



## **Introduction**

Intergovernmental coordination may be defined as any arrangement through which two or more municipalities communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can include the sharing of information, facilities, and equipment, or involve entering into formal intergovernmental agreements.<sup>1</sup>

The purpose of the intergovernmental coordination chapter of the comprehensive plan is to describe existing intergovernmental agreements, explore opportunities for future collaboration, and identify potential areas of conflict between the Town of Linn and its municipal and institutional neighbors.

## **Comprehensive Planning Law**

Wisconsin's Comprehensive Planning Law (Section 66.1001(2)(g), Wis. Stats.) requires that the intergovernmental coordination element of a comprehensive plan contain all of the following:

- A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions for siting and building public facilities and sharing public services.
- Analyses of the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state, and other governmental units.
- The incorporation of any plans or agreements to which the local governmental unit is a party under Sections 66.0301, 66.0307, or 66.0309, Wis. Stats.
- The identification of existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and a plan to resolve such conflicts.

### **Intergovernmental Cooperation Vision**

*The Town of Linn will continue to pursue opportunities for cooperation and collaboration with its neighbors when such actions provide a means by which the Village may improve services and reduce costs for its residents and businesses. Likewise, the township remains steadfast in its opposition to the annexation of its land base by adjoining municipalities.*

## **Intergovernmental Cooperation: The Upside**

Intergovernmental coordination between and among cities, villages, towns, and counties often produces less expensive and more efficient governmental services. Mergers of similar services can provide substantial cost savings when administrative and equipment duplication is reduced. Significant savings may be realized when local governments combine purchasing, planning, and contracted service delivery processes.

Coordination during comprehensive planning efforts may be the most effective way to collaborate with neighboring communities. It provides opportunities to collectively identify issues, brainstorm ideas, and reach consensus.

<sup>1</sup> Excerpted from Guide to Preparing the Intergovernmental Element of a Comprehensive Plan, Wisconsin Department of Administration, 2002.



It also offers an occasion to address critical issues before decisions have been made and before development activities occur that may limit future solutions. Cooperative planning provides opportunities for jurisdictions to be proactive rather than reactive. Opportunities for collaboration in planning and the sharing of facilities and services between municipal governments include, among others:

- Water and wastewater treatment facilities.
- Public safety, including police, fire, and rescue.
- Joint economic development efforts.
- Libraries and parks & recreation.
- Solid Waste & Recycling.
- Group purchasing (health insurance, retirements, investments, etc.).
- Partnerships in pursuit of state and federal funding.
- Sharing of municipal vehicles and equipment (snow plows, mowers, dump trucks, etc.).
- Sharing of staff.

### **Intergovernmental Cooperation: The Downside**

There are often strong desires on the part of elected officials and residents to maintain the independence of existing jurisdictions. Efforts to increase coordination and collaboration must deal with existing organizational missions and structures that support the independence of each community. The issues to be addressed when entering into multi-jurisdictional partnerships include:

- Desire for community autonomy.
- Questions regarding the allocation of costs.
- Fear of loss of service quality.
- Creating trust and an effective implementation mechanism.

### **Adjacent Governmental Units**

#### Municipalities

The Town of Linn is located in Walworth County along Wisconsin's border with the state of Illinois. It shares boundaries with the following municipalities:

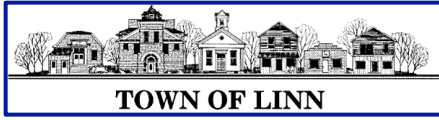
- The City of Lake Geneva.
- The Villages of Fontana-on-Geneva Lake and Williams Bay.
- The Towns of Bloomfield, Delavan, Geneva, Lyons, and Walworth.

#### **Types of Plans**

Towns, cities, villages, counties, regional planning commissions, and the state are all statutorily authorized to develop plans. Examples of the different types of plans that may be developed by these entities include:

- Comprehensive Plans
- Land use plans
- Highway corridor plans
- Sewer service area plans
- MPO plans
- County forest plans
- Economic development plans
- Farmland preservation plans
- Consolidated housing plans
- Solid waste management plans
- Stormwater management plans
- Park & open space plans
- Neighborhood plans
- Boundary agreements plans
- WisDOT multi-modal plans

Excerpted from Guide to Preparing the Intergovernmental Cooperation Element of a Comprehensive Plan, Wisconsin Department of Administration, 2002.



