

☛ **05hr_JC-Au_Misc_pt57b**



☛ Details: Legislative Audit Bureau Letter Report (June 2005): Area Cooperation Compacts

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)

Matthews, Pam

From: Humphrey, Frank A
Sent: Tuesday, November 01, 2005 2:28 PM
To: Chrisman, James
Cc: Lehman, Michael A; Mueller, Janice; Asbjornson, Karen; Matthews, Pam
Subject: FW: ACC Survey 9-14-05

Follow Up Flag: Follow up
Flag Status: Blue

Attachments: SLF Draft 2006 ACCSurv-v2-09-14-05.doc

Good afternoon Joe:

In view of the recent departure of Don Bezruki, thank you for taking the time to discuss the Area Cooperation Compact (ACC) Survey. As we discussed on this afternoon, below is an attached Proposed Draft 2006 ACC Survey. We have forwarded this draft to the respective Co-Chairs of the Joint Legislative Audit Committee and to various stakeholders whose members comprise the municipalities and counties that are designated by statute in the survey.

It is the Department's position that the proposed 2006 ACC Survey draft represents an attempt to both collect more useful information and to eliminate the disconnect embedded in the statute under s. 66.0317, Wis. Stats between Part I and Part II. In the most recent June, 2005 LAB letter report, the reporting inconsistency referred to in that report was clarified and likely resulted from the different reporting requirements contained in the statute. The current statute under s. 66.0317, Wis. Stats. requires the Department of Revenue to annually survey municipalities within federal designated metropolitan statistical areas (MSA's) and to ascertain whether these municipalities have: (1) entered into compacts or agreements with two or more other local units of government in order to provide two or more governmental services as further identified by statutes and (2) entered into agreements with at least 1 municipality or county related to nine statutory identified categories of cooperation. This requirement in essence creates two different questions that a survey participant must respond to and during the tabulation process responses to each inquiry must be separated.

The proposed draft questions have been developed to all relate to either "a written agreement or compact" with at least one other municipality or county to provide a governmental service? *Note: The statute does not call for a written compact or agreement. Only that it contain certain prescribed elements.* This essentially creates only one question and all responses track to this main question.



SLF Draft 2006
ACCSurv-v2-09-1...

We are seeking a meeting with the respective Joint Legislative Co-Chairs of the Audit Committee to ascertain from the Co Chairs of the Legislative Audit Committee (LAC) and their Committee Representatives which of the three approaches identified and summarized below represent the best course of action to pursue: (1) Continue the ACC survey initiative as statutorily directed on an annual basis or (2) Pursue the ACC survey with a statutory revision to conduct at periodic intervals of times e.g. Biennially or otherwise, (3) Refine the survey instrument and questions to collect more useful information for State Legislators and address particular areas of interest to the LAC Co-Chairs

and Committee Members (To Be discussed) and (4) Ascertain if the ACC initiative has run its course and should be discontinued and the law repealed. The respective legislative staff for Senator Carol Roessler and Representative Suzanne Jeskewitz, Ms. Karen Asbjornson and Ms. Pamela Matthews are attempting to arrange a meeting or telephone conference regarding this issue.

I may be reached at (608) 261-5364 if there is a need for you or a designated staff to clarify any matter discussed in this memorandum. Thank you for the opportunity to present this subject.

Best regards,

Frank

Frank Humphrey
Local Government Administrative Manager
Division of State & Local Finance
(608) 261-5364

D R A F T
Local Area Cooperation Compact or Written Agreement Survey
Wisconsin Department of Revenue
Pursuant to s. 66.0317 Wis. Stats
Due Date June 1, 2006

1. Does your municipality or county have either "a written agreement or compact" with at least one other municipality or county to provide a governmental service?
Note: The statute does not call for a written compact or agreement. Only that it contain certain prescribed elements.

a) Yes _____

If you marked yes, check the category you believe that your municipality comes closest to regarding the number of written agreements or compacts established and proceed to Question 2 to check all the services that apply to the various written agreements or compacts.

*Number of written municipal agreements: Check 2001 2002
or compacts and year entered using your or Before or After
best judgment. Note: Both before and after
may apply to municipalities with multiple
agreements or compacts. Check all that apply.*

<i>One written agreement or compact:</i>	_____	_____	_____
<i>Two to Five written agreements or compacts</i>	_____	_____	_____
<i>Six to Ten written agreements or compact</i>	_____	_____	_____
<i>Eleven or greater:</i>	_____	_____	_____

b) No _____

2. Does your municipality or county have either "a written agreement or compact" with at least one other governmental taxing entity e.g. school district, technical college district, or special district etc. to provide a governmental service?

a) Yes _____

If you marked yes, check the category you believe that your municipality comes closest to regarding the number of written agreements or compacts established and proceed to Question 3 to check all the services that apply to the various written agreements or compacts.

