

2003 DRAFTING REQUEST

Bill

Received: **03/05/2004**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Dianne**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Munis - zoning
Counties - zoning**

Extra Copies: **RCT, RAC**

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Replacement body for the Dane County Regional Planning Commission

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 03/05/2004	csicilia 03/10/2004	pgreensl 03/05/2004	_____	lnorthro 03/05/2004		Local
/1		csicilia 03/11/2004	rschluet 03/10/2004	_____	mbarman 03/10/2004		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2			rschluet 03/11/2004	_____	lemery 03/11/2004	lemery 03/11/2004	Local

FE Sent For:

<END>

→ At
Intro.

2003 DRAFTING REQUEST

Now
DO AN Identical
version, based on
-4446/2, &
jacket for
Senate

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/1			rschluet 03/10/2004		mbarman 03/10/2004		Local

12 MES 3/11/04

Handwritten scribbles and numbers: 3, 11, 4

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FE Sent For:

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 4

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Pre Topic:

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Topic:

Replacement body for the Dane County Regional Planning Commission

Instructions:

replaces -4339/i-- bad #

See Attached

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/P1	mshovers						
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FE Sent For:

<END>

1-26-04

Marc,

Here are the final drafting instructions for legislation that would replace the Dane County Regional Planning Commission.

Sorry for any inconvenience.

Dianne
Senator Risser's Office
6-1627

9 is new

**Drafting Instructions for Legislation
to Create Dane County Council of Governments
January 26, 2004**

1. Creation.

Create a statute that will establish a new legal entity known as the Dane County Council of Governments.

The Council shall consist of

- A. The Mayor of the City of Madison
- B. The President of the Common Council of the City of Madison
- C. The President of the Dane County Towns Association.
- D. The President of the Dane County Cities and Villages Association.
- E. The Vice-President of the Dane County Cities and Villages Association.
- F. The Dane County Executive.
- G. The Dane County Board Chairperson.

2. Rules to Govern Council.

- A. Members may not be represented by alternates or designees. The Council shall adopt bylaws defining its operating procedures. A quorum shall be defined as six of the seven members.
- B. All members must be elected officials.
- C. All decisions of the Council concerning expansion of urban service areas and employment or termination of staff shall require a supermajority of seventy of the weighted votes.
- D. The Council members shall vote using weighted votes, which shall be allocated as follows:

Council member	Votes
Mayor of Madison	35
Madison Council President	5
DCTA President	20
DCCVA President	20
DCCVA Vice President	5
Dane County Executive	20
Dane County Board Chairperson	5
Total votes	110

- E. The Council shall be subject to the open records and open meetings laws.

3. Powers of Council

- A. To act as the water quality planning Council for the territory of Dane County for all purposes under the Clean Water Act. Water quality planning should also include storm water quality and quantity planning, and fresh water supply planning.
- B. To serve as the demographic statistics center for the United States census;
- C. To serve as a repository for adopted plans and planning information for the Dane County communities and the County,
- D. To assume such other land use planning responsibilities as are delegated to it by agreement of the municipalities of Dane County.
- E. To act consistently with the principles of the comprehensive planning law, sec. 66.1001, Wis. Stats.
- F. To develop and implement a transfer of development rights program for the purpose of limiting scattered site low density development in rural areas.

4. Sunset Date

There will be a sunset date established for the Council of five years from the date of enactment of the statute.

5. Staff

The Council shall have its own staff and may not contract for staff services with Dane County or any other constituent municipality or group of municipalities in the county. The staff shall be supervised by an executive director chosen by the authority, which director will choose the staff. The Executive Director, and senior managers shall serve at pleasure of the Council. The Council will retain the existing staff of the Dane County Regional Planning Commission, but all professional staff shall serve a one-year probationary period. Professional staff may be retained at the end of the probationary period only by 70 votes.

6. Finance

The Council shall finance its operations through fees for services, grants and a direct property tax levy which shall not exceed .003 percent of equalized value. The Council shall have authority to develop and modify a schedule of fees for services.

7. Responsibility for Debt

Amend the non-statutory provisions in 1999 Wisconsin Act 9 which provided that the debts of the Dane County Regional Planning Commission after dissolution shall be the

responsibility of Dane County. It should provide, instead, that all debts of the the Dane County Regional Planning Commission and any remaining assets shall become the responsibility of the Council.

8. Planning, Engineering and Other Public Investment Forums.

The Council will facilitate a forum for professional cooperation, interaction and information sharing among the municipal planners in Dane County, and also among the engineers and public works officials, in order to build better coordination among communities related to infrastructure and growth. These might be supplemented by other forums related to other areas of public infrastructure investment.

9. Special Provision Allowing Comprehensive Revision of Dane County Zoning Ordinance.

Create a special provision which will allow Dane County to develop a comprehensive revision of its zoning ordinance without affording towns the opportunity to “opt out” of County zoning at that time, as is the case with the provision found in sec. 59.69 (5)(d), Wis. Stats. The comprehensive revision ordinance shall be prepared by a committee of County and Town officials to consist of 5 town supervisors or plan commission members selected by the Dane County Towns Association, and 1 town resident appointed by the County Executive, the County Director of Planning and Development, a designee of the Cities and Villages Association and a designee of the City of Madison. The comprehensive revision, when finalized, will take effect upon its approval by a majority of the Towns in Dane County. Individual towns may elect to allow the former version of the ordinance to remain in effect.

DATE: January 22, 2004

TO: Marc Shovers
Legislative Reference Bureau

Marc,

Attached are drafting instructions for legislation that would replace the Dane County Regional Planning Commission.

Rep. David Ward's office may also make the same request.

Please call with any questions.

Dianne
Senator Risser's office
266-1627

Rep. Ward
Regional Planning
Commission

**Drafting Instructions for Legislation
to Create Dane County Council of Governments**

1. Creation.

Create a statute that will establish a new legal entity known as the Dane County Council of Governments.

The Council shall consist of

- A. The Mayor of the City of Madison
- B. The President of the Common Council of the City of Madison
- C. The President of the Dane County Towns Association.
- D. The President of the Dane County Cities and Villages Association.
- E. The Vice-President of the Dane County Cities and Villages Association.
- F. The Dane County Executive.
- G. The Dane County Board Chairperson.

2. Rules to Govern Council.

- A. Members may not be represented by alternates or designees. The Council shall adopt bylaws defining its operating procedures.
- B. All decisions of the Council concerning expansion of urban service areas and employment or termination of staff shall require a supermajority of x of the weighted votes.
- C. The Council members shall vote using weighted votes, which shall be allocated as follows:

Council member	Votes
Mayor of Madison	X
Madison Council President	X
DCTA President	X
DCCVA President	X
DCCVA Vice President	X
Dane County Executive	X
Dane County Board Chairperson	X
Total votes	X

3. Powers of Agency

- A. To act as the water quality planning agency for the territory of Dane County for all purposes under the Clean Water Act. Water quality planning should also include storm water quality and quantity planning, fresh water supply planning.
- B. To serve as the demographic statistics center for the United States census;

- C. To serve as a clearing house for planning information for the Dane County communities and the County;
- D. To assume such other land use planning responsibilities as are delegated to it by agreement of the municipalities of Dane County.

4. Sunset Date

There should be a sunset date established for the Agency of five years from the date of enactment.

5. Staff

The Agency shall have its own staff and may not contract for staff services with Dane County or any other constituent municipality or group of municipalities in the county. The staff shall be supervised by an executive director chosen by the authority, which director will choose the staff. The Executive Director, and senior managers shall serve at pleasure of the Council.

