

The Public Thing

A monthly talk and discussion



What is

Local Government?

Jay Moynihan
Community Resource Development
Room 101 Shawano County Courthouse 311 N. Main street Shawano,
Wisconsin 54166 U.S.A. (715) 526 – 6136 jay.moynihan@ces.uwex.edu

*Your county
extension office*



UW
Extension
Cooperative Extension
Shawano County



Marcus Tullius Cicero

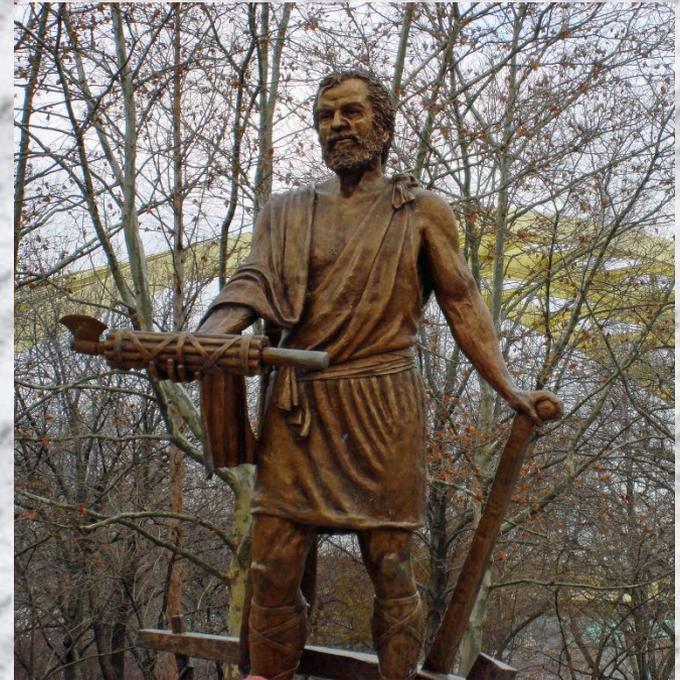
3 January 106 BC – 7 December 43 BC

The “public thing” is the literal meaning of the word, “republic”. It is derived from the latin, *res publica*, “res” (thing or matter) & “publica”, (not private, held in common). A republic is the form of government wherein the people elect representatives from amongst themselves, to do day-to-day governance. Our local governments are republics.

About the graphic



**From the War of 1812 period.
An American Navy seaman being crowned
with glory by the goddess Libertas, who
also holds the staff of Reason topped by a
Phrygian cap (liberty cap).**



Lucius Quinctius Cincinnatus (519 – 430 BC)

What we will cover:

- What is a *local* government?
- Where did they come from?
- In broad brush strokes; what they do
- From a Wisconsin view
- Discussion



Late 18th century. A seated goddess Libertas, wearing the Phrygian cap (liberty cap), uses the light of science atop the sceptre Reason to banish fear and superstition.

In this series, this topic will be repeated every other month. The next month will be another topic related to local governance.

I will also present on this topic around the county for any group or organization that requests me to.