*Number of written municipal agreements: Check 2001 2002
or compacts and year entered using your or Before or After
best judgment. Note: Both before and after
may apply to municipalities with multiple
agreements or compacts. Check all that apply.*

One written agreement or compact: _____

Two to Five written agreements or compacts _____

Six to Ten written agreements or compact _____

Eleven or greater: _____

a) No _____

If you marked no to both questions number 1 and 2, your survey is ended.

3. Please identify the governmental services in your written agreement or compact.
Check all that apply:

Law Enforcement _____

Fire Protection _____

Emergency Services _____

Public Health _____

Solid Waste Collection and Disposal _____

Recycling _____

Public Transportation _____

Public Housing _____

Animal Control _____

Libraries _____

Recreation and Culture _____

Human Services _____

Youth Services _____

Other _____

4. Indicate if any of the written agreements or Compacts referred to in Question 1 or 2 above and as described in s.66.0317 Wis. Stats. relate to any of the following categories:

- Establishment of performance standards for delivery of governmental services by municipalities or counties within a federal standard metropolitan statistical area or county _____
- Collaborative service delivery _____
- Reduction or elimination of overlapping service delivery _____
- Municipal Revenue Sharing under s. 66.0305 _____
- Smart Growth Planning under s. 16.965 _____
- Metropolitan Service Delivery _____
- Financial Incentives for shared regional planning services _____
- Boundary Issues _____
- Mutual Aid Agreements _____
- Contracting with a neighboring municipality _____
- Other intergovernmental issues _____

5. Are there performance benchmarks or standards contained within your municipal or county written agreements or compacts to measure the progress and evaluate the performance success?

Click on any that apply below:

- a. Employee staffing hours saved _____
- b. operating cost or program dollars saved _____
- c. capital project costs avoided _____
- d. Improved operating efficiency _____
- e. Improved operating effectiveness _____

6. Does your municipality or county unit engage in a review of its written agreement(s) or compact(s) at least annually?

Yes: _____

No: _____

7. Are any of your municipal/county written agreements or compacts structured to result in significant tax savings to the taxpayers?

a) Yes: _____

If you marked yes check the appropriate category below:

Savings achieved are higher than originally planned _____

Savings achieved were as originally planned _____

Savings achieved were less than originally planned _____

b) No: _____

8. Does your municipality or county plan on any of the following changes to either existent or with future compacts or agreements?

a) We plan to maintain the same number of Compacts or Agreements entered into with other taxing entities. _____

b) We plan to expand the number of Compacts or Agreements entered into with other taxing entities. _____

c) We plan to reduce the number of Compacts or Agreements entered into with other taxing entities. _____

9. Would your municipality or county likely enter into Compacts or Agreements without a state law requiring such activity?

a) Yes _____

b) No _____

c) No response _____

10. Would your municipality or county likely support the state's efforts to maintain such survey reporting so that an evaluation can be made of statewide efforts aimed at reducing the costs of government for local citizens?

a) Yes _____

b) No _____

11. Which state action would your municipality or county likely support relative to the state's efforts to maintain such survey reporting so that an evaluation can be made of statewide efforts aimed at reducing the costs of government for local citizens?

a. Maintain current state law requiring such Annual reporting. _____

a) Repeal current state law to eliminate such Annual reporting. _____

c) Revise current state law to provide state funding to defray costs of such reporting. _____

d) Revise current state law to provide state incentive funding to promote expansion of compacts and agreements that reduce the costs of government for local citizens. _____





State of Wisconsin • DEPARTMENT OF REVENUE

2135 RIMROCK ROAD • P.O. BOX 8933 • MADISON, WISCONSIN 53708-8933 • 608-266-6466 • FAX 608-266-5718 • <http://www.dor.state.wi.us>

Jim Doyle
Governor

Michael L. Morgan
Secretary of Revenue

September 16, 2005
Resubmitted: November 4, 2005

Ms. Janice Mueller
State Auditor
Legislative Audit Bureau
22 East Mifflin Street, Suite 500
Madison, WI 53703

Re: **LAB Letter Report - Area Cooperation Compacts**

Dear State Auditor Mueller:

