

Intergovernmental Cooperation

1. Overview

There are a number of public and quasi-public entities that can affect the daily lives of Winnebago County residents thus making the intergovernmental cooperation element critical to any comprehensive plan. Wisconsin State Statutes require that all comprehensive plans have an intergovernmental cooperation element.

Intergovernmental relationships can be formally expressed in a legally binding agreement, or informal in the form of verbal understandings. Most intergovernmental cooperation is done for the purpose of delivering services or exercising joint powers. Some cooperation is undertaken to receive services or make cooperative purchases.

Intergovernmental relations can be described as vertical or horizontal. Vertical relationships are those linking a municipality to governments of broader jurisdiction. For example, the relationship between a local unit of government to the state and the federal government is vertical. Actions of one often have a direct bearing on the others. For the most part, this relationship occurs in a top down fashion. For example, when the state adopts a statewide policy plan, it in essence directs future activities with counties, villages, cities, and towns.

Horizontal relationships describe each municipality's connection to one another and to other adjacent communities. Together, these relationships cut across each of the functional elements of this plan.

Over the years, there has been a statewide push for consolidating governmental services at the local level. The Commission on State-Local Partnerships (Kettl Commission) calls for the creation of "growth-sharing areas: within which local units of government would collaborate to serve the needs of their citizens." The report recommends that local governments adopt "Area Cooperation Compacts" with at least two other governments in at least two functional areas including: law enforcement, housing, emergency services, fire, solid waste, recycling, public health, animal control, transportation, mass transit, land-use planning, boundary agreements, libraries, parks, recreation, culture, purchasing or e-government. The Commission also advocates for the reform of state aids to municipalities.

This chapter analyzes the relationships between local and regional planning entities, identifies special purpose districts and border and boundary agreements in Winnebago County, and describes state agencies and nongovernmental organizations that cooperatively serve people across different jurisdictions. Cooperative approaches in general will contribute significantly to the attainment of the goals, objectives, and policies of any comprehensive plan.

2. Local Units of Government

Winnebago County consists of 16 towns, 5 cities, and 1 village (Map 1).

Chapter Contents

1. Overview
2. Local Units of Government
3. Regional Government Bodies
4. Special Purpose Districts
5. State Agencies
6. Nongovernmental Organizations
7. Existing Cooperation

3. Regional Government Bodies

East Central Wisconsin Regional Planning Commission

The East Central Wisconsin Regional Planning Commission (ECWRPC) is the official comprehensive, area-wide planning agency for ten counties: Calumet, Fond du Lac, Green Lake, Marquette, Menominee, Outagamie, Shawano, Waupaca, Waushara, and Winnebago.



The Commission provides the basic information and planning services necessary to solve problems that transcend the corporate boundaries and fiscal capabilities of individual governmental jurisdictions. The Commission has a statutory duty to prepare and adopt comprehensive plans for the physical development of the region. Such plans include land use, transportation, open space, economic development and environmental management elements. The Commission also provides technical assistance to participating governments with issues of concern to that jurisdiction.

Interagency Coordination is facilitated through an annual work program and budget, specific requests using formal memoranda of agreements, and active and meaningful participation on advisory committees.

Metropolitan Planning Organizations

Metropolitan planning organizations, (MPOs) are federally-sanctioned entities charged with transportation planning on a regional basis and are designated for each urbanized area in the United State with a population greater than 50,000. There were three MPOs in Winnebago County in 2015: Fox Cities, Fond du Lac, and Oshkosh. The ECWRPC certifies that the planning requirements for these MPOs have been met, which includes a Unified Transportation Work Program, a Public Participation Plan, a Transportation Improvement Plan (TIP), and a Long Range Transportation and Land Use Plan.

Fond du Lac Metropolitan Planning Organization The Fond du Lac MPO extends into the Town of Black Wolf along Lake Winnebago (Map 39).

Fox Cities Area Metropolitan Planning Organization The Fox Cities MPO is located in Calumet, Outagamie, and Winnebago counties and includes the cities of Appleton, Kaukauna, Menasha and Neenah; villages of Combined Locks and Kimberly; towns of Buchanan, Grand Chute, Greenville, Harrison, Kaukauna, Menasha, Neenah, and Vandenbroek (Map 39).

Oshkosh Area Metropolitan Planning Organization The Oshkosh MPO is located in Winnebago County and encompasses the city of Oshkosh and the towns of Algoma, Black Wolf, Nekimi, Oshkosh, and Vinland (Map 39).

4. Special Purpose Districts

Special purpose districts are local units of government that are created to provide a specified public service. Like municipalities, special purpose districts derive their authority from state statutes. They have geographic boundaries that may or may not coincide with those of counties, villages, cities, or towns. Once a special district is created, it becomes an autonomous body often with its own taxing authority. In a few instances, state statutes create unique districts (e.g., professional team districts) but typically authorize counties, towns, cities, and villages to create special districts according to the requirements contained in the statutes.

Table 9-1 lists various non-educational special purpose districts authorized by state statute.

