town-level zoning or extraterritorial zoning, or no zoning on a particular parcel of unincorporated land. With county-level zoning or extraterritorial zoning, neither jurisdiction can apply zoning without the approval of the other. Zoning authority is reciprocally shared. This means that the jurisdictions need to cooperate and work together closely in order for zoning to work well.

Wisconsin Examples:

Washington County is an example of a county without county-level zoning. Instead, all 13 of its towns administer their own zoning ordinances.

Columbia County is an example of a county with county-level zoning. 19 of 21 towns in Columbia County participate in the county's zoning ordinance. The two remaining towns have no zoning.

County/town zoning information in Wisconsin is available at: www.doa.state.wi.us/olis

How can your community cooperate with your neighbors and other jurisdictions about zoning issues?



Provide notice and review. Coordinate with your neighbors and other jurisdictions to provide each other with notices of zoning related actions such as amendments, rezonings, variances, and proposed major development projects and provide sufficient time for review and comment. Such a notice and review process could expand on that already required by statute. Use computer and internet technology to provide notice to many people very quickly and at almost no cost, but with greatly improved quantity and quality of intergovernmental communication. Timely notice facilitates early identification and resolution of potential conflicts and builds trust. Keep in mind that if your community does start up or participate in a notice and review process, you need to be prepared to sincerely consider the comments that you receive.



Meet regularly. Develop a work group of area planners, code administrators, municipal attorneys, and interested elected officials to meet and discuss zoning issues. The work group could compare code language, identify inconsistencies and conflicts, and brainstorm ideas for resolving these conflicts.



Consolidate zoning offices. Your community could consolidate zoning offices with a neighboring community to improve efficiency. This would allow you to share office space, expert staff such as a zoning administrator, planner, mapping specialist, attorney, and support staff, and costly equipment such as mapping software, computers, and printers.



Develop extraterritorial zoning. Wisconsin statutes allow cities and villages to develop zoning for extraterritorial areas.¹⁸ This can provide your

¹⁸§ 62.23(7a), Wis. Stats.

community and your neighbors with a means for implementing your planning goals and recommendations in urban-rural transition areas. Zoning in these areas can help to limit the financial costs of unplanned development.

Just as in counties with county-level zoning, zoning authority in extraterritorial areas is reciprocally shared – except this time it is shared between the city or village and the affected town(s). A *joint extraterritorial zoning committee* is established to develop an ordinance for the extraterritorial area. The committee consists of 3 members from the city or village and 3 members from each affected town. This means that zoning cannot happen unless everyone agrees.

TIP

What is an “extraterritorial jurisdiction”?

It is the area of a town that surrounds an incorporated municipality (cities and villages). The extent of the extraterritorial area depends upon the class of the city or village. Wisconsin statutes categorize cities into four classes based on population [see § 62.05 (1), Wis. Stats.]. For first, second, and third class cities, the extraterritorial jurisdiction extends 3 miles beyond the city’s corporate limits. For fourth class cities and villages the jurisdiction extends out 1½ miles. Where the extraterritorial jurisdiction of two cities or villages overlap, the extraterritorial jurisdiction extends to a line equidistant from the corporate limits of each municipality.

The purpose of extraterritorial areas is to promote more planned and orderly growth in urban-rural transition areas. It allows cities and villages to influence the land use of unincorporated lands that may eventually be annexed to the city or village.

A Wisconsin Example

The City of Reedsburg has administered zoning in its 1½ mile extraterritorial jurisdiction since 1975, in cooperation with the Towns of Reedsburg and Winfield. The extraterritorial zoning committee, called the *Reedsburg Area Development Council*, consists of 9 members - 3 members from the city, and 3 members from each town. A separate entity, an extraterritorial zoning board of appeals, also exists and consists of 1 member from each municipality.

Extraterritorial zoning in Reedsburg has led to more thoughtful, orderly and compact development in its transition areas. This success may be because:

- 1) the communities share the philosophy that urban uses should be in the city and rural uses should be in the town;
- 2) cooperation extends beyond just zoning to functions such as public works projects and transportation;
- 3) good relationships between municipal representatives. Turnover of area elected officials is low and a key staff member for the city has worked in his current position for 38 years.

 **Join county zoning.** In counties with county-level zoning, towns without zoning may request to be under county zoning. This takes advantage of the existing staff expertise, equipment, and experience of the county's zoning program. It means that your town can have zoning without the expense of running your own zoning office.

"We have adopted county zoning and rely on them for enforcement. There is no way that a town of 354 people could write and administer zoning and do as effective a job at a reasonable cost... We are consulted about any land use change within the town and give our views on the same."

-Kathleen Hovland-Frisch, clerk
Town of Peck, Langlade Co.

 **Develop ordinances simultaneously.**

This creates an opportunity for you and your neighbors to work together on issues of mutual concern and to share resources. For example, you could share staff, mapping equipment, ordinance language, etc.

□ **Land division ordinances**

Land division ordinances (also known as subdivision regulations) regulate the division of larger tracts of land into smaller parcels for development and conveyance. They generally seek to accomplish two main goals: 1) set forth technical survey and mapping requirements so that lots within a platted subdivision can be conveyed by a lot number instead of by cumbersome metes and bounds descriptions. 2) set forth layout and improvement requirements that articulate public policy and planning concerns related to development that usually accompanies land division. A typical land division ordinance might provide for the following:

TIP

Authority for land division regulations is found at §236.45, Wis.Stats. While zoning controls the use of property and the types of development that will be allowed, land division ordinances address the specific design and layout of the development.

For more information, see the *Wisconsin Platting Manual (2001)*, updated annually and available at:

www.doa.state.wi.us/olis or ☎ (608) 266-3200

- Size of parcels, depending on their intended type and use.
- Location of open space.
- Street widths and improvement standards.
- Required public dedications or easements for such things as sidewalks, neighborhood parks, utilities, street lighting, environmental trails, protection of environmentally sensitive areas, and stormwater management facilities.