Department Staff in the Division of State and Local Finance has reviewed the June, 2005 Legislative Audit Bureau (LAB) - Letter Report regarding the Area Cooperation Compacts (ACC) initiative under s. 66.0317 Wis. Stats. The Department of Revenue values the time and effort exerted together with the recommendations offered by the LAB,

It is my further understanding that in discussions with your Supervisory Staff, Mr. Don Bezruki that the reporting inconsistency noted in the letter report has been clarified and is likely the result of different reporting requirements contained within the statute. The Department does agree to amend the survey to include the two suggested additions to the cooperation categories and does agree that streamlining the ACC Survey into one report is needed to align the data submitted and to potentially increase response rates. The Department will pursue these suggestions in upcoming discussions with the Co-Chairs of the Joint Legislative Audit Committee (LAC).

Further, as part of the department's strategic approach to anticipating the needs of its customers, the DOR intends, after meeting with and ascertaining the respective input of the Co-Chairs of the Joint LAC, to also meet with a focus group of local officials and Associations that may be impacted by any proposed change.

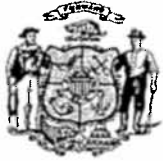
Thank you again for the programmatic review of the ACC initiative.

Sincerely,

Laura J. Engan
Deputy Secretary

LJE:FAH:rmb
Enclosures

cc: Governor Doyle
Honorable Senator Carol A. Roessler, Co-Chair Joint Legislative Audit Committee
Honorable Rep. Suzanne Jeskewitz, Co-Chair Joint Legislative Audit Committee



State of Wisconsin • DEPARTMENT OF REVENUE

DIVISION OF STATE AND LOCAL FINANCE • BUREAU OF PROPERTY TAX • LOCAL GOVERNMENT SERVICES SECTION • MADISON, WI

ADDRESS MAIL TO:
Area 6-97

2135 Rimrock Road • PO Box 8971

Madison, WI 53708-8971

TELEPHONE: (608) 266-0204

FAX: (608) 264-6887

2005 Area Cooperation Compacts Survey

For 2005, surveys were sent to 664 municipalities regarding the Area Cooperation Compacts in accordance with Wis. Statutes s. 66.0317(2). As of Thursday, July 14, 2005, 347 or 52% of the municipalities responded.

This year's overall response rate of 52.2% (347 survey respondents divided by 664 total municipalities and counties surveyed) can be measured in two parts. When solely the prior year respondents are measured, the response rate was determined at 55.2% (249 divided by 451). Therefore, the new municipalities added during 2005 had a response rate of 46.0% (98 divided by 213).

The survey collected information on the number of municipalities that had entered into an Area Cooperation Compact and the governmental services identified in Sec. 66.0316 Wis Stats in the Compact. Municipalities are required to report that information to the Department of Revenue by May 1 each year.

The survey also collected information on the number of municipalities that had entered into any agreements with any other municipalities or counties and the governmental services identified in Sec. 66.0317 Wis Stats covered by the agreement. Municipalities are required to report that information to the Department of Revenue by June 30 each year.

The results of the survey are attached.

Question #1 identified the municipality by name and county-municipal code.

Question #2 is a certification by the municipality that it has entered into an Area Cooperation Compact in accordance with Sec. 66.0317.

Question # 3 is a list of the governmental services identified in Sec. 66.0316 that are part of the Area Cooperation Compact(s).

Question #4 is a list of the governmental issues identified in Sec. 66.0317 that are part of any agreement.

2005 AREA COOPERATION COMPACTS SURVEY

Page two

Survey Findings:

Based on the survey results, 53% of 347 municipalities (that responded to question 2) have entered into an Area Cooperation Compact with at least two municipalities or counties to provide at least two governmental services beginning in 2003 or later.

The most common governmental services covered by an Area Cooperation Compact include:

- Fire Protection (89%)
- Emergency Services (81%)
- Law Enforcement (44%)
- Libraries (38%)
- Recycling (34%).

The least common governmental services covered by an Area Cooperation Compact include:

- Public Housing (2%)
- Youth Services (4%)
- Human Services (7%)
- Public Transportation (9%)
- Recreation and Culture (13%).