Local school districts and the vocational educational districts in the state are also considered special districts because they have been created to provide a single service – education.

Sanitary Districts

There were 24 sanitary districts serving Winnebago County in 2015. Areas included in a sanitary district are controlled by approved sewer service area (SSA) plans. East Central Wisconsin Regional Planning Commission is the responsible agency for sewer service area delineation and administration under a memorandum of understanding with the Wisconsin Department of Natural Resources.

Table 9-1. Non-Educational Special Purpose Districts in Wisconsin

Type	State Authorization
Metropolitan sewerage district	Chapter 200
Town sanitary district	Subchapter IX, Chapter 60
Drainage district	Chapter 88
Public inland lake protection and rehabilitation district	Subchapter IV, Chapter 33
Local exposition district	Subchapter II, Chapter 229
Local professional baseball park district	Subchapter III, Chapter 229
Local professional football park district	Subchapter IV, Chapter 229
Local cultural arts district	Subchapter V, Chapter 229
Architectural conservancy district	Sec. 66.1007

The Commission has developed and implemented 26 SSA plans throughout the region. These plans are amended and updated on a routine basis. There are seven SSA plans that encompass areas in Winnebago County (Map 11).

- Appleton 2030 Sewer Service Area
- Larsen-Winchester
- Neenah-Menasha 2030 Sewer Service Area
- Omro 2030 Sewer Service Area
- Oshkosh 2030 Sewer Service Area
- Poygan 2020 Sewer Service Area
- Winneconne Sewer Service Area

Drainage Districts

Drainage districts are organized to drain land for agricultural and other purposes. Landowners in a district who benefit from drainage conveyance must pay assessments to cover the cost of constructing, maintaining, and repairing the system. Throughout Wisconsin there are hundreds of these districts many of which were created decades ago. Not all districts have remained active owing to changing land uses. Per state mandate, districts need to create District Maintenance Plans. According to state law (ATCP Chapter 48) both inactive drainage districts and active districts need to update their drainage map sets, update benefit assessments, and prepare maintenance plans.

The Larsen Drainage District is the County's only drainage district and is located just east of Lake Winneconne (Map 39). It originally consisted of 2,700 acres. It is managed by seven board members.

School Districts

Winnebago County is home to 11 different school districts (Map 20). Most of the districts are wholly located in the county; Berlin, New London, Ripon, Rosendale-Brandon, and Weyauwega districts are primarily located in an adjoining county.

Technical College District

There are 16 technical college districts in Wisconsin. Winnebago County is located in the Fox Valley Technical College district, along with Calumet, Outagamie, Waupaca, and Waushara counties and portions of Brown, Manitowoc, Portage, and Shawano counties. The main campuses are in Appleton; satellite campuses are located in Chilton, Clintonville, Oshkosh, Waupaca, and Wautoma. It also maintains more than 50 outreach locations located throughout the district. The district population in 2014 was approximately 475,000. The college is operated under the general direction of a nine-member board.

5. State Agencies

Department of Natural Resources

The DNR has a wide range of statewide responsibilities for environmental quality, state parks, and recreation. It is governed by the Natural Resources Board, which has legal authority to set agency policy, recommend regulations for legislative approval, approve property purchases, and accept donations. Together with the DNR staff, the board works to establish policies and programs, administer state laws and rules, distribute grants and loans, and work with many government and non-government entities. Most of the DNR workforce is assigned to field offices in five regions. Their work is further subdivided into 23 geographic management units (GMU) whose boundaries roughly match the state's natural river basins and large waterways. Winnebago County is located in the Northeastern region.

DNR staff is responsible for defining the area's natural ecology and identifying threats to natural resources and the environment. The DNR has staff members with a broad range of expertise, and staff efforts are often combined with local government and private efforts to manage public resources.

Department of Transportation

The Wisconsin Department of Transportation is divided into eight districts for administrative and programmatic purposes. Winnebago County is located in the Northeast Region along with Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, and Sheboygan counties.

Department of Safety and Professional Services

The Department of Safety and Professional Services is another state agency with regulatory responsibility. The Division of Industry Services Programs administers and enforces a wide range of state laws and rules relating to building construction and safety and health. Plan review and site inspection is part of the division's role in protecting the health and welfare of people in constructed environments.

Department of Agriculture, Trade and Consumer Protection

The Department of Agriculture, Trade and Consumer Protection (DATCP) has regulatory duties concerning the Farmland Preservation Program and certain agricultural practices.

Department of Revenue

The Department of Revenue is responsible for assessing real estate, state aids, lottery credit administration, alcohol licensing, manufacturing assessment, and Board of Review training.

Department of Administration

The Department of Administration reviews annexation requests, incorporations, and cooperative boundary plans, among other duties. Additionally, the Land Information Office (LIO) within DOA is charged with identifying ways to enhance and facilitate planning of local governments and improve coordination and cooperation of state agencies in their land use activities. LIO also provides technical assistance and advice to state agencies and local governments with land information responsibilities, among other things.

