

7. Intergovernmental Cooperation

7.1 Introduction

This element identifies planning activities in and around the Town of Herman, and provides a description of Wisconsin's statutes associated with intergovernmental cooperation.

In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions 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.

Many issues cross jurisdictional boundaries, affecting more than one community. For example, air, water, and wildlife pass over the landscape regardless of boundaries so that one jurisdiction's activities with regard to air, water, and wildlife 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 action of one governmental unit impacts others. Increasingly, we have come to the realization that many vital issues are regional in nature. Watersheds, economic conditions, 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.

Dodge County has 44 units of government, and special purpose districts defined as follows:

- ◆ 24 Towns
- ◆ 9 Cities
- ◆ 11 Villages
- ◆ 19 School districts
- ◆ 10 Sanitary districts
- ◆ 36 Drainage districts
- ◆ 3 Lake protection districts

Having so many governmental units allows for very local representation and means that Dodge County and Town residents have numerous opportunities to participate in local decision-making. However, the 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 jurisdiction, communication needs to move across multiple jurisdictions and involve multiple boards, commissions, committees, executives, administrators, and citizens. Goals between communities may differ and present challenges. More

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

Intergovernmental Cooperation Benefits

There are many reasons intergovernmental cooperation makes sense. The following are some examples:

- ◆ 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 county, 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.
- ◆ 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 particular intergovernmental issues, but all County residents can

appreciate their benefits, such as cost savings, provision of needed services, a healthy environment, and a strong economy.

7.2 Multi-Jurisdictional Plan Building Process

In order to facilitate meaningful opportunities for intergovernmental cooperation, the Dodge County Comprehensive Plan and 19 local plans were partially built utilizing a regional meeting approach. This approach grouped the participating communities into one of five regions (See Appendix, Map 1-2, Regional Plan Groupings). The regions were arranged based on: their location in the county, common features such as agriculture, highways and river corridors, and shared service areas for utilities and emergency services.

The regional meeting approach provided an excellent forum for communities to discuss and resolve issues. Each meeting involved three phases. During the first phase, general trends and other information were presented at the beginning of each meeting. The second phase involved "breakout" sessions, whereby each community met with an assigned planner to work through issues and concerns specific to each community. The third phase involved the communities getting back together to present findings and solutions.

7.3 Wisconsin Intergovernmental Agreement Statutes

Intergovernmental Cooperation

Wisconsin Statute, 66.0301 permits local agreements between the state, cities, villages, towns, counties, regional planning commissions, and certain special districts, including school districts, public library systems, public inland lake protection and rehabilitation districts, sanitary districts, farm drainage districts, metropolitan sewerage districts, sewer utility districts, Indian tribes or bands, and others.

Intergovernmental agreements prepared in accordance with s. 66.0301, formerly s. 66.30, are the most common form of agreement and have been used by communities for years, often in the context of sharing public services such as police, fire, or rescue. This type of agreement can also be used to provide for revenue sharing, determine future land use within a subject area, and to set temporary municipal boundaries. However, the statute does not require planning as a component of any agreement and boundary changes have to be accomplished through the normal annexation process.

Boundary Agreements Pursuant to Approved Cooperative Plan

Under 66.0307, Wisconsin Statutes, combinations of municipalities may prepare cooperative boundary plans or agreements. Each city, village, or town that intends to participate in the preparation of a cooperative plan must adopt a resolution authorizing its participation in the planning process.

Cooperative boundary plans or agreements involve decisions regarding the maintenance or change of municipal boundaries for a period of 10 years or more. The cooperative plan must include a plan for the physical development of the territory covered by the plan, a schedule for changes to the boundary, plans for the delivery of services, an evaluation of environmental

features, and a description of any adverse environmental consequences that may result from the implementation of the plan. It must also address the need for safe and affordable housing. The participating communities must hold a public hearing prior to its adoption. Once adopted, the plan must be submitted to the Wisconsin Department of Commerce for State approval. Upon approval, the cooperative plan has the force and effect of a contract.

Creation, Organization, Powers, and Duties of a Regional Planning Commission

Wisconsin Statute 66.0309 permits local governments to petition the governor to create a regional planning commission (RPC). If local support for a commission is unanimous, the governor may create it by executive order. The governor may also create a commission if local governments representing over 50% of the population or assessed valuation of the proposed region consent to the creation. Commission members are appointed by either local governments or the governor.

State Statutes require the RPC to perform three major functions:

- ◆ Make and adopt a comprehensive plan for the physical development of the region.
- ◆ If requested by a local unit, report recommendations to that local unit on the location or acquisition of land for any of the items or facilities which are included in the adopted regional comprehensive plan.
- ◆ Make an annual report of its activities to the legislative bodies of the local governmental units within the region.

RPCs are also authorized to perform several other functions, however, by law, they serve a strictly advisory role.