## Walworth County

With an estimated 2017 population of 102,590, Walworth is the 15th largest of Wisconsin's 72 counties. It is home to 30 municipalities, including five the cities, nine villages, and 16 townships. The largest of these is the City of Whitewater with a population of 11,455. The county provides a number of services to its municipalities including:

- Highway maintenance and improvement programs.
- Library funding support.
- Health and social services, including federal housing programs.
- Agricultural and lake programs.
- Shoreland zoning.

In addition to the programs above, Walworth County administers and enforces zoning and land division (subdivision) regulations in the Town of Linn.

## Quasi-governmental Organizations

The Town is a member of the Southeast Wisconsin Regional Planning Commission, a multi-service planning organization established under Chapter 66.0309, Wis. Stats. Regional planning commissions (RPCs) are public agencies formed by executive order of the Governor. State statutes specify that they are to provide intergovernmental planning and coordination for the physical, social, and economic development of the Region. RPCs are designated by the State and Federal governments as clearinghouses for the purpose of reviewing Federal grant applications against adopted regional and local plans and development priorities. Under Wisconsin law, regional planning commissions have the following functions:

- They may conduct all types of research studies; collect and analyze data; prepare maps, charts and tables; and conduct necessary studies.
- They may make and adopt plans for the physical, social and economic development of the Region.
- They may publish and advertise their purposes, objectives and findings, and may distribute reports thereon.
- They may provide advisory services on planning problems to the local governmental units within the Region and to other public and private agencies in matters relative to its functions and objectives.

## Intergovernmental Notices

At the onset of the process to update the comprehensive plan, intergovernmental notices were mailed as required under Wisconsin's Comprehensive Planning Law. The purpose of the notices was to inform intergovernmental partners of the planning effort and to invite comment on draft plan chapters. In addition to the municipalities identified on the previous page, notices were sent to:

- Walworth County Land Use & Resource Management Department
- Wisconsin Department of Natural Resources and Transportation
- Linn Jt. 4 School District



- Linn Jt. 6 School District

## **Intergovernmental Agreements**

In addition to standard public safety agreements (police and fire protection), the Town of Linn is party to the following intergovernmental and multi-jurisdictional agreements:

### **Geneva Lake Environmental Agency<sup>2</sup>**

The Geneva Lake Environmental Agency was formed in the early 1970s by a group of citizens concerned about Geneva Lake's future. The Agency was formed as a shared unit of the local governments of the Towns of Linn and Walworth, the Villages of Fontana and Williams Bay and the City of Lake Geneva. Since 1975, the Agency has operated under a Uniform Resolution and By Laws signed by the sponsoring units of government. The resolution calls for the Agency to study the 5,462 acre Geneva Lake and its 12,800 acre watershed regarding its physical, chemical and biological characteristics, water quality, lake and land use; protective measures, recreation and resource related problems and to make recommendations to protect resources, improve living conditions and foster legislation to accomplish these recommendations. This program is implemented by one full time staff member and a college intern. The Agency is determined to maintain Geneva Lake's resources by protecting, preserving, and enhancing desirable lake and watershed quality.



Courtesy Geneva Lake Environmental Agency

### **Geneva Lake Conservancy<sup>3</sup>**



Courtesy Geneva Lake Conservancy

The Geneva Lake Conservancy is a non-profit organization dedicated to the preservation of environmentally sensitive lands, open space and the unique character and quality of life of Walworth County, Wisconsin. Working with landowners, government officials and development interests, the Conservancy advocates private and public land use and management decisions that assure responsible growth and protection of natural and historic resources.

During 2003, the Geneva Lake Conservancy completed the Green and Gold Belt Project. The project utilized geographic information system (GIS) technology to identify critical natural areas, open space protection areas, and farmland protection areas. The purpose of the project was to identify future development concerns, and guide land acquisition and conservation easement priorities. The plan identifies several implementation options including conservation easements, acquisition, neighborhood agreements, conservation subdivisions, easements, purchase of development rights (PDR), and shoreland restoration.

<sup>2</sup> Excerpted from Town of Linn Year 2025 Comprehensive Plan, June 2004.

<sup>3</sup> Excerpted from Town of Linn Year 2025 Comprehensive Plan, June 2004.