Along with regulating local activities, all of these agencies provide information, education and training and maintain funding programs to assist local governments in development efforts and maintaining a basic level of health and safety.

Wisconsin Emergency Management

Wisconsin Emergency Management (WEM) is charged with a wide range of responsibilities for disaster mitigation, planning, response, and education. It administers a number of grants to local communities and is responsible for preparing and administering several statewide policy plans. A three-year update of the State of Wisconsin Hazard Mitigation Plan was approved on December 9, 2008 and the enhanced plan approved on June 15, 2009.

Regional directors are located in each of the six regional offices throughout the state. They work directly with municipal and county programs in planning, training exercising, response, and recovery activities, as well as the coordination of administrative activities between the Division and local governments. When disasters and emergencies strike, they are the Division's initial responders and serve as field liaisons with the state. The Southwest Region office is located in Madison.

6. Nongovernmental Organizations

In addition to governmental organizations there are other types of organizations that can affect the daily lives of town residents. These may include a chamber of commerce, non-profit organizations, and similar organizations that are actively working to promote the quality of life in the area. It is imperative that governmental and non-governmental organizations work together for the good of all residents. The following section briefly describes some of these organizations and how they are organized and their purpose.

International Trade, Business and Economic Development Councils

Since 1992, five regional International Trade, Business and Economic Development Councils (ITBECs) have been created in Wisconsin to expand economic development in the state by promoting tourism from foreign lands and the exporting of Wisconsin products to other countries. ITBECs are a public-private partnership between business leaders, county elected officials, and tribal representatives. The ITBEC initially began as 11 counties in the northwest part of the state and it now includes 54 counties.

Winnebago County shares its location in the East Central International Trade, Business & Economic Development Council (ITBEC) with Calumet and Kewaunee County. Current regional tourism projects include:

- The Lake Winnebago Road Trip
- Cruisin' the Lake: A Recreational Boater's Guide to the Lake Winnebago System

- A Taste of the Lakes
- Unique Your Trip
- Go Outside and Play: Back to Nature
- Fishin' The Winnebago System

The East Central ITBEC is also responsible for sponsoring several international trade seminars and other miscellaneous economic development projects and conferences.

Resource Conservation and Development Councils

Resource Conservation and Development Councils (RC&Ds) are private, non-profit organizations created pursuant to state enabling legislation to improve the social, economic, and environmental opportunities of the area. Nationally, there are more than 200 districts and there are 5 in Wisconsin.

Working through its RC&D council, local citizens provide leadership and work together to set program priorities. Each RC&D district establishes an area plan (also known as a resource conservation and utilization plan), which provides direction for the council in making community improvements and conducting activities. A variety of government agencies, organizations, and companies provide assistance in accomplishing program goals.

Winnebago County's RC&D is known as *Glacierland* and is located in northeastern Wisconsin. With Winnebago County, Glacierland covers eight counties (Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Outagamie, and Sheboygan) and the Oneida Nation.

7. Existing Cooperation

State statutes set up a number of tools for local units of government to formally cooperate on a number of issues of common concern. The table below summarizes these tools and lists and describes each agreement and the parties involved (Table 9-2).

Table 9-2. Types of Intergovernmental Agreements

	State Authorization	Purpose	Who decides	Referendum
Stipulation & order	Sec. 66.0225	Boundaries	Municipalities involved in the lawsuit, the judge, and area residents if they request a referendum	Binding referendum possible
General agreement	Sec. 66.0301	Services	Participating municipalities	No
Revenue sharing agreement	Sec. 66.0305	Revenue sharing	Participating municipalities	Advisory referendum possible
Cooperative boundary agreement	Sec. 66.0307	Boundaries, services, & revenue sharing	Participating municipalities and Department of Administration, Municipal Boundary Review	Advisory referendum possible

Source: Intergovernmental Cooperation, Wisconsin Department of Administration

Stipulations and Orders

Section 66.0225, Wis. Stats., allows local units of government to resolve an on-going legal battle over a boundary conflict with a legally binding stipulation and order. There are no stipulations and orders.

General Agreements

State statutes (§66.0301) authorize local units of government to cooperate for the "receipt or furnishing of services or the joint exercise of any power or duty required or authorize by law."

Municipal Revenue Sharing Agreements

Under §66.0305, Wis. Stats., adjoining local units of government can share taxes and fees with a municipal revenue sharing agreement.

Cooperative Boundary Agreements

Cooperative boundary agreements (§66.0307, Wis. Stats.) can be used to resolve boundary conflicts between villages, cities, and towns and may include revenue sharing or any other arrangement. With adoption of a cooperative boundary agreement, the rules of annexation do not apply.

The City of Oshkosh has a boundary agreement with three adjoining towns: Algoma, Black Wolf, and Nekimi (Map 40).

Shared Facilities Agreement

Outagamie, Winnebago, and Brown counties have a cooperative agreement for recycling and solid waste management as more fully described in Chapter 4 of this document.