Dodge, Columbia, Jefferson, Rock, and Sauk Counties are the only counties in the state that are not part of a Regional Planning Commission.

Municipal Revenue Sharing

Wisconsin Statute, 66.0305, Municipal Revenue Sharing, gives authority to cities, villages and towns to enter into agreements to share revenue from taxes and special charges with each other. The agreements may also address other matters, including agreements regarding services to be provided or the location of municipal boundaries.

Boundaries of the shared revenue area must be specified in the agreement and the term of the agreement must be for at least 10 years. The formula or other means for sharing revenue, the date of payment of revenues, and the means by which the agreement was made may be invalidated after the minimum 10-year period.

Annexation

Wisconsin Statute, 66.021, Annexation of Territory, provides three petition methods by which annexation may occur. Annexation involves the transfer of one or more tax parcels from a town to a city or village. Cities and villages can not annex property without the consent of landowners as required by the following petition procedures:

1. Unanimous approval - A petition is signed by all of the electors residing in the territory and the owners of all of the real property included within the petition.
2. Notice of intent to circulate petition (direct petition for annexation) - The petition must be signed by a majority of electors in the territory and the owners of one-half of the real property either in value or in land area. If no electors reside in the territory, then only the landowners need sign the petition.
3. Annexation by referendum - A petition requesting a referendum election on the question of annexation may be filed with the city or village when signed by at least 20 percent of the electors in the territory.

Incorporation

Wisconsin Statutes, 66.0201, Incorporation of Villages and Cities; Purpose and Definitions, and 66.0211, Incorporation Referendum Procedure, regulate the process of creating new villages and cities from town territory. Wisconsin Statute, 66.0207, Standards to be applied by the department, identifies the criteria that have to be met prior to approval of incorporation.

The incorporation process requires filing an incorporation petition with circuit court. Then, the incorporation must meet certain statutory criteria reviewed by the Municipal Boundary Review Section of the Wisconsin Department of Administration. These criteria include:

- ◆ Minimum standards of homogeneity and compactness, and the presence of a “well developed community center;”
- ◆ Minimum density and assessed valuation standards for territory beyond the core;
- ◆ A review of the budget and tax base in order to determine whether or not the area proposed for incorporation could support itself financially;
- ◆ An analysis of the adequacy of government services compared to those available from neighboring jurisdictions;
- ◆ An analysis of the impact incorporation of a portion of the town would have on the remainder, financially or otherwise; and
- ◆ An analysis of the impact the incorporation would have on the metropolitan region.

Extraterritorial Zoning

Wisconsin Statute, 62.23(7a), Extraterritorial Zoning, allows a city with a population of 10,000 or more to adopt zoning in town territory, three miles beyond a city's corporate limits. A city or village with a population less than 10,000 may adopt zoning 1.5 miles beyond its corporate limits. If the extraterritorial area of two municipalities overlaps, jurisdiction is divided between them as provided under s. 66.0105.

Under extraterritorial zoning authority, a city or village may enact an interim zoning ordinance that freezes existing zoning, or, if there is no zoning, existing uses while a plan and regulations are developed. The statute provides that the interim ordinance may be for two years.

A joint extraterritorial zoning committee must be established consisting of three city or village plan commission members and three town members. The city or village plan commission works with the joint committee in preparing the plan and regulations. The joint committee must approve the plan and regulations by a majority vote before they take affect.

The Village of Iron Ridge does not utilize their extraterritorial zoning jurisdiction in the Town of Herman; however, the City of Hartford does utilize its extraterritorial zoning jurisdiction in the Town (See Map 7-1, Appendix A, Extraterritorial Jurisdiction).

Extraterritorial Subdivision Review

Wisconsin Statute, 236.10, Approvals Necessary, allows a city or village to exercise its extraterritorial plat review authority in the same geographic area as defined within the extraterritorial zoning statute. However, extraterritorial zoning requires town approval of the zoning ordinance, while extraterritorial plat approval applies automatically if the city or village adopts a subdivision ordinance or official map. The town does not approve the subdivision ordinance for the city or village. The city or village may waive its extraterritorial plat approval authority if it does not wish to use it.

The purpose of extraterritorial plat approval jurisdiction is to help cities and villages influence the development pattern of areas outside their boundaries that will likely be annexed to the city or village. Overlapping authority by incorporated municipalities is prohibited. This situation is handled by drawing a line of equal distance from the boundaries of the city and/or village so that not more than one ordinance will apply.

A portion of Herman is subject to the plat review authority of the Village of Iron Ridge and the City of Hartford.

7.4 Inventory of Plans for Communities in Dodge County

In Dodge County, 19 of 44 communities are participating in the development of the Dodge County Multi-Jurisdiction Comprehensive Plan (See Appendix, Map 1-2 Multi-jurisdiction Plan Groupings). Of the remaining 25 communities, six have land use plans, six have comprehensive plans that are not “Smart Growth” compliant, six have Comprehensive “Smart Growth” Plans, and seven do not have any plans (See Appendix, Map 7-2, Status of Planning in Dodge County).