Cities, villages, towns, counties, and the state all have authority over land divisions. This means that like zoning, multiple jurisdictions may be involved. However, unlike zoning, the ordinances, rules, and statutes of multiple jurisdictions apply simultaneously to a parcel of land. For example, land located

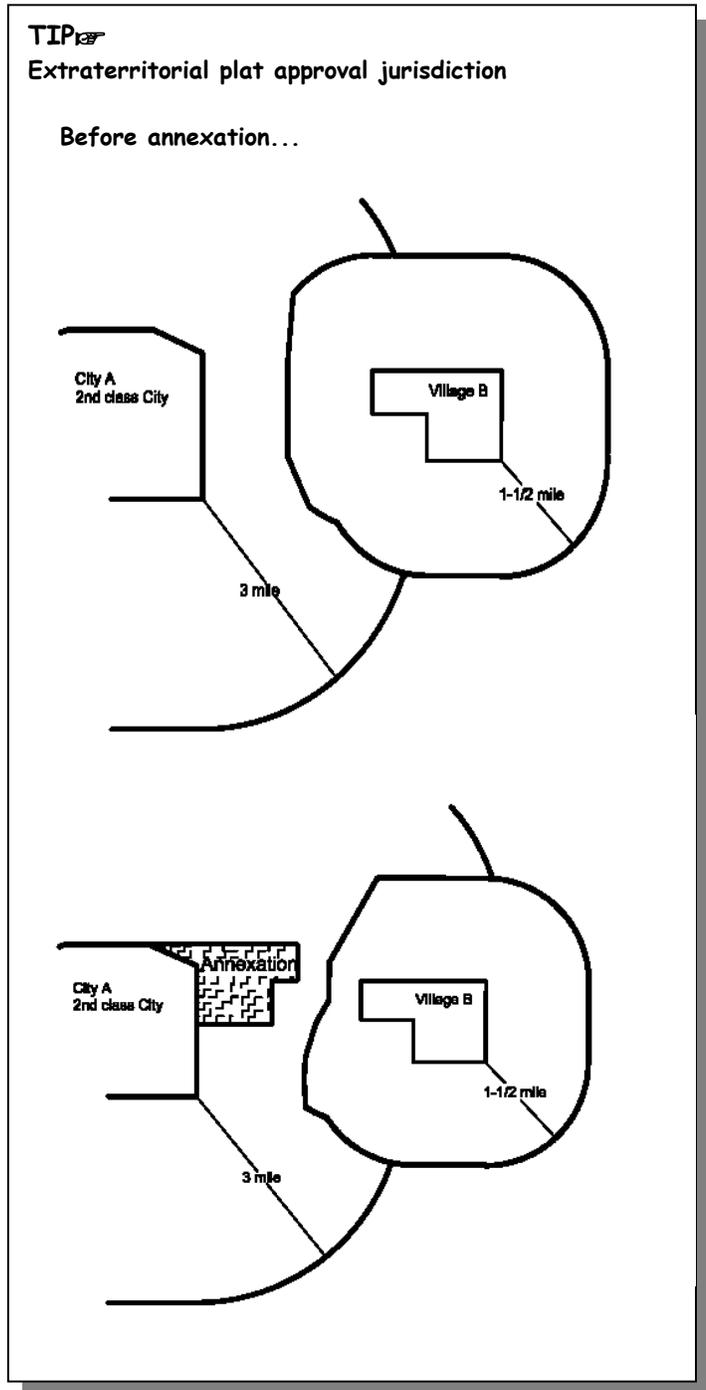
in an extraterritorial area could be subject to requirements from the city or village, town, county, and state. The most restrictive requirements will control.

Also unlike zoning, the extraterritorial plat approval jurisdiction changes with annexation (annexation is described in Section D on page 59).¹⁹ This means that if your community annexes land, you may affect the extraterritorial plat approval jurisdiction of a neighboring community.

The simultaneous nature of land division authority means that cooperation is critical if your community's ordinances are to work effectively. Some ideas for cooperating with land division ordinances are:

 **Communicate.** With so many governmental units potentially involved with land divisions, working to improve communication is a good idea. You could schedule regular meetings or also create an email listserve to keep each other current on issues and solicit feedback.

 **Develop a land division ordinance concurrently.** Coordinate with your neighbors to create land division ordinances, or update existing ones, concurrently. This provides a chance to identify and address area issues together and also to share ideas and resources. For example, where desired, communities could share



¹⁹ For zoning, changes to the extraterritorial jurisdiction requires agreement by the joint extraterritorial zoning committee and zoning ordinance revision.

ordinance language. A Comprehensive Planning process could be the impetus for such an effort.

 **Share.** Administering and enforcing a land division ordinance is technically demanding and can be expensive. Sharing staff, equipment, office space, and training can save money and improve communication about land division issues. Your community could also contract with another jurisdiction to review proposed land divisions. For example, you could contract with your RPC.²⁰

 **Intergovernmental agreements.** Consensus about land division ordinances can be one of the components of a larger intergovernmental agreement. For example, a community could agree to waive its extraterritorial plat approval authority in certain areas in exchange for something else.²¹

A Wisconsin Example
 The City of Madison and the Town of Middleton developed an intergovernmental agreement in 1994 where the City agreed not to exercise its extraterritorial plat review authority west of Pioneer Road in return for the Town's promise not to judicially contest any annexation east of Pioneer Road.

Jurisdictions having authority for proposed subdivision plats

Review Authority	City Council or Village Board	Town Board	County Planning Agency	WI DOA	WIDOT	WI Dept. of Commerce**
Plat Location						
City or Village	X		X*	X	X**	X***
Town		X	X	X	X**	X***
Town within an Extraterritorial Plat Approval Jurisdiction	X	X	X	X	X**	X***

* Currently 18 counties exercise review authority for plats in cities and villages:

- | | | | |
|---------|-------------|-----------|------------|
| Brown | Fond du Lac | Racine | Walworth |
| Calumet | Juneau | Rock | Washington |
| Dane | Manitowoc | St. Croix | Waukesha |
| Dodge | Milwaukee | Sheboygan | Winnebago. |
| Door | Oconto | | |

** If plat abuts a State Trunk Highway, Interstate Highway or connecting highway.

*** If plat is served with private septic systems. Currently, the WI Dept. of Commerce delegates review authority to the County.

²⁰ Chapter 236 of Wisconsin’s statutes provides broad authority for jurisdictions to cooperate in reviewing and approving plats, including RPCs. It also authorizes municipalities to waive their authority entirely. See §§236.10(4) and (5).

²¹ Public dedications require local approval. Municipalities may not transfer this authority to another jurisdiction.

□ Official Maps

An Official Map is a map showing a community's public facilities - both existing and proposed. Official maps can show streets, highways, historic districts, parks, parkways, playgrounds, railroad rights-of-way, waterways, and public transit facilities.

The purpose of an official map is to protect a community's investment in public facilities by identifying and reserving land for public purposes. An official map ensures that no improvements will be made to land designated for future public use that might add to future costs.

Official maps can be used to implement the recommendations of Comprehensive Plans, and plans for stormwater management, transit, streets and highways, parks and open space, drainageways, floodlands, wetlands, and historic areas. Although they are one of the most effective means for reserving land, official maps remain among the least used of the plan implementation techniques.²²

TIP

Official maps are sometimes confused with other maps used by municipalities, such as zoning maps, land use maps, maps from street and highway system plans, and others. While these maps may be designated as 'official', they lack the legal significance of an official map. An official map is required to be much more accurate in detail and scale and involves notice, adoption, and amendment procedures that are set forth in §62.23(6), Wis.Stats.