6. Finance

The Agency shall finance its operations through fees for services, grants and a direct property tax levy which shall not exceed .003 percent of equalized value.

7. Responsibility for Debt

Repeal the non-statutory provisions in 1999 Wisconsin Act 9 which provided that the debts of the Dane County Regional Planning Commission after dissolution shall be the responsibility of Dane County. It should provide, instead, that all debt shall be paid out of the remaining assets of the Regional Planning Commission, and any remaining assets devolve to Dane County.

8. Planning, Engineering and Other Public Investment Forums.

The Council will facilitate a forum for professional cooperation, interaction and information sharing among the municipal planners in Dane County, and also among the engineers and public works officials, in order to build better coordination among communities related to infrastructure and growth. These might be supplemented by other forums related to other areas of public infrastructure investment.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-43397

MES/.....

-4438/P1

RMR

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

companion bills

today

D-NOTE

x-...
SA ✓
new CR ✓

gln

1 AN ACT ^{gln} relating to: creating the Dane County council of governments and
2 authorizing Dane County to enact a comprehensive zoning ordinance.

county

^{no} **Analysis by the Legislative Reference Bureau**

Under current law, the Dane County Regional Planning Commission (DCRPC) will be dissolved on October 1, 2004. Its net outstanding debt will assigned to Dane County, and, if it has no outstanding debt, ~~and any unexpended funds, the funds are~~ ^{be} to be returned to cities, villages, towns, and ~~counties~~ ^{county} that supplied them.

will

This bill creates the Dane County council of governments (council), which is a local unit of government that is separate and distinct from the state and from any other ~~any other~~ local unit of government. The jurisdiction of the council is Dane County, and all of the cities, villages, and towns that are located within the county.

The council consists of the following members, who must all be elected officials, who have the following weighted votes: ^{he}

1. The mayor of the City of Madison, 35 votes. ✓
2. The president of common council of the City of Madison, 5 votes. ^{five}
3. The president of the Dane County Towns Association, 20 votes.
4. The president of the Dane County Cities and Villages Association, 20 votes.
5. The vice-president of the Dane County Cities and Villages Association, 5 votes. ^{five}
6. The Dane County executive, 20 votes.
7. The chairperson of the Dane County board, 5 votes.

The members of the council may not be represented by an alternate or designee. The council may not contract for staff services with any political subdivision in the

the authority to do a number of things

affirmative

the authority to do a number of things

state, but may hire its own employees. All decisions by the council to hire or terminate an employee require 70 votes.

The bill gives the council a number of powers, including the following:

1. ~~The authority~~ to levy a property tax on the taxable property in the jurisdiction of the council, at a rate that may not exceed 3 mill. ^S
2. To ~~the extent of its authority,~~ make decisions regarding the expansion of an existing urban sewer service area, if its decision receives at least 70 votes. ^{affirmative}
- To 3. Request that the department of natural resources recommend to the governor that the council be designated as the agency within its planning area that is responsible for developing an effective areawide water quality management plan and, if so designated, carry out the responsibilities of such an agency.
- To 4. Serve as a repository for adopted comprehensive plans and zoning ordinances.
- To 5. Assume any land use planning responsibilities that a political subdivision delegates to the council.
- To 6. Develop and implement a transfer of development rights program to limit scattered site low density development in rural areas.
- To 7. Facilitate a forum for cooperation and information sharing among Dane County municipal engineers and planners, and public works officials, to better coordinate infrastructure development and growth within the county.

STET: leave as typed

Under the bill, upon the dissolution of the DCRPC, its net liabilities will become the responsibility of the council, and any remaining unexpended funds become the property of the council. The council sunsets on the ~~1st~~ day of the 60th month beginning after the effective date of the bill, and is dissolved on that date. Any net liabilities of the council are assessed to Dane County, and any unexpended funds must be returned to the cities, villages, towns, or county that supplied them.

first

Under current law, a county board may enact a comprehensive revision of its zoning ordinance. If a town board within the county that enacts such an ordinance fails to approve such a comprehensive ordinance within a year, neither the existing ordinance nor the comprehensive revision is in force in the town. ✓

This bill creates a new method of enacting a comprehensive revision of a zoning ordinance for Dane County. Under the bill, a Dane County comprehensive revision zoning ordinance may be prepared by a committee that consists of the following persons: ✓

1. Five town supervisors or plan commission members selected by the Dane County Towns Association.
2. One resident of a town in Dane County who is selected by the Dane County Executive.
3. The Dane County director of planning and development.
4. One person selected by the Dane County Cities and Villages Association.
5. One person selected by the City of Madison.

Once a majority of the town boards in Dane County approve the ordinance, it applies in every town in the county unless, before it takes effect, a town board enacts an ordinance stating that the town remains subject to the existing ordinance and

that the new comprehensive ordinance does not apply in the town. This ^{first} statute also sunsets on the ^{provision} (1st) day of the 60th month beginning after the effective date of the bill.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 59.69 (5) (d) of the statutes is amended to read:

2 59.69 (5) (d) The board may by a single ordinance repeal an existing county
3 zoning ordinance and reenact a comprehensive revision thereto in accordance with
4 this section. "Comprehensive revision", in this paragraph, means a complete
5 rewriting of an existing zoning ordinance which changes numerous zoning
6 provisions and alters or adds zoning districts. The comprehensive revision may
7 provide that the existing ordinance shall remain in effect in a town for a period of up
8 to one year or until the comprehensive revision is approved by the town board,
9 whichever period is shorter. ~~If~~ Except as provided in par. (dm), [✓] if the town board fails
10 to approve the comprehensive revision within a year neither the existing ordinance
11 nor the comprehensive revision shall be in force in that town. Any repeal and
12 reenactment prior to November 12, 1965, which would be valid under this
13 paragraph is hereby validated.

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 703; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

14 SECTION 2. 59.69 (5) (dm) of the statutes is created to read:

15 59.69 (5) (dm) 1. Notwithstanding par. (d), [✓] the Dane County board may by
16 a single ordinance repeal an existing county zoning ordinance and reenact a
17 comprehensive revision thereto in accordance with this section and subject to this
18 paragraph. "Comprehensive revision", in this paragraph, means a complete

A STET: leave as typed

1 rewriting of an existing zoning ordinance which changes numerous zoning
2 provisions and alters or adds zoning districts.

3 2. An ordinance under this paragraph shall be prepared by a committee that
4 consists of the following members:

5 a. Five town supervisors or plan commission members selected by the Dane
6 County Towns Association.

7 b. One resident of a town in Dane County who is selected by the Dane County
8 Executive.

9 c. The Dane County director of planning and development.

10 d. One person selected by the Dane County Cities and Villages Association.

11 e. One person selected by the City of Madison.

***NOTE: Do you want subd. par. e. to be any more specific? How do you intend the
"City of Madison" to select a member?

12 3. When the committee gives its final approval to the proposed ordinance that
13 it prepares under subd. 2., it shall send copies of the ordinance to every city, village,
14 and town clerk in Dane County. The ordinance shall take effect in Dane County upon
15 its approval by a majority of the town boards in Dane County and shall apply in every
16 town in the county, except as provided in subd. 4.

17 4. Any town in Dane County may continue to be governed by the county zoning
18 ordinance that is in effect on the date on which the committee gives its final approval
19 to the proposed ordinance under subd. 3. if its town board enacts an ordinance, before
20 the new comprehensive ordinance described in this paragraph takes effect, stating
21 that the town remains subject to the existing ordinance and that the new
22 comprehensive ordinance described in this paragraph does not apply in the town.

revision
revision

1 5. This paragraph does not apply on or after the first day of the 60th month
2 beginning after the effective date of this subdivision [revisor inserts date].

