

66.0301



## SUBCHAPTER III

### INTERGOVERNMENTAL COOPERATION

#### 66.0301 Intergovernmental cooperation.

66.0301(1)



(1)

66.0301(1)(a)



(a) Except as provided in [pars. \(b\) and \(c\)](#), in this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under [s. 59.70 \(2\)](#), local exposition district created under [subch. II](#) of ch. 229, local professional baseball park district created under [subch. III](#) of ch. 229, local professional football stadium district created under [subch. IV](#) of ch. 229, local cultural arts district created under [subch. V](#) of ch. 229, transit authority created under [s. 66.1039](#), long-term care district under [s. 46.2895](#), water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under [s. 66.1201](#), redevelopment authority created under [s. 66.1333](#), community development authority created under [s. 66.1335](#), or city-county health department.

66.0301(1)(b)



(b) If the purpose of the intergovernmental cooperation is the establishment of a joint transit commission, "municipality" means any city, village, town or county.

66.0301(1)(c)



(c) For purposes of [sub. \(6\)](#), "municipality" means any city, village, or town.

66.0301(2)



(2) In addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

66.0301(3)



(3) Any contract under [sub. \(2\)](#) may provide a plan for administration of the function or project, which may include but is not limited to provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, and formation and letting of contracts.

66.0301(4) 

(4) A commission created by contract under [sub. \(2\)](#) may finance the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects under [s. 66.0621](#). Participating municipalities acting jointly or separately may finance the projects, or an agreed share of the cost of the projects, under [ch. 67](#).

66.0301(5) 

(5) No commission created by contract under [sub. \(2\)](#) may, directly or indirectly, do any of the following:

66.0301(5)(a) 

(a) Acquire, construct or lease facilities used or useful in the business of a public utility engaged in production, transmission, delivery or furnishing of heat, light, power, natural gas or communications service, by any method except those set forth under this chapter or [ch. 196](#), [197](#) or [198](#).

66.0301(5)(b) 


(b) Establish, lay out, construct, improve, discontinue, relocate, widen or maintain any road or highway outside the corporate limits of a village or city or acquire lands for those purposes except upon approval of the department of transportation and the county board of the county and the town board of the town in which the road is to be located.

66.0301(6) 

(6)

66.0301(6)(a) 


(a) Any 2 municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of the common boundary line between the municipalities. An agreement under this subsection may include only the provisions authorized under this section and [s. 66.0305](#), and one or more of the following:

66.0301(6)(a)1. 

1. That specified boundary lines apply on the effective date of the agreement.


66.0301(6)(a)2. 

2. That specified boundary line changes shall occur during the term of the agreement and the approximate dates by which the changes shall occur.


66.0301(6)(a)3. 

3. That specified boundary line changes may occur during the term of the agreement and the approximate

dates by which the changes may occur.

66.0301(6)(a)4. 

4. That a required boundary line change under [subd. 2.](#) or an optional boundary line change under [subd. 3.](#) is subject to the occurrence of conditions set forth in the agreement.

66.0301(6)(a)5. 

5. That specified boundary lines may not be changed during the term of the agreement.

66.0301(6)(b) 

(b) The maximum term of an agreement under this subsection is 10 years. When an agreement expires, all provisions of the agreement expire, except that any boundary determined under the agreement remains in effect until subsequently changed.

66.0301(6)(c) 

(c)

66.0301(6)(c)1. 

1. Before an agreement under this subsection may take effect, and subject to [par. \(e\)](#), it must be approved by the governing body of each municipality by the adoption of a resolution. Before each municipality may adopt a resolution, each shall hold a public hearing on the agreement or both municipalities shall hold a joint public hearing on the agreement. Before the public hearing may be held, each municipality shall give notice of the pending agreement and public hearing by publishing a class 1 notice, under [ch. 985](#), and by giving notice to each property owner whose property is currently located in that municipality and in, or immediately adjacent to, the territory whose jurisdiction will change. Notice shall be given at least 20 days before the public hearing and notice to property owners shall be made by certified mail.

66.0301(6)(c)2. 

2. An agreement under this subsection is subject to a referendum of the electors residing within the territory whose jurisdiction is subject to change as a result of the agreement. After each municipality approves the agreement by adoption of a resolution, each municipality shall publish the agreement in the territory whose jurisdiction is subject to change as a result of the agreement as a class 1 notice, under [ch. 985](#). A referendum shall be held if, within 30 days after the publication of the agreement, a petition for a referendum conforming to the requirements of [s. 8.40](#), signed by at least 20 percent of the electors residing within the territory whose jurisdiction is subject to change as a result of the agreement is filed, in accordance with [s. 8.37](#), with the clerk of each municipality that is a party to the agreement. The referendum shall be conducted jointly by the municipalities and shall otherwise be conducted as are annexation referenda. If the agreement is approved in the referendum, it may take effect. If the agreement is not approved in the referendum, it may not take effect.

66.0301(6)(d) 

(d) An agreement under this subsection may provide that, during the term of the agreement, no other procedure for altering a municipality's boundaries may be used to alter a boundary that is affected by the agreement, except an annexation conducted under [s. 281.43 \(1m\)](#), regardless of whether the boundary is

proposed to be maintained or changed or is allowed to be changed under the agreement. After the agreement has expired, the boundary may be altered.

66.0301(6)(e)



(e) A boundary change included in an agreement under this subsection shall be accomplished by the enactment of an ordinance by the governing body designated to do so in the agreement. The filing and recording requirements under [s. 66.0217 \(9\) \(a\)](#), as they apply to cities and villages under [s. 66.0217 \(9\) \(a\)](#), apply to municipalities under this subsection. The requirements for the secretary of state under [s. 66.0217 \(9\) \(b\)](#), as they apply under that section, apply to the secretary of state when he or she receives an ordinance that is filed under this subsection.

66.0301(6)(f)



(f) No action to contest the validity of an agreement under this subsection may be commenced after 60 days from the date the agreement becomes effective.

66.0301(6)(g)



(g) This subsection is the exclusive authority under this section for entering into an agreement that determines all or a portion of the common boundary line between municipalities.

66.0301(6)(h)



(h) An agreement under this section that has been entered into before January 19, 2008, that affects the location of a boundary between municipalities, is not invalid as lacking authority under this section to affect the location of the boundary.

66.0301 - ANNOT.



**History:** 1999 a. [150](#) ss. [348](#), [349](#), [352](#), [353](#); 1999 a. [167](#) s. [38](#); 2001 a. [16](#), [30](#); 2007 a. [20](#), [43](#); 2009 a. [28](#), [112](#).

66.0301 - ANNOT.



**Cross-reference:** See also s. [PI 14.01](#), Wis. adm. code.

66.0301 - ANNOT.



*Counties may enter into joint agreements to collectively furnish and fund nursing home services if the agreements do not violate federal and state Medicaid statutes and regulations prohibiting supplementation. Assessments resulting from such agreements that are computed without reference to and are not attributable to purchase of services contracts involving particular Medicaid patients would not be considered supplementation. Assessments that are computed with reference to or are attributable to purchase of services contracts involving particular Medicaid patients are not permissible. The validity of hybrid assessments that do not fit solely within either one of those two categories must be determined on a case-by-case basis. OAG [4-09](#).*