Cities, villages, and towns may adopt official maps. Counties, and the Wisconsin Department of Transportation (WisDOT), may adopt modified official maps that identify transportation facilities. As with land division ordinances, the official maps of multiple jurisdictions may potentially apply to an area. For example, in a city or village's extraterritorial area, the official maps of the town, county, city/village, and WisDOT may all apply. This overlapping authority means that cooperation with your neighbors is critical if the public improvements you proposed with your official map are to be implemented. Cooperating with official maps can improve the efficiency, cost, quality, and equity of public facilities, and ensure that these facilities make sense for the community and for the region.

The Comprehensive Planning Law requires that public facilities be addressed in the Utility and Community Facilities Element. Your Intergovernmental Cooperation Element can describe the intergovernmental aspects of public facilities. It could describe past and existing cooperation efforts and recommend future projects, including what facilities will be developed, how costs will be shared, and how mutual decisions will be made. Some cooperation ideas include:

²² A 1990 survey by SEWRPC found that 64% of cities in Southeast Wisconsin had official maps, 47% of villages, 29% of counties and 2% of towns.

💡 **Find out who has a map?** Track down all of the official maps existing in your area and region and request copies. If your community has a map, make sure that you send copies to your neighbors, county, RPC, WisDOT district office and other relevant jurisdictions depending on the issue. For example, if your official map affects parks, parkways, floodplains, or wetlands, send it to WisDNR, the U.S. Forest Service, and the U.S. Army Corps of Engineers (ideally, have these entities provide input also as you develop your map).

💡 **Study public facility needs jointly.** Studies and reports that identify the use of a facility, along with future needs and alternatives, will often be more meaningful when examined at the regional level. Also, studying an issue jointly can save money and allow for a more thorough examination of options and potential costs.

💡 **Develop official maps concurrently.** Related to joint studies, your community could coordinate with your neighbors to create, or update, your official maps concurrently. This can be an opportunity to share ideas and resources, and to ensure that the public facilities being planned by everyone are consistent. A Comprehensive Planning process can be the impetus for such an effort.



Key Points of Section B. Regulations:

⇒ Local land use authority in Wisconsin is often overlapping in nature with other jurisdictions, or reciprocally shared. This means that cooperation needs to happen in order for your community's ordinances to work effectively.

⇒ Developing and administering a code of ordinances can be expensive. Cooperating with your neighbors and other jurisdictions can help lessen this cost through increased efficiency.

C. Cooperating by Sharing Revenue

Sharing revenue can improve relationships between your community and other area jurisdictions, enhance services for your residents, and improve the area's functioning as a whole. Sharing revenue enables every community to benefit in the region's economic success and also to share responsibility in addressing its problems. Sharing revenue helps to balance local economic disparities and to lessen undesirable competition between communities for development.

Your Intergovernmental Cooperation Element can identify existing sharing arrangements, as well as conflicts and needs that could be resolved by sharing revenue. It can also recommend that revenue sharing be implemented or studied in the future. The kinds of revenue that your element could address are local taxes and fees, state shared revenue, school aids, and state and federal grants and loans.

TIP

What are some examples of revenue sharing agreements?

- A city agrees to sell water and sewer service to new development located in the town, and in return, the town shares the property tax revenues with the city.
- To settle a dispute about the location of a new business, two municipalities agree to share revenue.
- Two communities apply jointly for a state grant.
- By agreeing not to annex certain town lands, the Town shares with the city a portion of the tax revenue collected from these lands.

Wisconsin has a long history – almost 100 years - of state-local revenue sharing to local communities and school districts. This has helped to balance local tax rates and has ensured a basic level of service for all Wisconsin residents.

Revenue sharing between local communities has been much less common than state-local revenue sharing. However, revenue sharing at the local level has the potential to be just as effective as state-local revenue sharing and can help your community resolve some of the intergovernmental conflicts that your element identifies. There are several types of intergovernmental agreements that can be used for revenue sharing:

▷ **Municipal Revenue Sharing Agreements under §66.0305, Wis. Stats.** This is the only type of agreement specific to revenue. It allows adjacent communities to share taxes and fees and requires:

- a public hearing
- a non-binding referendum (if requested)
- specifics about the duration of the agreement
- which revenues are to be shared and how
- important dates.

Municipal Revenue Sharing agreements under §66.0305, Wis. Stats. may address other issues, such as services or boundaries. This means that your community could include revenue sharing as one of the components to a larger agreement.

▷ **Stipulations and Orders under §66.0225, Wis. Stats.** This type of agreement is used for resolving boundary conflicts. It is described in more detail in Section D. Using a Stipulation and Order, your community could agree to exchange revenue for territory.

▷ **Cooperative Boundary Agreements under §66.0307, Wis. Stats.** This type of agreement is used to resolve boundary conflicts (see Section D). Using a Cooperative Boundary Agreement, your community could agree to exchange revenue for territory, revenue for services, or any number of other arrangements.

A Wisconsin Example:

The City and Town of Burlington settled a 2-year annexation lawsuit by developing a Stipulation and Order using §66.0225, Wis. Stats. Under this agreement, the Town will be compensated for 100% of lost tax revenue in the first year following annexation, and in an amount that decreases in 20 percent increments over the next four years. An extraterritorial zoning committee made up of 3 members from each the Town and City was created to oversee the agreement and to develop zoning for the City's extraterritorial area.

A Wisconsin Example

Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement (April 2002)

This agreement initially includes the City of Racine and the towns of Mount Pleasant and Caledonia. It may eventually also include the Villages of Sturtevant, Elmwood Park, Wind Point, North Bay and the Towns of Yorkville, Raymond, and Somers, and numerous sewer utility districts affiliated with these municipalities. The agreement ended a two-year moratorium on sewer extensions from Racine's regional wastewater treatment plant needed to serve new development in municipalities outside of Racine. It also resolved many other related issues such as stormwater management, municipal boundaries, extra-territorial zoning and plat review, and sharing revenue from both old and the new growth that occurs outside of the City's of Racine's boundaries. Specifically, the City will receive approximately \$74 million in revenue over the next 30 years from surrounding municipalities.

This agreement resolves differences that may otherwise have led to expensive and prolonged litigation that could have harmed the economic and social well-being of the greater Racine area. Also, by reaching consensus, these communities may utilize federal funding to pay for expanding the treatment plant.

Key Point of Section C. Sharing Revenue:

⇒ Your community's Intergovernmental Cooperation Element can identify existing sharing arrangements, as well as conflicts and needs that could be resolved by sharing revenue. It can also recommend that revenue sharing be implemented or studied in the future.

D. Cooperating with Boundaries

To some, the idea of municipal boundaries may seem provincial, even irrelevant. In today's world, business has become global, 'cyber' transactions occur instantaneously across the country and across the world, and our daily travel can take us well beyond our home communities. However, boundaries still matter. They continue to profoundly affect our lives, impacting land uses and development, services, taxation, political accountability, revenue, transportation, agricultural systems, natural resources, and economic opportunity. They can also shape feelings of community identity and home.

TIP

How can municipal boundaries be altered?

