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## MEMORANDUM

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**TO:** Wisconsin Rural Partners  
**FROM:** Lee D. Turonie  
**DATE:** April 27, 2022  
**RE:** Collaboration for Shared Public Services

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- A. Collaboration for Shared Public Services is very broadly possible. General legal authority is in Wis. Stat. § 66.0301(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. ...
- B. However, Wis. Stat. § 66.0301(2) is catch-all language for when something else does not apply. Other statutes may have specific additional steps and/or limitations. Even the general statute has some limitations, e.g., for boundary agreements. Wis. Stat. § 66.0301(6).
- C. Therefore, you will need to evaluate other possible authorities for whether any additional requirements apply to the project.
1. A joint municipal court requires: identical ordinances adopted in each municipality; approval of the chief judge of the judicial administrative district; notice sent to the director of state courts. Wis. Stat. § 755.01(4).

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2. Joint fire departments involving a city, and/or a village with population 5,500 or more, results in having a joint fire commission, whereas only towns does not. Wis. Stat. §§ 60.55(1)(a)2, 61.65(2), & 62.13(2m)(b).
  3. A joint transit commission must have its membership defined in the joint agreement. Wis. Stat. § 66.1021(10)(a).
  4. A joint local water authority or electric company must get a certificate of incorporation from the Wisconsin Secretary of State and has several mandatory contract provisions. Wis. Stat. §§ 66.0823(3) & (4); 66.825(4) & (5).
  5. Joint/boundary highways and bridges are very common. *See* Wis. Stat. § 82.23 on splitting the cost of a boundary bridge unless a statute or agreement provides otherwise.
  6. Joint room tax commission members must levy the same percentage of tax. Wis. Stat. § 66.0615(1m)(b)2.
- D. When it comes time to set up a joint entity, it is an administratively heavy punch list of things to accomplish but totally doable.
1. The purpose(s) and mutual understandings must come in advance!
  2. Existing agreements must be maintained over time for possible adjustment due to changes in desired needs and/or changes in the makeup of the partners.
  3. Who owns the property?
  4. How are we charging end users/service recipients?
  5. Dispute resolution?
  6. What happens if this thing dissolves?
- E. Resources and ideas:
1. Local Government Institute of Wisconsin: <http://www.localgovinstitute.org/library>
  2. UW-Extension LGC: <https://localgovernment.extension.wisc.edu/intergovernmental-cooperation/>