

## Chapter VII

# INTERGOVERNMENTAL COOPERATION ELEMENT

## INTRODUCTION

Intergovernmental cooperation is any arrangement by which officials of two or more government jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as sharing information or it can be as complicated as entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and resources.

Frequently, the actions of one government unit impact others. Increasingly, we are beginning to realize that many vital issues are regional in nature. Watershed, economic conditions, commuting patterns, housing, media markets, and effects from growth and change are all issues that spill over municipal bodies as a whole. Some of the benefits of good intergovernmental cooperation are cost savings, addressing issues regionally, identifying issues at an early stage, reduced litigation, consistency, better understanding, trust, and better service to citizens.

## INTERGOVERNMENTAL COOPERATION IN THE PLANNING PROCESS

The Town of Byron used a three-step approach to cooperate with local government units and school districts during the development of this plan. First, Byron asked for input on future growth and development from the school districts of Campbellsport, Fond du Lac, Lomira, and Oakfield. This effort resulted in responses from school district administrators in Campbellsport and Oakfield. Campbellsport did not see Byron as a large student growth area for their school district. Their school district boundaries make up a small portion of the Town of Byron (Appendix A, Map 10). Oakfield School District administration felt that growth in Byron would be positive for their district. The Oakfield School District contains about the western one-third of the Town of Byron.

Second, the Town of Byron received copies of existing land use and comprehensive plans from the Village of Lomira, Town of Lomira, Town of Eden, Town of Oakfield, and Town of Fond du Lac. Efforts were made to make certain that Byron's potential future land use did not conflict with land uses proposed along the boundaries with neighboring jurisdictions.

Finally, the Town of Byron invited neighboring jurisdictions to a meeting to discuss and receive input on Byron's projected future land use. This meeting resulted in the sharing of information.

### **Existing Intergovernmental Cooperation**

Mutual aid agreements exist between the communities throughout Fond du Lac County to address police, fire, and ambulance services. In the past, Fond du Lac County provided snow plowing services to all towns in Fond du Lac County through mutual aid agreements. This arrangement ended in the 1960s.

Various formal and informal agreements still exist between communities throughout the county to address service and facility sharing. These include parks, road maintenance, recycling a solid waste management, snowplowing, and library funding.

Several communities within the county also have developed boundary agreements. Recently, the Village of North Fond du Lac and the Town of Friendship as well as the City of Fond du Lac and Town of Fond du Lac developed boundary agreements.

## **WISCONSIN INTERGOVERNMENTAL AGREEMENT STATUTES**

### **General Agreements**

Wisconsin Statute, 66.0301 permits local agreements between the state, cities, villages, towns, counties, regional planning commissions, and special districts including school districts, public library systems, public inland lake protection and rehabilitation districts, and Native American Tribes. These local agreements are very popular and have been used in Wisconsin communities for years, often in the context of sharing public services such as police, fire, or rescue.

### **Cooperative Boundary Agreements**

Under Wisconsin Statute, 66.0307, communities can develop cooperative boundary agreements. Cooperative boundary agreements provide communities the flexibility to determine the issues that need to be resolved, the size of the agreement area, the responsibility for services, the duration of the agreement, and how the boundaries are determined. With an adopted boundary agreement the rules of annexation no longer apply. Communities work together to agree on their own rules. Requirements of boundary agreements include:

- Providing broad notice to area residents and jurisdictions.
- Preparing a cooperative plan that describes the public services, facilities, and infrastructure that is to 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
- Holding an advisory referendum, if requested
- Gaining approval from the Department of Administration, Municipal Boundary Review

### **Revenue Sharing**

Wisconsin has almost a 100-year history of state-local revenue sharing to local communities and school districts. Revenue sharing between local communities has been much less common. Municipal revenue sharing agreements under Wisconsin Statute 66.0305 allow adjacent communities to share taxes and fees. Requirements include:

- A public hearing
- A non-binding referendum if requested
- Specifics about the duration of the agreement
- An explanation of what revenues will be shared and how

### **Annexation**

Annexation is the process of transferring parcels of land from unincorporated areas to adjacent cities or villages. Annexation 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. Cities and villages can only react to petitions by landowners who live in towns and want to be annexed. Cities and villages cannot initiate the annexation of town land.