- Annexation
- Detachment
- Incorporation
- Consolidation
- Intergovernmental Agreement

The Comprehensive Planning Law requires that by 2010, these boundary-altering mechanisms be consistent with your community's Comprehensive Plan.

Boundaries may be the most challenging of all intergovernmental issues. However, resolving boundary conflicts can have dramatic improvements. The certainty that results by cooperating with boundaries can lead to more timely decision-making, greater economic opportunity, protection of natural resources, decreased legal expenses, more efficient service provision, better planning, greater public and private investment in infrastructure, greater community identity, and an improved quality of life for residents.

The Comprehensive Planning Law requires your community to address boundary issues in your Intergovernmental Cooperation Element if they are a source of conflict. Your element can include a map of your existing municipal boundaries along with the boundaries of adjacent or overlapping jurisdictions (special purpose districts, the county, the regional planning commission, tribal government, etc.).

Your Intergovernmental Cooperation Element can also identify places where particular boundary issues are a problem. For example, boundaries may be irregular and difficult for area residents and service providers to ascertain. Or, perhaps overlapping jurisdictional boundaries are creating confusion and inefficiency. Perhaps the unpredictability of annexation makes it hard for your community to know what to plan for. Your element should also recommend strategies to address these boundary issues.

□ Annexation

Annexation is the process of transferring parcels of land from unincorporated areas to adjacent cities or villages. It involves:

- 1) at least one landowner
- 2) a town
- 3) a city or village, and,
- 4) in counties with 50,000 or more persons, Municipal Boundary Review.

Annexation in Wisconsin is a landowner driven process. A landowner may petition a city or village to annex a parcel of land because they desire a higher level of service than what is provided by the town, or for other reasons.

Cities and villages may only react to annexation petitions. They cannot initiate them.²³

Towns and counties have even less of a statutory role.

Because communities can only react to them, annexations can make planning difficult. This is problematic because the places where annexation occurs - at the periphery of cities and villages - is where planning is often most important.

Although they may not seem like it (depending on your community's perspective), annexations can function as "gateways" to good things. They can be a gateway to a boundary agreement, a revenue sharing agreement, a multi-jurisdictional Comprehensive Plan, an extraterritorial agreement, a service sharing agreement, or any number of positive outcomes.

TIP

Authority for annexation is found in §§66.0217-66.0223, Wis. Stats. For more information, contact:

- Municipal Boundary Review (MBR). MBR reviews annexations in counties with populations of 50,000 or more and issues advisory opinions about whether or not the annexation conforms to statutory requirements. Contact MBR at:
☎ (608) 266-0683 or www.doa.state.wi.us/olis
- UW-Extension Local Government Center
See the Center's *Annexation Fact Sheet* (1995)
☎ (608) 262-9960 or www.uwex.edu/lgc
- League of Wisconsin Municipalities
See the League's *Annexation of Territory to Wisconsin's Cities and Villages* (1998)
☎ (608) 267-2380 or www.lwm-info.org
- Wisconsin Town's Association
☎ (715) 526-3157 or www.wisctowns.com

²³ An exception is where the territory petitioned for annexation is owned by the city or village. See §66.0223, Wis.Stats.

Ideas for cooperating with annexation are:

 **Growth areas.** Develop consensus about growth areas where cities and villages can expand through annexation. Formalize this consensus in an intergovernmental agreement and incorporate it into your Comprehensive Plan.

 **Annexation standards.** Agree with your neighbors about certain standards that must be met before an annexation petition will be accepted.²⁴ For example, you could require that an annexation supports, and is consistent with, area transportation facilities, sewer and water facilities, affordable housing needs, protection of agricultural or natural resources, and the plans of other jurisdictions. Your standards could apply to certain agreed-upon areas, or they might apply to annexations over a certain size, or they could apply to all annexations.

 **Actors.** Involve a broad range of people and interests in annexation decisions. By involving elected officials, planners, public works directors, clerks, school officials, assessors, police and fire chiefs, attorneys and other interested citizens in the annexation process, it is more likely that a broader range of issues will be identified and that a more diverse array of solutions will emerge.

 **Infill.** Cities and villages can vigorously pursue infill and redevelopment projects to reduce the need to annex.

A Wisconsin Example

Dane County's Better Urban Infill Development (BUILD) program assists local governments to revitalize or remediate. Since the program's inception in 1998, 17 infill projects have been funded.

 **Your county and RPC.**

Although they are not given a statutory role with annexation, consider including them. Their involvement helps ensure that your community considers broader regional issues. Also, your county and RPC can provide information, data, maps, and facilitation and mediation services.

²⁴ While there are basic minimum annexation standards set forth in Chapter 66, Wis. Stats., such as the *public interest* standards reviewed by Municipal Boundary Review (MBR), your community and your neighbors could agree to standards of your own.

□ Detachment

Detachment is a process where territory is detached from one municipality and transferred to another. Detachment can be between cities and villages, and also between cities/villages and towns.²⁵ Detachment between a city/village and a town is like the opposite of annexation.

Between cities and villages, detachment tends to be used to improve the quality or efficiency of services. Detachments between cities/villages and towns tend to involve land that is rural in nature and more appropriate for town-level government, although they have been used to resolve boundary disputes.

Detachment occurs much less frequently than annexation. However, it can be an important intergovernmental technique for cooperating with boundaries. Your Intergovernmental Cooperation Element can identify conflicts that may be resolved using detachment. It could even identify specific parcels, or areas, for which detachment may be appropriate. Ideas for using detachment include:

FACT Detachments in Wisconsin

1990	3
1991	6
1992	6
1993	5
1994	3
1995	3
1996	3
1997	3
1998	6
1999	2
2000	5
2001	3

 **Land Exchange.** Agree that a city/village will be allowed to grow into a particular area through annexation in exchange for other lands reverting to the town using detachment.

 **Irregular Boundaries.** Reconfiguring irregular boundaries can improve the efficiency of delivering services and also improve community identity.

²⁵ See §66.0227, Wis. Stats. (authorizes detachment from a city or village to an adjacent city, village, or town) and §62.075, Wis. Stats. (authorizes detachment from a city or village to a town)

□ Incorporation

Incorporation is the process of creating a new village or city from unincorporated territory.²⁶

Like the annexation process, incorporation is driven by landowners and residents in the unincorporated territory, rather than by the town or county – although a town will sometimes support or initiate an incorporation petition.

There are three major parts to an incorporation proceeding:

- Circuit court review of the incorporation petition to ensure that certain minimum population and area standards are met.
- MBR review²⁷
- A referendum vote of area residents

Area residents incorporate for a number of different reasons, including:

- Improved services that a town and county doesn't provide.
- Better protection for a particular natural resource.
- To undertake a certain public project.
- The desire to “lock in” their boundaries so that other landowners in their community cannot petition adjacent cities and villages for annexation (incorporating an area has the effect of permanently fixing boundaries because only unincorporated areas can be annexed).