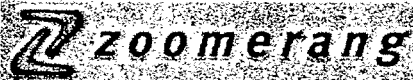
The most common governmental issues covered by any agreement include:

- Smart Growth Planning (50%)
- Collaborative Service Delivery (35%)
- Other (34%)

The least common governmental issues covered by any agreement include:

- Financial incentives for shared regional planning services (7%)
- Municipal revenue sharing under sec. 66.0305 Wis Stats (7%)
- Metropolitan service delivery (8%)

Enclosure



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[home](#) [new survey](#) [my surveys](#) [address book](#) [account info](#)

Survey Results (Included Responses)

2005 Area Cooperation Compact Survey

Report created on: Friday, August 26, 2005 10:48:00 AM

The results of your survey are displayed below. If your survey includes text responses, click the "View" button to read individual results. To exclude a particular response, click the Included Responses button. You can then view the set of individual responses that are currently included and select those you wish to exclude. Results below contain only included responses

Go to Individual Complete Responses:

Show respondent's emails.



Included Respondents: 347
Excluded Respondents: 34

EXCLUDE BLANK RESPONSES

- Cross Tabulate
Cross reference multiple questions
- Download Results
Receive results in spreadsheet format

Launch Date 04/25/2005 - 2:53 PM

Modified Date 05/03/2005 - 2:37 PM

Close Date

Email Invites 0

Visits 588

Partials 22

Completes 381

Responses: Completes only Partials only Completes & Partials

Image: DOR header.gif

1. Please provide your municipality information:

347 Responses

I certify that our municipality has entered into an Area Cooperation Compact as defined in s. 66.0317 with at least two municipalities or counties to provide at least two governmental services as defined in 2.s. 66.0316(1)(e).

	Number of Responses	Response Ratio
Yes	183	53%
No	164	47%
Total	347	100%

Please identify the governmental services in your compact. Check all 3. that apply to your municipality.

	Number of Responses	Response Ratio
Law Enforcement	83	44%
Fire Protection	169	89%

Humphrey, Frank A

From: Humphrey, Frank A
Sent: Tuesday, November 01, 2005 2:28 PM
To: Chrisman, James
Cc: Lehman, Michael A; Mueller, Janice; Asbjornson, Karen; Matthews, Pam
Subject: FW: ACC Survey 9-14-05

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are attempting to arrange a meeting or telephone conference regarding this issue.

I may be reached at (608) 261-5364 if there is a need for you or a designated staff to clarify any matter discussed in this memorandum. Thank you for the opportunity to present this subject.

Best regards,

Frank

Frank Humphrey
Local Government Administrative Manager
Division of State & Local Finance
(608) 261-5364

D R A F T
Local Area Cooperation Compact or Written Agreement Survey
Wisconsin Department of Revenue
Pursuant to s. 66.0317 Wis. Stats
Due Date June 1, 2006

1. Does your municipality or county have either "a written agreement or compact" with at least one other municipality or county to provide a governmental service?
Note: The statute does not call for a written compact or agreement. Only that it contain certain prescribed elements.

a) Yes _____

If you marked yes, check the category you believe that your municipality comes closest to regarding the number of written agreements or compacts established and proceed to Question 2 to check all the services that apply to the various written agreements or compacts.

*Number of written municipal agreements: Check 2001 2002
or compacts and year entered using your or Before or After
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<i>One written agreement or compact:</i>	_____	_____	_____
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<i>Six to Ten written agreements or compact</i>	_____	_____	_____
<i>Eleven or greater:</i>	_____	_____	_____

b) No _____

2. Does your municipality or county have either "a written agreement or compact" with at least one other governmental taxing entity e.g. school district, technical college district, or special district etc. to provide a governmental service?

a) Yes _____

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<i>Eleven or greater:</i>	_____	_____	_____

a) No _____

If you marked no to both questions number 1 and 2, your survey is ended.

3. Please identify the governmental services in your written agreement or compact.
Check all that apply:

- Law Enforcement _____
- Fire Protection _____
- Emergency Services _____
- Public Health _____
- Solid Waste Collection and Disposal _____
- Recycling _____
- Public Transportation _____
- Public Housing _____
- Animal Control _____
- Libraries _____
- Recreation and Culture _____
- Human Services _____
- Youth Services _____
- Other _____

4. Indicate if any of the written agreements or Compacts referred to in Question 1 or 2 above and as described in s.66.0317 Wis. Stats. relate to any of the following categories:

Establishment of performance standards for delivery of governmental services by municipalities or counties within a federal standard metropolitan statistical area or county	_____
Collaborative service delivery	_____
Reduction or elimination of overlapping service delivery	_____
Municipal Revenue Sharing under s. 66.0305	_____
Smart Growth Planning under s. 16.965	_____
Metropolitan Service Delivery	_____
Financial Incentives for shared regional planning services	_____
Boundary Issues	_____
Mutual Aid Agreements	_____
Contracting with a neighboring municipality	_____
Other intergovernmental issues	_____

5. Are there performance benchmarks or standards contained within your municipal or county written agreements or compacts to measure the progress and evaluate the performance success?