## **Incorporation**

Wisconsin Statutes, 66.0201 to 66.0215 regulate incorporation. Incorporation is the process of creating a new village or city from unincorporated territory. Like the annexation process, incorporation is driven by landowners and residents in the unincorporated territory, rather than by the town or county. However, in some cases a town will initiate its own incorporation petition. There are three parts to an incorporation proceeding:

- Circuit court review of the incorporation petition to ensure that certain minimum population and area standards are met.
- Municipal Boundary Review by the Department of Administration
- A referendum vote of area residents.

## **Extraterritorial Zoning**

Wisconsin Statute, 62.23(7a), extraterritorial zoning, allows first (population of 150,000 or more), second (population of 39,000 to 149,000), and third class cities (population of 10,000 to 38,999) to create a zoning jurisdiction 3 miles beyond their corporate limits. Fourth class cities and villages with populations under 10,000 may create a zoning jurisdiction 1.5 miles beyond their corporate limits. The following process must be implemented to create extraterritorial zoning.

- The governing body of a city or village must adopt and publicize a resolution that establishes their intent to exercise zoning authority within their extraterritorial jurisdiction.
- A joint extraterritorial zoning committee is established that includes three representatives from the city or village and three members from each of the towns included in the proposed area to be zoned.
- The extraterritorial zoning committee works with the entire plan commission of the city or village to develop a recommended zoning plan.
- A public hearing must be held on the recommended zoning plan for the extraterritorial zoning district.
- The six member joint committee votes and a simple majority of yes votes is required to present the extraterritorial plan to the local governing body.
- The village board or city council votes to adopt the extraterritorial plan.

The Village of Lomira could exercise extraterritorial zoning 1.5 miles beyond its corporate limits and the City of Fond du Lac could develop extraterritorial zoning 3 miles beyond its corporate limits. If created, both extraterritorial zoning districts would include large portions of the Town of Byron. To date, both the Village of Lomira and City of Fond du Lac have not utilized extraterritorial zoning.

## **Extraterritorial Subdivision Plat Review**

Wisconsin Statute, 236.10, allows cities and villages to exercise extraterritorial plat review authority in the same geographic area as defined within the extraterritorial zoning statute. A city or village can automatically apply extraterritorial subdivision plat review if it has a subdivision ordinance or official map.

This statute allows the village of Lomira to review subdivision plats 1.5 miles beyond its corporate limits and the City of Fond du Lac to review subdivision plats 3 miles beyond their corporate

limits. In the case of the City of Fond du Lac their extraterritorial subdivision plat review includes most of the northern third of the Town of Byron extending south to CTH B.

A provision in Wisconsin Statute, 236.10 (c) also gives county planning departments the authority to review town subdivision plats that are outside the extraterritorial subdivision plat review area of villages or cities. Fond du Lac County also exercises review authority for subdivision plat review in cities and villages. The Wisconsin Department of Administration also has subdivision plat review authority and the Wisconsin Department of Transportation reviews subdivision plats that abut a state highway.

### **Regional Planning Commissions**

Wisconsin Statute 66.0309 allows for the establishment of regional planning commissions within Wisconsin. Regional Planning Commissions serve in an advisory capacity to local governments. They conduct research, collect and analyze data, and make plans for the social, physical, and economic development of their regions. Under Wisconsin Statute 66.1001 regional planning commissions have the function and duty of making and adopting a master plan for the physical development of their region.

The East Central Wisconsin Regional Planning Commission area includes Marquette, Calumet, Green Lake, Shawano, Menomonee, Outagamie, Waupaca, Winnebago, Waushara, and Fond du Lac Counties. The Town of Byron and Fond du Lac County are not members of the East Central Wisconsin Regional Planning Commission.