FACT

Since 1960, there have been 72 petitions for incorporation. Results of the last 10 are:

	<u>MBR Approval</u>	<u>Referendum Passed</u>
Powers Lake	No	n/a
Stone Bank	No	n/a
Weston	Yes	Yes, new village
Pewaukee	Yes	Yes, new city
Bohners Lake	Yes	No
Brookfield	No	n/a
Powers Lake	No	n/a
Sheboygan	No	n/a
Waukesha	No	n/a
Pell Lake	Yes	No

²⁶ See §§ 66.0201-66.0215, Wis.Stats.

²⁷ Municipal Boundary Review (MBR) in the Wisconsin Department of Administration examines whether the territory proposed for incorporation possesses those attributes that have traditionally characterized cities and villages. Considerations include the territory’s physical appearance, social customs, transportation facilities, shopping and employment opportunities, political boundaries, and the existence and condition of the community center. MBR also examines whether the territory can raise sufficient tax revenue to provide city or village level services. Where the incorporation belongs to a larger metropolitan area, MBR examines the impact that incorporation would have. Where other interested parties have ‘intervened’ in the process to oppose incorporation, such as school districts, area municipalities, businesses, and other interested persons, MBR considers their arguments as well. MBR may approve or deny a petition, or recommend that it be refiled with different boundaries.

Because incorporation petitions are sometimes pursued in response to fears of annexation, there are opportunities and benefits to be gained by addressing incorporation together with annexations and other boundary altering mechanisms. For example, entering into a boundary agreement with a neighboring town may remove the fear of annexation - a motivation to incorporate goes away.

A Wisconsin Example

As part of an intergovernmental agreement between the City of Waukesha and the Town of Pewaukee, the City agreed not to intervene in a subsequent petition to incorporate a designated area in the town. The agreement benefited both. The City was able to address key boundary issues, and the Town of Pewaukee was able to eventually incorporate. It is now the Village of Pewaukee.

Some specific cooperation ideas with incorporation are:

 **Transferring Land.** In exchange for certain town lands being transferred to a city or village, the city or village could agree not to oppose the incorporation of certain other town lands.²⁸

 **Sharing Revenue.** In exchange for tax revenue generated from new or existing development in a town area, a city or village could agree not to oppose the incorporation of this area.

²⁸ MBR approval of the incorporation part of the agreement would still be necessary.

□ Consolidation

Consolidation is the Holy Grail of cooperation. It's where a town, village, or city join together with another town, village, or city to form one jurisdiction where before there were two or more. Consolidation may not be right for your community, but for many it makes a great deal of sense. Some communities in Wisconsin already cooperate extensively with their neighbors. For these communities, consolidation may be relatively easy.

Advantages of consolidation include:

- Improved services
- Stable boundaries
- Improved community identity.
- Greater tax base.
- More economic, housing, cultural and recreational resources and amenities for residents.
- Greater political power.
- Increased ability to deal effectively with regional issues such as transportation, housing, and natural resources.
- Efficiencies and savings of scale.

TIP

Authority for consolidation is found at §66.0229, Wis.Stats. Requirements for consolidation are:

- ✓ Contiguity. Only contiguous municipalities may consolidate.
- ✓ An ordinance describing the terms of the consolidation that is passed by each municipality.
- ✓ Approval by the electors in each municipality.
- ✓ If a town is consolidating with a city or village, then approval by the circuit court and by Municipal Boundary Review (MBR) office is also required.

For more information, contact MBR at:

☎ (608) 266-0683 or www.doa.state.wi.us/olis

Despite these advantages, consolidation in Wisconsin has been rare. The last one occurred in 1962 between the City of Green Bay and the Town of Preble.

As you develop your element, keep in mind that consolidation is a tremendously effective intergovernmental cooperation tool. It obviates the need for cooperation with your neighbor because you and your neighbor are now the same jurisdiction!

Your element could identify existing conflicts that might be resolved using consolidation and could recommend that consolidation with a neighboring jurisdiction be undertaken or studied. For example, your element could recommend the formation of, and funding for, a study committee whose members include representatives of area communities.

□ **Intergovernmental Agreements.**

Intergovernmental agreements can provide a welcome alternative to the traditional mechanisms for altering boundaries. While annexation and incorporation tend to pit jurisdictions against one another in adversarial positions, intergovernmental agreements provide a chance to focus on shared values, points of agreement, and solutions that can benefit everyone. Agreements enable communities to be proactive with issues rather than reactive.

After 2010, the Comprehensive Planning Law requires any intergovernmental agreement affecting land use to be consistent with your Comprehensive Plan. Your community's Intergovernmental Cooperation Element can:

- Identify and incorporate any existing agreements that affect boundaries
- Identify current conflicts that might be resolved using agreements
- Incorporate an agreement that is developed during your community's Comprehensive Planning process.
- Recommend that an agreement be developed in the future.

There are two types of agreements for altering municipal boundaries:

▷ ***Cooperative Boundary Agreements***

Authorized under §66.0307, Wis. Stats., these are the most thorough and complete method for developing boundary agreements. Requirements include:

- Providing broad notice to area residents and jurisdictions.
- Preparing a *cooperative plan* that describes the public services, facilities, and infrastructure that will be provided, the layout of neighborhoods, the boundary changes agreed to, conditions, and the duration of the agreement.
- Holding a public hearing on the proposed agreement.
- Providing for a comment period.
- Holding an advisory referendum, if requested.
- Gaining approval by Municipal Boundary Review (MBR) - Department of Administration. MBR may approve, deny, or recommend changes.

A Wisconsin Example:

Cooperative Boundary Agreements to date:

- City and Village of West Bend (2002)
- Village of Oconomowoc Lake/Town of Summit (2000)
- City of Kenosha/Town of Bristol (2000)
- City of Marshfield/Town of Cameron (2000)
- City of Oconomowoc/Town of Summit (2000)
- City of Beloit/Town of Turtle (1999-amended 2001)
- City of Waukesha/Town of Pewaukee (1998)
- City/Town of Dodgeville (1998-amended 2000)
- City of Janesville/Town of Rock (1996)
- City of Stevens Point/Town of Plover (1996)

The information required for the *cooperative plan* is information that your community will already have collected, or be in the process of collecting, as part of your Comprehensive Plan. Cooperative Boundary Agreements have been criticized as being overly difficult and time-consuming. However, this issue is minimized because you will have already gathered the information needed as part

of your comprehensive planning activities. It's simply a matter of coordinating the agreement with your plan.

Cooperative Boundary Agreements under §66.0307, Wis. Stats., provide communities the flexibility to determine the issues to be resolved, the size of the agreement area, the responsibility for services, the duration of the agreement, and how boundaries are to be determined. With a Cooperative Boundary Agreement, the rules of annexation need no longer apply. You and your neighbors can make your own rules.

