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MEMORANDUM

To: Dane County Towns and Interested Parties

From: Dane County Towns Association

Date: June 14, 2012

Re: RPC Reform Efforts and Dissolution

The Town Chairs of 20 Dane County Towns, convened last Wednesday at the Town of Dunn's Town Hall, voted unanimously to pursue reform and restructuring of the Capital Area Regional Planning Commission. The Chairs present generally agreed with the DCTA's Board of Directors that CARPC must be reformed. However, many chairs expressed concern that the DCTA Board's vote to pursue dissolution was premature.

The DCTA Board of Directors voted on May 6, 2012 to begin the dissolution process. The Board intended that action to lead to evaluation of the necessary steps, circulation of the resolutions required, and an explanation of the concerns the Board has identified. The Board has been discussing CARPC issues at almost every one of its meetings since 1996. Reaction to the Board's May 6, 2012 vote included several concerns that the Towns were surprised by the action, considering it sudden. That reaction indicates the Board and staff did not do our job of assuring that we keep the towns informed, especially on major issues such as this.

The Town Chairs' reactions at our special meeting certainly echoed the concerns about CARPC which led the DCTA Board to act. The difference came down to a desire to make more attempts to restructure CARPC before pulling the plug.

The DCTA intends to pursue several changes in CARPC's structure and operations:

- Amend state law to move the CARPC tax levy from the Dane County Budget, so that the County no longer needs to deal with the impact that the \$853,000 CARPC levy has on the County's levy limits.
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- Defend the Budget and Personnel Panel as an independent check on the Commission's operations. That may entail allowing alternates to represent the BPP members, who have extremely tight schedules.
- Emphasize completion of the future urban development plans as a means of helping towns deal with cities and villages on a more level playing field.
- Find a means to appoint an executive director, who would be accountable to the BPP.
- Clarify the role of the Commission in sewer service expansion decisions; currently, it appears the Commission has very limited ability to deny expansion requests.

The DCTA Board was very troubled by recent actions of the CARPC staff, legal counsel and members which explicitly challenged the authority of the BPP to control the budget of the CARPC. Notably, in an opinion dated March 28, 2012, requested by Kamran Mesbah, staff of the CARPC, the CARPC's attorney asserted that the BPP is merely a committee of the CARPC, and disparaged the assertion made by DCTA in defense of the BPP's authority.

The DCTA Board reacted very negatively to that memorandum when it was received in mid-April. At that time, we should have shared that concern broadly, because it is very critical. When the Towns agreed to work to create a new RPC in 2007, it was only because the membership plan for the new RPC created the BPP as an independent check on the Commission's power.

The March 28, 2012 meeting was followed shortly by an attempt by the Commission to meet in closed session to discuss its 2013 budget strategy with legal counsel. When DCTA's legal counsel objected to the proposed closed session, the Commission's legal counsel responded with a memorandum dismissing the objection and reiterating that the Commission, not the BPP, controls the CARPC budget.

As local elected officials, the DCTA Board members are well aware that there are few issues more inappropriate for a closed session than the budget. But, again, we should have shared this information with the Towns broadly. Had that happened, we think the intense concerns we have about the Commission would have been shared. We think many of the Towns would have concluded that drastic action was needed.

It was and is the DCTA's goal to find a way to work together with our neighbors in a diverse county. We will be working in the next weeks to communicate our concerns to the broader community and see if there is a way to achieve change. It would be simpler for all if the BPP can remain in control and form a more effective relationship with the Commission. It would be easier to fix this Commission if it can be fixed.

The Board had arrived at a different conclusion, and failed to bring the Towns along with the Board by keeping you informed. We are going to remedy that by moving forward on the plan adopted by the Town Chairs last night. The next membership meeting of the Towns Association is July 11, 2012. The topic of CARPC certainly will be on the agenda. All Town officials are welcome. The time and place will be announced soon.