Click on any that apply below:

a. Employee staffing hours saved	_____
b. operating cost or program dollars saved	_____
c. capital project costs avoided	_____
d. Improved operating efficiency	_____
e. Improved operating effectiveness	_____

6. Does your municipality or county unit engage in a review of its written agreement(s) or compact(s) at least annually?

Yes: _____

No: _____

7. Are any of your municipal/county written agreements or compacts structured to result in significant tax savings to the taxpayers?

a) Yes: _____

If you marked yes check the appropriate category below:

Savings achieved are higher than originally planned _____

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c) We plan to reduce the number of Compacts or Agreements entered into with other taxing entities. _____

9. Would your municipality or county likely enter into Compacts or Agreements without a state law requiring such activity?

a) Yes

b) No

c) No response

10. Would your municipality or county likely support the state's efforts to maintain such survey reporting so that an evaluation can be made of statewide efforts aimed at reducing the costs of government for local citizens?

a) Yes

b) No

11. Which state action would your municipality or county likely support relative to the state's efforts to maintain such survey reporting so that an evaluation can be made of statewide efforts aimed at reducing the costs of government for local citizens?

a. Maintain current state law requiring such Annual reporting.

a) Repeal current state law to eliminate such Annual reporting.

c) Revise current state law to provide state funding to defray costs of such reporting.

d) Revise current state law to provide state incentive funding to promote expansion of compacts and agreements that reduce the costs of government for local citizens.



Matthews, Pam

From: Rep.Jeskewitz
Sent: Thursday, January 05, 2006 1:29 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Jeskewitz/Roessler - Cosponsor LRB-4172/1 & LRB-4173/1/Relating to area cooperation compacts/Deadline Jan 13, 2006

Attachments: Area Cooperation Compacts.pdf; 05-41731.pdf

To: All Legislators
From: Representative Sue Jeskewitz & Senator Carol Roessler
Date: January 5, 2005
Re: Area Cooperation Compacts

Deadline: **January 13, 2006**

Current law requires municipalities to enter into at least two intergovernmental agreements (area cooperation compacts). Current law also requires that a municipality report to the Department of Revenue annually that they have entered into compacts and that the Legislative Audit Bureau evaluate the performance of these compacts.

We believe municipalities are forming the required area cooperation compacts, but that they simply fail to meet the burdensome reporting requirements. Area cooperation compacts are in the best interests of the taxpayer, the costs associated with ensuring compliance with these reporting requirements are not.

This bill:

- maintains the current statutory requirement that municipalities form area cooperation compacts;
- eliminates the requirements for reports due to the Department of Revenue; and
- eliminates the requirement for an evaluation by the Legislative Audit Bureau.

Should the Legislature desire additional evaluative information about the formation of cooperative compacts in the future, the Joint Legislative Audit Committee may direct the Legislative Audit Bureau to conduct such an evaluation at any time.

If you are interested in cosponsoring **LRB-4172/1 & LRB-4173/1**, please contact **Pam in Representative Sue Jeskewitz's office at 266-3796 or Karen in Senator Roessler's office at 366-5300 by January 13, 2006**.

Attached is a draft of the legislation for your review.



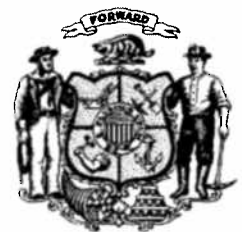
Area Cooperation 05-41731.pdf (13
Compacts.pdf ... KB)

*Pamela B. Matthews
Research Assistant
Office of Representative Sue Jeskewitz*

*Madison: 608.266.3796
Toll free: 888.529.0024
pam.matthews@legis.state.wi.us*



WISCONSIN STATE LEGISLATURE



Senate Bill 510
Testimony before the Senate Committee on
Veterans, Homeland Security, Military Affairs, Small Business and
Government Reform
February 22, 2006

Good morning Chairperson Brown and members of the committee. I appreciate the opportunity to testify today on Senate Bill 510. I am the author of the Assembly version of this bill (AB 936), and the Assembly lead of the Senate Bill. Senator Roessler is chairing the Health Committee and asked me to testify for both of us.