△...△
STET: Leave as typed

****NOTE: Am I correct in assuming that you wanted this paragraph to be subject to the same sunset provision as the council under s. 66.1002? Is it your intent that this paragraph not have a sunset date? If you don't want a sunset date for this paragraph, can a town that initially "opts out" under subd. 4. ever become subject to the "new" comprehensive zoning ordinance?

3 SECTION 3. 66.1002 of the statutes is created to read:

4 66.1002 Dane county council of governments. (1) CREATION AND
5 ORGANIZATION. (a) In this section:

6 1. "Council" means the Dane County council of governments that is created
7 under this section.

8 2. "Political subdivision" means Dane County and any city, village, or town,
9 that is located in Dane County.

10 (b) There is created a special district that is a local governmental unit, that is
11 a body corporate and politic, that is separate and distinct from, and independent of,
12 the state, and any other political subdivision, that has the powers under s. 66.1002
13 (2), and the name of which is the Dane County council of governments. Sub.

14 (c) The jurisdiction of the district is Dane County.
e council

15 (d) The council shall consist of the following members, who shall have the
16 following weighted votes:

- 17 1. The mayor of the City of Madison, 35 votes.
- 18 2. The president of common council of the City of Madison, 5 votes.
- 19 3. The president of the Dane County Towns Association, 20 votes.
- 20 4. The president of the Dane County Cities and Villages Association, 20 votes.
- 21 5. The vice-president of the Dane County Cities and Villages Association, 5
22 votes.

- 1 6. The Dane County executive, 20 votes.
- 2 7. The chairperson of the Dane County board, 5 votes.
- 3 (e) 1. No member of the council may be represented by an alternate or designee.
- 4 2. Six members of the council constitute a quorum.
- 5 3. All members of the council shall be elected officials.

6 **(2) POWERS AND RESPONSIBILITIES.** The council has all of the powers necessary
7 or convenient to carry out the purposes and provisions of this section. In addition to
8 all other powers granted by this section, a council may do all of the following:

- 9 (a) Adopt and alter an official seal.
- 10 (b) Sue and be sued in its own name, plead and be impleaded.
- 11 (c) Maintain an office.

 ****NOTE: Pars. (a) to (c), and (d) 1., are standard provisions in the creation of
special purpose districts, such as the prof. baseball park district. See s. 229.68 (1) to (3)
and (5). Is this consistent with your intent? ✓ ✓

12 (d) 1. Employ personnel, and fix and regulate their compensation; and provide,
13 either directly or subject to an agreement under s. 66.0301 as a participant in a
14 benefit plan of another governmental entity, any employee benefits, including an
15 employee pension plan.

16 2. The council may not contract for staff services with a political subdivision^e
17 or with any other city, village, town, or county in this state.

18 3. The employees shall be supervised by an executive director, who shall be
19 selected by, and serve at the pleasure of, the council. The executive director may hire
20 additional employees at the direction of the council, and such employees serve at the
21 pleasure of the executive director. All decisions by the council to hire or terminate
22 an employee requires^e at least 70^{affirmative} votes. The council shall hire a treasurer.

 ****NOTE: Do you want to specify whether employees hired by the exec. dir. serve
at his or her pleasure, or at the pleasure of the council? I required the council to hire a

treasurer because property tax revenues, under par. (f), are delivered to the council's treasurer. Is this OK? ✓

subdivision → Δ Δ ✓

1 4. The council shall offer employment to all staff members of the Dane County
2 Regional Planning Commission who are employed by the commission on the effective
3 date of this paragraph [revisor inserts date], in a similar position to the position that
4 such employees hold at the Dane County Regional Planning Commission.

5 5. All professional staff shall serve a one year probationary period, and a
6 professional staff member may be retained at the end of the probationary period only
7 if a resolution that is before the council on his or her continued employment receives at least 70 affirmative votes.

***NOTE: Do you want to define "professional staff members?" The implication of this subdivision is that these employees may be fired only for cause. Is this your intent, or do you want all employees to be employees at will? Also, this subd seems to be in conflict with subd. 3. *subdivision*

8 (e) Develop and modify a schedule of fees for the services that it provides.

9 (f) Levy a tax upon the taxable property in the jurisdiction of the council as
10 equalized by the department of revenue for state purposes for the purpose of carrying
11 out and performing duties under this section at a rate that may not exceed, in any
12 one year, three mill ^s for each dollar of the jurisdiction's equalized valuation, as
13 determined under s. 70.57. The tax levy may be spread upon the respective real
14 estate and personal property tax rolls of the city, village, and town areas included in
15 the council taxes, and shall not be included within any limitation on county or
16 municipality taxes. The moneys when collected shall be paid to the treasurer of the
17 council.

3

***NOTE: Par. (f) is based on s. 200.13 (2), which applies to metropolitan sewerage districts. Is this consistent with your intent?

18 (g) To the extent of its authority, make decisions regarding the expansion of an
19 existing urban sewer service area, as that term is used in NR 151.002 (18), Wis. adm.
20 code, except that any decision that the council may make requires at least 70 affirmative votes.

affirmative

****NOTE: The authority you wish the council to be able to exercise in par. (g) is unclear to me. Do you believe that this statute authorizes the council to act in this area? Which unit of government currently may exercise authority over the expansion of an "existing urban sewer service area"? Do you want to make their authority subject to the council's authority? Does par. (g) reflect your intent?

1 (h) Request that the department of natural resources recommend to the
2 governor that the council be designated as the agency within its planning area that
3 is responsible for developing an effective areawide water quality management plan
4 under NR 121.06, Wis. adm. code and, if so designated, carry out the responsibilities
5 of such an agency.

6 (i) Serve as the demographic statistics center for the United States census.

****NOTE: Par. (i) is drafted according to your instructions, but I'm not sure that it is legally enforceable. Do you know whether a local government or the U.S. Census Bureau decides which entity serves as a demographic statistics center for the U.S. census? This term, "demographic statistics center" does not appear in the statutes or the administrative code.

7 (j) Serve as a repository for adopted comprehensive plans, as defined in s.
8 66.1001 (1) (a), and for town zoning ordinances, and amendments to such zoning
9 ordinances, that are enacted under s. 60.61.

****NOTE: I'm not sure what your intent is with regard to this paragraph. Do you want to *require* all political subdivisions to send copies of comprehensive plans and zoning ordinances to the council, or do you merely want the council to serve as a repository for plans and ordinances that political subdivisions may choose to send to the council?

10 (k) Assume any land use planning responsibilities that a political subdivision
11 delegates to the council under an intergovernmental cooperation agreement under
12 s. 66.0301.

****NOTE: Is the inclusion of the intergovernmental cooperation agreement process consistent with your intent?

13 (L) Act consistently with the principles of s. 66.1001.

****NOTE: Par. (L) is drafted according to your instructions, but I'm not sure what legal effect it has, or what legal effect you intend it to have, because the Smart Growth statute does not apply to the council.

14 (m) Develop and implement a transfer of development rights program whose
15 purpose is to limit scattered site low density development in rural areas.

****NOTE: I'm not sure what legal effect you intend for par. (m) to have. By giving the council the power to "develop and implement" a TDR program, do you intend for the council to be able to require cities and villages, for example, to change their zoning ordinances to accommodate the council's plan? Do you intend the council's authority to be greater than a city's or village's home rule authority? Do you have a definition in mind for a "TDR program?"

1 (n) Facilitate a forum for professional cooperation, interaction, and
2 information sharing among the municipal planners, municipal engineers, and public
3 works officials in Dane County to encourage better coordination of infrastructure
4 development and growth among political subdivisions.