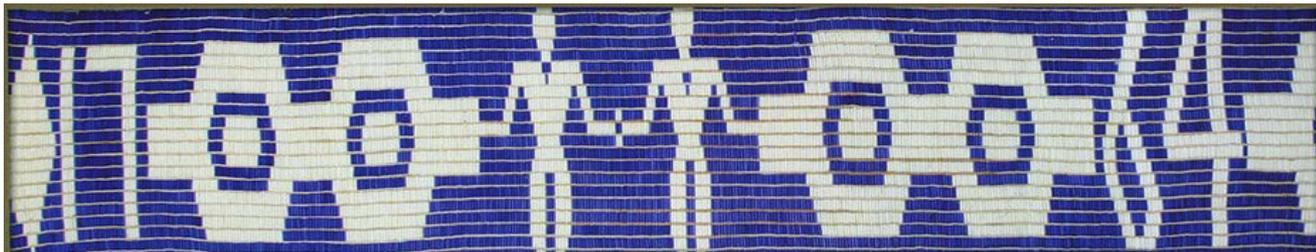


Molly Pitcher, Battle of Monmouth

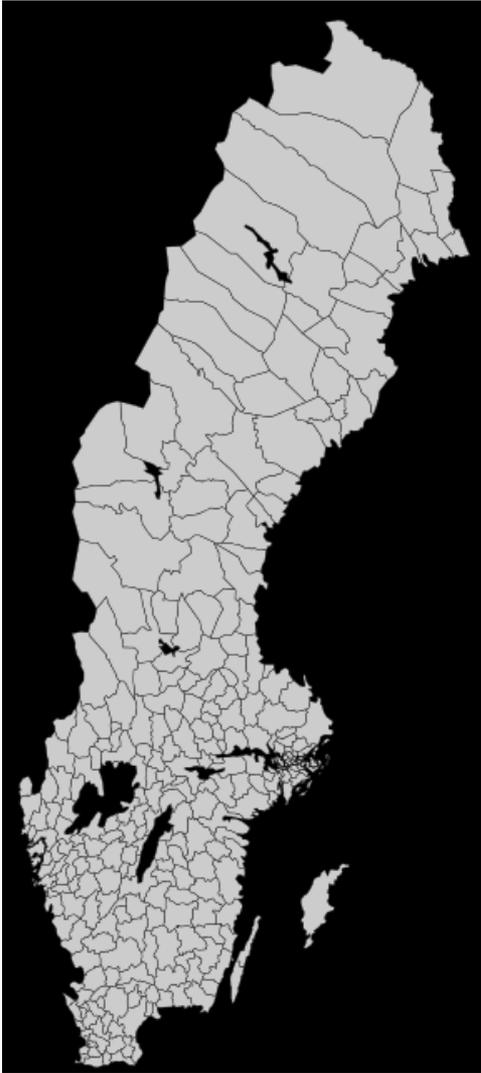
What is a *local* government?

In the United States, “local government” refers to jurisdictions smaller than, and within States.

Tribal Governments or reservations are not considered “local” governments; they are more legally akin to state governments; but different.



What is a *local* government?



Around the world, what governments are “local”, and what they do, varies widely.

In some countries, the local governments are very powerful (compared to here), like in Sweden.

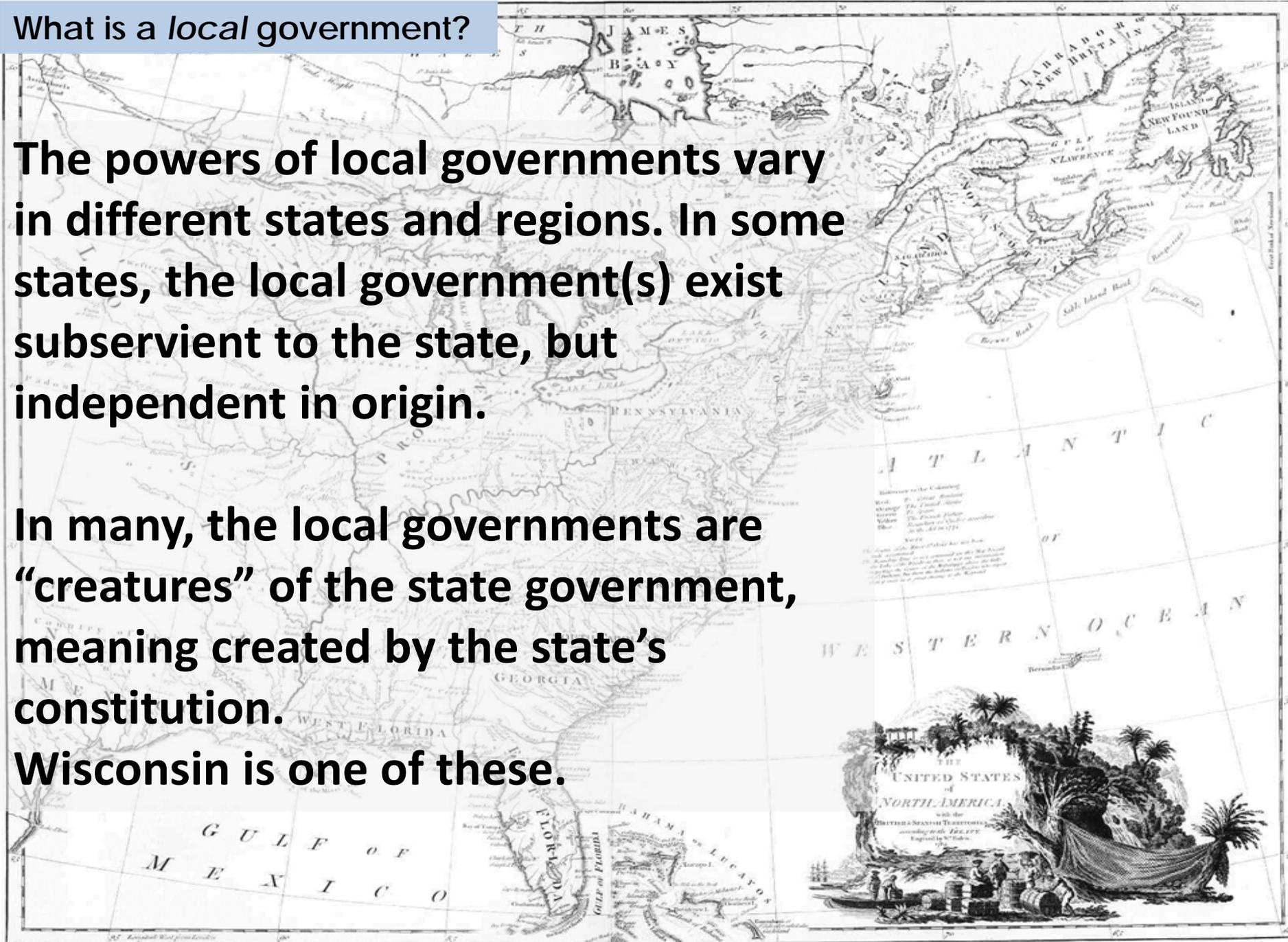
The boundaries of the 291 Swedish municipalities. They are organized into 21 counties.