Senator Roessler and I have authored companion bills to relieve local governments of what we believe has become a burdensome requirement for municipalities. I should point out that the Joint Audit Committee did not develop this legislation- rather, Sen. Roessler and I as co-chairs have worked on the bill with the Department of Revenue (DOR).

Current law requires municipalities to enter into at least two intergovernmental agreements (area cooperation compacts), requires that a municipality report to the Department of Revenue annually that they have entered into compacts, and that the Legislative Audit Bureau evaluate the performance of these compacts.

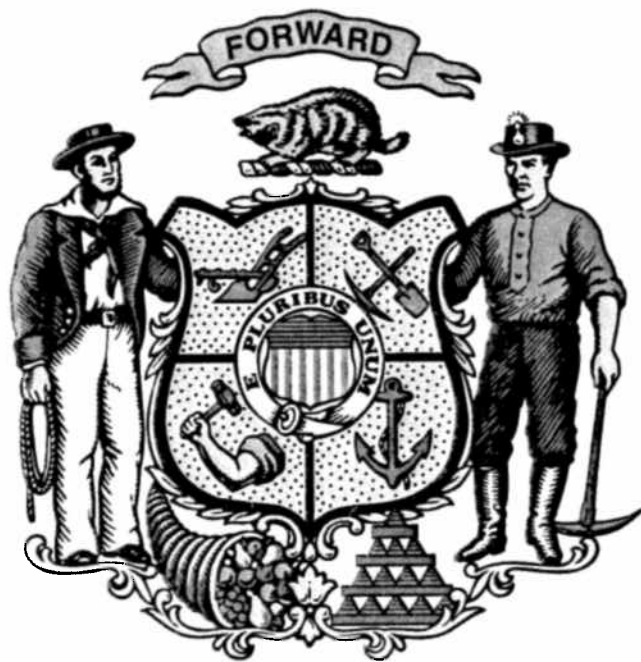
According to the June 2005 legislative audit bureau report, 72.3% of municipalities responding indicated they had entered into compacts by June 2004. We believe municipalities are forming the required area cooperation compacts, but that they simply fail to meet the burdensome reporting requirements. Area cooperation compacts are in the best interests of the taxpayer, the costs associated with ensuring compliance with these reporting requirements are not.

This bill:

- maintains the current statutory requirement that municipalities form area cooperation compacts;
- eliminates the requirements for reports due to the Department of Revenue; and
- eliminates the requirement for an evaluation by the Legislative Audit Bureau.

The Legislature will always have the option to request an audit of Joint Legislative Audit Committee if there is reason to believe that municipalities are not working together to spend their scarce resources in a cooperative fashion through these compacts.

Thank you for your consideration of SB 510. We ask you to help us remove these onerous reporting and audit requirements and move this bill forward.



(c) Identify and recommend collaborative agreements to be developed with other political subdivisions to deliver governmental services.

(5) DATA COLLECTION AND ANALYSIS. (a) A council may conduct an analysis of a governmental service provided by the political subdivision with which the council is affiliated on its own or after receiving any of the following:

1. A written suggestion regarding delegating a governmental service to a private person.

2. A written complaint that a governmental service provided by the political subdivision is competing with the same or a similar service provided by a private person.

3. A written suggestion by a political subdivision employee or political subdivision employee labor organization to review a governmental service delegated to a private person.

(b) After receiving a suggestion or complaint under par. (a), the council shall meet to decide whether an analysis of the governmental service indicated in the suggestion or complaint is necessary. The council may hold hearings, conduct inquiries, and gather data to make its decision. If the council decides to analyze a governmental service under this paragraph, the council shall do all of the following:

1. Determine the costs of providing the governmental service, including the cost of personnel and capital assets used in providing the service.

2. Determine how often and to what extent the governmental service is provided and the quality of the governmental service provided.

3. Make a cost-benefit determination based on the findings under subs. 1. and 2.

4. Determine whether a private person can provide the governmental service at a cost savings to the political subdivision providing the service and at a quality at least equal to the quality of the service provided by the political subdivision.

5. If the council decides that a governmental service is not suitable for delegating to a private person, determine whether the governmental service should be retained in its present form, modified, or eliminated.

(c) After completing an analysis under par. (b), the council shall make a recommendation to the political subdivision providing the governmental service analyzed under par. (b) and publish the council's recommendation. The recommendation shall specify the recommendation's impact on the political subdivision and the political subdivision's employees.

(6) TRAINING AND ASSISTANCE. The board of regents of the University of Wisconsin System shall direct the extension to assist councils created under this section in performing their duties under subs. (4) and (5). The board of regents shall ensure that council members are trained in how to do all of the following:

(a) Conduct an analysis of a governmental service.

