

Mediated Procedure for Cooperative Boundary Plans

Factsheet



Wisconsin statute section 66.0307(4m) provides for an alternative procedure for a community to create a boundary agreement with one or more of their municipal neighbors who may not be as inclined or interested in cooperation or “coming to the table” to resolve an intergovernmental conflict or prevent future conflicts. Rather than being limited by this unwillingness, the mediated cooperative boundary plan procedure provides these interested communities the opportunity to petition their unwilling neighbors to get together and mediate boundary, land use, service, and any other important community issues. The ultimate goal of this mediation is to reach consensus and develop a cooperative boundary agreement. However, at a minimum the mediation can at least bring communities together to discuss their issues and gain a better understanding of the each other’s viewpoints.

FACT

The mediated procedure was created as part of [2007 Wisconsin Act 43](#), which took effect on January 18, 2008. It is intended to increase the number of boundary agreements in Wisconsin. The act can be found at the Municipal Boundary Review program web site at:
<http://doa.wi.gov/municipalboundaryreview>

If a community petitions its municipal neighbors to mediate and they refuse to “come to the table” then certain penalties are imposed.

Requesting Your Neighbor to Mediate

- ▶ Adopt a resolution under [s. 66.0307\(4\)\(a\) Wis. Stats.](#) authorizing your community’s participation in developing a cooperative boundary plan with your municipal neighbor;
- ▶ Send a written request to your municipal neighbor asking them to also adopt an authorizing resolution under [s. 66.0307\(4\)\(a\) Wis. Stats.](#) to begin the process of developing a cooperative boundary agreement.

What if Your Neighbor Declines, then What?

If your municipal neighbor declines to adopt an authorizing resolution within 60 days of your request, then your community may involve the Department of Administration (DOA) by submitting a petition document that again requests the unwilling municipal neighbor to “come to the table” to participate in mediation with the goal of ultimately entering into a cooperative boundary plan. Your community must submit this petition within 90 days after you adopted your authorizing resolution. Upon receiving this petition, the DOA will immediately notify your unwilling neighbor that their participation in a mediation is being requested. Your neighbor has 45 days in which to respond.

The Mediation

If your neighbor does agree to “come to the table” and participate in a mediation, a mediator will need to be selected. The Department may assist by suggesting qualified mediators. Costs of the mediation are typically shared equally, unless you and your neighbor agree otherwise. The mediation period expires after 270 days, unless you and your neighbor agree to extend it.

TIP: How to find a mediator?

To assist communities in locating a qualified mediator, the Department of Administration maintains a roster of qualified professionals on its web site at:

<http://doa.wi.gov/municipalboundaryreview>

The mediator will work to help you and your municipal neighbor understand each other’s respective positions, goals and needs, and identify possible solutions to problems. If you are successful and able reach some consensus and agreement, then you and your neighbor simply follow the same procedure for adopting a conventional cooperative boundary plan, including a public hearing, adopting resolutions, and review and approval by DOA.

Consequences of Refusal

If your municipal neighbor receives DOA’s letter formally inviting their participation in a mediation, and your neighbor refuses, then they are subject to a mild penalty. If your municipal neighbor is a town, then they are prohibiting from contesting any statutory form of annexation for a period of 270 days. Current law already limits towns from challenging unanimous consent type annexations under [s. 66.0217\(2\) Wis. Stats.](#) However, this sanction would temporarily prevent the town from contesting any and all types of annexations. This penalty ceases if your municipal town neighbor later decides to participate in the mediation.

If your refusing neighbor is a city or village, then their penalty or consequence is having DOA review any and all of their proposed annexations of territory from your town. Normally, DOA reviews only unanimous consent and one-half approval type annexations within counties having a population of 50,000 or more. However, refusing to mediate means that for 270 days DOA will review all annexations, regardless of type and regardless of whether the city or village is located in a populous county. Furthermore, if DOA finds an annexation to be ‘not in the public interest’, the town may contest the annexation in court, even if it is a unanimous consent type of annexation that would normally not be challengeable. This penalty ceases if your municipal city or village neighbor later decides to participate in the mediation.

FACT

Municipalities petitioning for mediation must wait at least 3 years before attempting mediation again with the same neighbor.