## **ANALYSIS OF THE TOWN OF BYRON’S RELATIONSHIP WITH SCHOOL DISTRICTS, LOCAL GOVERNMENT UNITS, OTHER JURISDICTIONS, NEIGHBORING COUNTIES, REGION, AND STATE**

### **Neighboring Government Units**

The Town of Byron shares borders with the Town of Lomira and Dodge County to the south, the Town of Fond du Lac to the north, the Town of Eden to the east, and the Town of Oakfield to the west. In addition, the Village of Lomira and City of Fond du Lac are in close proximity to the town.

### **Relationship with Neighboring Government Units**

The Town of Byron has a good relationship with neighboring towns. Towns in Fond du Lac County are all members of the Wisconsin Towns Association. The towns association holds regular meetings where government officials from all town units in Fond du Lac County meet on a regular basis to educate themselves about new state policy and to share ideas. Towns are unincorporated and cannot annex land, therefore, towns do not engage in heated disputes about annexation of land.

The relationship with neighboring incorporated communities is much different. Incorporated villages and cities can annex land for growth. The Town of Byron is concerned about the possibility of future annexation of their lands. Growth pressures from the north with the U.S. Highway 151 bypass create additional concern about future annexation by the City of Fond du Lac.

### **Sitting and Building Public Facilities**

The Town of Byron does not share any public facilities with other government units. No future plans exist to jointly develop a public facility with another government unit.

### **Sharing Public Services**

The Town of Byron contracts with four fire departments for fire protection and emergency medical services. The Brownsville Fire Company, Eden Fire Department, Lomira Fire Department, and Oakfield Fire Department provide these services to the town.

This sharing of service increases efficiency by sharing costly fire equipment among several communities.

County Departments share many services with the citizens of Byron. These include police protection, child support services, parks, fairgrounds, and recreation, code enforcement, county highways, emergency management, land information, planning, public health nursing, senior services, land and water conservation, social services, University of Wisconsin-Extension education, and veterans services.

Fond du Lac County code enforcement administers the floodplain zoning ordinance, private onsite wastewater treatment system (POWTS) ordinance, shoreland zoning ordinance, automobile, tire, and junk ordinance, lead poisoning prevention and control ordinance, and the non-metallic mining reclamation ordinance.

### **School Districts**

The western third of the Town of Byron is within the Oakfield School District and the south-central portion of the town resides in the Lomira School District (Appendix A, Map 10). Smaller portions of the town are within the Fond du Lac and Campbellsport school districts.

### **Relationship with School Districts**

The Town of Byron's relationship with school districts is limited. The town board and school districts acknowledge each other, but they operate independently of each other.

### **Siting School Facilities**

The development or expansion of school facilities is the responsibility of school districts. The Town of Byron has not had much input on the location of new facilities. Currently, the town does not have the water and sanitary services to offer a building site to a school district.

### **Sharing School Facilities**

No agreements exist between the Town of Byron and the school districts for sharing school facilities. The school districts provide sporting event fields that are utilized by both Town of Byron youth and adults.

### **Region**

The Town of Byron is located in south-central Fond du Lac County, Wisconsin (Appendix A, Map 1). The Town of Byron is within the East Central Wisconsin Regional Planning Commission area. However, both Fond du Lac County and the Town of Byron are not members of the regional planning commission. The East Central Regional Wisconsin Planning Commission does administer the Metropolitan Planning Organization (MPO) for Fond du Lac. The northern portion of the Town of Byron is included in the MPO.

## **State**

The Town of Byron's relationship with the State of Wisconsin involves receiving state funds for local roads and recycling. Town board officials are always concerned about unfunded state mandates and the current state budget crisis. Town Board officials communicate their concerns with their state assembly and state senate elected officials.

## **EXISTING OPPORTUNITIES AND POTENTIAL CONFLICTS WITH OTHER GOVERNMENT UNITS AND STRATEGIES FOR CONFLICT RESOLUTION**

### **Opportunities**

Cooperation with existing uses of government creates opportunities to share service or program administration.

#### **Opportunity 1**

Assist the Town of Byron in rating and maintaining local roads.