(b) Determine ways to improve the efficiency of delivering a governmental service.

(c) Establish, quantify, and monitor performance standards.

(d) Prepare the reports required under sub. (7) (a) and (b).

(7) REPORTS. (a) On or before June 30, 2002, each council shall submit a report to the department describing the council's activities.

(b) On or before June 30, 2003, each council shall submit a final report to the department describing the council's activities and recommendations and the extent to which its recommendations have been adopted by the political subdivision with which the council is affiliated. A report submitted under this paragraph shall provide a detailed explanation of all analyses conducted under subs. (4) and (5).

(c) On or before July 31, 2003, the department shall submit a report concerning the activities and recommendations described in the reports submitted under pars. (a) and (b) to the legislature

under s. 13.172 (2) and to the governor. The department's report shall describe ways to implement such recommendations statewide.

History: 2001 a. 16.

66.0317 Cooperation region. (1) DEFINITIONS. In this section:

(a) "Cooperation region" means a federal standard metropolitan statistical area. For purposes of this section, if only a part of a county is located in a federal standard metropolitan statistical area the entire county is considered to be located in the federal standard metropolitan statistical area.

(b) "Governmental service" has the meaning given in s. 66.0316 (1) (e).

(c) "Metropolitan service delivery" means any governmental service provided to a city that is provided by the city or by another city or by a town, village, or county and provided on a multijurisdictional basis.

(d) "Municipality" means any city, village, or town.

(2) AREA COOPERATION COMPACTS. (a) 1. Except as provided in subd. 3., beginning in 2003, a municipality shall enter into an area cooperation compact with at least 2 municipalities or counties located in the same cooperation region as the municipality, or with any combination of at least 2 such entities, to perform at least 2 governmental services.

3. A municipality that is not adjacent to at least 2 other municipalities located in the same cooperation region as the municipality may enter into a cooperation compact with any adjacent municipality or with the county in which the municipality is located to perform the number of governmental services as specified under subd. 1.

(b) An area cooperation compact shall provide a plan for any municipalities or counties that enter into the compact to collaborate to provide governmental services. The compact shall provide benchmarks to measure the plan's progress and provide outcome-based performance measures to evaluate the plan's success. Municipalities and counties that enter into the compact shall structure the compact in a way that results in significant tax savings to taxpayers within those municipalities and counties.

(c) 1. Annually, beginning in 2002, a municipality shall certify to the department of revenue by May 1, in a manner prescribed by the department that the municipality complied with pars. (a) and (b).

2. Annually, beginning in 2002, a municipality shall submit to the department of revenue on or before June 30, in a manner prescribed by the department, a report that indicates whether the municipality has entered into any agreements with any other municipality or any county located in the same cooperation region as the municipality related to the following:

a. Establishment of performance standards for delivery of governmental services by municipalities or counties within a federal standard metropolitan statistical area or county.

b. Collaborative service delivery.

c. Reduction or elimination of overlapping service delivery.

d. Municipal revenue sharing under s. 66.0305.

e. Smart growth planning under s. 16.965.

f. Metropolitan service delivery.

g. Financial incentives for shared regional planning services.

h. Boundary issues.

i. Other intergovernmental issues.

(d) The department of revenue may grant a municipality additional time to submit any report under par. (c), if the municipality shows good cause for granting the additional time.

(e) Annually, beginning in 2004, the legislative audit bureau shall prepare a report on the performance of area cooperation compacts and shall submit copies of the report to the chief clerk

66.0317 MUNICIPAL LAW

of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) by June 30.

History: 2001 a. 16, 106.

SUBCHAPTER IV

REGULATION

66.0401 Regulation relating to solar and wind energy systems. (1) AUTHORITY TO RESTRICT SYSTEMS LIMITED. No county, city, town, or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1) (m), unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

(2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. A county, city, village, or town may provide by ordinance for the trimming of vegetation that blocks solar energy, as defined in s. 66.0403 (1) (k), from a collector surface, as defined under s. 700.41 (2) (b), or that blocks wind from a wind energy system, as defined in s. 66.0403 (1) (m). The ordinance may include, but is not limited to, a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

History: 1981 c. 354; 1981 c. 391 s. 210; 1993 a. 414; 1999 a. 150 ss. 78, 79, 84; Stats. 1999 s. 66.0401; 2001 a. 30.

