



LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

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COUNTY GOVERNMENT

League study of county government began in the 1920's and has focused on strengthened and improved county government. A study in 1959-61 resulted in the adoption of the first group of positions. A study of state-local relationships in 1967 resulted in the adoption of the second group of positions. Action has been possible for local Leagues as well as the state League under these positions.

Wisconsin's 72 counties differ widely in size, population and rural or urban character. In 1972 the League supported the constitutional amendment to remove the uniformity requirement for counties and a follow-up bill giving counties limited organizational home rule powers. County boards could begin to organize departments and agencies to respond to each county's particular needs. Over the years, however, a series of Attorney General's opinions interpreted this limited home rule narrowly and counties actually gained little flexibility from the change.

The League conducted a vigorous campaign opposing an amendment which would remove the uniformity clause for towns and to allow them home rule. The referendum failed by a wide margin. League opposition to home rule for towns is based on the position favoring

strengthened and improved county government. The League believes county government is the ideal taxing and servicing unit and that towns were never meant to provide urban services or govern urban areas.

League supported important changes in county administration in 1985-87 that were designed to provide organizational and administrative flexibility to county government and to ensure greater accountability. Counties were given a statutory grant to administrative home rule to allow flexibility and local control to address

these needs. The bill did not grant functional home rule, that enjoyed by cities and villages, which would allow the unit of government to create or change its programs and activities. Counties continue to deliver services mandated by the legislature. County administration and management gained additional power aimed at eliminating problems of diffused authority and promoting accountability including budget development and control.

League questioned whether a statutory grant of home rule should come before a constitutional grant is realized in the amendment process. The League expressed concern that the change in the role of the independent boards and commissions from policy-making and implementation to advisory status could diminish the opportunity for citizen advocacy to ensure adequate services. The League agreed with the rationale for the reform but regretted that improved assessment policies and boundary review which would address some of these problems were not part of the bill.

After the LWWWI position favoring smaller county boards apportioned by population was reached, legislation was supported which classified counties by size and set a maximum number of board members for each class. The court directed that county board representatives be apportioned on the basis of population.

The position supporting the establishment of an executive or an administrator reflects the agreement of League members that varying kinds of county government will be strengthened by different types of leadership. League supported the 1985-87 budget bill which provided that a county board by ordinance can select the administrative model that best suits its needs and population. A local League could determine whether an executive or administrator would be a better choice for its county and a

number of local Leagues successfully supported establishment of an executive or an administrative system.

Support for the short ballot followed League agreement in 1961 that administrative offices (such as County Clerk, County Treasurer, County Register of Deeds, Sheriff or Clerk of the Circuit Court) should be filled by appointment and that only policy-making officers should be elected. The majority of Leagues indicated that they would keep the district attorney on the ballot because the office is a policy-making one. The League continued to support measures to amend the state constitution to remove the requirement that county officers, other than the supervisors, the district attorney, and chief executive officers be elected. (In later studies, League supported appointment procedures for county judicial offices. See *Administration of Justice*).

The League does not have positions on the appropriate authority for appointment, removal or filling of vacancies in other offices nor on the transfer of powers and duties to an appointive officer. No proposal has come before the legislature which would remove administrative offices from the ballot. However, the office of district attorney has been made a 4-year term, causing the ballot to be shorter in some years. The constitutional amendment to make the office of sheriff a four-year term was approved in the fall of 1998. League did not take any action on the referendum.

In the position reached in 1969, League agreed that the county could better perform some functions of town government. County responsibility for the construction and maintenance of highways was the strongest recommendation. League members also favored establishing and enforcing legal requirements for the continued existence of a town and opposed additional measures which would weaken county government by giving more power to towns. It has opposed relaxing incorporation standards for towns and has opposed allowing towns to withdraw from county zoning. The League has supported and continues to support basic reform of the state's boundary adjustment law.

BOUNDARY ADJUSTMENTS

The League supports flexible boundary revision processes which will be responsive to the changing communities. As a result of the "territorial wars" of the fifties - that is, rapid expansion by cities and frantic incorporation by suburban areas to avert annexation by cities - annexation, incorporation, and consolidation laws were drastically changed by the legislature. It became obvious during the 1950s that the traditional methods were not producing a sensible growth pattern. Current laws had led to a situation in which boundaries are either irregular or inflexible.

In response to this problem, the legislature instituted judicial and state planning review of proposed alterations in boundaries, while retaining the referendum procedures of the previous law.

Municipalities are often unable to deal effectively with problems that do not respect political lines and, as urban sprawl increases, cities and their adjacent towns are in conflict, working side by side but seldom hand in hand.

In 1973 League supported legislation to permit annexation of town islands without the approval of the town. The final bill limited the island to 65 acres and less than 100 people. It was a small but significant victory in the very big area of boundary policies. This victory was challenged in 1975 with a proposed amendment which would have allowed creation of new town islands in annexation proceedings. The League opposed the bill and urged the legislature to consider boundary review as a necessary basic need for dealing with municipal boundary adjustments.

Attempts to weaken the town island law continued in 1976 when a proposal would have repealed the provision that no city or village could create a town area surrounded by the city or village. The League opposed the bill and the measure failed. The League opposed legislation in 1975 that would have allowed town incorporation solely by referendum of town residents without having to meet standards or

undergo judicial or administrative review. The bill failed to pass.

The League was successful in a related area in 1978 when it opposed a bill which would have allowed towns over 1200 to incorporate as 3rd or 4th class cities merely by petition and referendum approval, rather than meeting the required standards for such incorporation or undergoing judicial or administrative review. With many towns becoming larger than 4th class cities, pressure for such legislation continued.

In 1984 the League supported repeal of the "Oak Creek Law," which allows a town immediately adjacent to a city of the 1st class to incorporate upon petition and referendum if it has a resident population of 5,000 and an assessed valuation of \$20 million. Support for repeal was based on the inadequate standards, i.e., no review using the statutory standards nor by the court. The bill failed. Subsequent legislation has determined that, even when all qualifying conditions are met, a city is not automatically reclassified until it opts for a new status.

Beginning in 1969 League supported some form of state boundary review commission with sufficient powers to implement its decisions based on the welfare of the entire area. The League routinely supported a bill to revamp Wisconsin's laws on annexation, incorporation and consolidation and to establish a Boundary Review commission to bring equity and objectivity to boundary adjustments through a state level impartial review. In the 1977-79 session, the League supported legislation to create a five-member boundary review board at the county level with a state boundary review board to hear appeals. In spite of this effort to put responsibility for boundary adjustments at the local level, the bill failed.

Failure to pass a boundary review bill means that the border wars continue. The 1990's found problems in urban sprawl areas increasing demands upon public services already strained by tight budgets. Chaotic growth patterns continue to sharpen urban-rural conflicts. The state's public policy response to urban growth has been inadequate or at worst, totally lacking.

In 1990 the League supported a resolution calling for a Legislative Council study of procedures by which a town may become a village or city (incorporation and consolidation) and the procedures for annexation of unincorporated territory. The resolution did not pass. However, the Legislative Council established a Special Committee on Municipal Boundary and Related Issues to report to the Legislature by January 1991. No action was taken on the Council's report.

The League continues to oppose town home rule and measures to strengthen town government. It continues to support measures to strengthen and improve county government, believing that the county is a unit of government capable of assuming many service needs of urbanizing areas.

In the 1997 budget session, League pleaded for a municipal boundary review mechanism particularly to resolve land use disputes.

(For action on other bills relating to towns and county government, see *Government Financing, Assessments*)
