

Appendix F: Local Resolutions of Petition

[Draft 14, Printed 5-10-06]

RESOLUTION PETITIONING THE GOVERNOR OF WISCONSIN TO CREATE A
CAPITAL AREA WISCONSIN REGIONAL PLANNING COMMISSION

WHEREAS, the need to preserve the natural resources and beauty of the region surrounding Wisconsin's capital require that local units of government work together to address environmental concerns which transcend municipal boundaries;

WHEREAS, cooperative efforts can pool scarce resources to create a public agency which can act as a resource for the community development efforts of local units of government in the capital area of Wisconsin;

WHEREAS, the most appropriate legal means available for engaging in such cooperative efforts appears to be creation of a regional planning commission under sec. 66.0309, Wis. Stats.;

WHEREAS, that statute provides that the Governor may create a regional planning commission upon petition of a local unit of government and if the creation is consented to by local units representing fifty percent of the population and fifty percent of the equalized value of the proposed region;

AND, WHEREAS, the statute further provides in sec. 66.0309 (3)(b) that the membership composition of a regional planning commission shall be in accordance with resolutions adopted by a majority of the local units in the region having at least one-half the population of the proposed region;

AND, WHEREAS, section 66.0301 of the Wisconsin Statutes allows counties, towns, villages and cities jointly to exercise any power they possess, and the parties hereto intend that the agreements contained herein be binding on each of them and on the CARPC, once created, under authority of that statute;

NOW, THEREFORE, be it resolved, pursuant to secs. 66.0301 and 66.0309, Wis. Stats., that:

1. The recitals set forth above are incorporated herein by reference and made part of this Resolution.
2. The territory of the proposed Capital Area Regional Planning Commission shall be all of Dane County.
3. The [City][Village][Town] of _____ hereby petitions the Governor of Wisconsin to create the Capital Area Regional Planning Commission with membership as defined in this resolution.
4. The [City][Village][Town] of _____ hereby consents to creation by the Governor of Wisconsin of the Capital Area Regional Planning Commission with membership as defined in this resolution.
5. The [City][Village][Town] of _____ hereby states its support for having the Governor of Wisconsin designate, under NR 121.06(2), the

Appendix F: Local Resolutions of Petition

- 48 Capital Area Regional Planning Commission as the agency capable of
49 developing effective areawide water quality plans for Dane County.
50 6. The membership plan of the Capital Area Regional Planning Commission
51 shall be as follows:
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53 a. Thirteen members to consist of:
54
55 i. Four members appointed by the Mayor of the City of
56 Madison from the area of and representing the City of
57 Madison;
58 ii. Three members appointed by the Dane County Cities and
59 Villages Association from the area of, and representing
60 cities and villages;
61 iii. Three members appointed by the Dane County Towns
62 Association from the area of and representing towns.
63 iv. Three members appointed by the Dane County Executive,
64 one from each of the three areas enumerated in
65 subparagraphs 6 a. i through iii above.
66
67 b. No more than three of the thirteen members of the Commission
68 may be members of the Dane County Board of Supervisors.
69
70 c. Any modifications in the sewer service areas shall require at least
71 eight (8) votes.
72
73 d. Each member of the Commission shall serve a term of three (3)
74 years. The initial members from each appointing authority shall be
75 appointed by the appointing authority for initial terms of one, two
76 or three years such that the terms of the members are staggered and
77 one-third of the Commission is appointed each year. The
78 appointing authority shall determine which members shall serve
79 the various terms.
80
81 e. A member of the Commission may be removed by the appointing
82 authority for cause, as defined in the Commission's by-laws.
83
84 f. There shall be a Budget and Personnel Panel of the Capital Area
85 Regional Planning Commission which shall consist of:
86
87 i. The Mayor of the City of Madison;
88 ii. The Dane County Executive
89 iii. The President of the Dane County Towns Association;
90 and
91 iv. The President of the Dane County Cities and Villages
92 Association.
93 v. The chairperson of the Regional Planning Commission,
94 as a non-voting member.
95