5 (3) SUNSET, DISSOLUTION. (a) This section does not apply on or after the first day
6 of the 60th month beginning after the effective date of this subsection [revisor inserts
7 date] and the council shall dissolve on that date.

paragraph
A dashed arrow points from the word "paragraph" to the word "subsection" in the text above.

8 (b) Upon dissolution, all unexpended funds of the council shall be applied to any
9 outstanding indebtedness of the council. If any outstanding indebtedness of the
10 council remains after the application of the unexpended funds to such debts, the
11 remaining indebtedness shall be assessed to Dane County. If the council has no
12 outstanding indebtedness and has unexpended funds, such funds shall be returned
13 to the cities, villages, towns, or county that supplied them.

****NOTE: Your instructions did not provide for the dissolution of the council. Is this OK?

14 SECTION 4. 79.095 (1) (bm) of the statutes is amended to read: ✓

15 79.095 (1) (bm) "Special purpose district" means a metropolitan sewerage
16 district organized under subch. II of ch. 200, a town sanitary district organized under
17 subch. IX of ch. 60, a metropolitan sewerage district created under s. 200.05, the
18 Dane County council of governments under s. 66.1002, or a public inland lake
19 protection and rehabilitation district organized under subch. IV of ch. 33. ✓

History 1997 a. 237; 2001 a. 16, 30

20 SECTION 5. Nonstatutory provisions.

(1) ASSUMPTION OF THE DANE COUNTY REGIONAL PLANNING COMMISSION'S DEBT.

~~SECTION 6~~ 2001 Wis. Act 109 of the statutes is amended to read:

~~of Wis. Act 109, s. 1157s~~ continued

¶ [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures for dissolution of a regional planning commission that are specified under section 66.945 (15) of the statutes, the Dane County regional planning commission shall be dissolved on October 1, 2004. All unexpended funds of the commission on that date shall be applied to any outstanding indebtedness of the commission. If any outstanding indebtedness of the commission remains after the application of the unexpended funds to such debts, the remaining indebtedness shall be assessed to Dane County become the responsibility of the Dane County council of governments. If the commission has no outstanding indebtedness and has unexpended funds, such funds shall be returned to the cities, villages, towns or county that supplied them become the property of the Dane County council of governments.

(END)

1999

¶ SEC. #. ~~2001~~ Wisconsin Act ~~109~~ 9 ↑

section 9158 (8w)(e) is amended to read:

↑ as last affected by 2001 Wisconsin Act 109, section 1157s ↑

D-N

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-43397dn

MES.....

-4438/Pldn
gjs

Representative Word:

~~Senator Risser:~~

I have tried to draft this bill based on the instructions that you submitted, but there were quite a few details that the instructions did not address. I have included a number of "****NOTES" in the text of the bill that must be resolved before I can produce an introducible draft.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4444/P1dn
MES:cjs:pg

March 5, 2004

Representative Ward:

I have tried to draft this bill based on the instructions that you submitted, but there were quite a few details that the instructions did not address. I have included a number of "*****NOTES" in the text of the bill that must be resolved before I can produce an introducible draft.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

Now

2003 BILL

D-note

LPS:
note
underlying
LRB draft
number

4444/1
LRB-~~4461~~
MES:cs:rs
T
stays

Re Gen cat.

1 AN ACT to amend 59.69 (5) (d) and 79.095 (1) (bm); to create 13.94 (1) (r), 59.69
2 (5) (dm) and 66.1002 of the statutes; and to affect 1999 Wisconsin Act 9, section
3 9158 (8w) (e); relating to: creating the Dane County Council of Governments
4 and authorizing Dane County to enact a comprehensive zoning ordinance.

Analysis by the Legislative Reference Bureau

Under current law, the Dane County Regional Planning Commission (DCRPC) will be dissolved on October 1, 2004. Its net outstanding debt will be assigned to Dane County, and, if it has no outstanding debt, any unexpended funds will be returned to the cities, villages, towns, and county that supplied them.

This bill creates the Dane County Council of Governments (council), which is a local unit of government that is separate and distinct from the state and from any other local unit of government. The jurisdiction of the council is Dane County, and all of the cities, villages, and towns that are located within the county.

The council consists of the following members, who must all be elected officials, who have the following weighted votes:

1. The mayor of the city of Madison, 35 votes.
2. The president of the common council of the city of Madison, five votes.
3. The president of the Dane County Towns Association, 20 votes.
4. The president of the Dane County Cities and Villages Association, 20 votes.
5. The vice president of the Dane County Cities and Villages Association, five votes.
6. The Dane County executive, 20 votes.

BILL

7. The chairperson of the Dane County board, 5 votes.

The members of the council may not be represented by an alternate or designee. The council may not contract for staff services with any political subdivision in the state, but may hire its own employees. All decisions by the council to hire or terminate the executive director, or to retain a professional staff member at the end of a one year probationary period, require 70 affirmative votes. The council must create a merit system that applies to all employees other than the executive director.

The bill gives the council the authority to do a number of things, including the following:

1. To levy a property tax on the taxable property in the jurisdiction of the council, at a rate that may not exceed two mills.

2. If designated by the governor and approved by the federal Environmental Protection Agency, to act as the areawide water quality management agency (AWQMA) for Dane County. If the council is the designated AWQMA, it must adopt written criteria to expand or create sewer service areas before it may exercise such authority, and the exercise if this authority requires at least 70 affirmative votes.

3. To serve as a voluntary repository for adopted comprehensive plans and other land use plans.

4. To provide professional land use planning services under a contract with a political subdivision.

5. To develop and recommend for adoption a transfer of development rights program to limit scattered site low density development in rural areas.

6. To facilitate a forum for cooperation and information sharing among Dane County municipal engineers and planners, and public works officials, to better coordinate infrastructure development and growth within the county.

Under the bill, upon the dissolution of the DCRPC, its net liabilities will become the responsibility of the council, and any remaining unexpended funds become the property of the council. The council sunsets on the first day of the 48th month beginning after the effective date of the bill, and is dissolved on that date. Any net liabilities of the council are assessed to Dane County, and any unexpended funds must be refunded to the taxpayers that supplied them.

Under current law, a county board may enact a comprehensive revision of its zoning ordinance. If a town board within the county that enacts such an ordinance fails to approve such a comprehensive ordinance within a year, neither the existing ordinance nor the comprehensive revision is in force in the town.

This bill creates a new method of enacting a comprehensive revision of a zoning ordinance for Dane County. Under the bill, a Dane County comprehensive revision zoning ordinance may be prepared by a committee that consists of the following persons:

1. Five town supervisors or plan commission members selected by the Dane County Towns Association.

2. One resident of a town in Dane County who is selected by the Dane County executive.

3. The Dane County director of planning and development.

4. One person selected by the Dane County Cities and Villages Association.

BILL

5. One person selected by the mayor of the city of Madison.

6. One member of the Dane County Zoning and Natural Resources Committee who lives outside of Madison, selected by the Dane County Board chairperson.

Once a majority of the town boards in Dane County approve the ordinance, it applies in every town in the county unless, before it takes effect, a town board enacts an ordinance stating that the town remains subject to the existing ordinance and that the new comprehensive ordinance does not apply in the town. This provision sunsets on the first day of the 60th month beginning after the effective date of the bill.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.94 (1) (r) of the statutes is created to read:

2 13.94 (1) (r) Conduct a financial audit of the Dane County council of
3 governments within 12 months of its dissolution as required under s. 66.1002 (4) (a).
4 The legislative audit bureau shall file a copy of the audit report under this paragraph
5 with the distributees specified under par. (b).