### **Geneva Lake Level Corporation<sup>4</sup>**

The Geneva Lake Level Corporation was established in 1894. Its mission is to establish, maintain, and control the water level of Geneva Lake, to protect the riparian interests of the property owners upon the lake, to keep and maintain the dam and spillway at the foot of Geneva Lake, to cooperate with the duties of protecting the lake against water pollution, and to further conservation of the water resource to the end that the lake may serve the enjoyment and benefit of the people.



Courtesy Geneva Lake Level Corporation

### **Extraterritorial Zoning Agreement**

The Town of Linn is party to an extraterritorial zoning agreement with the Villages of Fontana-on-Geneva Lake and Williams Bay. Additional information regarding extraterritorial zoning in Wisconsin is provided on the following page.

## **Issues & Opportunities**

### **Annexation<sup>5</sup>**

Annexation is the process that transfers unincorporated territory from towns to incorporated cities and villages. State statutes authorize a number of different methods for accomplishing annexation. Each has its own unique requirements, processes, timelines, and participants. The first three of these methods are initiated by landowners and typically require review by the Wisconsin Department of Administration (WDOA). The remainder are initiated by cities or villages and do not require state review. These methods in Wisconsin are:

- *Annexation by Unanimous Approval* (Chapter 66.0217(2), Wis. Stats.) - Unanimous approval annexations, often referred to as unanimous consent annexations, are the most commonly used annexation method, comprising over 90% of all annexations in a typical year. The unanimous in unanimous approval annexations means that all owners and electors involved with the territory to be annexed, including any renters, must sign the petition. If not everyone signs the petition then the annexation is not considered to be truly unanimous and a different annexation method should be used instead.
- *Annexation by One-Half Approval* (Chapter 66.0217(3)(a) Wis. Stats.) - One-half approval annexations are distinguished from unanimous approval annexations primarily by the fact that not all of the residents or landowners within the annexation territory are in favor of being annexed. For this reason, they are sometimes also referred to as non-unanimous annexations. This non-unanimous aspect means that one-half approval annexations can often be controversial and contentious, which many communities are eager to avoid. As a result, this type of annexation tends to occur much less frequently than unanimous approval annexations. Typically they account for less than 10% of all annexations annually.
- *Annexation by Referendum* (Chapter 66.0217(3)(b) Wis. Stats.) - Annexation by referendum is a rarely used method, although it is a statutory tool that remains available to residents and therefore is a method to be aware of. It is sometimes referred to as Annexation by Citizen-Initiated

<sup>4</sup> Excerpted from Geneva Lake Level Corporation website, 2017.

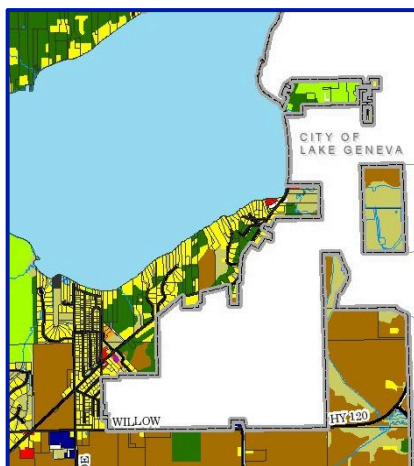
<sup>5</sup> Excerpted from 'Wisconsin Annexation Methods', Wisconsin Department of Administration, September 2016.





Referendum to distinguish it from City or Village-Initiated Referendum. Citizen-Initiated Referendum annexations are also noteworthy because they are the only type of annexation where the city or village is not involved as an active participant.

