



September 15, 2011

Ms. Sue A. Nelson  
Wisconsin Department of Revenue  
2135 Rimrock Road 6-97  
Madison, WI 53713

Re: Levy Limit Modification Request For Dane County Towns

Dear Ms. Nelson:

I am the attorney for the Dane County Towns Association. I request, pursuant to sec. 66.0602, Wis. Stats., that the Department of Revenue allow all Dane County towns to increase their levy limits by the amount of radio system operation and maintenance costs which Dane County proposes to shift to them. This letter explains that request, which is made under directive of the Dane County Towns Association membership at a recent membership meeting.

In 1987, Dane County created a countywide 9-1-1 and radio communications system. Most public safety agencies in Dane County discontinued separate dispatch and public safety answering point systems (PSAP) as a result. The County has, since then, funded all capital, maintenance and operation expenses of that service except where grant funds were provided.

In December 2004, the United States Federal Communications Commission mandated that all public safety agencies using frequencies below 512 Mhz move to a new spectrum band. Additionally, the FCC mandated that public safety agencies go to narrowbanding by changing to technologies that use just 12.5 kHz of bandwidth rather than 25 kHz. The transition must be made by January 1, 2013. FCC Order 05-9, WT Docket 96-86 and Order 04-292 (12/23/2004).

In response, public safety agencies around the United States have undertaken a major retooling of their telecommunications facilities. Dane County has done so as well. After several rounds of discussions with local municipalities about implementation of the system, the County adopted 2009-10 Resolution 233 (attached). The Resolution called for construction of a new radio system on the basis of intergovernmental agreements providing for shifting the financing of operation and maintenance of the system to the local communities. The County will continue to pay the portion of total operation and maintenance costs attributable to County public safety agencies (the Sheriff's Department and other county responders).

Only a few Dane County towns approved the concept. Those towns, cities and villages that did approve the concept did so with great reluctance. No local government thinks it is reasonable for the County to shift responsibility for financing the system to cities, villages and towns. The DCTA does not suggest Dane County is acting maliciously. The County apparently believes that its budget problems require shifting costs onto other units of government.

The Dane County Towns Association believes that the County's actions warrant an increase in the levy limits of Dane County towns. The resulting costs for Dane County towns will be considerable. Several towns will be paying more than \$15,000 a year in 2015, a considerable percentage of their tax levy.

Section 66.0602 (3)(b), Wis. Stats., provides that if a political subdivision increases the services it provides by adding responsibility for providing a service formerly provided by another governmental unit, its levy limit is increased to reflect that cost. In this instance, Dane County is changing the current service delivery model for county-wide telecommunications and PSAP. Currently, the County operates and finances those services. Dane County has asked Towns to sign an intergovernmental agreement under which the County will transfer responsibility for a portion of the provision of the service to the local municipalities – financing the operation and maintenance.

In the absence of relief under sec. 66.0602 (3)(b), Wis. Stats., Dane County will be increasing its levy limit at the expense of its constituent municipalities. It will be shifting an unfunded responsibility to its towns, cities and villages. We respectfully suggest that this action is inconsistent with the provisions and the spirit of sec. 66.0602, Wis. Stats.

The Dane County Towns Association asks the Department of Revenue to increase the levy limit of the Towns in Dane County by the amounts shown on the attached schedule of fees on page 1, which is the 2012 amount, and the figures of pages 2,3 and 4 for 2013, 2014 and 2015, respectively.

Sincerely,



Mark B. Hazelbaker  
Attorney at law  
Attorney for the Dane County Towns Association

Enclosure: Resolution 233; Apportionment Of Radio Operation Charges

Cc: DOR Counsel Dana Erlandson  
Dane County Towns  
Dane County Cities & Villages Association  
Dane County Executive Joseph Parisi  
Dane County Board of Supervisors