6 **SECTION 2.** 59.69 (5) (d) of the statutes is amended to read:

7 59.69 (5) (d) The board may by a single ordinance repeal an existing county
8 zoning ordinance and reenact a comprehensive revision thereto in accordance with
9 this section. “Comprehensive revision”, in this paragraph, means a complete
10 rewriting of an existing zoning ordinance which changes numerous zoning
11 provisions and alters or adds zoning districts. The comprehensive revision may
12 provide that the existing ordinance shall remain in effect in a town for a period of up
13 to one year or until the comprehensive revision is approved by the town board,
14 whichever period is shorter. ~~If~~ Except as provided in par. (dm), if the town board fails
15 to approve the comprehensive revision within a year neither the existing ordinance
16 nor the comprehensive revision shall be in force in that town. Any repeal and

BILL

1 reenactment prior to November 12, 1965, which would be valid under this
2 paragraph is hereby validated.

3 **SECTION 3.** 59.69 (5) (dm) of the statutes is created to read:

4 59.69 (5) (dm) 1. Notwithstanding par. (d), the Dane County board may by a
5 single ordinance repeal an existing county zoning ordinance and reenact a
6 comprehensive revision thereto in accordance with this section and subject to this
7 paragraph. “Comprehensive revision”, in this paragraph, means a complete
8 rewriting of an existing zoning ordinance which changes numerous zoning
9 provisions and alters or adds zoning districts.

10 2. An ordinance under this paragraph shall be prepared by a committee that
11 consists of the following members:

12 a. Five town supervisors or plan commission members selected by the Dane
13 County Towns Association.

14 b. One resident of a town in Dane County who is selected by the Dane County
15 executive.

16 c. The Dane County director of planning and development.

17 d. One person selected by the Dane County Cities and Villages Association.

18 e. One person selected by the mayor of the city of Madison.

19 f. One member of the Dane County Zoning and Natural Resources Committee
20 who lives outside of the city of Madison, selected by the chairperson of the Dane
21 County board.

22 3. When the committee gives its final approval to the proposed ordinance that
23 it prepares under subd. 2., it shall forward the proposed ordinance to the Dane
24 County board. If the proposed ordinance is adopted by the board and approved by
25 the county executive, it shall take effect in Dane County upon its approval by a

BILL

1 majority of the town boards in Dane County and shall apply in every town in the
2 county, except as provided in subd. 4.

3 4. Any town in Dane County may continue to be governed by the county zoning
4 ordinance that is in effect on the date on which the committee gives its final approval
5 to the proposed ordinance under subd. 3. if its town board enacts an ordinance, before
6 the new comprehensive revision described in this paragraph takes effect, stating
7 that the town remains subject to the existing ordinance and that the new
8 comprehensive revision described in this paragraph does not apply in the town.

9 5. This paragraph does not apply on or after the first day of the 48th month
10 beginning after the effective date of this subdivision [revisor inserts date].

11 **SECTION 4.** 66.1002 of the statutes is created to read:

12 **66.1002 Dane County council of governments.** (1) CREATION AND
13 ORGANIZATION. (a) In this section:

14 1. "Council" means the Dane County council of governments that is created
15 under this section.

16 2. "Political subdivision" means Dane County and any city, village, or town,
17 that is located in Dane County.

18 (b) There is created a special district that is a local governmental unit, that is
19 a body corporate and politic, that is separate and distinct from, and independent of,
20 the state, and any other political subdivision, that has the powers under sub. (2), and
21 the name of which is the Dane County council of governments.

22 (c) The jurisdiction of the council is Dane County.

23 (d) The council shall consist of the following members, who shall have the
24 following weighted votes:

25 1. The mayor of the city of Madison, 35 votes.

BILL

1 2. The president of common council of the city of Madison, 5 votes.

2 3. The president of the Dane County Towns Association, 20 votes.

3 4. The president of the Dane County Cities and Villages Association, 20 votes.

4 5. The vice president of the Dane County Cities and Villages Association, 5
5 votes.

6 6. The Dane County executive, 20 votes.

7 7. The chairperson of the Dane County board, 5 votes.

8 (e) 1. No member of the council may be represented by an alternate or designee.

9 2. Six members of the council constitute a quorum.

10 3. All members of the council shall be elected officials.

11 **(2) POWERS AND RESPONSIBILITIES.** The council has all of the powers necessary
12 or convenient to carry out the purposes and provisions of this section. In addition to
13 all other powers granted by this section, a council may do all of the following:

14 (a) Adopt bylaws to govern the council's proceedings and activities, subject to
15 this section.

16 (b) Sue and be sued in its own name, plead and be impleaded.

17 (c) Maintain an office.

18 (d) 1. Employ personnel, and fix and regulate their compensation; and provide,
19 either directly or subject to an agreement under s. 66.0301 as a participant in a
20 benefit plan of another governmental entity, any employee benefits, including an
21 employee pension plan.

22 2. The council may not contract for staff services with a political subdivision
23 or with any other city, village, town, or county in this state.

24 3. The employees shall be supervised by an executive director, who shall be
25 selected by, and serve at the pleasure of, the council. The executive director may hire

BILL

1 additional employees as authorized by the council. The council shall create a merit
2 system that applies to all employees other than the executive director. All decisions
3 by the council to hire or terminate the executive director require at least 70
4 affirmative votes. The council shall hire a person, or elect one of its members, to serve
5 as treasurer.

6 4. The council shall offer employment to all professional staff members of the
7 Dane County Regional Planning Commission, except the executive director, who are
8 employed by the commission on the effective date of this subdivision [revisor
9 inserts date], in a professional position. This offer of employment is contingent upon
10 the employee agreeing to waive any severance benefits if he or she is retained beyond
11 the probationary period described under subd. 5. The council may hire the executive
12 director of the Dane County Regional Planning Commission as the council's
13 executive director.

14 5. All professional staff shall serve a one-year probationary period, and a
15 professional staff member may be retained at the end of the probationary period only
16 if a resolution that is before the council on his or her continued employment receives
17 at least 70 affirmative votes. If a professional staff member is not retained at the end
18 of the probationary period he or she shall receive any contractual severance benefits
19 to which he or she is entitled.

20 (e) Develop and modify a schedule of fees for the services that it provides.

21 (f) Levy a tax upon the taxable property in the jurisdiction of the council as
22 equalized by the department of revenue for state purposes for the purpose of carrying
23 out and performing duties under this section at a rate that may not exceed, in any
24 one year, 2 mills for each dollar of the jurisdiction's equalized valuation, as
25 determined under s. 70.57. The tax levy may be spread upon the respective real

BILL

1 estate and personal property tax rolls of the city, village, and town areas included in
2 the council taxes, and shall not be included within any limitation on county or
3 municipality taxes. The moneys when collected shall be paid to the treasurer of the
4 council.

5 (g) Contingent upon designation by the governor and approval by the federal
6 environmental protection agency, act as the areawide water quality planning agency
7 for Dane County under NR 121.06, Wis. Adm. Code, and carry out all responsibilities
8 of such an agency. All decisions that the council makes with respect to sewer service
9 areas require at least 70 affirmative votes.

10 (h) Serve as the demographic statistics center for the United States census.

11 (i) Serve as a repository for adopted comprehensive plans, as defined in s.
12 66.1001 (1) (a), and other plans that impact land use decision making, that any
13 political subdivision wishes to deliver to the council.

14 (j) Provide professional land use planning services for which a political
15 subdivision contracts with the council under an intergovernmental cooperation
16 agreement under s. 66.0301.

17 (k) To the extent possible, act consistently with the the comprehensive
18 planning goals under s. 1.13 (2).