This section is a legislative restriction on the ability of municipalities to regulate solar and wind energy systems. The statute is not superceded by s. 66.0403 or municipal zoning or conditional use powers. A municipality's consideration of an application for a conditional use permit for a system under this section must be in light of the restrictions placed on local regulation by this section. State ex rel. Numrich v. City of Mequon Board of Zoning Appeals, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00-1643.

66.0403 Solar and wind access permits. (1) DEFINITIONS. In this section:

- (a) "Agency" means the governing body of a municipality which has provided for granting a permit or the agency which the governing body of a municipality creates or designates under sub. (2). "Agency" includes an officer or employee of the municipality.
- (b) "Applicant" means an owner applying for a permit under this section.
- (c) "Application" means an application for a permit under this section.
- (d) "Collector surface" means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.
- (e) "Collector use period" means 9 a.m. to 3 p.m. standard time daily.
- (f) "Impermissible interference" means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section during a collector use period if such blockage is by any structure or vegetation on property, an owner of which was notified under sub. (3) (b). "Impermissible interference" does not include:

1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.

2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under sub. (3) (b).

3. Blockage by any vegetation planted before the date the last notice is mailed or delivered under sub. (3) (b) unless a municipality by ordinance under sub. (2) defines impermissible interference to include such vegetation.

(g) "Municipality" means any county with a zoning ordinance under s. 59.69, any town with a zoning ordinance under s. 60.61, any city with a zoning ordinance under s. 62.23 (7), any 1st class city or any village with a zoning ordinance under s. 61.35.

(h) "Owner" means at least one owner, as defined under s. 66.0217 (1) (c) [s. 66.0217 (1) (d)], of a property or the personal representative of at least one owner.

NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending.

(i) "Permit" means a solar access permit or a wind access permit issued under this section.

(j) "Solar collector" means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

(k) "Solar energy" means direct radiant energy received from the sun.

(L) "Standard time" means the solar time of the ninetieth meridian west of Greenwich.

(m) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

(2) PERMIT PROCEDURE. The governing body of every municipality may provide for granting a permit. A permit may not affect any land except land which, at the time the permit is granted, is within the territorial limits of the municipality or is subject to an extraterritorial zoning ordinance adopted under s. 62.23 (7a), except that a permit issued by a city or village may not affect extraterritorial land subject to a zoning ordinance adopted by a county or a town. The governing body may appoint itself as the agency to process applications or may create or designate another agency to grant permits. The governing body may provide by ordinance that a fee be charged to cover the costs of processing applications. The governing body may adopt an ordinance with any provision it deems necessary for granting a permit under this section, including but not limited to:

- (a) Specifying standards for agency determinations under sub. (5) (a).
- (b) Defining an impermissible interference to include vegetation planted before the date the last notice is mailed or delivered under sub. (3) (b), provided that the permit holder shall be responsible for the cost of trimming such vegetation.

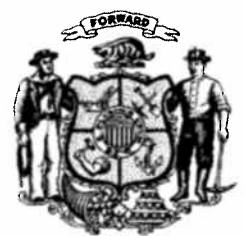
(3) PERMIT APPLICATIONS. (a) In a municipality which provides for granting a permit under this section, an owner who has installed or intends to install a solar collector or wind energy system may apply to an agency for a permit.

(b) An agency shall determine if an application is satisfactorily completed and shall notify the applicant of its determination. If an applicant receives notice that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand a notice to the owner of any property which the applicant proposes to be restricted by the permit under sub. (7). The applicant shall submit to the agency a copy of a signed receipt for every notice delivered under this paragraph. The agency shall supply the notice form. The information on the form may include, without limitation because of enumeration:

- 1. The name and address of the applicant, and the address of the land upon which the solar collector or wind energy system is or will be located.
- 2. That an application has been filed by the applicant.



WISCONSIN STATE LEGISLATURE



ACC - AB936

3/9/06

CR - Testimony

Sandy - sure that this was un

↳ not from begining 78%

- just b/c not doing, doesn't mean we should elim.

- we wanted this to help other munis look

↳ outlined its usefulness

↳ looking to help munis, not useful.

LeM

- are there ~~any~~ any penalties

↳ No

↳ ~~know~~ know that her Fond du lac commentis are
form

LeM - why no teeth in the law --- dont disagree w/bill
but dont think it

in favor - City of Milw.

DOR

League of Munis

ACC Ltr. Rpt. - Mtg 11/17/05

was 82% → now 52% response rate

* Elim (c) requirement from stat.

See Carol - elim reporting ~~credit~~ requirements

Tight resources