



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 43
[2007 Assembly Bill 254]

Municipal Boundary Agreements

Assembly Bill 254, enacted as Act 43, was developed by the Joint Legislative Council's Special Committee on Municipal Annexation. The Special Committee was directed to review conflicts that arise under current annexation law and practice and the consequences of those conflicts, including costs to taxpayers and other affected parties, to determine if there is consensus on means to reduce annexation disputes and encourage more boundary cooperation between towns and cities or villages.

Act 43 addresses: (1) the determination of common municipal (city, village, and town) boundaries by agreement; and (2) the use of alternative dispute resolution (ADR) in annexation and other boundary disputes.

I. BOUNDARY AGREEMENTS

A. Boundary Agreements by Cooperative Plan (s. 66.0307, Stats.)

1. Current Procedure Simplified

The Act simplifies the current plan requirements of s. 66.0307, Stats., by substituting a general requirement for consistency with a comprehensive plan for the current detailed planning requirements. "Comprehensive plan" means a comprehensive plan under s. 66.1001, Stats., or, if a municipality has not adopted a comprehensive plan, the municipality's master plan.

The Act also reduces from 120 to 60 the minimum number of days, following the last authorizing resolution by a participating municipality that must pass before the public hearing on the proposed cooperative plan may be held.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

2. Mediated Agreement Procedure

If a city or village or a town declines to participate in the current procedure for developing a cooperative plan to determine common boundaries, the Act provides a procedure for an adjacent municipality to petition for development of a cooperative plan through mediation. If a city or village refuses to engage in mediation after being requested to do so, an annexation commenced during the shorter of 270 days after the refusal or the period beginning after the refusal until the city or village agrees to engage in mediation may be contested by the petitioning town if the Department of Administration (DOA) determines the annexation is not in the public interest following an advisory review of the annexation. If a town refuses to engage in mediation, the town may not contest any annexation of its territory to the petitioning city or village that is commenced during the shorter of 270 days after the refusal or the period beginning after the refusal until the town agrees to engage in mediation.

If both parties agree to engage in mediation, the mediation period expires after 270 days unless the participating municipalities agree to extend the period. If a cooperative plan is developed through mediation, the Act provides a time period for holding a public hearing on the plan. Otherwise, the provisions of s. 66.0307 apply to a cooperative plan agreed to under the mediated agreement procedure.

B. Boundary Agreements Under General Intergovernmental Cooperation Authority (s. 66.0301, Stats.)

The Act establishes a specific procedure for common municipal boundaries to be determined by agreement under s. 66.0301, Stats. In addition to determining common boundaries, an agreement under the procedure may include any other provisions municipalities are authorized to agree to under s. 66.0301 and under s. 66.0305, Stats. (agreements to share revenues).

Once an agreement expires, all provisions of the agreement expire with the exception of boundary determinations, which remain until subsequently changed. The maximum term of an agreement is 10 years.

The s. 66.0301 boundary agreement procedure requires a public hearing on a proposed agreement and provides for a referendum of the electors residing within the territory whose jurisdiction is subject to change as a result of the agreement if a sufficient referendum petition is timely submitted.

A boundary agreement under s. 66.0301 may provide that during the term of the agreement, no other procedure for altering municipal boundaries may be used to alter a boundary that is affected by the agreement (subject to one exception).

C. Stipulated Boundary Agreements in Contested Boundary Actions (s. 66.0225, Stats.)

The Act limits the application of current s. 66.0225, Stats. (boundaries fixed by court judgment) to contested annexations and limits the scope of a boundary determination under that procedure to that portion of the boundary “that is the subject of the annexation.” The Act provides that contested consolidations, detachments, and incorporations may be settled by entering into an agreement under the new s. 66.0301 procedure or under s. 66.0307 (boundary agreements by a cooperative plan). Contested annexations may also be so settled.

II. ALTERNATIVE DISPUTE RESOLUTION

The court and the parties to a contested annexation are encouraged under the Act to consider the applicability to the contested annexation of the current ADR provisions that apply generally to court proceedings, s. 802.12, Stats.

The Act requires DOA to make available on its public website a list of persons who have identified themselves as professionals qualified to facilitate ADR of annexation, boundary, and land use disputes.

For additional information, see the notes to Act 43 and RL 2007-10, *Special Committee on Municipal Annexation* (April 11, 2007) (<http://www.legis.wi.state.us/lc>).

Effective Date: 2007 Act 43 becomes effective January 19, 2008.

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