19 (L) Develop and recommend for review and adoption by political subdivisions
20 a transfer of development rights program whose purpose is to limit scattered site low
21 density development in rural areas by linking expansion of sewer service areas to the
22 preservation of farmland or open space.

23 (m) Facilitate a forum for professional cooperation, interaction, and
24 information sharing among the municipal planners, municipal engineers, and public

BILL

1 works officials in Dane County to encourage better coordination of infrastructure
2 development and growth among political subdivisions.

3 (3) LIMITATIONS ON COUNCIL AUTHORITY. If the council is designated as the
4 areawide water quality planning agency under sub. (2) (g), the council may not
5 exercise the authority to expand or create sewer service areas until the council
6 adopts written criteria for exercising this authority. Not later than December 31,
7 2004, the council shall hold a public hearing and adopt written criteria to govern the
8 exercise of the authority described in this subsection. At, and before, the public
9 hearing, the council shall solicit comments from individuals and organizations that
10 have a demonstrated interest in area water quality and urban service areas. The
11 council may adopt written criteria only by a resolution that receives at least 70
12 affirmative votes.

13 (4) SUNSET, DISSOLUTION. (a) This section does not apply on or after the first day
14 of the 48th month beginning after the effective date of this paragraph [revisor
15 inserts date], and the council shall dissolve on that date.

16 (b) Upon dissolution, all unexpended funds of the council shall be applied to any
17 outstanding indebtedness of the council. If any outstanding indebtedness of the
18 council remains after the application of the unexpended funds to such debts, the
19 remaining indebtedness shall be assessed to Dane County. If the council has no
20 outstanding indebtedness and has unexpended funds, such funds shall be refunded
21 to the taxpayers who supplied them.

22 **SECTION 5.** 79.095 (1) (bm) of the statutes is amended to read:

23 79.095 (1) (bm) "Special purpose district" means a metropolitan sewerage
24 district organized under subch. II of ch. 200, a town sanitary district organized under
25 subch. IX of ch. 60, a metropolitan sewerage district created under s. 200.05, the

BILL

1 Dane County council of governments under s. 66.1002, or a public inland lake
2 protection and rehabilitation district organized under subch. IV of ch. 33.

3 **SECTION 6.** 1999 Wisconsin Act 9, section 9158 (8w) (e), as last affected by 2001
4 Wisconsin Act 109, section 1157s, is amended to read:

5 [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures
6 for dissolution of a regional planning commission that are specified under section
7 66.945 (15) of the statutes, the Dane County regional planning commission shall be
8 dissolved on October 1, 2004. All unexpended funds of the commission on that date
9 shall be applied to any outstanding indebtedness of the commission. If any
10 outstanding indebtedness of the commission remains after the application of the
11 unexpended funds to such debts, the remaining indebtedness shall ~~be assessed to~~
12 Dane County become the responsibility of the Dane County council of governments.
13 If the commission has no outstanding indebtedness and has unexpended funds, such
14 funds shall ~~be returned to the cities, villages, towns or county that supplied them~~
15 become the property of the Dane County council of governments.

16

(END)

A handwritten note consisting of the text "D-note" written in cursive, enclosed within a hand-drawn black oval.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4444/1dn
MES:cjs:...

→ date ←

INS
D-NOTE →

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4446/1dn
MES:cjs:rs

March 10, 2004

INSERT D-NOTE

Senator Risser

~~Representative Ward:~~

I did not include the language on dissolution from your instructions because this process will not work. If the council has less than 12 months before dissolution, there would not be time for the audit bureau to complete an audit and the council to impose a levy to ensure that its bills will be paid, and the council would be dissolved before taxpayers would be able to pay the part of their property taxes that is imposed by the council — there would be no entity for them to pay. If you expand the time period, say, to 24 months before dissolution, I'm not sure how useful an audit would be that is trying to estimate how much the council will need to levy over the next two years to pay its bills. I did include an audit requirement, however. Please let me know if you want any changes to the dissolution, or any other part, of this bill.

Also, I'm still not sure what the legal effect is of s. 66.1002 (2) (h), which says that the council shall "serve as the demographic statistics center for the U.S. census." No one answered that question from the last version of the draft, but I've left the provision in the bill.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4444/1dn

MES:cjs:rs

March 10, 2004

Senator Risser:

I did not include the language on dissolution from your instructions because this process will not work. If the council has less than 12 months before dissolution, there would not be time for the audit bureau to complete an audit and the council to impose a levy to ensure that its bills will be paid, and the council would be dissolved before taxpayers would be able to pay the part of their property taxes that is imposed by the council — there would be no entity for them to pay. If you expand the time period, say, to 24 months before dissolution, I'm not sure how useful an audit would be that is trying to estimate how much the council will need to levy over the next two years to pay its bills. I did include an audit requirement, however. Please let me know if you want any changes to the dissolution, or any other part, of this bill.

Also, I'm still not sure what the legal effect is of s. 66.1002 (2) (h), which says that the council shall "serve as the demographic statistics center for the U.S. census." No one answered that question from the last version of the draft, but I've left the provision in the bill.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

REVISIONS TO COUNCIL OF GOVERNMENTS LEGISLATION
PROPOSED BY DANE COUNTY, CITY OF MADISON,
DANE COUNTY TOWNS ASSOCIATION,
AND DANE COUNTY CITIES AND VILLAGES ASSOCIATIONS
March 11, 2004

P. 5, L.9-10 – Delete sunset provision for the comprehensive revision of the zoning ordinance.

P. 6, L.22 – substitute “professional” for “staff.”

*include 4 w/entry for planning
but*

P.7, L.12-13 – Delete “as the council’s executive director.”

P.7, L.24 – Delete “2 mills” and sub. “.002 per cent of such equalized value” (The intent is to express the limitation using the same formula as contained in §66.0309(14) for RPCs”, but use .002 rather than .003.)

P.7, L.25 – substitute “shall” for “may.”

P.8, L.10 – add “May” serve as the (The RPC is currently designated by the DOA as a demographic statistics center. There is no statutory or regulatory provision. This would allow to so serve if designated after dissolution of the RPC.)

*Not needed -
add (3) in box
says "may"
do all of following*

P.8, L. 13 – add “This paragraph confers no authority upon the council to approve, amend or alter any plan deposited with the council.”

P.9, L. 11 – add “or amend” – “The council may adopt or amend written criteria.....”

P.9, L.13-15 – “This section shall not apply on or after August 31, 2007, and the council shall dissolve on that date.” (Suggest adding language stating to the effect “unless extended by subsequent legislation” so it doesn’t look like this is intended as a 3 year project.)

P.9, L.17-19 – “If any outstanding indebtedness of the council remains after the application of the unexpended funds to such debts, the remaining indebtedness shall be assessed on a final levy adopted before August 31, 2007.”

*every state must have
x # of demo stat centers*

*last date for
prop tax payments
is 7/31*



State of Wisconsin
2003 - 2004 LEGISLATURE

4444/2
LRB-11467
MES:cs:rs

2003 BILL

NOW

LPS:
note
the
underlying
draft
number

Region

no changes
in
body of bill

1 AN ACT to amend 59.69 (5) (d) and 79.095 (1) (bm); to create 13.94 (1) (r), 59.69
2 (5) (dm) and 66.1002 of the statutes; and to affect 1999 Wisconsin Act 9, section
3 9158 (8w) (e); relating to: creating the Dane County Council of Governments
4 and authorizing Dane County to enact a comprehensive zoning ordinance.

Analysis by the Legislative Reference Bureau

Under current law, the Dane County Regional Planning Commission (DCRPC) will be dissolved on October 1, 2004. Its net outstanding debt will be assigned to Dane County, and, if it has no outstanding debt, any unexpended funds will be returned to the cities, villages, towns, and county that supplied them.