▷ **Stipulations and Orders**

Section 66.0225, Wis. Stats., provides a boundary agreement procedure for municipalities that are locked in a lawsuit over boundaries. The statute provides the litigants a chance to settle their lawsuit by entering into a written *Stipulation and Order* that is subject to approval by the judge. A referendum may be held if requested by area residents. If the residents vote to approve the agreement, the Stipulation and Order becomes binding.

There are a few things to be aware of with Stipulations and Orders under §66.0225, Stats.:

- Because they require litigation, Stipulations and Orders are often more reactive and limited in nature than Cooperative Boundary Agreements under §66.0307, Wis. Stats.
- Their use is limited to adjacent municipalities that are in court over boundaries.
- They are subject to a binding referendum. There is a chance that area residents will reject the stipulation.
- Enforcement depends on continued judicial interest and involvement.

TIP

What are some boundary agreement examples?

- A Town agrees not to fight annexations in an area designated for City expansion, and in return, the City agrees not to accept annexations from certain Town areas.
- In return for certain Town lands being transferred into the Village, the Village agrees not to oppose efforts by Town residents to incorporate a portion of their Town.
- In return for extending City sewer and water services into Town territory, certain Town areas are transferred to the City, or the Town agrees not to contest annexations from these areas.
- A City, Village and Town agree that in exchange for Town territory transferring to the City and/or the Village, the Town will share in the property tax revenues from the territory for a period of years. Or, in exchange for the City and Village NOT annexing this territory, the Town agrees to share the property tax revenue.
- A Town and Village establish a joint planning committee for an area that has had boundary conflicts. The committee is empowered to determine boundaries, develop ordinances for the area, agree to cost and revenue sharing, and plan for infrastructure and services.

For these reasons, some communities incorporate Stipulations and Orders into Cooperative Boundary Agreements to take advantage of the benefits of both types of agreements. For example, you and your neighbor could use a Stipulation and Order to settle resolve a lawsuit and then incorporate it into a Cooperative Boundary Agreement that includes detailed provisions about services, sharing costs and revenues, design standards, etc.

▷ **General Agreements.** Until 1991, when statutory authority for Cooperative Boundary Agreements was enacted, communities relied on General Agreements under § 66.0301, Wis. Stats., to agree to boundaries. General agreements are still commonly used for cooperating with services (Section A, page 44). Some ideas for developing intergovernmental agreements are:

 **Cooperate with everything.** The communities with the most success at cooperation are those where cooperation permeates to all levels of activity; not just to one or two areas. For these communities, cooperation has become an “ethic” and a standard way of doing things. Cooperating with everything means that instead of one stake, there are many stakes. For example, rather than focusing solely on a boundary conflict, you could also look at service, cost, and revenue sharing issues. By cooperating with everything and having many stakes, everyone can win something and there does not have to be a loser.

 **Involve key stakeholders.** Just as with planning, it is critical that you involve all of the people who have a stake in the agreement or will be impacted by its provisions. Especially be sure to involve those who may be impediments to your agreements.

 **Involve your county and RPC.** Although they have a limited statutory role with intergovernmental agreements, your county and RPC can be a valuable resource for developing an intergovernmental agreement with your neighbors. They know the cast of characters, understand issues, and can provide information, staff time, public outreach, facilitation, and mediation services.

A Wisconsin Example:

The City of Stevens Point/Town of Plover Cooperative Boundary Plan (1996) was facilitated by Portage County planning staff. Staff also provided technical information and served as a liaison.

 **Consider using a facilitator or mediator.** This helps ensure that one community does not appear to have more control than another, and there is a timetable for the agreement process and ground rules for conduct. Also, pick a conveniently located and neutral site for discussions, one which has no history of past disagreements or which is perceived to give one side an advantage.

 **Avoid starting with the issues that divide you.** Instead, focus initially on mutual goals, and areas of agreement and common interest. Rather than

focusing on yesterday’s disagreements, be forward thinking. Maintain an open perspective.

 **Set up a study committee.** If the process bogs down, examine potential sticking points of agreement or areas where there are questions. For example, a study committee could research and report on the tax or service impacts of an agreement.

Distinguishing between Intergovernmental Agreement Types

	General Agreements (§ 66.0301, Stats.)	Stipulations & Orders (§ 66.0225, Stats.)	Revenue Sharing Agreements (§66.0305, Stats.)	Cooperative Boundary Agreements (§66.0307, Stats.)
Used for?	Services	Boundaries	Revenue sharing	Boundaries, services, revenue sharing
Binding with boundaries?	No	Yes, so long as any party is willing to seek enforcement of the agreement	Yes, period fixed by participants (10 year minimum)	Yes, period fixed by participants (10 years or longer with MBR approval).
Notice required?	No	Yes	Yes	Yes
Public hearing required?	No	No	Yes	Yes
Referendum?	No	Binding referendum possible	Advisory referendum possible	Advisory referendum possible
Who decides?	Participating municipalities	<ul style="list-style-type: none"> • Municipalities involved in the lawsuit • Judge • Area residents (if they request a referendum) 	Participating municipalities	<ul style="list-style-type: none"> • Participating municipalities • MBR
Who reviews or comments?	Participating municipalities	<ul style="list-style-type: none"> • Municipalities involved in the lawsuit • Judge • Area residents (if they request a referendum) 	<ul style="list-style-type: none"> • Participating municipalities • Residents 	<ul style="list-style-type: none"> • Participating municipalities • MBR • Area jurisdictions • State agencies • RPC • County • Residents

Key Point of Section D. Boundaries:

⇒ Your element can identify places where boundaries are a conflict and can recommend strategies to address these conflicts.

⇒ The Comprehensive Planning Law requires that by 2010, the boundary altering mechanisms described in this section be consistent with your community’s Comprehensive Plan.

Chapter 7:

Techniques for Resolving Disputes

As your community addresses intergovernmental issues, you may find you have different visions and ideas than neighboring communities. While conflicting viewpoints are often considered to be destructive, they can also have a positive side because responding to conflict in a rational and courteous manner can increase communication, provide an opportunity for learning and broaden perspectives and solutions.

“Honest disagreement is often a good sign of progress.”

– Mahatma Gandhi

The Comprehensive Planning Law requires that your community’s Intergovernmental Cooperation Element identify processes to resolve conflicts. While previous chapters provided ideas for improving intergovernmental relations, increasing intergovernmental coordination, and minimizing conflicts, this chapter discusses formal and informal techniques for resolving disputes. You should consider using mediation first to try resolving a dispute because a mediated outcome is often more favored by both sides of the disputing parties, settled faster, and costs less than a prolonged law suit.

If mediation does not resolve the dispute, there are more formal dispute resolution techniques described in §802.12, Wis. Stats., that may be able to end the conflict. Techniques that may be used include mediation, binding and non-binding arbitration, early neutral evaluation, focus groups, mini-trials, moderated settlement conferences, and summary jury trials.

Binding arbitration is a process where a neutral person is given the authority to make a legally binding decision and is used only with the consent of all of the parties. The parties present evidence and examine witnesses and the arbitrator makes a determination based on evidence.