What is a *local* government?

The powers of local governments vary in different states and regions. In some states, the local government(s) exist subservient to the state, but independent in origin.

In many, the local governments are “creatures” of the state government, meaning created by the state’s constitution.

Wisconsin is one of these.



What is a *local* government?

In Wisconsin *local governments* are:

Counties

Cities

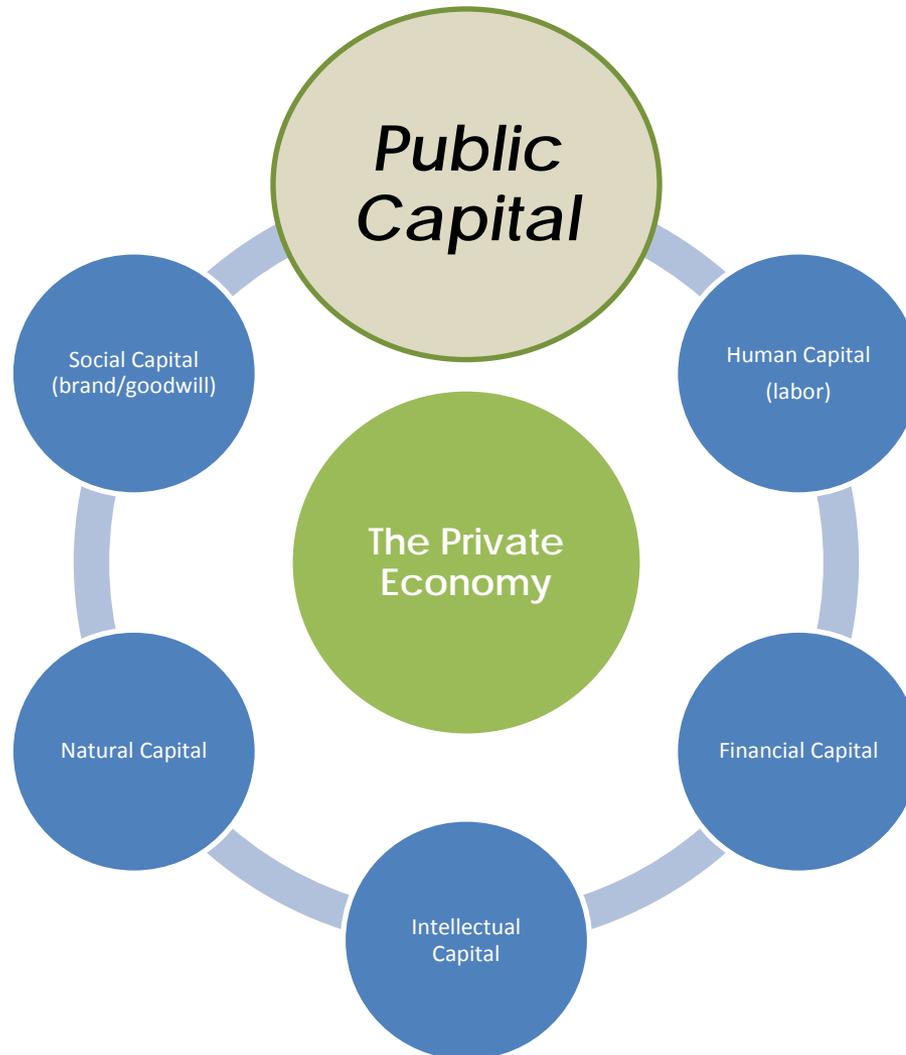
Villages

Towns

Public School Districts

There are other structures that share some of the characteristics of local governments, that I will not cover. These include Sewer Districts, Lake Districts, Technical College Districts...

In economics, local government (as do all forms of government) comprise a sector, called the "*public sector*" of an economy and a form of capital that supports the private economy called:



What is a *local* government?

As a U.S. territory, Wisconsin was initially governed by the Northwest Ordinance of 1787. Then, in order:

Indiana Territory,

Illinois Territory

Michigan Territory

Finally in 1836, the Wisconsin Territory

Statehood in 1848

Counties and towns existed as forms under the territorial governments also, but were larger in size and fewer in number.