This bill creates the Dane County Council of Governments (council), which is a local unit of government that is separate and distinct from the state and from any other local unit of government. The jurisdiction of the council is Dane County, and all of the cities, villages, and towns that are located within the county.

The council consists of the following members, who must all be elected officials, who have the following weighted votes:

1. The mayor of the city of Madison, 35 votes.
2. The president of the common council of the city of Madison, five votes.
3. The president of the Dane County Towns Association, 20 votes.
4. The president of the Dane County Cities and Villages Association, 20 votes.
5. The vice president of the Dane County Cities and Villages Association, five votes.
6. The Dane County executive, 20 votes.

BILL

7. The chairperson of the Dane County board, 5 votes.

The members of the council may not be represented by an alternate or designee. The council may not contract for professional services with any political subdivision in the state, but may hire its own employees. All decisions by the council to hire or terminate the executive director, or to retain a professional staff member at the end of a one year probationary period, require 70 affirmative votes. The council must create a merit system that applies to all employees other than the executive director.

The bill gives the council the authority to do a number of things, including the following:

1. To levy a property tax on the taxable property in the jurisdiction of the council, at a rate that may not exceed 0.002 percent.

2. If designated by the governor and approved by the federal Environmental Protection Agency, to act as the areawide water quality management agency (AWQMA) for Dane County. If the council is the designated AWQMA, it must adopt written criteria to expand or create sewer service areas before it may exercise such authority, and the exercise if this authority requires at least 70 affirmative votes.

3. To serve as a voluntary repository for adopted comprehensive plans and other land use plans.

4. To provide professional land use planning services under a contract with a political subdivision.

5. To develop and recommend for adoption a transfer of development rights program to limit scattered site low density development in rural areas.

6. To facilitate a forum for cooperation and information sharing among Dane County municipal engineers and planners, and public works officials, to better coordinate infrastructure development and growth within the county.

The bill requires the legislative audit bureau to conduct a financial audit of the council in August 2006.

Under the bill, upon the dissolution of the DCRPC, its net liabilities will become the responsibility of the council, and any remaining unexpended funds become the property of the council. The council sunsets on August 31, 2007, unless that date is extended by law, for all purposes, subject to one exception. Under the bill, if the council has any outstanding indebtedness on August 31, 2007, it may continue in existence only to impose a final tax levy in December 2007, to ensure that all of its outstanding liabilities are paid, and may receive the tax payments that result from that final levy. The Dane County treasurer is required to act as the council's agent to receive those tax payments and to pay the council's outstanding debts from the proceeds of that levy. The council dissolves for its remaining purpose, contained in the exception to its August 31, 2007, dissolution, no later than August 31, 2008, unless that date is extended by law. Any unexpended funds must be refunded to the taxpayers that supplied them.

Under current law, a county board may enact a comprehensive revision of its zoning ordinance. If a town board within the county that enacts such an ordinance fails to approve such a comprehensive ordinance within a year, neither the existing ordinance nor the comprehensive revision is in force in the town.

BILL

This bill creates a new method of enacting a comprehensive revision of a zoning ordinance for Dane County. Under the bill, a Dane County comprehensive revision zoning ordinance may be prepared by a committee that consists of the following persons:

1. Five town supervisors or plan commission members selected by the Dane County Towns Association.
2. One resident of a town in Dane County who is selected by the Dane County executive.
3. The Dane County director of planning and development.
4. One person selected by the Dane County Cities and Villages Association.
5. One person selected by the mayor of the city of Madison.
6. One member of the Dane County Zoning and Natural Resources Committee who lives outside of Madison, selected by the Dane County Board chairperson.

Once a majority of the town boards in Dane County approve the ordinance, it applies in every town in the county unless, before it takes effect, a town board enacts an ordinance stating that the town remains subject to the existing ordinance and that the new comprehensive ordinance does not apply in the town.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.94 (1) (r) of the statutes is created to read:

2 13.94 (1) (r) Conduct a financial audit of the Dane County council of
3 governments in August 2006. The legislative audit bureau shall file a copy of the
4 audit report under this paragraph with the distributees specified under par. (b).

5 **SECTION 2.** 59.69 (5) (d) of the statutes is amended to read:

6 59.69 (5) (d) The board may by a single ordinance repeal an existing county
7 zoning ordinance and reenact a comprehensive revision thereto in accordance with
8 this section. “Comprehensive revision”, in this paragraph, means a complete
9 rewriting of an existing zoning ordinance which changes numerous zoning
10 provisions and alters or adds zoning districts. The comprehensive revision may
11 provide that the existing ordinance shall remain in effect in a town for a period of up
12 to one year or until the comprehensive revision is approved by the town board,

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1 whichever period is shorter. ~~If~~ Except as provided in par. (dm), if the town board fails
2 to approve the comprehensive revision within a year neither the existing ordinance
3 nor the comprehensive revision shall be in force in that town. Any repeal and
4 reenactment prior to November 12, 1965, which would be valid under this
5 paragraph is hereby validated.

6 **SECTION 3.** 59.69 (5) (dm) of the statutes is created to read:

7 59.69 (5) (dm) 1. Notwithstanding par. (d), the Dane County board may by a
8 single ordinance repeal an existing county zoning ordinance and reenact a
9 comprehensive revision thereto in accordance with this section and subject to this
10 paragraph. "Comprehensive revision", in this paragraph, means a complete
11 rewriting of an existing zoning ordinance which changes numerous zoning
12 provisions and alters or adds zoning districts.

13 2. An ordinance under this paragraph shall be prepared by a committee that
14 consists of the following members:

15 a. Five town supervisors or plan commission members selected by the Dane
16 County Towns Association.

17 b. One resident of a town in Dane County who is selected by the Dane County
18 executive.

19 c. The Dane County director of planning and development.

20 d. One person selected by the Dane County Cities and Villages Association.

21 e. One person selected by the mayor of the city of Madison.

22 f. One member of the Dane County Zoning and Natural Resources Committee
23 who lives outside of the city of Madison, selected by the chairperson of the Dane
24 County board.

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1 3. When the committee gives its final approval to the proposed ordinance that
2 it prepares under subd. 2., it shall forward the proposed ordinance to the Dane
3 County board. If the proposed ordinance is adopted by the board and approved by
4 the county executive, it shall take effect in Dane County upon its approval by a
5 majority of the town boards in Dane County and shall apply in every town in the
6 county, except as provided in subd. 4.

7 4. Any town in Dane County may continue to be governed by the county zoning
8 ordinance that is in effect on the date on which the committee gives its final approval
9 to the proposed ordinance under subd. 3. if its town board enacts an ordinance, before
10 the new comprehensive revision described in this paragraph takes effect, stating
11 that the town remains subject to the existing ordinance and that the new
12 comprehensive revision described in this paragraph does not apply in the town.

13 **SECTION 4.** 66.1002 of the statutes is created to read:

14 **66.1002 Dane County council of governments.** (1) CREATION AND
15 ORGANIZATION. (a) In this section:

16 1. “Council” means the Dane County council of governments that is created
17 under this section.

18 2. “Political subdivision” means Dane County and any city, village, or town,
19 that is located in Dane County.

20 (b) There is created a special district that is a local governmental unit, that is
21 a body corporate and politic, that is separate and distinct from, and independent of,
22 the state, and any other political subdivision, that has the powers under sub. (2), and
23 the name of which is the Dane County council of governments.

24 (c) The jurisdiction of the council is Dane County.