Appendix F: Local Resolutions of Petition

- 96 g. The Budget and Personnel Panel shall have the power, on behalf of
97 and with advice of the CARPC:
98 i. to establish the levy and user fees and adopt the annual
99 operating budget for the CARPC. The Budget and
100 Personnel Panel may adopt a levy less than the statutory
101 maximum;
102 ii. to hire the Executive Director from a list of three
103 candidates selected by the CARPC.
104 iii. To remove the Executive Director, at pleasure.
105 iv. The Budget & Personnel Panel may act on the business
106 referred to in paragraphs i through iii only at a meeting at
107 which all four members of the Panel are present.
108 v. At any time after the CARPC has been in existence for
109 one year following its creation by the Governor of
110 Wisconsin, the Budget and Personnel Panel may, by a
111 vote of three of its four members, change or transfer to
112 the CARPC its responsibilities referred to in paragraphs ii
113 and iii.
114
115 h. The undertaking municipalities agree and hereby contract that the
116 annual levy charged by the CARPC shall not exceed .0017 percent
117 of equalized value under the CARPC's jurisdiction and within the
118 region. The annual increase in the levy for the CARPC may not
119 exceed the increase allowed under any levy limitations which
120 apply to Dane County. The parties agree that there shall be user
121 fees charged, not to exceed actual costs incurred, to review sewer
122 extension requests from local units of government, town sanitary
123 districts, town utility districts, and metropolitan sewerage districts.
124 The user fees shall be in addition to the net levy for the subsequent
125 budget year as established by the Panel The parties also agree that
126 the Budget and Personnel Panel shall submit its proposed levy to
127 Dane County no later than August 1 of each year. If the Budget
128 and Personnel Panel or CARPC fail to timely submit a levy or
129 budget, then the levy and budget in effect for the current year shall
130 continue for the next year.
131
132 7. The CARPC shall work with communities to update the Dane County
133 Water Quality Plan. In addition to the elements required by NR 121 of the
134 Wisconsin Administrative Code, the Water Quality Plan shall also define
135 areas that should be protected from development based on provisions to
136 protect water quality as contained in NR 121 of the Wisconsin
137 Administrative Code. The Plan shall also define areas that can be
138 developed with measures to protect, restore or minimize degradation of
139 water quality.
140
141 The Plan shall also define a 25-year Future Urban Development Area with
142 5-year updates. The Plan shall be developed in cooperation with area
143 communities, including towns, and shall consider adopted comprehensive

Appendix F: Local Resolutions of Petition

144 plans and intergovernmental agreements. The Plan shall be developed as
145 follows:

- 146 a. CARPC staff shall provide communities with environmental
147 condition reports consisting of maps, text, and information
148 identifying environmental issues that should be addressed.
- 149 b. The CARPC shall give priority to areas of the highest
150 environmental sensitivity and growth pressure. These areas are: all
151 communities within the Central Urban Service Area; all
152 communities within the Northern Urban Service Area; all urban
153 service areas with a year 2000 Census population of 3,000 or more;
154 and the Black Earth Urban Service Area. The CARPC should, in
155 general, provide assistance with planning for the Future Urban
156 Development Area of other urban service areas after assisting the
157 priority communities. The CARPC's Executive Director shall
158 provide to the CARPC a 3-year work plan with points of reference
159 and an annual progress report with recommendations.
- 160 c. The Plan, which will identify the 25 Future Urban Development
161 Area, shall be based on the requirements of NR 121 and shall also
162 consider other factors including the impacts on natural and built
163 systems, the efficient use of land including urban densities, and the
164 ability to efficiently provide services to support the development
165 and farmland preservation planning.
- 166 d. There shall be separate rules and policies for limited service areas.
- 167 e. The CARPC shall adopt policies and procedures for the
168 considerations of amendments to the Water Quality Plan between
169 five-year updates of the Water Quality Plan.
- 170 f. The CARPC shall provide the information described in Item a. to
171 areas with the highest environmental sensitivity and growth
172 pressure within three years of the date the CARPC commences
173 operations.
- 174 g. Communities shall submit their proposed Future Urban
175 Development Area within 24 months of the date they receive the
176 data from the CARPC. If a community does not meet this
177 timeline, the CARPC shall not act on any individual USA
178 expansion requests until the proposed plan is submitted. CARPC
179 may grant one six-month extension to this timeline.
- 180 h. The CARPC shall act on the proposed Future Urban Development
181 Area plan within a year of the plan's submission. If CARPC fails
182 to do so, the plan shall be acted upon by the Budget and Personnel
183 Panel.
- 184 i. The CARPC may not shift its staff work and analysis
185 responsibilities to the local communities.