Non-binding arbitration is another technique in which a neutral person is given the authority to render a non-binding decision as a basis for subsequent

negotiation between the parties after the parties present evidence and examine witnesses.

Early neutral evaluation is a process in which a neutral person evaluates brief written and oral presentations early in the litigation process. The neutral person provides an initial appraisal of the merits of the case with suggestions for conducting discovery and obtaining a legal ruling to resolve the case as efficiently as possible.

A focus group can be used to resolve disputes by using a panel of citizens selected in a manner agreed upon by all of the parties. The citizens hear presentations from the parties and, after hearing the issues, the focus group deliberates and renders an advisory opinion.

A mini-trial consists of presentations by the parties to a panel selected and authorized by all the parties to negotiate a settlement of the dispute that, after the presentations, considers the legal and factual issues and attempts to negotiate a settlement.

A moderated settlement conference is a process in which conferences are conducted by a neutral person who hears brief presentations from the parties in order to facilitate negotiations. The neutral person renders an advisory opinion in aid of negotiation.

A summary jury trial is a technique where attorneys make abbreviated presentations to a small jury selected from the regular jury list. The jury renders an advisory decision to help the parties assess their position to aid future negotiation.

Each dispute resolution technique has a purpose. When thinking about how to resolve a dispute, your community will need to determine whether the dispute can be settled out of court and which resolution process is the most appropriate for the type of dispute.

TIP

For more information on judicial and quasi-judicial dispute resolution techniques, see §802.12, Wis. Stats., which provides information on methods such as binding arbitration, non-binding arbitration, early neutral evaluation, focus groups, mini-trials, moderated settlement conferences, and summary jury trials.

Dispute resolution techniques are usually used to resolve conflicts and tense situations, but they can also be used to avoid conflicts and tense situations. Keep in mind that it may be easier in the long run to prevent disputes, thus avoiding the time, trouble, and expense of resolving the dispute, by using a combination of the techniques described earlier in this guide, such as open communication. In addition to using the techniques in this section for intergovernmental issues, the techniques could also be used to resolve disputes within the community's boundaries, such as between a developer and a neighboring property owner.

There are several techniques available for dispute resolution. Dispute resolution techniques can be broken into the following two categories:

- Alternative dispute resolution techniques such as mediation.
- Judicial and quasi-judicial dispute resolution techniques such as litigation and arbitration.

Communities and citizens are most familiar with the use of litigation and arbitration to resolve disputes. Litigation and arbitration can be effective tools for change and may be an appropriate choice, depending on the circumstances.

Sometimes, instead of going to trial, a judge may, with or without a motion being filed, order disputing parties to select certain alternative dispute resolution techniques to attempt settlement. Each dispute resolution technique has a purpose, advantages, and disadvantages.

This chapter focuses on mediation as an alternative to litigation and arbitration because it has so many benefits and is used most commonly.

What is mediation?

Mediation is a cooperative process involving two or more parties and a mediator. The mediator, a neutral third party with special skills and training in dispute resolution, helps the parties voluntarily reach a mutually acceptable settlement of the issues in dispute. The overall result desired from mediation is a successful agreement in which all parties involved feel satisfied with the outcome. Often the parties believe that the mediated result is better than a result using traditional processes.

TIP

Additional resources on dispute resolution can be found at the Marquette University Center for Dispute Resolution Education in Milwaukee. The center can be reached at:

☎ (414) 288-5535 or

www.marquette.edu/disputeres

What are the benefits of mediation?

- It exposes and clarifies the underlying interests and needs of each party.
- All parties benefit from the increased knowledge and understanding of the differing perspectives and may discover ways to approach future situations.
- It can provide a voice to smaller groups.
- Enhanced levels of public participation in community decision-making increases public confidence in local governmental officials and staff
- Satisfaction with the final outcome of mediation tends to be higher on both sides since the parties involved are able to participate and shape outcomes, rather than having a judicial decision imposed.
- While judicial decisions are frequently appealed by the “losing” party, because parties take more “ownership” a mediated agreement is more likely to be implemented.
- Litigation may end up costing the community significantly more resources.
- Court dockets are overburdened. If your community litigates, it may take substantial time before the case is heard and resolved.

Out of all the advantages of mediation, its most important benefit is that it gives communities an avenue to prevent costly litigation and possibly years of distraction.

What is a mediator?

A mediator may be someone from outside the community or a respected community member who does not have an allegiance or association with either of the communities or a stake in the outcome. Although a mediator may be familiar with the party's issues in general terms, a mediator's strengths lie in being able to

utilize negotiation and other skills as they work with the parties to voluntarily reach a mutually acceptable settlement of the issues in dispute. A mediator does not impose a decision. Ideally, the mediator will have some type of formal training or experience in dispute resolution. Possible mediators could be:

- ❑ Professional mediators.
- ❑ County planning agency staff.
- ❑ Regional planning commission staff.
- ❑ University of Wisconsin Cooperative Extension community development agents.
- ❑ State agency personnel.
- ❑ Retired or active judges and attorneys.

What does the mediator do?

The mediator has the primary responsibility for structuring and managing discussion directed at achieving mutually acceptable solutions. The mediator's functions are both procedural and substantive. The mediator can greatly assist parties by acting as a:

- ❑ **Convenor/Leader:** The mediator can be responsible for determining if mediation is likely to work. The mediator can also take the lead in setting the "ground rules", scheduling the number, time, and place of meetings, and establishing the format and the number of persons attending each meeting.
- ❑ **Communicator/Translator:** Often in intergovernmental conflicts the intended message may not be the message communicated and the communicated message may not be the message received. A mediator can get around this problem by transmitting the ideas, positions, convictions, and emotions in such a way that both sides understand each other. Parties sometimes fail to reach agreement, not because of the substance of what is said, but because the

A Wisconsin Example

In the mid-1990s, Waukesha County Circuit Judge Patrick L. Snyder heard a case involving a dispute between the Village of Lannon and its neighbor, the Town of Lisbon, over land access. The dispute was related to Lannon's construction of a sanitary sewer system. Litigation would have been time-consuming and costly, because the multimillion-dollar project was being held up. So Judge Snyder asked for mediation. The two communities used a construction consultant who has done mediation and arbitration work in the construction industry for 18 years, to devise a solution. Judge Snyder stated in a *Milwaukee Journal Sentinel* article on Feb. 2, 1997 that the mediator "saved those two municipalities \$100,000 apiece."

language is offered in a way that triggers hesitation, fear, or some other negative response. It is the job of the mediator to translate and screen statements or proposals, without changing their intent, into language that increases their probability of being favorably received. This helps to get past the misunderstandings and focus on resolving differences.