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1 (d) The council shall consist of the following members, who shall have the
2 following weighted votes:

3 1. The mayor of the city of Madison, 35 votes.

4 2. The president of common council of the city of Madison, 5 votes.

5 3. The president of the Dane County Towns Association, 20 votes.

6 4. The president of the Dane County Cities and Villages Association, 20 votes.

7 5. The vice president of the Dane County Cities and Villages Association, 5
8 votes.

9 6. The Dane County executive, 20 votes.

10 7. The chairperson of the Dane County board, 5 votes.

11 (e) 1. No member of the council may be represented by an alternate or designee.

12 2. Six members of the council constitute a quorum.

13 3. All members of the council shall be elected officials.

14 **(2) POWERS AND RESPONSIBILITIES.** The council has the powers necessary to carry
15 out the purposes and provisions of this section. In addition to all other powers
16 granted by this section, a council may do all of the following:

17 (a) Adopt bylaws to govern the council's proceedings and activities, subject to
18 this section.

19 (b) Sue and be sued in its own name, plead and be impleaded.

20 (c) Maintain an office.

21 (d) 1. Employ personnel, and fix and regulate their compensation; and provide,
22 either directly or subject to an agreement under s. 66.0301 as a participant in a
23 benefit plan of another governmental entity, any employee benefits, including an
24 employee pension plan.

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1 2. The council may not contract for professional services with a political
2 subdivision or with any other city, village, town, or county in this state.

3 3. The employees shall be supervised by an executive director, who shall be
4 selected by, and serve at the pleasure of, the council. The executive director may hire
5 additional employees as authorized by the council. The council shall create a merit
6 system that applies to all employees other than the executive director. All decisions
7 by the council to hire or terminate the executive director require at least 70
8 affirmative votes. The council shall hire a person, or elect one of its members, to serve
9 as treasurer.

10 4. The council shall offer employment to all professional staff members of the
11 Dane County Regional Planning Commission, except the executive director, who are
12 employed by the commission on the effective date of this subdivision ... [revisor
13 inserts date], in a professional position. This offer of employment is contingent upon
14 the employee agreeing to waive any severance benefits if he or she is retained beyond
15 the probationary period described under subd. 5. The council may hire the executive
16 director of the Dane County Regional Planning Commission.

17 5. All professional staff shall serve a one-year probationary period, and a
18 professional staff member may be retained at the end of the probationary period only
19 if a resolution that is before the council on his or her continued employment receives
20 at least 70 affirmative votes. If a professional staff member is not retained at the end
21 of the probationary period he or she shall receive any contractual severance benefits
22 to which he or she is entitled.

23 (e) Develop and modify a schedule of fees for the services that it provides.

24 (f) Levy a tax upon the taxable property in the jurisdiction of the council as
25 equalized by the department of revenue for state purposes for the purpose of carrying

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1 out and performing duties under this section at a rate that may not exceed, in any
2 one year, 0.002 percent of equalized value under its jurisdiction, as determined under
3 s. 70.57. The tax levy shall be spread upon the respective real estate and personal
4 property tax rolls of the city, village, and town areas included in the council taxes,
5 and shall not be included within any limitation on county or municipality taxes. The
6 moneys when collected shall be paid to the treasurer of the council.

7 (g) Contingent upon designation by the governor and approval by the federal
8 environmental protection agency, act as the areawide water quality planning agency
9 for Dane County under NR 121.06, Wis. Adm. Code, and carry out all responsibilities
10 of such an agency. All decisions that the council makes with respect to sewer service
11 areas require at least 70 affirmative votes.

12 (h) Serve as the demographic statistics center for the United States census.

13 (i) Serve as a repository for adopted comprehensive plans, as defined in s.
14 66.1001 (1) (a), and other plans that impact land use decision making, that any
15 political subdivision wishes to deliver to the council. This paragraph does not confer
16 on the council any authority to approve, reject, alter, or amend any plan that is
17 deposited with the council.

18 (j) Provide professional land use planning services for which a political
19 subdivision contracts with the council under an intergovernmental cooperation
20 agreement under s. 66.0301.

21 (k) To the extent possible, act consistently with the the comprehensive
22 planning goals under s. 1.13 (2).

23 (L) Develop and recommend for review and adoption by political subdivisions
24 a transfer of development rights program whose purpose is to limit scattered site low

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1 density development in rural areas by linking expansion of sewer service areas to the
2 preservation of farmland or open space.

3 (m) Facilitate a forum for professional cooperation, interaction, and
4 information sharing among the municipal planners, municipal engineers, and public
5 works officials in Dane County to encourage better coordination of infrastructure
6 development and growth among political subdivisions.

7 (3) LIMITATIONS ON COUNCIL AUTHORITY. If the council is designated as the
8 areawide water quality planning agency under sub. (2) (g), the council may not
9 exercise the authority to expand or create sewer service areas until the council
10 adopts written criteria for exercising this authority. Not later than December 31,
11 2004, the council shall hold a public hearing and adopt written criteria to govern the
12 exercise of the authority described in this subsection. At, and before, the public
13 hearing, the council shall solicit comments from individuals and organizations that
14 have a demonstrated interest in area water quality and urban service areas. The
15 council may adopt or amend written criteria only by a resolution that receives at least
16 70 affirmative votes.

17 (4) SUNSET, DISSOLUTION. (a) This section does not apply on or after August 31,
18 2007, unless that date is extended by law, and the council shall dissolve on that date
19 for all purposes except as provided in par. (b) 2.

20 (b) 1. Upon dissolution, all unexpended funds of the council shall be applied to
21 any outstanding indebtedness of the council.

22 2. If any outstanding indebtedness of the council remains after the application
23 of the unexpended funds to such debts, the council may impose a final levy in
24 December 2007, to ensure that all of its outstanding liabilities are paid, and may
25 receive the tax payments that result from that levy. The Dane County treasurer shall

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1 serve as the agent to receive the tax payments that result from that final levy and
2 to pay, from those proceeds, on behalf of the council, any remaining liabilities of the
3 council. The council shall dissolve no later than August 31, 2008, unless that date
4 is extended by law, for all purposes for which the council could continue under this
5 subdivision.

6 3. If, upon its dissolution under par. (a) or subd. 2., the council has no
7 outstanding indebtedness and has unexpended funds, such funds shall be refunded
8 to the taxpayers who supplied them.

9 **SECTION 5.** 79.095 (1) (bm) of the statutes is amended to read:

10 79.095 (1) (bm) “Special purpose district” means a metropolitan sewerage
11 district organized under subch. II of ch. 200, a town sanitary district organized under
12 subch. IX of ch. 60, a metropolitan sewerage district created under s. 200.05, the
13 Dane County council of governments under s. 66.1002, or a public inland lake
14 protection and rehabilitation district organized under subch. IV of ch. 33.

15 **SECTION 6.** 1999 Wisconsin Act 9, section 9158 (8w) (e), as last affected by 2001
16 Wisconsin Act 109, section 1157s, is amended to read:

17 [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures
18 for dissolution of a regional planning commission that are specified under section
19 66.945 (15) of the statutes, the Dane County regional planning commission shall be
20 dissolved on October 1, 2004. All unexpended funds of the commission on that date
21 shall be applied to any outstanding indebtedness of the commission. If any
22 outstanding indebtedness of the commission remains after the application of the
23 unexpended funds to such debts, the remaining indebtedness shall ~~be assessed to~~
24 Dane County become the responsibility of the Dane County council of governments.
25 If the commission has no outstanding indebtedness and has unexpended funds, such

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1 funds shall ~~be returned to the cities, villages, towns or county that supplied them~~
2 become the property of the Dane County council of governments.

3

(END)