Government Unit Assistance: Fond du Lac County Highway Department

#### **Opportunity 2**

Provide local protection in cooperation with surrounding towns and villages.

Government Unit Assistance: Town of Lomira, Village of Lomira, Town of Oakfield, Village of Oakfield, Town of Fond du Lac, Town of Eden

#### **Opportunity 3**

Create a sanitary district.

Government Unit Assistance: Town of Fond du Lac and City of Fond du Lac

#### **Opportunity 4**

Secure funding for future park, trail, and recreation development.

Government Unit Assistance: Fond du Lac County Parks and Planning Department and Wisconsin Department of Natural Resources

#### **Opportunity 5**

Develop a stormwater management plan

Government Unit Assistance: Fond du Lac County Land Conservation Department, Town of Fond du Lac, and City of Fond du Lac

### **Potential Conflicts and Resolutions**

Continued cooperation and interaction with neighboring local government jurisdictions will keep potential conflicts to a minimum.

#### **Potential Conflict 1**

Annexation of town land by the City of Fond du Lac and Village of Lomira

Process to Resolve: Adoption of the town comprehensive plan. Development of cooperative boundary agreements with the city and village.

### **Potential Conflict 2**

The concern about too much intervention by Fond du Lac County and the City of Fond du Lac with regards to residential development and control of other comprehensive planning issues.

Process to Resolve: Adoption of the Town Comprehensive Plan. The Town of Byron uses their comprehensive plan as a guide, updates it and administers local zoning ordinance. Enhance communication with the Fond du Lac County Planning Department and County Board Supervisors.

### **Potential Conflict 3**

Water withdrawals from municipal wells in the town by the City of Fond du Lac

Process to Resolve: Develop agreement with the city to buy treated water if water supply or quality becomes a severe problem within the town

### **Potential Conflict 4**

Concerns over residential development and conflicts with agricultural producers

Process to Resolve: Town adopts comprehensive plan. The town planning commission makes certain that new residential development is buffered from dairy farm operations.

## **INTERGOVERNMENTAL ELEMENT: GOALS AND OBJECTIVES**

### **Goal**

Cooperate with local, state, and federal government jurisdictions to provide the most efficient and cost effective services to the citizens of the Town of Byron.

### **Objectives**

1. Enhance efforts to build cooperative working relationships with neighboring towns, villages, the City of Fond du Lac, and Fond du Lac County.
2. Continue membership in the Wisconsin Towns Association and participate in local, district, state, and national meetings.
3. Increase efforts with adjacent communities, Fond du Lac County and the State of Wisconsin to provide efficient and cost effective fire protection services, police protection services, street maintenance, and park and recreation services.
4. Encourage collaboration with Fond du Lac County Code Administration to enforce ordinances.
5. Encourage intergovernmental cooperation with the City of Fond du Lac, Village of Lomira, and surrounding towns to reduce government costs while enhancing services.

## **INTERGOVERNMENTAL ELEMENT: POLICIES AND RECOMMENDATIONS**

**Policies**

1. The Town of Byron will support local and regional efforts to coordinate shared services with surrounding local government jurisdictions.
2. The Town of Byron shall develop clear goals before attempting any future boundary agreements with incorporated cities or villages.
3. The Town of Byron will continue the policy of cooperating with neighboring jurisdictions to make certain that land use along borders is consistent to keep conflicts at a minimum.
4. The Town of Byron will continue and participate in cooperative planning efforts with surrounding local government units and service providers.
5. The Town should create a capital improvements plan for major purchases and road maintenance and share it with neighboring local governments in an effort to increase collaboration and sharing of information.

**Recommendations**

1. Print an annual newsletter that provides information on past year's efforts and successes with intergovernmental cooperation with neighboring local government units.
2. Develop a future boundary agreement with the City of Fond du Lac.
3. Keep local government jurisdictions and Fond du Lac County informed about comprehensive plan implementation to avoid possible conflicts.
4. Establish intergovernmental cooperation as a standard for conducting local government business.