- ❑ **Educator:** The mediator should empathize with the aspirations of the respective parties and understand the technical aspects of each proposal. The mediator must be able to convey that information effectively to those who need it.
- ❑ **Resource Expander:** The mediator provides procedural assistance and links parties to outside experts and resources to which they may have previously lacked access (i.e., lawyers, technical experts, decision makers). These additional resources may enable them to reach acceptable settlement options.
- ❑ **Reality Agent:** The mediator helps build a reasonable and implementable settlement by questioning and challenging parties who have extreme and unrealistic goals or parties that create agreements that may not be workable. The mediator can serve as a reality check by asking questions that assist a party in understanding future consequences and risk.
- ❑ **Problem Explorer:** The mediator enables people to examine a problem from a variety of viewpoints, helps to define basic issues and interests, and looks for satisfactory settlement options. The mediator can explore options with more flexibility than the parties because the mediator won't have to commit to any suggestions or worry about a weaker image by backtracking.
- ❑ **Problem Redefiner:** Sometimes, one of the parties to a dispute may define an issue as "my" problem. The mediator can find ways to define the issues more broadly so that all the parties can see the interconnections between them. The mediator also helps to frame issues and problems in a way that gives both sides the ability to incorporate their issues into the framework.
- ❑ **Conflict Identifier:** Sometimes parties deny there is conflict in certain areas when there obviously is a conflict. The mediator can bring this conflict to the forefront of discussion rather than letting the parties pretend there is no conflict.
- ❑ **Consequence Identifier:** Parties may not always think through the logical consequences of a proposal. A mediator can help them do this.

Can our community's staff or elected officials serve as the mediator?

While some communities use their staff to mediate intergovernmental disputes, it is not recommended. For successful mediation, it is essential that the mediator be completely unbiased and neutral. For example, existing community procedures, plans, and commissions/committees may be the cause of the dispute.

When is it appropriate to use mediation? Mediation should be used for disputes when significant discretion is allowed on the part of the decision-makers. Mediation is appropriate when:

- ❑ The parties involved are interdependent or closely connected;
- ❑ The parties want to solve problems or create an agreement;
- ❑ The parties want to decide their own fate rather than risk having a third party making a decision for them; and
- ❑ The two parties have strongly held principles that are congruent.

What is the process for mediation? Who should be involved?

The mediation process should involve all parties with a stake in an issue. Any party with the ability to affect or control the outcome or block implementation should be included in the negotiation. The process depends upon “stakeholders” coming together to talk about their interests, jointly considering a wide range of options for satisfying their interests, and developing mutually acceptable outcomes.

The process of mediation can involve various work sessions with the parties, both individually and jointly, to determine the issues and explore agreement options. Individual, private sessions may be warranted. Concerns may not always be expressed publicly.

TIP

Win/Win Negotiating Tactics and Strategies

Effective negotiation is key to dispute resolution techniques. It involves an exchange of offers and counter-offers by the parties, or a discussion of the strengths and weaknesses or the merits of the parties' positions.

- ❑ Focus on your interests, not your position.
- ❑ Keep the focus on the relationship.
- ❑ Try to understand their perspective.
- ❑ Exercise self-control.
- ❑ Ask non-threatening questions.
- ❑ Listen intently to the other side.
- ❑ Identify commonalities.
- ❑ Communicate clearly and as openly as possible.
- ❑ Build trust.
- ❑ Avoid unnecessary conflict.
- ❑ Build agreements that are designed to last.

Ralph Cagle, UW-Madison School of Law

Are there any possible disadvantages to mediation?

Due to a lack of recognized standards for the conduct of mediation, there are some issues to consider:

- ❑ Those who use mediation need appropriate training and the ability to identify and separate issues.
- ❑ Mediation is not always faster or less expensive than traditional dispute resolution processes such as litigation. All parties must agree to negotiate in good faith, and because of this issue, mediation may only result in minimal agreements.
- ❑ To ensure the outcome of the negotiations is implemented, the parties should document the agreement in writing, which makes it more difficult to ignore the agreement or turn to litigation or political solutions.

Does there have to be a dispute or conflict to use mediation?

No. It is important to note that parties do not need to be embroiled in conflict to use mediation. Mediation is a good way to prevent conflict, manage change, anticipate differences or facilitate agreement. This is sometimes referred to as consensus building, a type of quasi-mediation.



Chapter 7 Key Points:

- ⇒ Dispute resolution techniques are usually used to resolve conflicts and tense situations that you have identified in your Intergovernmental Cooperation Element, but they can also be used to avoid these situations.
- ⇒ Keep in mind that it may be easier in the long run to prevent disputes, thus avoiding the time, trouble, and expense of resolving the dispute, by using a combination of the techniques described earlier in this guide, such as open communication, and the other techniques described in this section.

Chapter 8:

Future Updates and Revisions

Comprehensive Planning is a continuous process. Your plan should be thought of as a living document, continuously changing as it passes through the different life stages of creation, implementation, and update or revision.

The Comprehensive Planning Law requires that your community update its Comprehensive Plan, including your Intergovernmental Cooperation Element, no less than once every 10 years.²⁹ The Law also requires that your Implementation Element describe a process for how this update will occur.

An update or revision of a Comprehensive Plan is subject to the same adoption procedures that are required for a newly developed Comprehensive Plan, including distributing the proposed change to your neighbors and other governmental units.³⁰ Keep in mind that a revision or amendment that your community considers to be minor or merely technical in nature may not be perceived the same way by others. This is why seeking input is so important. It ensures that all issues are identified, considered, and addressed.

TIP

Wisconsin's Comprehensive Planning Grant Program provides funding not only for the preparation of new plans, but also for plan updates. Communities are eligible for only one grant every ten years.

For more information, contact OLIS at:

☎ (608) 267-2707 or www.doa.state.wi.us/olis

Other ideas for plan update and revision are:

 **Specifics.** Making your Comprehensive Plan goals, objectives, policies, programs, and other recommended actions detailed and specific makes it easier to determine what has been achieved, what has not, what has worked well, and what has not. Being specific can help your community know what needs to be updated or revised.

²⁹ §66.1001(2)(i), Wis.Stats.

³⁰ §66.1001(4), Wis.Stats.

 **Annual cooperation report.** The needs identified in the annual cooperation report (see page 36) can be used as a starting point for plan revisions or for your community's 10-year plan update.

What if our community already has a “plan”?

If your community has an existing master plan, development plan, or other type of land use plan that was developed or adopted prior to the passage of the Comprehensive Planning Law, you may be able to meet the requirements of the law by updating or revising your existing plan. It is possible to retrofit an existing county development plan, a master plan, or some other type of plan into a Comprehensive Plan. Your community should examine its plan to identify any missing elements and other requirements now required by the Comprehensive Planning Law. For example, if your community has a plan but does not have an Intergovernmental Cooperation Element, you will want to decide on a planning process and a timeline to update your Comprehensive Plan before 2010.



Chapter 8 Key Points:

- ⇒ The Comprehensive Planning Law requires that your community update its plan at least every 10 years.
- ⇒ Careful attention to, and recordation of, the implementation of your Comprehensive Plan can make update and revision easier.