What is a *local* government?

“Many people see the various units and levels of government as fitting together much like the layers of a cake. But, reality is much different. The units are not so separate and distinct. In fact, **many of society’s problems call for cooperation among national, state, and local governments.**

Therefore, it might be best to think of the units of government not as a layer cake, but rather as a marble cake, with layers that blend and overlap.

Highway construction is a good example. Most highways are built and maintained by state government. Local governments assist the state, sometimes providing construction and maintenance help in return for state financial aid. The national government provides a substantial portion of the money to build major highways. “

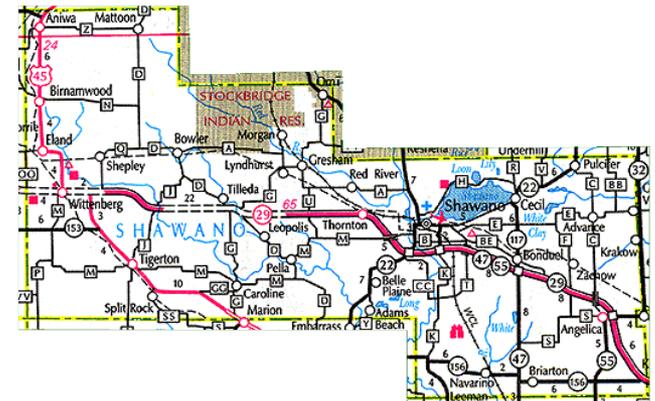
The Framework of Your Government, Wisconsin Taxpayers Alliance

What is a *local* government?

County

We first look at the county government, in some detail:

- The relationship between the elected folks and the staff folks is similar to that in other local governments.
- The county directly affects citizens of towns, villages and cities.



What is a *local* government?

County

The county is the largest political subdivision of Wisconsin. Every county has a county seat, where the government offices for the county are located. Within each county are cities, villages and towns. Wisconsin has 72 counties

County is the modern English word derived from the Old French term, *conté*, denoting a under the rule of a count (earl). In Louisiana and Alaska, the functionally equivalent governments are called, respectively, parishes and boroughs.



County

- Wisconsin counties are governed by elected county board of supervisors
- Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

Three forms in Wisconsin:

County Executive (elected position)

County Administrator

County Administrative Coordinator

County Executive

- **Appoints and supervises department heads subject to county board confirmation, unless confirmation waived or civil service**
- **Appoints members to boards and commissions, where statutes give this authority to county board or its chairperson, subject to board confirmation**
- **Submits the annual budget**
- **Has veto authority**
 - **May veto ordinances and resolutions**
 - **May veto appropriation in whole or part**
 - **County board can override with 2/3 vote**

County Administrator

- Chief administrative officer of the county
- “Appointed solely on merit”; no weight given to residence, political affiliation, etc.
- Responsible for coordinating all administrative and management functions of the county government
- Appoints and supervises department heads subject to county board confirmation, unless confirmation waived or civil service
- Appoints members to boards and commissions, where statutes give this authority to county board or its chairperson, subject to board confirmation
- Submits annual budget
- Answers to the county board of supervisors

Administrative Coordinator

(What Shawano County has)

- **Similar to county administrator but does not have appointment authority and “coordinates” rather than “supervises.”**
- **Duties are close to those of a city or village administrator who works under a mayor or village president.**

County Board Chair

- **Presides over meetings of the county board of supervisors**
- **Commonly acts as spokesperson for the county board**
- **If so appointed, has the powers of administrative coordinator**

Supervisors

- **Supervisors serve primarily a legislative function**
- **The legislative function is largely limited to policy making, law making, budgetary approval, and cooperative decision-making**
- **No operational control resides with individual supervisors**
- **Supervisor's authority is collective versus individual**

Basic County Board Functions

- **Involve, represent and be accountable to the public**
- **Set policies**
- **Provide services**
- **Make budget and levy taxes**
- **Oversee county operations**
- **Regulate**
- **Cooperate with other governments**

How the Board Sets Policy

Plans

(comprehensive plan, capital improvement plan, parks plan, etc.)

Budgets

Ordinances & resolutions

Plans

- **A plan involves setting desired future conditions and steps to get there.**
- **State law in effect “requires” adoption of a comprehensive plan.**
- **Other common plans are strategic plans, capital improvement plans (how money will be spent on infrastructure), a parks plan, a transportation plan, etc.**

Budgets

The budget is the document through which the board determines what services will be provided, how they will be funded, and to what level they will be funded.

Ordinances

An ordinance is a local law prescribing rules of conduct related to the powers of the governmental body. It is a law that can be enforced by the officials of the governmental body. It is intended to be a permanent part of the governmental code. (Ordinances can also be organizational and can grant powers, such as a licensing ordinance).

