



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 5

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: David L. Lovell, Senior Analyst

RE: Regional Planning Commissions

DATE: May 14, 2013

This Memo provides information regarding regional planning commissions (RPCs) in Wisconsin, as background for a discussion by your committee of tribal representation on RPCs.

CREATION AND COMPOSITION OF RPCS

Process for Creating RPCs and Appointing RPC Commissioners

RPCs are created and operate under a statute dating from 1959. [s. 66.0309, Stats.] This statute provides a flexible process for creation of RPCs and appointment of commissioners. The actual creation is by executive order of the Governor, but the process provides opportunity for the affected units of government to influence the process, including an opt-out provision.

The statutes specify a default formula for the appointment of commissioners, as follows:

- For RPCs that include more than one county, each county board appoints one commissioner and the Governor appoints two, one of which must be selected from a list of names submitted by the county board. The commissioners appointed by the Governor must have expertise in any of a number of fields pertinent to regional planning.
- For an RPC that includes only one county,¹ three members are appointed by the county board, three members are appointed by each city, village, or town having a population over 20,000, and three members are appointed by the Governor. The list of subject areas in which

¹ The Capitol Area RPC is the only RPC that includes only one county; that county is Dane County.

gubernatorial appointees to one-county RPCs must have expertise differs from the list applicable to other RPCs.

An RPC may design its own formula for the appointment of commissioners with the concurrence of a majority of the local units of government in the region. This provision does not apply to an RPC that includes a first class city.²

Composition of Current RPCs

There are nine RPCs in Wisconsin, which are made up of 67 of the 72 counties. The RPCs were all created in the period from 1959 to 1974. The map in Attachment 1 shows the areas served by the RPCs.

While some RPCs follow the statutory default formula for appointment of commissioners,³ others deviate from it, to varying degrees. The most significant deviation from the default formula, for purposes of this Memo, is the formula used by the Northwest RPC. That RPC consists of 10 counties, and includes all or most of the Red Cliff, Bad River, Saint Croix, and Lac Courte Oreilles Reservations, and a small portion of the Lac du Flambeau Reservation. There are 31 commissioners. From each county, the chair of the county board serves as a commissioner and a second commissioner is appointed by the county board, and from each community with a population greater than 2,500, the mayor appoints a commissioner. In addition, one seat is reserved for a commissioner appointed by the tribes in the region. The tribes do not pay an assessment for the RPC's budget.

FUNCTIONS OF RPCS

Each RPC is required to prepare and adopt a master plan for the region. [s. 66.0309 (9), Stats.] The master plan represents the RPC's recommendations for the physical development of the region. It is advisory, only. The statute states that an RPC shall make a master plan:

...with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.... The purpose and effect of adoption of the master plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties. [s. 66.0309 (10), Stats.]

² The only first class city in Wisconsin is Milwaukee; it is part of the Southeastern RPC.

³ The following RPCs appear to use the default formula: the Mississippi River RPC (which includes Jackson County, where the headquarters of the Ho Chunk Nation is located), the North Central RPC (which includes Vilas and Forest Counties, where the Lac du Flambeau, Mole Lake, and Forest County Potawatomi Reservations are located, and other counties where parcels of Ho Chunk trust land are located), the Bay Lake RPC (which includes Brown and Outagamie Counties, where the Oneida Reservation is located), the Southwestern RPC, and the West Central RPC.

The master plan must contain, at a minimum, the elements that municipalities are required to include in their comprehensive plans. These are elements related to issues and opportunities; housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; intergovernmental cooperation; land use; and implementation.

The statutes authorize RPCs to perform a number of additional functions. Specifically, an RPC “may take any of the following actions:

1. Conduct all types of research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties.
2. Consistent with the elements specified in s. 66.1001 (comprehensive plans), make plans for the physical, social and economic development of the region, and, consistent with the elements specified in s. 66.1001, adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region.
3. Publicize and advertise its purposes, objectives and findings, and distribute reports concerning these items.
4. Provide advisory services on regional planning problems to the local government units within the region and to other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of local units and agencies as they relate to its objectives.”

[s. 66.0309 (8), Stats.]

An RPC may, upon the request of a local government within its region, prepare recommendations regarding “the location or acquisition of land for any of the items or facilities which are included in the adopted regional master plan.” In addition, an RPC may, with the authorization of a state agency, perform the plat review function for that agency. [s. 66.0309 (11), Stats.]

Attachment 2, a table prepared by the Wisconsin Association of RPCs, identifies the subject areas in which each of the RPCs works.

FINANCING OF RPCS

RPCs are financed in part by assessments of the member counties. [s. 66.0309 (14) (a) and (b), Stats.]⁴ Annually, an RPC is required to prepare a budget and apportion the budget to the member counties, in proportion to each county’s share of the total equalized property value in the RPC, except that the assessment on any county may not exceed 0.003% of the equalized value in that county. An RPC may accept supplies and the use of equipment, facilities, office space, and personnel from a county as full or partial payment of the county’s assessment.

⁴ A separate system is specified in the statutes for assessment of municipalities, in case only a portion of a county is included in an RPC. [s. 66.0309 (14) (c), Stats.] However, all RPCs are made up only of entire counties, so this system is not used.

An RPC is authorized to charge a local government for unique and special services it provides to the local government. In addition, an RPC may accept gifts, grants, and other forms of assistance from public or private entities in furtherance of its objectives.

FURTHER INFORMATION

For further information regarding Wisconsin RPCs, see *Profile of Wisconsin Regional Planning Commissions*, prepared by the Association of Wisconsin Regional Planning Commissions, and available on that association's Internet site at http://www.awrpc.org/PDF/AWRPC_Profile_2011.pdf.

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Attachments