



August 24, 2001

Fact Sheet: *COOPERATIVE BOUNDARY AGREEMENT, Ch. 66.0307*

What is it?

Such an agreement is a formal contract between municipalities and/or towns to set ultimate boundaries and other provisions related to shared municipal services. It is different from traditional intergovernmental cooperation agreements using s. 66.0301, Stats., and municipal boundaries fixed by judgment - stipulations and orders, s. 66.0225, Stats. This relatively new tool (1992) is a legal, binding plan and agreement for maintaining or changing the natural and developed uses of a combination of town, village and city territory for a period of 10 or more years.

About 9 cooperative boundary agreements under the new statute have been approved in Wisconsin thus far.

How long can an Agreement last?

An Agreement under 66.0307 can last up to 20 years. In some cases, parties to an Agreement have included language stipulating that the Agreement will last forever. The important point is that new town, city or village administrations cannot unilaterally dissolve or amend an Agreement without the consent of all the government units involved.

How is the state involved?

Besides providing technical support, and mediation services in special cases, the Department of Administration reviews and approves the Agreement before it can take effect.

How are annexations affected after an Agreement is approved?

Once an Agreement is approved, annexations initiated by individual property owners are no longer possible. Annexations (then more properly called attachments) occur only as specified in the Agreement.

Are residents "forced" into attaching to a city or village if the approved Agreement specifies so?

Basically yes. Keep in mind, however, that no Agreement can be approved without town and city/village approval and the required public hearings. In many cases, attachments are phased in over a period of several years to give residents ample lead time.

Frequently, properties with failing septic systems or wells are earmarked for the initial phases.

Can utilities, road maintenance, easements, and revenue sharing be parts of an Agreement?

Absolutely.

Does the state “Smart Growth” law require cooperative boundary agreements?

No. It merely requires intergovernmental cooperation to be addressed in a comprehensive plan. There are no specifics about *how* such cooperation takes place.

What type of content does an Agreement contain?

Current land use; agreement duration; proposed boundary changes; conditions that may trigger future boundary changes; a physical plan for the agreed upon area, including public improvements; proof of consistency with existing plans and ordinances; environmental, economic, and social impact analysis; plan for providing public services to area; summary of public comments.

What are the advantages to working out an Agreement?

- Avoid lengthy, bitter, costly, time-consuming lawsuits. Towns can tie up cities and villages for a long time in boundary disputes.
- Avoid potential loss of discretionary state aids.
- Cooperation and shared services can save taxpayers money.
- Developers and businesses prefer a stable, peaceful political climate.
- Stable borders and specific timetables allow for easier planning.
- Cities and villages can grow without opposition.
- Residents know what the future will hold.
- Allows communities to decide boundary issues and related development matters, rather than be put in the position of reacting to often unpredictable private proposals.

State contact info:

George Hall (608-266-0683) or Erich Schmidtke (608-264-6102)
Wisconsin Dept. of Administration
Municipal Boundary Review
101 East Wilson Street
Madison, WI 53702

Web site: http://www.doa.state.wi.us/section_detail.asp?linkcatid=215

Sources: “Boundary Agreements and Cooperative Plans” by Atty William White; “County & Local Government Land Use Planning & Regulation” by James Schneider, J.D; “Process and Statutory Elements of Cooperative Boundary Agreements” by George Hall, Municipal Boundary Review - WDOA . Compiled by Kevin Struck, Growth Management Educator, Sheboygan & Washington Counties.