Depending on the area of law, a county may have jurisdiction to enforce a given ordinance within a city, village or town – but a county may lose that ability in those cases if the city, village or town passes its own ordinance covering the same subject.

Resolutions

Resolutions are usually less permanent and deal with matters which are less permanent or temporary in character. They are more often used to grant special privileges, express opinions, or to communicate with other governmental bodies. A resolution may be used to adopt a budget.

County Offices/Officers

- **Clerk**
- **Treasurer**
- **Sheriff**
- **Coroner**
- **Clerk of Circuit Court**
- **Register of Deeds**
- **Surveyor**
- **District Attorney**

Duties of Constitutional Officers

Wisconsin Statutes

Sheriff	59.27	(jail, law enforcement)
Coroner	59.34	(medical examiner)
Clerk of Court	59.40	(court records)
Register of Deeds	59.43	(record deeds, mortgages)
Clerk	59.23	(board & other records)
Treasurer	59.25	(collect & disperse funds)
District Attorney	978.05	(criminal actions)
Surveyor	59.45	(execute land surveys)

Constitutional Officers

**County Board has very limited control over
Constitutional officers**

**Primarily restricted to budgetary control;
however must fund sufficiently to meet state
mandates**

**Multiple court rulings support the autonomy of
constitutional officers**

- **While the Sheriff is part of the County government and works with (not for) the County Board of Supervisors, his powers and authority emanate from the state through the Constitution and statutes.**
- **The Sheriff, in reality, is a de facto arm of the state.**

Other County Departments

- **Human/Social Services**
- **University Extension**
- **Aging**
- **Highway**
- **Planning & Zoning**
- **Finance**
- **Personnel**
- **Land Conservation**
- **Veterans Affairs**
- **Corporation Counsel**
- **Parks/Recreation**
- **Waste Management**
- **Others**

Administration

Building Maintenance

Child Support

Circuit Court I

Circuit Court II

Clerk of Circuit Court

Community Programs

Coroner

Corporation Counsel

County Campground

County Clerk

County Parks

District Attorney



Emergency Management

Finance

Highway Department

Land Information

Planning and Development

Public Health

Register in Probate

Register of Deeds

Sheriff

Social Services

Technology Services

Treasurer

University Extension

Veterans Service Office

Committees & Commissions

- **Chair of each commission and committee takes the leadership role in matters under commission or committee's jurisdiction.**
- **Commission and committee leadership includes setting the tone, agenda, goals, and presiding at the meetings**

Staff

- **County board supervisors and department heads/staff have vastly different responsibilities**
- **Board supervisors serve in a primarily legislative role**
- **Department heads and staff serve in an operational and advisory role**

Policy vs. Admin/Ops

- **Policy (Board) = “What” and “Why”**
- **Administration and Operations (Staff) = “How” “When” and “Where”**

Policy vs. Admin/Ops

Policy

- “What” – Will we have a paid Fire Department?
- “Why” – Is it necessary to properly protect our citizens?

Admin/Ops

- “How” – How will we plow the roads?
- “When” – When will we pick up refuse?
- “Where” - Where will we fill potholes?

Staff vs. Board

Staff

Education

Experience

Background checked

Bonded

Professionally current

Professional associations

Board

Elected by people

Local connection

County

Gets funds from:

Local property taxes

Fees, fines & penalties

Rentals of county properties

The state

Federal funds that flow through the state's programs and departments

The federal government

County and other local governments

Gets funds from:

Local property taxes (in recent years, levy restricted by state)

Fees, fines & penalties

Rentals of county properties

The state (since approx. 1980, decreasing)

Federal funds that flow through the state's programs and departments (since approx. 1980, decreasing)

The federal government (since approx. 1980, decreasing)

Mostly funded by shared revenue and other state funds, including federal “pass through funds”

Administration

Building Maintenance

Child Support

Circuit Court I

Circuit Court II

Clerk of Circuit Court

Community Programs

Coroner

Corporation Counsel

County Campground

County Clerk

County Parks

District Attorney



Emergency Management

Finance

Highway Department*

Land Information

Planning and Development

Public Health

Register in Probate

Register of Deeds

Sheriff

Social Services

Technology Services

Treasurer

University Extension

Veterans Service Office

* includes payments by other units of government, state and local

Don't forget, when you thinking about or voting on the state or federal level:



Federal and/or State Government cuts or increases in spending* will directly impact your local economy and your local governments.

*
Except in defense and foreign aid, that may impact locally in you have a military base, or a local business with a relevant contract.

Cities & Villages

In Wisconsin, a **city** is an autonomous area within one or more counties. It provides almost all services to its residents and has the highest degree of home rule and taxing jurisdiction of all local governments. Cities are generally more urbanized than towns, and more populous than villages.

