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Open Letter From DCTA President Jerry Derr To Dane County Towns About Local Control and the Mineral Extraction Ordinance, OA 26

Dear Town Chairs, Supervisors and Citizens:

Towns and other local governments are being challenged by Dane County. The issue of the moment is mineral extraction. The real issue is broader – the County’s desire to dictate to towns and local governments. We must stand together to preserve local control.

You are aware that recently, Dane County Towns voted by a 21-13 margin to veto OA 26. The ordinance amendment was directed at mineral extraction sites that were planned for long-term reserve status under a 1968 County ordinance. In response, the County Executive and some county board members have proposed a revised ordinance which requires these sites to obtain a reclamation plan immediately. DCTA is sending out a separate analysis of the revised ordinance, which DCTA opposes. This letter addresses the more serious problem – the challenge to local control.

In a press release issued by County Executive Parisi, he asserted ‘Dane County residents deserve more say in what goes on in their neighborhoods, not less.’ In fact, towns already have controlling say on mineral extraction sites. Towns can adopt ordinances regulating hours of operation, truck routes, requiring reclamation plans and other subjects which would be regulated by conditional use permits.

OA 26 will not give towns any power over mineral extraction sites which towns do not already have. What OA 26 will do is give the County zoning and land regulation committee the power to block the use of mineral extraction operations which have been identified for 46 years as potential sites. Our experience with the zoning committee has not been favorable in recent

years. We have every reason to believe that the zoning committee will reject mineral extraction proposals even when the local town supports them. Indeed, the Committee just did exactly that in March with a proposed mineral extraction site strongly supported by the Town of Albion. Despite strong town support, the Committee rejected it because a professor from the State of Maryland, who never even saw the site, wrote a letter questioning it.

The County Executive says that he wants more local control, but the County's actions say just the opposite, and loudly.

- Dane County (before Joe Parisi took office) forced towns to pay for part of the cost of operating and maintaining the new County radio system. The County continues to collect these fees even though the radio system and dispatch system don't work yet.
- Dane County unilaterally discontinued its 30-year practice of providing automobile and liability insurance services for EMS districts. When the towns, cities and villages persuaded the Department of Revenue to allow the local units to claim the levy limit associated with that shift in services, the County filed an appeal which has involved all local units in administrative litigation over the issue. The County has indicated it may dump the responsibility of EMS worker compensation insurance on local units.
- Rather than changing the structure of the zoning committee to give towns a real voice in zoning decisions, the County Board rejected real change when they reorganized for the 2014-16 term.
- The County continues to dump county highways on cities and villages, refusing to spend money to repair or reconstruct the roads unless the cities and villages agree to accept all responsibility for these roads in the future.
- The County continues to buy vacant land and development rights in towns, taking property off the tax rolls, and refuses to give the towns any voice in whether or not the lands should be purchased.

The debate over OA 26 is more than just a difference of opinion. In comments to the Wisconsin State Journal, Executive Parisi stated: "The only people that align with the towns' position are the people who profit from the mining operations." You are being accused of being tools of the mineral extraction industry.

Dane County will not negotiate with the towns unless the Towns force the County to do so by vetoing ordinances developed without our involvement.

The DCTA does not support opening quarries in wetlands or environmental corridors. But we do believe it is irresponsible to adopt legislation that will increase the price of the raw materials which build our roads, houses and structures. If OA 26 is adopted, inevitably it will restrict the supply and increase the price of these materials.

Beyond that immediate concern, however, is a more serious one. If the towns do not stand together against the continuing efforts by the County to impose its will on local units of government, there will be no one to stop the County from continuing to do what it has done – take more power from us and shift more costs on us.

We must hold together. We are committed to working with the Towns to help those which feel the need to regulate mineral extraction adopt ordinances to do so. The County should not make that decision for us, whether on this issue or any other.

Sincerely,

Jerry Derr

DCTA President