Land Use Plans

- Town of Calamus, Town of Clyman, Town of Hubbard, Town of Lowell, Village of Hustisford, and City of Hartford.

Comprehensive Plans

- Town of Chester, Town of Theresa, Town of Williamstown, City of Beaver Dam, City of Horicon, and City of Waupun.

“Smart Growth” Comprehensive Plans

- Town of Beaver Dam, Town of Emmet, Town of Lebanon, City of Columbus, City of Fox Lake, and City of Watertown.

No Plans

- ♦ Town of Oak Grove, Town of Westford, Village of Clyman, Village of Kekoskee, Village of Lowell, Village of Randolph, and Village of Reeseville.

7.5 Inventory of Existing Intergovernmental Agreements

Mutual aid agreements exist between communities throughout the county to address police, fire, and ambulance services. Mutual aid agreements allow communities to share equipment and resources.

Various informal and formal agreements exist between communities throughout the county to address sharing services and facilities such as parks, road maintenance, snowplowing, and library funding.

There is no formal boundary agreement between the Village of Iron Ridge and the Town of Herman.

7.6 Analysis of the Town of Herman's Relationship with School Districts, Local Governmental Units, Other Jurisdictions, Neighboring Counties, Region, and State

Adjacent Governmental Units

The Town of Herman shares borders with the Town of Theresa to the north, Washington County to the east, Town of Rubicon to the south, and the Town of Hubbard to the west. The Village of Iron Ridge is located along the Town's west border edge, and the City of Hartford is located to the south east of the Town.

Relationship

The Town of Herman's relationship with the adjacent towns can be characterized as one of mutual respect. Towns are not incorporated and cannot annex land. Therefore, the borders between the Town of Herman and adjacent towns are fixed and boundary disputes are virtually nonexistent. However, incorporated municipalities can annex land, their borders are not fixed. Since the borders between the Village of Iron Ridge and the City of Hartford are not fixed, boundary disputes may arise. The providing of public services such as snow plowing or road maintenance are conducted individually by each Town, however, some cooperation does exist at the borders between towns.

Siting and Building Public Facilities

The Town of Herman does not currently share any public facilities with other governmental units. Likewise no plans exists to jointly site any public facility with another governmental unit.

Sharing Public Services

Currently the Allenton, Iron Ridge and Woodland Fire Departments provide fire protection and emergency medical services to the Town of Herman.

County Departments such as Planning and Development and Highway offer services for assistance beyond the required level of service. For towns that have adopted the County Land Use Code, the County administers the land use regulations in those towns. The Planning and Development Department also provides planning services for a fee to any municipality. Many communities have taken advantage of this service over the years.

The County Highway Department maintains the County highway system, a public service all County citizens utilize. The County Highway Department also installs driveway culverts and road name signs for those communities that choose to pay for such an additional service.

The Dodge County Sheriff's Department provides police protection to the Town of Herman, as well as most other municipalities in the County.

School Districts

A majority of the ~~elementary aged~~ children attend the Town of Herman school district, although, the Town of Herman does not have a middle school or high school. All other elementary aged children, middle school and high school students attend two other school districts. These districts include the Hartford and Mayville School Districts.

Relationship

The Town of Herman has a direct relationship with the Herman School District, however, the Town has limited relationship with the other school districts. The school districts tend to operate rather independently and interaction with the Town tends to be minimal.

Siting School Facilities

The Town of Herman has input into the ~~location~~ of a new elementary school facility for the Herman School District. The siting of new school facilities for the other two school districts is mainly conducted by the school districts.

Sharing School Facilities

No formal agreement between the School Districts and the Town exists for the shared use of school facilities. However, the schools outdoor ~~recreational~~ facilities also provide opportunities to residents of the Town.

Region

The Town of Herman is located in the south-central region of the State of Wisconsin. The Town of Herman is located in the east central portion of Dodge County. Dodge County and the Town

of Herman are not part of a regional planning commission. Therefore, the Town's relationship with the region is quite limited as there is no regional entity for the Town to be involved with.

State

The Town of Herman's relationship with the State of Wisconsin mainly involves state aids for local roads and the administering of various state mandates to Towns.

7.7 Intergovernmental Cooperation Trends

The following intergovernmental trends are anticipated during the planning period in the Town:

- ◆ Intergovernmental cooperation will increase as state, county, and local governments strive to spend less money more efficiently.
- ◆ Comprehensive planning will help communities share information and identify opportunities for shared services and facilities.
- ◆ The Village of Iron Ridge and the City of Hartford are continuing to grow, therefore annexation and other land use conflicts may occur between the Town of Herman and the Village of Iron Ridge and City of Hartford.
- ◆ Demand for public services will increase.