The word *city* comes from, not the latin word for city (which is *urbs*), rather from the latin word for an inhabitant of an urbs, a *civis*. *Civis* is also the origin of our words *citizen* and *civilization*.



The School of Athens, by Raphael 1509

Cities & Villages



Village

In Wisconsin, a **village** is an autonomous area within one or more counties. It provides various services to its residents and has some home rule and taxing jurisdiction over them.

In order to incorporate as a village, a community must have at least 150 citizens if it is in a rural area or 2,500 if it is in an urban area.

The word *village* comes from the latin word *villa*, which means country house.

Cities & Villages

“Cities and villages are general-purpose units of government providing essential urban services like police, fire, water, and sewer in a defined geographical area.

Cities and villages in Wisconsin are incorporated municipalities , created at the request of their inhabitants. “

League of Wisconsin Municipalities citizen guide

Cities & Villages

How do Cities and Villages Differ from Towns and Counties?

Cities and villages typically provide a range and level of services that are different from those provided by counties and towns.

For example, counties in general do not provide fire protection services while cities and villages do.

Counties, unlike cities and villages, are responsible for operating the circuit court systems and health and social service programs.

Towns typically do not provide the full spectrum of urban services that you find in cities and villages, such as public water and sewer systems, libraries and fire departments.

Cities & Villages

How do Cities and Villages Differ from Towns and Counties?

Cities and villages in Wisconsin also differ from other local governments, such as towns and counties, because they possess more power to govern themselves in local matters without state government interference. That is, cities and villages are granted

Broad authority under the Wisconsin constitution and statutes to govern themselves locally. The term used to describe this grant of authority is "home rule."

Cities and villages, unlike towns and counties, can expand their boundaries through annexation of unincorporated territory.

Cities & Villages

How do Cities and Villages Differ from Towns and Counties?

Cities and villages have broad authority to create tax incremental finance districts (TIFs) to foster economic development or redevelopment while towns have very limited TIF authority.

A city or village has the power to approve subdivisions outside its borders. Towns lack such authority.

Citizens in cities and villages can initiate ordinances and resolutions through referendum while citizens in towns lack such powers.

But

The state, by legislative and executive actions, and court decisions has and continues to, erode municipal powers, *as it has* the powers of towns, counties and school districts.

Cities & Villages

Cities generally use a structure of an elected mayor as executive, and alderman as a legislative branch.

Villages have an elected president as an executive, and a board of trustees that have a mix of both legislative and executive powers.

Cities & Villages

What Revenues Are Available to Cities & Villages?

For the most part, Wisconsin municipalities finance public services and capital assets through a combination of property taxes, shared revenue, state transportation aids, special assessments and fees.

Property Taxes (state restricted)

Shared revenue payments from the state (decreasing)

Transportation aids from the state (decreasing)

Fees for licenses, permits and other approvals

Forfeitures

Special assessments

Impact fees on new development

Interest income

Room tax

Recycling grants from the state

Computer tax reimbursement from the state

Payments in lieu of taxes from tax exempt property owners

Utility charges

Special charges for current services

Parking fees

Mobile Home monthly parking permit fee

User fees

Municipal Services in Wisconsin

Cultural Services

Cemeteries
Community bands
Convention centers
Government access cable television channels
Historical societies
Holiday decorations
Libraries
Museums
Performing arts centers
Zoos

General Administration

Accounting
Budgeting
Facilities management
Money management
Purchasing

Legal Services

Advise governing body
Defend against lawsuits
Municipal attorney
Municipal court
Prosecute ordinance violations

Mass Transit

Bus system operation and maintenance
Para-transit operation and maintenance
Public parking facilities operation and maintenance

Municipal Clerk

Alcohol beverage licensing
Dog and cat licensing
Election administration
Meeting minutes

Open meetings law compliance
Property tax billing and collection
Public records custodian
Publication of legal notice

Parks and Recreation

Athletic fields
Boat launching sites
Docks
Golf courses
Gardens
Park maintenance and operation
Playgrounds
Public beaches
Recreation leagues
Recreational trail maintenance and operation
Skateboard parks
Swimming pools

Planning and Development

Building inspection and permitting
Comprehensive planning
Community development block grants
Economic development coordination
Public housing programs
Mapping
Subdivision review and approval
Zoning administration

Public Safety

911 Emergency communication
Ambulance
Animal control
Animal shelter
Crime prevention, investigation and patrol
Crossing guards
EMTs

Fire protection
Police
School liaison officer

Public Works

Bike path construction and maintenance
Engineering services
Harbor maintenance and operation
Marina maintenance and operation
Sidewalk construction and maintenance
Snow removal
Street sweeping
Street lighting
Street painting
Street maintenance and repair
Traffic signal installation and maintenance
Traffic sign installation and maintenance
Tree planting, trimming and removal

Social Services

Community centers
Neighborhood centers
Senior centers

Solid Waste Management

Hazardous waste disposal
Refuse collection and disposal
Recycling
Yard waste collection and disposal

Utilities

Electric
Stormwater collection and treatment
Wastewater (sewage) collection and treatment
Water treatment

Towns

The word **town** shares an origin with the German word Zaun, the Dutch word tuin, and the Old Norse tun. The German word Zaun comes closest to the original meaning of the word: *a fence of any material*. In England, a town was a small city not allowed to build walls or other larger fortifications, and built a palisade or stockade instead.