- *Annexation by City or Village-Initiated Referendum* (Chapter 66.0219 Wis. Stats.) - Annexation by City or Village-Initiated Referendum allows a city or village to initiate an annexation proceeding by asking the circuit court to order a referendum on the question of annexation. The fact that the city or village is the initiator under this method differentiates it from the first three annexation methods described above where the landowners and electors initiate the process. Annexation by City or Village-Initiated Referendum is rarely used, however, it is a statutory tool that remains available to cities and villages and is therefore a method to be considered and aware of.
- *Annexation of Town Islands* (Chapter 66.0221 Wis. Stats.) - As part of legislation adopted in the early 1970s to address the problem of isolated town lands surrounded by cities and villages – referred to as town islands – the legislature empowered cities and villages to initiate annexation of certain town islands already in existence on December 2, 1973. This was coupled with a prohibition on creating any new town islands after December 2, 1973. The idea behind this legislation was to eliminate essentially all town islands in Wisconsin. However, this ambitious goal was ultimately not achieved because there were no means included to enforce the prohibition against creating new town islands. The Department of Administration’s review was still only advisory on the annexing city or village. As a result, many annexations have been adopted during the ensuing years that created new town islands, despite these annexations receiving Against the Public Interest reviews from the Department of Administration.
- *Annexation of Territory Owned by a City or Village* (Chapter 66.0223 Wis. Stats.) - As with the City or Village-Initiated Annexation and Annexation of Town Island methods, Annexation of Territory Owned by a City or Village is a process that is initiated by the city or village. This method differs from any of the other annexation methods in that contiguity is not required, only that the territory be owned by the annexing city or village and that it be “lying near” to the annexing city or village. However, the statute does require that the noncontiguous annexed territory not be contrary to any town or county zoning in place for the territory. This method is also unique in that only a simple majority is required to adopt an annexation ordinance, not the two-thirds majority of the entire governing body’s members, as is the case with all of the other annexation methods.



Images showing change in the boundary between the City of Lake Geneva and the Town of Linn during the sixty-five year period from 1951 (left) to 2016 (right). The expansion of Lake Geneva’s corporate boundary resulted from annexations of the Town’s land base. Image at left courtesy Wisconsin Historical Atlas, [www.historicmapworks.com](http://www.historicmapworks.com). Image at right from Comprehensive Plan 2037 Current Land Use map.



## **Extraterritorial Zoning<sup>6</sup>**

Wisconsin's extraterritorial zoning statutes, Chapter 62.23(7a), Wis. Stats., allows a first, second or third class city to adopt zoning in town territory, 3 miles beyond a city's corporate limits. A fourth class city or village may adopt zoning 1.5 miles beyond its corporate limits. Under extraterritorial zoning authority, a city or village may enact an interim zoning ordinance that freezes existing zoning, or if there is no zoning, existing uses while a plan and regulations are developed. The statute provides that the interim zoning ordinance may be for two years. A joint extraterritorial zoning committee must be established consisting of three city or village plan commission members and three town members. The city or village plan commission works with the joint committee in preparing the plan and regulations. The joint committee must approve the plan and regulations by majority vote before they take effect.

## **Extraterritorial Plat Review<sup>7</sup>**

The geographical area in which a city or village can exercise its extraterritorial powers is the same as the extraterritorial zoning jurisdiction. However, the process for exercising extraterritorial plat review is very different from the process for exercising extraterritorial zoning. Extraterritorial zoning requires town approval of the zoning ordinance. It is not widely used in the state. Extraterritorial plat review applies automatically if the city or village adopts a subdivision ordinance or an official map. The town does not approve the subdivision ordinance for the city or village. The city or village may waive its extraterritorial plat approval jurisdiction if it does not want to exercise it.

The purpose of extraterritorial plat approval jurisdiction is to help cities and villages influence the development pattern of areas outside the city/village boundaries that will probably be annexed to the city or village. In addition, it helps cities and villages protect land use near its boundaries from conflicting uses outside the city/village limits. However, since a town and/or the county may also have a subdivision ordinance that applies in the extraterritorial area, if there is a conflict in the requirements of the various ordinances, the proposed subdivision must comply with the most restrictive requirements.

The scope of the extraterritorial plat approval jurisdiction has been the subject of several recent court decisions that limit the extraterritorial authority. The Wisconsin Supreme Court has held that a city or village does not have the authority to impose its own requirements and specifications for public improvements (streets and stormwater facilities) as a condition of extraterritorial plat approval jurisdiction. A city or village also cannot condition approval of a plat in the extraterritorial area on annexation of the proposed subdivision to the city or village. The Wisconsin Court of Appeals has held that a municipality cannot use its extraterritorial plat approval jurisdiction to control the use of property. The court of appeals found this to be a zoning function that can be exercised only through an extraterritorial zoning ordinance.

## **Boundary Agreements<sup>8</sup>**

Boundary agreements are a valuable tool available to local communities to avoid potentially lengthy and costly litigation conflicts over annexation, incorporation, consolidation, land use, revenue, services, environmental resources and issues, new development, and other intergovernmental issues. Instead of dueling against one another in an adversarial and usually reactive manner, boundary agreements enable

<sup>6</sup> Excerpted from Town of Linn Year 2025 Comprehensive Plan, June 2004.

<sup>7</sup> Excerpted from 'Guide to Community Planning in Wisconsin', Brian Ohm, UW Madison, 1996.

<sup>8</sup> Excerpted from 'Boundary Agreements', Wisconsin Department of Administration website, 2017.



communities to proactively develop solutions to benefit the area as a whole and move both communities toward their desired future vision and goals. Three types of boundary agreements are allowed under Wisconsin law:

- *Cooperative Boundary Plans* (Chapter 66.0307, Wis. Stats.) – Long-term or permanent agreements between two or more communities. Requires review and approval by the Department of Administration.
- *General Agreements* (Chapter 66.0301, Wis. Stats.) – Short-term agreements no longer than 10 years between two or more communities. In addition to resolving boundary issues, communities also frequently use General Agreements to share municipal equipment, buildings, staff, vehicles, and other service-related items.
- *Stipulations & Orders* (Chapter 66.0225, Wis. Stats.) – Agreements that are used to settle annexation disputes being litigated in court between two communities.

To assist communities in developing boundary agreements, WDOA maintains a list of trained and experienced mediators.

## **Incorporation**

Municipal incorporation is the process of creating new cities and villages from unincorporated town territory. The process involves:

- Petition signed by area residents
- Circuit court review
- Incorporation Review Board review
- Potential involvement of neighboring municipalities who may support or oppose the proposed incorporation
- Potential referendum vote by resident
- Incorporation certificate from WDOA, if the above steps in the process are met

The standards used by WDOA’s Municipal Boundary Review Section to determine whether to recommend approval for the proposed incorporation include:<sup>9</sup>

- A minimum threshold of “homogeneity and compactness” and the presence of a “well-developed community center.”
- Minimum density and assessed valuation standards for territory beyond the core.
- A review of the budget and tax base in order to determine whether or not the area proposed for incorporation could support itself financially.
- An analysis of the adequacy of government services compared to those available from neighboring jurisdictions.
- An analysis of the impact incorporation of a portion of the town would have on the remainder, financially or otherwise.
- An analysis of the impact the incorporation would have on the metropolitan region.

<sup>9</sup> Excerpted from Town of Linn Year 2025 Comprehensive Plan, June 2004.





The key factor considered when reviewing incorporation petitions is the first. In Linn, large amounts of farmland separate Zenda from other areas of concentrated population density near Geneva Lake. Moreover, the population density is non-contiguous and fragmented by the lake on the north and south shores. In order for the town to achieve protection from annexation by incorporation it would need to *connect* Zenda to the lake.

## **Intergovernmental Programs**

The following pages describe some of programs and organizations available to aid the Village in implementing its intergovernmental plan.

### **Wisconsin Department of Administration<sup>10</sup>**

The Wisconsin Department of Administration Division of Intergovernmental Relations (DIR) provides a broad array of services to the public and state, local and tribal governments. It supports counties, municipalities, citizens, and businesses by providing support services in land use planning, land information and records modernization, municipal boundary review, plat review, demography, and coastal management programs.

### **League of Wisconsin Municipalities<sup>11</sup>**

The League of Wisconsin Municipalities (LWM) is comprised of 190 cities and 397 villages. LWM provides technical and legal assistance to member governments. It also acts as a representative of the state's incorporated communities before the governor and state legislature.

### **Wisconsin Towns Association<sup>12</sup>**

The Wisconsin Towns Association (WTA) is a statewide, voluntary, non-profit and non-partisan association of member town and village governments in the State of Wisconsin controlled by its Board of Directors. WTA's twin purposes are to support local control of government and to protect the interest of towns. In furtherance of those goals WTA provides three types of services for its members: legislative lobbying efforts, educational programs, and legal information. As of 2015, WTA's membership consists of 1,257 towns and 20 villages. Its services are made available to every elected or appointed officer of such member governments.

## **Implementation Plan**

The goals, objectives, and policies related to intergovernmental cooperation are presented in *Chapter 9: Implementation*.

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<sup>10</sup> Excerpted from Wisconsin Department of Administration website, 2017.

<sup>11</sup> Excerpted from League of Wisconsin Municipalities website, 2017.

<sup>12</sup> Excerpted from Wisconsin Towns Association website, 2017.