The word took on a distinctly rural context in the American colonies.

Towns

“Towns date back to the early days of colonial America.

They are the form of government closest to a “direct democracy,” a system in which every person takes a direct part.

Attendance at town meetings depends on voter interest, but those who attend decide how the town will operate. All qualified residents (age 18 or over, who have lived in the town for at least 10 days) can vote on town matters at the annual meeting. They even get to discuss and vote on their own municipal property tax levy each year.”

The town meeting



Is a meeting of the electors of a town to exercise powers directly. It descends from meetings in the earliest settlements in New England, and clearly distinguishes towns from other Wisconsin governments.

Unlike towns, village, city, county, and state governments act solely through elected representatives. In Wisconsin, town electors may exercise their unique powers via an *annual meeting*, or at *special meetings* called for specific purposes.



The Annual Town Meeting

The powers that may be exercised by the people at a town meeting, and that are binding on the town, are enumerated in Wis. Stat. §60.10(1)

<http://lgc.uwex.edu/program/pdf/FactSheets/fs6TownMeeting.pdf>

A town's electors may exercise certain granted powers directly at a town meeting, such as:



- Levy taxes to be spent by the town. The meeting may either levy a dollar amount or set a tax rate, on the taxable property in the town. This is the most important power of the town meeting.
- Fix compensation for town offices.
- Combine certain town offices, such as clerk with treasurer or clerk with assessor, or make some town offices part time.
- Establish or abolish the office of constable.
- Establish election of town board members by means of numbered seats.
- Increase the size of the town board, if the town's population is 2,500 or more, and provide for the appointment of the office of town clerk, treasurer or combined clerk treasurer.

Grant of Authority

Electors at the town meeting may also vote to give certain grants of authority to the town board.

Grants of authority may be “general and continuing,” or be of limited scope, or for a specific time.

Wis Stat. § 60.10(2), lists eleven areas where a town meeting may grant authority to the town board.

Some examples are:

- Delegate to the town board the authority to levy the property tax to be used for town purposes.
- Exercise village powers for increased regulatory authority.
- Purchase land for town purposes; purchase, lease, or construct buildings; and dispose of town real property.
- Authorize the town to exercise zoning authority in counties with a zoning code using village powers.



Special Town Meetings

Wis. Stat. §60.12 governs special town meetings of the electors.

A special meeting may deal with any topic with which the annual meeting may deal. This can be a subject which has arisen since the annual meeting and which is a proper subject of action by the electors, or it could be a reconsideration of an action taken at the annual meeting.

<http://lgc.uwex.edu/program/pdf/FactSheets/fs6TownMeeting.pdf>



Towns

“ An elected town board composed of a chairperson and 2-5 supervisors; an elected or appointed clerk and treasurer or combined office of clerk-treasurer; some towns also choose to have additional elected officers, such as a constable or elected property tax assessor and some towns retain a deputy clerk, treasurer or clerk-treasurer.

All towns must: operate local polling places for elections; conduct property tax assessment, dispute procedures, billing and collection; ensure fire protection and ambulance service; ensure that there is a recycling program; and maintain town highways. Many towns also choose to provide additional services at the local level such as garbage collection, land use regulation and law enforcement, etc.

”

<http://www.wisctowns.com/about-towns>

Towns

Towns focus on basic public services like road maintenance, fire protection, snow plowing, building permits and lots of other services that people depend on every day.

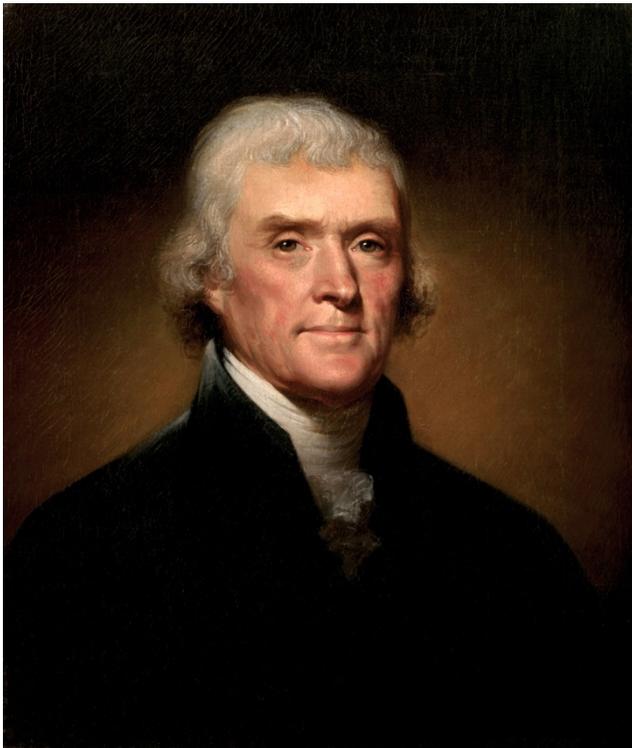
Cities and villages get more money and power from the state -- including the power to annex parts of neighboring towns.

The annexation process poses obvious problems for towns.

This complicates intergovernmental relations.

School Districts

Public education was considered by Jefferson and most of the founding generation to be as he put it, **“the key-stone of the arch of our government.”**



“It is an axiom in my mind that our liberty can never be safe but in the hands of the people themselves, and that too of the people with a certain degree of instruction. This it is the business of the state to effect, and on a general plan.”

Thomas Jefferson

School Districts

Viewed as crucial in a republic, the founders invented a shared system of public education, to be governed at the most local level.

The primary purpose was not vocational training, rather it was to create *citizens*

This was enshrined in law amongst a series of Northwest Ordinances in the mid-1780's.

Congress made a public education system a condition for statehood.



School Districts

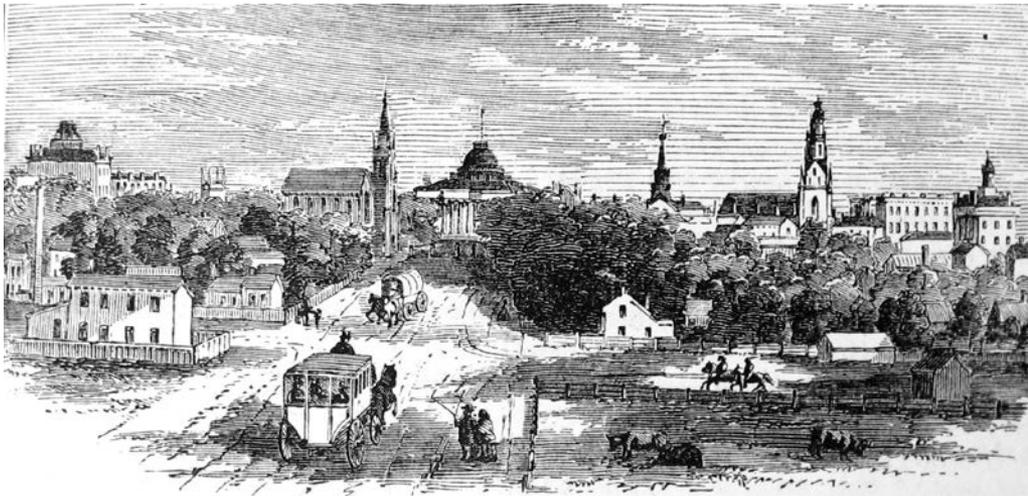
One of these was *The Land Ordinance of 1785*, which provided, among other things:

There shall be reserved for the United States out of every township, the four lots, being numbered, 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon. There shall be reserved the lot No. 16 of every township, for the maintenance of public schools within the said township.

School Districts

Wisconsin's constitution requires the legislature to create district schools throughout the state to provide free public elementary and secondary education to all children. This education is supported by, among other things, an annual school tax levied by each district*.

Wisconsin Taxpayers Alliance



* Now limited by the state.

School Districts

Operation of public elementary and secondary schools is left to local school authorities.,

The state is responsible for enforcing certain minimum standards.

The state also provides money to operate most local schools. The funds the state distributes are called **school aids**. These include general aids and special (categorical) aids. General aids help pay instructional and other operating costs. Special aids support transportation, special education, and other specific programs.

One way the state can enforce its minimum standards is by withholding a portion of a district's state aids if its requirements are not met.

In general, state school aids are distributed to promote three objectives:

- (1) to provide reasonably equal educational opportunities for all students
- (2) to encourage local districts to improve their educational programs
- (3) to keep the property tax rates as equitable as possible.

School Districts

- Districts are governed by an elected board
- The board appoints / hires a administrator to oversee operations
- Each school in a district has principal, hired to be the chief administrator for that school

In addition to state imposed restrictions on local taxing decisions, The amount of state and federal aids are in a general decline.

Discussion

